

111th Congress }
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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2008

VOLUME I

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
US SENATE

AND THE

COMMITTEE ON FOREIGN AFFAIRS
US HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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



DECEMBER 2010

Printed for the use of the Committees on Foreign Relations of the U.S.
Senate and Foreign Affairs of the U.S. House of Representatives respec-
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LETTER OF TRANSMITTAL

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

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

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

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

Sincerely,

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

Enclosure.

PREFACE

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

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

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

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

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

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

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

HILLARY RODHAM CLINTON,
Secretary of State.

OVERVIEW AND ACKNOWLEDGMENTS

WHY THE REPORTS ARE PREPARED

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

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

HOW THE REPORTS ARE PREPARED

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

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

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

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

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

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

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

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

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INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGIONAL OVERVIEWS

AFRICA

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

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

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

Authoritarian rule continued to characterize many African countries, for example: in Zimbabwe, the Mugabe regime unleashed a campaign of terror that resulted in the killing, disappearance, and torture of hundreds of opposition party members and supporters following the March 29 elections that were not free and fair. Government repression, restrictions, and mismanagement caused the displacement of tens of thousands, increased food insecurity, and created a cholera epidemic, which killed 1,500 people by year's end.

Previously postponed presidential elections were further delayed in Cote d'Ivoire. A coup ousted a democratically elected government in Mauritania. Following the death of Lansana Conte, Guinea's long-time president, a military junta seized power in a coup and suspended the constitution.

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

Selected Country Developments

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

Eritrea's poor human rights record worsened and the Government continued to commit serious abuses including unlawful killings by security forces with impunity. The ruling People's Front for Democracy and Justice (PFDJ) is the only legal political party and no national elections have been held since Eritrea gained independence in 1993. The constitution, ratified in 1997, has never been implemented. The independent press remained banned, and most independent journalists were in detention or had fled the country. Government roundups of young people for national service intensified in 2008. Credible reports indicate that national service evaders were tortured while in detention, and security forces shot individuals trying to cross the border into Ethiopia. Religious freedom, already severely restricted, declined further. At year's end over 3,200 Christians from unregistered groups were detained in prison, as were more than 35 leaders and pastors of Pentecostal churches, some of whom had been detained for more than three years without charge or due process. At least three religious pris-

oners died in captivity during the year, from torture and lack of medical treatment.

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

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

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

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

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

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

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

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

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

EAST ASIA AND THE PACIFIC

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

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

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

Other unelected rulers attempted to cloak their illegitimacy with trappings of democracy and manipulated the law to their own ends. The Burmese regime pushed through a constitutional referendum characterized by widespread irregularities and intimidation in the immediate aftermath of the devastating Cyclone Nargis. While the constitution technically came into effect in May, by the constitution’s own terms, the regime will continue to “exercise state sovereignty” until multiparty elections are held in 2010. The constitution will ensure that the military will continue to exercise a dominant role in political life regardless of the outcome of any electoral process. At the end of the year, the regime imposed draconian sentences on more than 100 democracy activists who participated in the 2007 Saffron Revolution and individuals who engaged in the Cyclone relief effort. Many were moved to prisons in remote parts of the country, isolating them from family. In Fiji, the Suva High Court ruled to validate the 2006 Fiji coup, despite simmering oppo-

sition to the interim government's refusal to hold elections in March 2009.

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

Selected Country Developments

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

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

The Government of Malaysia generally respected the human rights of its citizens; however, there were problems in some areas, including the abridgment of its citizens' right to change their government. Despite their complaint that the ruling party exploited

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

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

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

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

The Government limited workers' rights and arrested or harassed several labor activists.

EUROPE AND EURASIA

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

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

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

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

NGOs and opposition parties were the targets of government oppression in several countries. The Government of Bosnia and Herzegovina forced the closure for several days of an international anticorruption NGO after a report accusing government officials of corruption. In Russia, authorities increasingly harassed many NGOs that focused on politically sensitive areas and during the year the Government amended the law on extremism, making it easier to bring charges against an organization. The previous version of the law had already raised concerns about restriction of the freedom of association and legitimate criticism of the Government. In Belarus, while the release of nine political prisoners was

welcome, concern remained about the Government's arbitrary constraints on freedom of assembly and association and its frequent harassment of independent activists. In Russia, police sometimes used violence to prevent groups from engaging in peaceful protests, particularly opposition protests.

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

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

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

Selected Country Developments

There were significant setbacks for democracy in Armenia, including the worst post-election violence seen in the Caucasus in recent years. After weeks of generally peaceful protests following a disputed February presidential election, the Government used force to disperse protestors on March 1-2, which resulted in violent clashes and 10 deaths. The violence ushered in a 20-day state of emergency and a blackout of independent media during which the

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

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

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

In Georgia, President Mikheil Saakashvili was reelected in January in an election that international observers found consistent with most OSCE democratic election commitments. However, they also highlighted significant challenges, including widespread allegations of intimidation and pressure and flawed vote counting. Problems also were noted in parliamentary elections in May. There were allegations of politically motivated detentions. Media diversity was reduced when opposition voices lost control over the one remaining independent national television station. During the Au-

gust conflict, military operations by Georgian and Russian forces reportedly involved the use of indiscriminate force and resulted in civilian casualties, including of a number of journalists.

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

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

NEAR EAST AND NORTH AFRICA

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

Several governments, including Egypt, Iran, Libya, and Syria, continued to imprison activists because of their beliefs. Ayman Nour, the runnerup in the 2005 Egyptian presidential election, remained in prison in Egypt throughout the reporting period (although he was released on February 18, 2009). Iran's government regularly detains and persecutes women's rights and student activists, labor unionists, and human rights defenders. Iranian authorities continued to crack down on civil society institutions, notably by closing the Center for the Defense of Human Rights on December 21 as it prepared to celebrate the 60th anniversary of the Universal Declaration of Human Rights. The Government of Libya announced in March that it had released political activist Fathi El-Jahmi, but he remained in detention at the Tripoli Medical Center during the year and was granted only sporadic visits by his family. In Syria, the Government detained several high-profile members of the

human rights community, particularly individuals affiliated with the national council of the Damascus Declaration for Democratic National Change, an umbrella organization of reformist opposition groups.

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

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

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

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

Selected Country Developments

In Egypt, there was a decline in the Government's respect for freedoms of speech, press, association, and religion during the year. In particular, detentions and arrests of Internet bloggers appeared to be linked primarily to their efforts to organize demonstrations through their blogs and participation in street protests or other activism. The state of emergency, enacted in 1967, remained in place,

and security forces used unwarranted lethal force and tortured and abused prisoners and detainees, in most cases with impunity.

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

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

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

For a fourth consecutive year, internal violence and political battles hindered Lebanon's ability to improve the country's human rights situation. On May 7, opposition fighters led by Hizballah, a Shia opposition party and terrorist organization, seized control of Beirut International Airport and several West Beirut neighborhoods. On May 21, after 84 died and approximately 200 were wounded, rival leaders reached a deal to end the violence and the 18-month political feud. Despite the cessation of hostilities and par-

liament's May election of President Michel Sleiman, Hizballah retained significant influence over parts of the country, and the Government made no tangible progress toward disbanding and disarming armed militia groups, including Hizballah.

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

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

SOUTH AND CENTRAL ASIA

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

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

Freedom of religion came under attack in the region with the parliaments of Kazakhstan, Kyrgyzstan, and Tajikistan introducing

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

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

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

Selected Country Developments

Although human rights in Afghanistan have improved significantly since the fall of the Taliban in 2001, the country's record remained poor due to weak central government institutions and a deadly insurgency. The Taliban, Al-Qa'ida, and other extremist groups continued attacks against government officials, security forces, NGOs and other aid personnel, and unarmed civilians. There were continued reports of arbitrary arrests and detentions, extrajudicial killings, torture, and poor prison conditions. Government repression and armed groups prevented the media from operating freely.

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

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

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

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

Pakistan returned to civilian democratic rule during the year. Opposition parties prevailed in February parliamentary elections and formed a coalition government. The coalition lasted only part of the year though the Government remains in power. In September, Asif Ali Zardari, widower of former Prime Minister Benazir

Bhutto, succeeded Pervez Musharraf as president. The new government put back on the bench under a new oath five of the 13 Supreme Court judges Musharraf deposed during the November 2007 state of emergency, while three retired or resigned. The chief of army staff withdrew 3,000 army officers from civilian government posts they held during Musharraf's tenure. Despite these positive steps, the human rights situation remained poor. Military operations in the country's northwest killed approximately 1,150 civilians, militant attacks in that region killed 825 more civilians, sectarian violence in the country killed an estimated 1,125 persons, and suicide bombings killed more than 970 individuals. Ongoing battles with militants left approximately 200,000 persons displaced at year's end.

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

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

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

WESTERN HEMISPHERE

Governments in the region continued to address past human rights abuses by working to ensure justice for victims and to end impunity. In Colombia, a number of commanding officers were under investigation for gross human rights violations. The Prosecutor General's Office was investigating 27 military officials, in-

cluding three generals and four colonels, dismissed from the Armed Forces in late October for their alleged involvement in the murder of 11 youths from Soacha, near Bogotá. Several investigations continued in Chile and Argentina, and a number of judgments were handed down in cases related to abuses of the 1970s and 1980s. In Peru, the state continued prosecutions against former president Fujimori and other former government officials for corruption and serious human rights abuses. Forensic anthropology teams exhumed the remains and began identifying the bodies of hundreds of persons forcibly disappeared or massacred and buried in clandestine graves during the 1980s and 1990s. The UN-led Commission Against Impunity in Guatemala continued its investigation of 15 high-profile human rights cases involving femicide, killings of bus drivers, trafficking in persons, and attacks against and killings of trade unionists and human rights defenders.

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

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

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

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

Selected Country Developments

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

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

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

Guatemala made efforts to improve its human rights situation. The UN-led Commission Against Impunity in Guatemala continued its investigation of high-profile human rights cases and expanded its investigative capacity through the creation of a new unit of prosecutors. However, there continued to be widespread violence and impunity. Members of the national police committed unlawful killings, and in many cases authorities transferred individual police officers or dismissed them rather than investigate and prosecute al-

leged wrongdoers. Other violence stemmed from gang incidents, sexual assault, extortion, organized crime, and narcotics trafficking. Trade unionists were threatened with violence or killed by unknown assailants. Government corruption remained a serious issue, with public surveys indicating a lack of confidence in nearly all governmental institutions.

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

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

CONCLUSION

December 10, 2008, marked the 60th anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly. In the decades since the Declaration's adoption, there have been remarkable gains on every continent for the rights it enumerates. Still, 60 years later, hundreds of millions of people are denied fundamental freedoms by their governments.

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

AFRICA

ANGOLA

Angola is a constitutional republic with an estimated population of 16 million. The ruling Popular Movement for the Liberation of Angola (MPLA), led by President Jose Eduardo dos Santos since 1979, has been in power since independence in 1975 and exercised tight, centralized control over government planning, policymaking, and media outlets. On September 5 and 6, the Government held the first post-war legislative elections since 1992. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, despite a ruling party advantage due to state control of media and other resources, and serious logistical failures that marred polling in the capital of Luanda. Civilian authorities generally maintained effective control of the security forces.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings; however, human rights activists and domestic media sources reported that security forces arbitrarily killed 23 persons during the year.

Impunity remained a problem, although the Government prosecuted some human rights violators. Results of investigations into security force abuses were seldom released.

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

During the year there were multiple media reports in Luanda that police deliberately targeted and killed persons suspected of gang and other criminal activity.

On July 23, five policemen shot and killed eight teenagers. While the policemen claimed to be part of a special gang task force tasked with ridding neighborhoods of gang members, the national police denied the existence of the task force and relieved the policemen of duty. Prosecutors charged the policemen with murder, and they remained in police custody awaiting trial at year's end.

An investigation was still pending regarding a 2007 police killing of two actors while they filmed a movie in a high-crime area of Luanda. The police declined to prosecute the alleged perpetrators, stating they could not be positively identified.

In December 2007 police shot and killed two vendors in an open-air market during a raid on vendors of pirated DVDs. The minister of interior and national police commander immediately suspended the officers in question and promised a swift investigation. The Government was still considering civil criminal charges against the accused police officers at year's end.

The Memorandum of Understanding for Peace and Reconciliation for Cabinda Province, signed in 2006, largely brought an end to the insurgency in the province, although sporadic attacks by dissident factions of the Front for the Liberation of the Enclave of Cabinda (FLEC) and counter-insurgency operations by the Armed Forces of Angola (FAA) continued during the year. In 2007 there was one report of an unlawful killing in Cabinda that could be linked to FAA soldiers. The incident re-

maintained under investigation. There were no updates during the year regarding the 2006 unlawful killing in Cabinda linked to FAA soldiers.

Reports of killings by private security companies in diamond concession areas continued. While local or Luanda-based authorities investigated some cases, no arrests were reported.

There were reports of vigilante violence during the year. Between April and July, residents of the Luanda suburb Rocha-Pinto lynched thieves who killed a pregnant woman while stealing her cell phone.

Some media reported that police accepted payments from families of murder victims to execute alleged perpetrators.

There were no further developments in the numerous alleged 2007 or 2006 unlawful killings by police.

Landmines placed during the long civil war continued to be a threat. According to the National Commission for Demining and Humanitarian Assistance, landmine and other explosive remnants of war (ERW) accidents killed 18 and injured 43 during the year. The Government continued to strengthen and expand national demining capacity during the year, and it partnered extensively with international nongovernmental organizations (NGOs) on demining operations and mine risk education.

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were media reports that persons taken into police or military custody disappeared.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, government security forces tortured, beat, and otherwise abused persons. Reports of beatings and other abuses in police stations during interrogations were common. In a September 2007 visit to the country, the UN Working Group on Arbitrary Detentions (UNWGAD) reported a number of detainees with visible signs of torture. Police and other security forces rarely were held accountable. Although the Government punished some violators administratively, no prosecutions occurred during the year.

Abuses by the army continued. There were NGO and media reports of violence by security forces in Cabinda and Lunda Norte. In Cabinda FAA troops illegally detained, beat, or threatened citizens suspected of FLEC collaboration during anti-insurgency operations, according to human rights NGOs.

The Government continued to conduct operations throughout the country to identify, detain, and expel illegal immigrants, particularly in the diamond-rich provinces of Lunda Norte and Lunda Sul, and mainly during the months leading up to September's legislative election. The Office of the UN High Commissioner for Refugees (UNHCR) estimated that more than 200,000 illegal immigrants were expelled during the year. There were reports of violence and degrading treatment associated with these operations. In June international observers based in Democratic Republic of Congo (DRC) reported cases of extortion, theft, and physical and sexual violence against the Congolese committed by Angolan security forces.

In December 2007 the NGO Doctors Without Borders (MSF) reported that illegal Congolese immigrants detained in Lunda Norte were systematically raped. MSF also reported beatings, forced labor, withholding of food and water, and repeated body cavity searches without the use of gloves as the authorities moved immigrants to the DRC border for expulsion. Several children died from malnourishment and dehydration. Although the women stated that they were abused by "soldiers," it remained unclear if the abusers were FAA, national or border police, or armed and uniformed private security forces. The UN Children's fund (UNICEF) also reported allegations of excessive use of force by government security forces during expulsions, including the burning of houses, arbitrary arrests, sexual violence, extortion, and forced labor. Three Congolese workers reportedly died while in custody. The FAA had not commented publicly on the findings of its investigation by year's end.

Reports of abuses by private security companies continued, especially in Lunda Norte and Lunda Sul. According to reports from human rights activists, private security contractors hired by diamond companies to protect their concessions from illegal exploitation were responsible for most of the violence. For example, in 2007 private security forces allowed a security dog to attack a man, who suffered severe stomach and pelvic injuries as a result. The Government provided financial assistance for the victim's medical treatment, but authorities filed no charges.

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

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

Landmine and ERW-related deaths continued during the year as infrastructure improvements served to increase the movement of persons and goods in rural, war-affected areas. In September three youths were killed in Moxico while playing with unexploded ordnances. NGOs also reported that landmines killed construction workers, mostly Chinese, while rebuilding roads and railroads.

Prison and Detention Center Conditions.—Prison conditions were harsh and life threatening. NGOs reported that prison officials routinely beat and tortured detainees. In a September 2007 visit, UNWGAD interviewed prisoners who showed visible signs of torture, starvation, and abuse. A local Human Rights NGO reported similar conditions while visiting prisons during the year.

Overcrowding and lack of medical care, sanitation, potable water, and food led to some prison deaths. It was customary for families to bring food to prisoners, but guards demanded bribes as a precondition for food delivery. Some prisoners died of disease, especially in provincial prisons. Prison conditions varied widely between urban and rural areas.

On March 29, the National Criminal Investigation Department (DNIC) building collapsed, killing 31 inmates. All police escaped from the building prior to its collapse; however, prisoners were not freed from their holding cells. Investigations revealed that the underlying water table compromised the building's foundation. News reports stated that three years prior to the collapse, DNIC officials reported structural damage and other serious problems to high-ranking government officials. Former inmates also reported constant flooding in basement cells but prisoners were not moved from their cells when flooding occurred or when the building's collapse was imminent.

Due to violent prison riots in October 2007 that resulted in at least two prisoner deaths, the Government worked to reduce overcrowding. The national prison system continued to hold more than five times the number of prisoners for which it was designed. Luanda's Central Prison, built to house 600 prisoners, held 3,300 prisoners before the riots. By the end of 2007 the prison population was reduced to approximately 1,000 prisoners. However, in a prison visit, a local human rights NGO noted the transfer of prisoners from Luanda to the provinces worsened overcrowding in the provincial prisons. During the year the Government opened new or rehabilitated prisons in eight provinces.

Chronically underpaid prison officials supported themselves by stealing from prisoners and extorting money from family members. Prison guards continued to demand that prisoners pay for weekend passes to which they were entitled. There were continued reports of prison officials operating an informal bail system, releasing prisoners until their trial dates for a fee.

Female inmates informed the UNWGAD that prison guards regularly raped them.

Authorities regularly housed juveniles, often incarcerated for petty theft, with adults and subjected the children to abuse by guards and inmates in provincial prisons; however, juveniles were more likely to be separated from the main prison population in urban prisons. Juvenile detention centers were present in Luanda but were severely overcrowded.

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

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year. However, the Government limited access to politically sensitive inmates. For example, the Government did not permit NGOs to visit the former secret service chief, who was serving a four-year sentence in a civilian penitentiary for a military charge.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, security forces often did not respect these prohibitions in practice.

Local Human Rights NGOs reported that authorities held family members of individuals wanted by the police.

Role of the Police and Security Apparatus.—The National Police, under the Interior Ministry, are responsible for internal security and law enforcement. The Internal Intelligence Service reports to the Office of the Presidency and investigates sensitive state security matters. The FAA is responsible for external security but also has domestic security responsibilities, including border security, expulsion of illegal immigrants, and small-scale actions against dissident FLEC factions in Cabinda.

Other than personnel assigned to elite units, police were poorly paid, and the practice of supplementing income through extortion of civilians was widespread. Corruption and impunity remained serious problems. Most complaints were handled within the National Police by internal disciplinary procedures, which sometimes led to formal punishment, including dismissal. However, the Government did not estab-

lish mechanisms to expedite investigations and punish alleged offenders, and it rarely disclosed publicly the results of internal investigations.

There were no updates on the 2006 report that the Government had investigated senior National Police officials for involvement in racketeering.

The Government's closure of the UN Human Rights Office (UNHRO) in May hampered the Ministry of Interior's efforts to train police and army recruits. However, police participated in professional training with foreign law enforcement officials from several countries in the region.

Arrest and Detention.—The law requires a judge or magistrate to issue a warrant prior to an arrest, although a person caught committing a crime may be arrested immediately without a warrant; however, security forces did not always procure arrest warrants before detaining persons. The constitution provides the right to prompt judicial determination of the detention's legality, but authorities often did not respect this right in practice. The law mandates that detainees be informed of their charges, and this generally occurred in practice. Detainees may be held for 135 days without trial or up to 180 days if caught committing a crime punishable by a prison sentence. In practice authorities regularly exceeded these limits.

A functioning but ineffective bail system, widely used for minor crimes, existed. Prisoners and their families reported that police and prison officials demanded bribes to release prisoners.

Police often extorted bribes. Police did not obtain warrants before conducting searches for illegal vendors and making sweeps of public markets.

Unlawful arrest and detention continued to be serious problems. NGOs continued efforts to secure the release of illegally detained persons. During the year citizens reported to NGOs 700 cases of illegal detention; NGOs reported receiving daily petitions from relatives of illegally detained persons seeking pro bono legal assistance. NGOs also reported that police often detained citizens without charge or denied them access to a judge for extended periods and then released them.

In mining regions such as Lunda Norte, Lunda Sul, and Bie, international organizations reported government security forces detained illegal immigrants and their families in transit centers, where the security forces subjected them to systematic rape, body cavity searches, and deprivation of food and water.

Security officials arbitrarily arrested members of the opposition. For example, on August 11, security forces arrested 13 members of the Party for Democratic Support and Progress of Angola opposition party for distributing pamphlets on behalf of another opposition party. The Luanda Provincial Court dismissed the case as the prosecutor found the charges erroneous.

Cabinda residents continued to report that security forces detained persons suspected of FLEC activity or collaboration. NGOs reported that public security forces held civilians incommunicado in military and police prisons in Cabinda and Luanda, where the UNWGA and International Committee of the Red Cross (ICRC) were denied permission to visit.

The law permits detainees access to legal counsel and states that indigent detainees should be provided a lawyer by the state. These rights often were not respected in part due to the shortage of legal professionals. The law also allows family members prompt access to detainees; however, this occasionally was ignored or made conditional upon payment of a bribe.

Excessively long pretrial detention continued to be a serious problem. An inadequate number of judges and poor communication among authorities contributed to it. Police often beat and then released detainees rather than prepare a formal court case. In some cases, authorities held inmates in the prison system for up to two years before their trials began. An NGO estimated that more than 50 percent of inmates were pretrial detainees, most of whom had not been formally charged. The Government did not release detainees who had been held beyond the legal time limit, claiming the 2006 release of approximately 2,000 pretrial detainees resulted in an increase in crime.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the judiciary remained understaffed, inefficient, corrupt, and subject to executive and political influence.

The Supreme Court heads the formal justice system and administers the 18 provincial courts as well as a limited number of municipal courts. The president appoints Supreme Court justices for life terms without confirmation by the parliament. The Supreme Court generally handled trials for political and security crimes, although the Ministry of Defense tried civilians in military courts.

On September 16, a closed military tribunal sentenced Jose Fernando Lelo to 12 years in prison for crimes against state security and instigating a rebellion. In November 2007 security forces arrested Lelo, a former reporter in Cabinda, and held

him in a closed military facility in Luanda. In March authorities returned Lelo to Cabinda for trial by a military court, despite the fact that Lelo had never served in the armed forces. Witnesses testifying against him in court showed signs of abuse. The court did not permit evidence from Lelo's employer that discredited the charges of bribing soldiers to join the FLEC.

On June 10, the Government created a seven-member constitutional court to provide judicial review of constitutional issues and supervise the electoral process. The president nominated three judges, parliament nominated three, and the Supreme Court nominated one, all to serve seven-year terms.

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

Informal courts remained the principal institutions through which citizens resolved conflicts in rural areas. Traditional leaders (sobas) also heard and decided local cases. These informal systems did not provide citizens with the same rights to a fair trial as the formal legal system; instead, each community in which they were located established local rules.

As most municipalities did not have prosecutors or judges, local police often served as investigator, prosecutor, and judge. Both the National Police and the FAA have internal court systems that generally remained closed to outside scrutiny. While members of these organizations could be tried under their internal regulations, cases that include violations of criminal or civil laws can also fall under the jurisdiction of provincial courts.

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

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

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

Civil Judicial Procedures and Remedies.—Although the law provides for an independent and impartial judiciary in civil matters, the judiciary was subject to political interference. Civil courts functioned in some provinces, but faced severe backlogs. During the year Luanda's civil courts had 1,800 pending civil suits. The Ministry of Justice continued work with national and international partners to improve court clerk training and technical capacity in provincial and municipal civil courts. Damages for human rights violations could be sought in court, but no cases were tried during the year.

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

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

In July Cabinda residents and media reported security forces searched and conducted raids for illegal immigrants and FLEC collaborators.

The Government continued to demolish informal squatter housing in Luanda and forcibly relocate residents in large provincial cities such as Lobito.

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

and discharged firearms into the air and ground to force the retreat of families and allow bulldozers to advance.

The Government claimed that legitimate residents had been compensated and relocated earlier; they had repeatedly warned of impending evictions; and that the final eviction notice was issued two days before eviction. However, Amnesty International claimed evictions were carried out without procedural protection, due process, or prior consultation, and authorities gave only one day's notice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, government regulations and minimal independent media outside of Luanda limited these rights in practice. Human rights activists and journalists practiced self-censorship. For example, authorities cancelled live radio call-in shows in the weeks leading up to the September legislative elections. Local leaders accused opposition parties and civil society groups that criticized the Government of being “unpatriotic enemies of peace,” or “friends of war and chaos.” Individual citizens also reported practicing self-censorship but were generally able to criticize the Government without fear of direct reprisals. The Government engaged in subtle repression and economic coercion, often in the form of lost business or job opportunities, to discourage criticism. The state-run National Television of Angola (TPA) suspended a leading anchorman of a prime news program without pay for four months for publicly declaring that censorship occurred at TPA.

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

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

The Government continued to give preferential treatment and access to state media organizations, including Angola Public Television, government-owned and-operated National Radio, and the only national daily newspaper, *Jornal de Angola*. Government-owned press often criticized independent journalists, opposition leaders, and civil society organizations without seeking their comments or allowing space for a response.

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

During the year authorities arrested, harassed and intimidated journalists.

During the year the Government accused former reporter Fernando Lelo of inciting treason and sentenced him to eight years' imprisonment for encouraging five FAA soldiers to desert the FAA and join the FLEC guerrilla movement.

In October 2007 security forces imprisoned Graca Campos, director of a private weekly newspaper that frequently criticized the Government. Campos, who was charged with defamation, was sentenced to eight months in prison—two months more than the maximum legal sentence—and fined an unprecedented 18,750,000 kwanzas (\$250,000). Campos was tried in absentia, after repeated unheeded summonses to court, which he stated were never received, and convicted on a case dating back to 2001. Media and civil society groups strongly criticized the Government's legal irregularities in the case, and it was declared a mistrial in November 2007. Campos was freed on bail and awaited a new trial at year's end.

In December 2007 the provincial court of Namibe found Radio Ecclesia reporter Armando Chikoca guilty of “inciting violence and disobedience” and sentenced him to one month in prison. During a December 2007 interview on state-run radio, Namibe Governor Boavida Neto denied accusations that he ordered Chikoca's arrest, stating the detention was a result of police action to restore order during a marketplace inauguration. Human rights activists condemned the arrest, and his lawyer stated that the prosecutor refused to allow into evidence a police video that would have exonerated the journalist. However, on January 3, Catholic Archbishop of Lubango Dom Zacarias apologized to the governor and disassociated the Church and its radio from Chikoca. Armando served the sentence and was dismissed from his job.

There were reports that security forces interfered with journalists' attempts to take pictures or video during the year. The Government refused to issue visas to a number of Portuguese journalists seeking to cover the electoral process. In addition, authorities prevented a foreign news crew from filming railroad construction during the year.

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

Depending on the issue, the Minister of Social Communication, the spokesman of the presidency, the National Director of Information, and the directors of state-run media organizations had policy and censorship authority.

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for the right of assembly; however, the Government at times restricted this right.

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

During the electoral period, numerous opposition parties reported that local authorities denied requests to use buildings and public spaces for political party rallies. They also reported that the ruling MPLA reserved public spaces for the entire campaign period, which permitted party supporters to interrupt and disperse opposition party rallies in the space they had reserved. On August 6, in Namibe, authorities denied space reserved and paid for by the opposition party National Union for the Total Independence of Angola (UNITA), telling members that the MPLA had reserved the same space months prior. However, the ledger indicated that the space was available when UNITA reserved it.

In March 2007 the municipal administrator denied the Forum of Political Women, a nonpartisan group with membership from 13 political parties, permission to distribute literature on women's political rights in a Luanda market. Following media pressure, the local government granted permission at another market and the group rescheduled the event. However, on the day of the scheduled event, the market administrator denied permission, stating municipal authorities had not notified him. While municipal authorities apologized for what they called a bureaucratic delay, the group decided not to reschedule for a third time.

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

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

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

Religious groups must register with the Ministry of Justice and the Ministry of Culture; they must have at least 100,000 adherents (who must be legal residents) to qualify for registration. During a November 2007 visit, the UN Special Rapporteur on Freedom of Religion and Belief noted that this provision discriminates against religious minorities. The Muslim community and many Christian groups were not recognized due to this provision and were therefore limited in their

rights and activities. The Government legally recognized 85 denominations; 800 other religious denominations had pending registration applications; the latter do not meet the membership requirement to receive legal status, but the Government did not bar their activities.

Government officials issued statements opposing Muslim proselytizing and linking Muslims to sensitive national issues of illegal immigration, rising crime, and international terrorism.

The Government continued its ban on 17 religious groups in Cabinda on charges of practicing harmful exorcism rituals on adults and children accused of witchcraft, illegally holding religious services in residences, and not being registered.

Societal Abuses and Discrimination.—Islam was practiced freely, although public attitudes toward Islam were generally negative.

There was a Jewish community of approximately 350 persons, primarily Israelis. There were no reports of anti-Semitic acts.

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

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

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

NGOs reported that security forces often used excessive force in expelling illegal artisanal miners and their families. Landmines remaining from the civil war continued to impede freedom of movement in rural areas.

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

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

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol.

The Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; it also granted refugee status or asylum. In March 2007 the Government and UNHCR closed the official repatriation program for refugees from the civil war, but the Government continued to recognize the right of return for more than 200,000 refugees remaining outside the country.

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

The law provides citizens with the right to change their government peacefully. Citizens were able to exercise the right to elect parliamentary representatives; however, the right to elect a head of state and local leaders remained restricted.

Elections and Political Participation.—After having postponed parliamentary elections for two years, the Government held the first post-war elections on September 5–6. The ruling MPLA won 81.6 percent of the vote. Domestic and international observers reported that polling throughout the country was peaceful and generally credible, despite the ruling party's advantages due to state control of media and

other resources, and serious logistical failures that marred polling in the capital city of Luanda. Opposition parties criticized many aspects of the electoral process, including state control of the media, late disbursement of public campaign funds, the National Electoral Commission's (CNE) failure to accredit some opposition and civil society electoral observers, as well as the CNE's last-minute decision to discard the legal requirement that a voter registry be used to verify voters at polling stations. Despite these and other irregularities, election day was peaceful and more than 87 percent of registered voters participated. Opposition parties generally accepted the electoral results.

The ruling MPLA dominated all political institutions. Political power is concentrated in the president and the Council of Ministers, through which the president exercises executive power. The council can enact laws, decrees, and resolutions, assuming most functions normally associated with the legislative branch. The National Assembly comprises 220 deputies elected under a party-list proportional representation system. This body has the authority to draft, debate, and pass legislation, but in practice laws generally were drafted and proposed by the executive branch for the assembly's approval. After the September 5–6 legislative elections, opposition deputies held less than 20 percent of the parliamentary seats.

There were 96 registered opposition parties, 11 of which received government subsidies based on their representation in parliament. Of the 96, only 10 parties and four coalitions fulfilled the legal requirements to participate in legislative elections. The DNIC informed all parties that it would investigate and prosecute political parties that used forged documents for its members during the electoral period.

Opposition parties stated that their members were subject to harassment, intimidation, and assault by supporters of the ruling party. For example, prior to the September elections, the UNITA municipal secretary in Benguela Province reported that a member of his party was beaten for wearing a UNITA T-shirt in the town of Ganda during election campaign period. On August 10, MPLA members harassed UNITA members in Namibe town center when they tried to hang UNITA party flags on lamp posts in the town square. UNITA campaign materials also regularly were torn down in Huambo Province.

Opposition party members and civil society leaders cited examples of political intolerance during the election process.

There are 62 women in the 220-seat parliament and 19 women in the 91-member cabinet, including 10 ministers and nine vice-ministers. There are two female governors. The country has three dominant ethno-linguistic groups: the Ovimbundu, the Mbundu, and the Bakongo, which together comprised approximately 77 percent of the population. However, other groups also were represented in government. There were six members of smaller ethnic groups in the parliament and one minority member in the cabinet, representing the Chokwe people. The majority of political parties had limited national constituencies, but all parties were prohibited by law from limiting party membership based on ethnicity, race, or gender.

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

Government corruption was widespread, and accountability was limited due to a lack of checks and balances, lack of institutional capacity, and a culture of impunity. Despite the widespread perception that government corruption at all levels was endemic, there were no public investigations or prosecutions of government officials during the year.

In February 2007 the Government charged the former director general of immigration with extortion; the charges stemmed from a 2006 investigation that resulted in the conviction of other immigration officials. The case remained pending at year's end.

The Government continued its efforts to reduce discrepancies between reported and actual oil revenues. To monitor and control expenditures more effectively, the Ministry of Finance continued implementation of the Integrated Financial System, a system designed to record all central government expenditures. State-owned companies were required to conduct internal audits and submit the results to the Government for review.

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

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

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

The law provides for public access to government information; however, while the Government was slow in providing it to the public, the Ministry of Finance improved its Web site reporting on the national budget. Information posted on most government Web sites remained limited. The Government's limited technical capabilities also restricted its ability to provide information.

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

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

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

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

On May 31, the Government closed the UNHRO following its decision not to grant a full mandate to the office. The Government had requested a UNHRO presence in Luanda to contend with war-related human rights abuses, but after six years of peace, the Government felt it had sufficient institutional capacity to address the issues independently. The decision to close the office directly contradicted government commitments to work more closely with the UNHRO, which were made when it ran for a seat on the UN Human Rights Council in 2007.

The Government arrested and harassed NGO workers.

In February 2007 security forces arrested Sarah Wykes, a well-known anticorruption researcher and specialist on extractive industry transparency. Authorities charged Wykes with unspecified crimes against state security during her visit to Cabinda to research transparency in the oil sector for Global Witness, an international NGO. Authorities released Wykes on bail three days later and allowed her to return to Britain while the investigation progressed. The case remained pending at year's end.

In October 2007 David Mendes, a human rights lawyer and the founder of a local human rights NGO, complained of political persecution after he was charged by the Government with possession of illegal documents. The documents were evidence in his legal appeal to the Supreme Court's proscription of political parties. The charges against Mendes were pending at year's end.

The Government also criticized domestic and international NGOs. In July 2007 the director of the Humanitarian Assistance Technical Coordination Unit, the Government agency that oversees NGOs, alleged that certain local NGOs, as well as international NGOs Search for Common Ground, the National Democratic Institute, and the International Republican Institute, had instigated public discontent and disobedience, operated outside of legal parameters, and illegally involved themselves in political activities. The director also accused the organizations of not being legally registered.

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

Problems with governmental delays in processing registration applications for NGOs continued. The Association for Justice, Peace, and Democracy (AJPD), which continues to operate under a clause in the registration law that automatically

grants legal operating status if authorities do not reject a group's application within 80 days, remained unregistered, and its request to register remained with the Supreme Court at year's end. Despite the lack of certification, AJPD continued to work closely with some ministries, including in the expansion of its human rights training program with the National Police.

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

Several international human rights organizations maintained a permanent presence in the country, including the ICRC.

The Government cooperated with international governmental organizations and permitted visits by UN representatives. In May 2007 the country was elected to a three-year term on the UN Human Rights Council. In 2007 the Government cooperated with the UNHRO in visits from UNWGAD, and extended an invitation to the Special Rapporteur on Freedom of Expression.

The ombudsman's office conducted prison visits during the year but issued no reports. In May 2007 the ombudsman discounted reports of human rights abuses from SOS Habitat, Amnesty International, and Human Rights Watch, stating they contained generic and unwarranted criticisms. He admitted the reports had "indicative value," but said his office did not have the staff necessary to follow up or issue reports.

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

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

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

Women.—Rape, including spousal rape, is illegal and punishable by up to eight years' imprisonment; however, limited investigative resources, poor forensic capabilities, and an ineffective judicial system prevented prosecution of most cases. The Organization of Angolan Women operated a shelter in Luanda that offered special services for rape victims. Unlike in the previous year when there were reports that 350 rapes occurred in the capital, no updated information was available. The Ministry of Justice worked with the Ministry of Interior to increase the number of female police officers and to improve police response to rape allegations. The Government also instituted mass public campaigns against gender violence.

Violence against women was common and pervasive, particularly in urban areas. Domestic violence is not illegal; however, the Government occasionally prosecuted it under rape, assault, and battery laws. A 2007 preliminary study on domestic violence in Luanda indicated that 78 percent of women had experienced some form of violence since the age of 15. While 27 percent of the total reported abuse in the 12 months preceding the study, 62 percent of women living in the poor outskirts of Luanda reported abuse during the preceding year. Common-law husbands or boyfriends perpetrated the majority of violence. The Ministry of Family and the Promotion of Women (MINFAMU) operated a program with the Angolan Bar Association to give free legal assistance to abused women; the ministry also opened counseling centers to help families cope with domestic abuse. Statistics on prosecutions for violence against women under these laws during the year were not available.

Religious leaders in Lunda Norte and Uige reported that elderly persons, particularly rural and impoverished women and children, occasionally were vulnerable to accusations of witchcraft and subsequent abuse. Women sometimes were killed, beaten, expelled from their families, or died from mistreatment and malnourishment. The religious leaders, who offered church-run shelter to the victims, reported that police did not take action due to fears that the women may practice witchcraft on them. Prostitution is illegal, but the prohibition was not consistently enforced. Many women engaged in prostitution due to poverty, but there were no estimates on its prevalence. The MINFAMU maintained a women's shelter in Luanda that was open to former prostitutes.

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

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

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

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

Activists reported that many urban and rural children remained undocumented. The Government did not permit undocumented children access to the educational system, and fees for birth certificates and identification cards remained prohibitive for impoverished families. Although the official registration drive ended in 2004, the Government continued to partner with UNICEF to identify and assist undocumented children, and provided limited subsidies to cover fees for families with proven financial need. The Government implemented a previous plan to provide birth certificates in health clinics and maternity wards during the year.

Education is free and compulsory for documented children until the sixth grade, but students often had significant additional expenses. The Government began distributing free schoolbooks during the year but the books had not reached schools nationwide by year's end due to a shortage of supply. The Ministry of Education had insufficient resources and during the war most of the educational infrastructure was damaged. There were not enough schools or teachers to provide universal primary education. The Ministry of Education estimated an 85–90 percent primary enrollment rate during the year. An estimated 30 percent of eligible children were enrolled at the secondary level; rural areas generally lacked access to secondary education, and seats were often limited even in provincial capitals. There were also reports of families paying bribes to education officials to ensure their child had a seat. According to the UN Educational, Social, and Cultural Organization, enrollment rates favored boys over girls, especially at the secondary level.

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

Child abuse was widespread. Reports of physical abuse within the family were commonplace and largely tolerated by local officials. In July 2007 the Government created the National Children's Council, an interministerial commission designed to define priorities and coordinate the Government's policies to combat all forms of violence against children, including unlawful child labor, trafficking, and sexual exploitation. In August 2007 INAC inaugurated a Child Protection Network for Luanda Province.

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

During the year abuse of children accused of witchcraft continued to be a problem. In October the Government shut down three Luandan churches when neighbors reported abuse of children accused of witchcraft. Children accused of witchcraft were subject to abuses such as isolation from their families, denial of food and water, or ritualistic cuttings and the placing of various caustic oils or peppers on their eyes or ears. Persons sometimes killed children during "exorcism" rituals.

In December 2007 a teacher in Uige Province kidnapped and beat two children he suspected of witchcraft; one died from his injuries while the other one recovered. Authorities imprisoned and sentenced the teacher to eight years' hard labor.

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

Child prostitution is illegal; however, local NGOs expressed concern over child prostitution in the country, especially in Luanda and Cunene provinces.

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

Investigators found children working in the streets of Luanda but many returned to some form of dwelling during the evening. Most of these children shined shoes, washed cars, carried water, or engaged in other informal labor, but some resorted to petty crime, begging, and prostitution.

Trafficking in Persons.—The constitution and law prohibit slavery; however, there are no specific laws against trafficking in persons. Persons were trafficked from and within the country.

The country is a source for a small but significant number of women and children trafficked for the purposes of forced labor and sexual exploitation. Women and girls were trafficked within the country for domestic servitude and commercial sexual exploitation, while young men were trafficked internally for agricultural or unskilled labor. Reports indicate that South Africa, the DRC, Namibia, and Portugal are the primary destinations for citizens who were trafficked internationally. Officials reported an increase in trafficking due to more open border posts. Small numbers of young men were trafficked through Zambia into bonded agricultural work in Namibia. Congolese children were trafficked to the country during the year. Economically vulnerable children and adults were most vulnerable to trafficking.

Methods used by traffickers to obtain and transport victims were unknown. The small number of traffickers working in the country was not thought to function as a tightly organized unit; rather, they worked more through a series of informal or loosely associated contacts.

Authorities used laws criminalizing forced or bonded labor, prostitution, pornography, rape, kidnapping, and illegal entry to prosecute trafficking cases. The minimum sentence for rape is eight years' imprisonment, and sentences for related offenses carry a maximum of life imprisonment.

In 2007 immigration officials and the INAC in Zaire Province found 15 children trafficked from Luanda to the DRC; police arrested two suspected traffickers. However, in other cases, police were unable to identify the traffickers. While the Government began investigating one trafficking case in 2007, case records were destroyed with the April collapse of the Department of Criminal Investigation's building. There were no known trafficking-related prosecutions during the year.

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

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

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

The Government attempted to monitor its borders but lacked resources to do so effectively. To prevent child trafficking, the Immigration Service operated checkpoints at the international airport, border posts, and selected internal locations, such as the trafficking hotspot of Santa Clara in Cunene Province, which screened minors for proper travel documentation. INAC's six mobile provincial teams also conducted spot checks of suspected child trafficking routes by stopping vehicles transporting children to check for identity cards, proof of relationship to the children, and parental permission for the child's travel.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or other state services, but the Government did not effectively enforce these prohibitions. Persons with disabilities included more than 80,000 landmine victims. Persons with albinism were

commonly discriminated against, although church groups worked to eliminate the abuse. The NGO Handicap International estimated that persons with disabilities constituted 10 percent of the population. There is no legislation mandating accessibility for persons with disabilities to public or private facilities, and it was difficult for such persons to find employment or participate in the education system. The MINARS had an office to address problems facing persons with disabilities, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by landmine incidents. During the September 5–6 election, the Government provided voting assistance to persons with disabilities.

Indigenous People.—An estimated 3,500 San people lived in small, dispersed communities in Huila, Cunene, and Kuando Kubango provinces. The San are traditional hunter-gatherers who are linguistically and ethnically distinct from their Bantu fellow citizens. Their very limited participation in political life has increased, and Ocadec, a local NGO advocate for the San people, worked with provincial governments to increase services to San communities and to improve communication between these communities and the Government.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals occurred. The law criminalizes sodomy.

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

Section 6. Worker Rights

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

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

Strict bureaucratic procedures must be followed for a strike to be considered legal, and the Government can deny the right to strike or obligate workers to return to work. Some workers exercised the right to strike during the year. However, in 2007 the Government declared some strikes, including those by teachers in Luanda and nurses in Benguela, illegal. Teachers in Luanda were ordered back to work and threatened with termination if they did not comply.

b. The Right to Organize and Bargain Collectively.—The constitution and law provide for the right of unions to conduct their activities without interference, but the Government did not always protect this right. The law provides for collective bargaining.

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

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

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor in the formal sector was restricted under the law; however, child labor, especially in the informal sector, remained a problem. The legal minimum age for apprenticeship is 14 years, and 18 for full employment. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children younger than 16 are prohibited from doing factory work; however, these provisions rarely were enforced. In 2007 in Kwanza Sul Province, independent newspaper journalists found children as young as 10-years-old working full-time on a plantation; they did not attend school and stated that they were often paid with food. When the nonresident plantation owner, a general, was confronted, he blamed the plantation's local manager and local traditional leaders (sobas), who should have reported the violation to government authorities. The local manager was fired and no charges were filed against the general or local manager.

Most work done by children was in the informal sector. Street children were also common in the provinces of Benguela, Huambo, and Kwanza Sul. Children engaged in wage-earning activities such as agricultural labor on family farms and commercial plantations, charcoal production, domestic labor and street vending. Exploitive labor practices included forced prostitution, involvement in the sale or transport of illegal drugs, and the offloading and transport of goods in ports and across border posts. Children reportedly were used as couriers in the cross-border trade between Namibia and the country.

The Inspector General of the Ministry of Public Administration, Employment, and Social Security (MAPESS) is ultimately responsible for enforcing all labor laws; however, the Ministry of Family and the Promotion of Women also plays a significant role in investigating complaints of child labor.

The Children's Affairs Court, under the Ministry of Justice, has jurisdiction over general child protection in Luanda. During the year five provincial courts became operational. Child labor cases continued to be adjudicated by the provincial criminal courts for minors aged 16 to 18 or the Ministry of Family and Women's Affairs's Family Courts for children under age 16. Child labor violations are punishable by fines.

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

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

e. Acceptable Conditions of Work.—During the year MAPESS raised the minimum wage in the formal sector to approximately 8,600 kwanzas (\$130) per month, which did not provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the agricultural or other informal sectors to augment their incomes. However, the majority of citizens derived their income from the informal sector or subsistence agriculture, and therefore fell outside of government protection of working conditions.

The standard workweek is 40 hours with at least one unbroken period of 24 hours of rest per week. There is a limit on work of 54 hours per week. Required premium pay for overtime is time and a half for up to 30 hours of overtime, and time and three quarters from 30 to 40 hours. In the formal sector, there is a prohibition on excessive compulsory overtime, defined as more than two hours a day, 40 hours a month, or 200 hours a year. These standards were not enforced effectively unless employees requested it.

The Government has set occupational health and safety standards; however, the Ministry of Labor's Office of the Inspector General did not enforce these standards effectively. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, but the right was not exercised in practice.

BENIN

Benin is a constitutional democracy with a population of 7.9 million. In 2006 President Boni Yayi was elected to a five-year term in multiparty elections. In March 2007 legislative elections, President Yayi's Cowry Force for an Emerging Benin (FCBE) won 35 of 83 seats in the National Assembly and formed a majority with a group of 13 National Assembly members from minor political parties. This coalition proved unstable and at year's end the National Assembly was at a standstill, with the opposition majority group blocking all outstanding bills. International observers viewed both the presidential and legislative elections as generally free and fair. However, municipal and local elections held on April 20 and May 1 were marred by numerous irregularities, protests, and credible allegations of fraud. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, there were problems in some areas. A blunder by security forces resulted in one death and injuries. There were reports that police occasionally used excessive force. Vigilante violence resulted in deaths and injuries. Harsh prison conditions and arbitrary arrest and detention with prolonged pretrial detention continued. Impunity and corruption were problems. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was commonly practiced. Trafficking and abuse of children, including infanticide and child labor, occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, on February 13, security forces killed a man and seriously injured three other persons in Wawata-Zounto, a village in the south, while intervening in a brawl between two local groups over a land access issue. A group of people was attempting to open a road across a plot of land without the landowner's permission. A brawl broke out when the landlord, accompanied by supporters, tried to prevent the trespassers from opening the road. The gendarmes who responded to restore order then were threatened with machetes and sticks; they fired on the crowd, killing one local resident and seriously injuring three. No action was taken against the gendarmes.

The police generally ignored vigilante attacks, and incidents of mob violence continued to occur, in part due to the perceived failure of local courts to adequately punish criminals. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught stealing. For example, on June 23, residents of a Cotonou suburb caught a young man stealing a can of gas. They beat him and stabbed him to death. The police came to the crime scene to file a report, but made no concerted effort to investigate or arrest those involved in the killing.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, the Government did not always respect these prohibitions. Beatings in custody were reportedly commonplace.

There was no further information regarding the February 2007 incident when presidential guards shot and injured two persons for failing to obey instructions when President Yayi's motorcade passed. At the time, the guards were reportedly arrested.

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

Mob violence resulted in deaths and injuries. For example, on November 25, a motorbike-taxi driver alerted the residents of a Cotonou neighborhood that four individuals were allegedly trying to steal his motorbike. A crowd armed with clubs and machetes pursued the four individuals, caught two of them, and beat them. Both died from the injuries they sustained. No investigation was carried out by the police and there were no arrests.

Prison and Detention Center Conditions.—Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. According to a 2006 survey, the eight civil prisons were filled far beyond their capacity.

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

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

The Government permitted prison visits by human rights monitors. Nongovernmental organizations (NGOs) and religious groups continued to visit prisons. Organizations that visited prisons during the year included the International Committee of the Red Cross, Amnesty International, the local chapter of Prison Brotherhood, CARITAS, and Prisoners without Borders.

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

Role of the Police and Security Apparatus.—The police, under the Ministry of Interior, have primary responsibility for enforcing law and maintaining order in urban areas; the gendarmerie, under the Ministry of Defense, performs the same function in rural areas. The police were inadequately equipped, poorly trained, and ineffective in conducting investigations related to gender-based crimes and in their failure to prevent or respond to mob violence. The Government continued to address these problems by recruiting more officers, building more stations, and modernizing equipment during the year; however, serious problems remained, including widespread corruption and impunity. Police continued to extort money from travelers at roadblocks.

Arrest and Detention.—The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized official and requires a hearing before a magistrate within 48 hours; under exceptional circumstances the magistrate may authorize continued detention not to exceed eight days. Detainees have the right to prompt judicial determination and the right to prompt lawyer access after being brought before a judge; they are also allowed to receive family visits. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Defendants awaiting judicial decisions may request release on bail; however, the attorney general must agree to the request. Warrants authorizing pretrial detention were effective for six months and could be renewed every six months until the suspect was brought to trial. The Government provided counsel to indigents in criminal cases.

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

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, but the Government did not always respect this provision. The judiciary remained inefficient in some respects and it was commonly believed and acknowledged by some judicial personnel that the judicial system at all levels was susceptible to corruption. Nevertheless, there were no reports that judicial employees were sanctioned or arrested on corruption charges during the year.

The president appoints career magistrates as judges in civil courts. The president is assisted in this responsibility by the High Judicial Council that serves also as a disciplinary committee for magistrates and considers pardon cases that the president submits. The constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them.

Civilian courts operate on national and provincial levels. There are two courts of appeals. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court determines the constitutionality of laws, adjudicates disputes between the president and the National Assembly, and rules on disputes regarding presidential and legislative elections. It also has jurisdiction in human rights cases. There is also a High Court of Justice to try the president and ministers for crimes related to their official responsibilities.

In October 2007 the Constitutional Court ruled that the First Instance Court of Ouidah violated provisions of the African Charter on Human and People’s Rights and the Beninese Constitution when it delayed the transmission of a citizen’s appeal to Cotonou’s Court of Appeals.

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

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

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

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. If administrative or informal remedies are unsuccessful, any citizen may file a complaint concerning an alleged human rights violation with the constitutional court.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government did not always respect these rights. There were reports that security forces intimidated and brutalized journalists. The Government occasionally inhibited freedom of the press. The law criminalizes libel, and numerous journalists faced pending libel charges. The law prohibits private citizens and the press from declaring or predicting election results. Journalists practiced self-censorship.

On August 13 a parliamentary correspondent complained to the Beninese Union of Media's Workers (UPMB) that the head of the military detachment stationed at the National Assembly threatened him with death, allegedly because he published articles criticizing a government policy. There was no further action on this matter.

A September report published by the NGO Human Rights, Peace and Development stated that the Government awarded "communication contracts" to private media for propaganda purposes, adversely influencing the exercise of freedom of the press.

In December 2007, gendarmes brutalized and arrested a private television station's technician who was on a reporting mission in the southeast of the country. The technician was later released without charge, and no charges were filed against the gendarmes. The constitution provides for prison sentences involving compulsory labor for certain actions related to the right of free expression; penalties are for threats to public order or calls to violence, but the law is vaguely worded and susceptible to abuse. There were no reports that the law was invoked during the year.

The independent media were active and expressed a wide variety of views without restriction. Publications criticized the Government freely and frequently, but their effect on public opinion was limited due to restricted circulation and widespread illiteracy. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was under embargo.

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

The 2007 National Report on Press Freedom said that judges were often lax in prosecuting libel cases. At the end of 2007, 150 libel cases were still pending before the first instance court of Cotonou, and a report from the judiciary indicated that the court continued to receive libel cases against journalists during the year; however, as in 2007, judges generally refrained from prosecuting them. In February 2007, the court sentenced three journalists and an executive of a private media group to six-month prison sentences without parole and imposed heavy damages and fines for publishing a story alleging that the sacking of a former minister was

linked to his mismanagement of a public housing project. The journalists and the executive filed an appeal and were not jailed pending resolution of their appeal; the appeal was reportedly settled amicably during the year.

The Government penalized journalists who published items counter to government guidelines. On January 21 the general director of the official National Printing and Press Corporation (ONIP) relieved a journalist of his duties at the editorial offices of the Government-owned newspaper *La Nation* and transferred him to ONIP's communication department because he allegedly published articles counter to the Government's guidelines.

The High Authority of Audiovisual and Communication (HAAC) oversaw media operations and required broadcasters to submit weekly lists of planned programs and publishers to submit copies of all publications; however, the media did not comply with these requirements in practice. The HAAC claimed that the information was used for administrative purposes; however, some journalists complained that it was a form of harassment.

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

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected these rights. The Government requires permits for use of public places for demonstrations and generally granted such permits; however, the authorities sometimes cited “public order” to deny requests for permits from opposition groups, civil society organizations, and labor unions.

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

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

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

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

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

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

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

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

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government cooperated with the Office of the UN High

Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government did not provide temporary protection during the year. If individuals do not qualify as refugees under the 1951 convention or the 1967 protocol, authorities direct them to the Immigration Office to apply for a residence permit.

The Government continued to permit Togolese refugees residing in local communities and refugee camps to participate in most economic activities and to enroll their children in local schools. In April 2007, UNHCR and the Governments of Benin and Togo signed a tripartite agreement to organize the voluntary repatriation of Togolese refugees. As a result, during 2007 a total of 2,064 Togolese refugees returned to Togo, 941 of them through the UNHCR's voluntary repatriation program. During the year, approximately 350 Togolese refugees returned to Togo through the UNHCR voluntary repatriation program.

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

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

Elections and Political Participation.—In 2006 President Boni Yayi was elected to a five year term in multiparty elections. In March 2007 legislative elections, President Yayi's FCBE won 35 of 83 seats in the National Assembly. A group of 13 National Assembly deputies from minor political parties (the G-13) joined the FCBE to form a majority of 48 seats in the National Assembly. During the year, the G-13 dissolved the coalition amidst political tension and the FCBE was left with its initial 35 seats. The G-13 sided with opposition parties and formed a blocking majority, which remained the situation at year's end.

International observers viewed both the presidential and legislative elections as generally free and fair. However, fraud allegations and irregularities marred the April 20 and May 1 local and municipal elections. Voters filed hundreds of appeals with the Supreme Court, which annulled results in a number of communes and ordered new elections and recounting of votes in constituencies where results were disputed.

Individuals and parties could freely declare their candidacy and stand for election. There were no government restrictions on political opposition. No single party or group has recently dominated politics.

There were eight women in the National Assembly and 4 female ministers in the 30 member cabinet. Two of seven justices on the Constitutional Court were women. The president of the High Court of Justice also was a woman.

The country has no majority ethnic group. Diverse ethnic groups were well represented in government agencies, civil service, and the armed forces. In the National Assembly, 11 members were from the Goun, Nago, and Yoruba ethnic groups, 24 from the Bariba, Somba, and Dendi ethnic groups, and 34 from the Fon, Goun, Adja, and other smaller groups. Nine cabinet ministers were from the Bariba, Somba, and Dendi ethnic groups, 15 were from the Fon, Goun, and Adja ethnic groups, and three were from the Yoruba and Nago ethnic group.

Government Corruption and Transparency.—Official corruption remained widespread. President Yayi continued his 2006 anticorruption initiative. He invited Tymon Ratlholo, the head of the Botswana Directorate on Corruption and Economic Crime, to conduct sensitization and experience sharing sessions on corruption for officials, businessmen and students in November and December.

No formal action was taken by year's end on the 2007 finding by the State Audit Office (IGE) that approximately 300 civil servants may have embezzled 23 billion CFA francs (approximately \$46 million). The IGE had turned its findings over to the Ministry of Justice for further investigation and possible action.

In June 2007 the NGO Front of National Anticorruption Organizations accused two deputies of the National Assembly, who formerly had been executive directors of the Benin Electric Energy Corporation, of mismanagement and embezzlement of public funds. President Yayi asked the National Assembly to lift the immunity of the two deputies so they could be questioned by the IGE; however, their immunity was not lifted by year's end.

One of the three former government ministers accused in 2006 of embezzling one billion CFA francs (approximately \$2 million), Alain Adihou, remained in pretrial detention at year's end. Of the other two, Cosme Sehlin was released on bail in 2006 and Valentin Houde was exonerated.

A June 6 Supreme Court ruling ordered the provisional release without bail of Sefou Fagbohoun, a businessman and political leader arrested for alleged mis-

management and embezzlement from the parastatal SONACOP in 2006. He was released on July 3, and joined the National Assembly as a deputy on July 7.

The Watchdog to Combat Corruption, a governmental anticorruption agency, launched a nationwide effort to publicize the National Strategic Plan to Combat Corruption and conducted a survey to gauge the magnitude of petty corruption and bribery in the public administration. During the year, the Watchdog provided awareness and training sessions for ministry officials on issues of transparency in public contracts and impunity in the public administration. The Watchdog also trained judicial personnel on the UN Convention Against Corruption and the African Union Convention on Preventing and Combating corruption.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The Government met with domestic NGO monitors through the Advisory National Human Rights Council.

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

The Government cooperated with international organizations. During the year, representatives of the CPT and of the UN Committee on the Elimination of Discrimination Against Women visited the country. Following its visit, the CPT made wide-ranging recommendations. On November 19, the World Committee Against Torture and the International Federation of Action by Christians for the Abolition of Torture, in conjunction with the Ministry of Justice, Legislation and Human Rights and local NGOs, held a follow-up seminar to consider the recommendations made by the CPT and to map out strategies for the implementation of these recommendations by the Government.

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

The constitution prohibits discrimination based on race, gender, disability, language, and social status; however, societal discrimination against women continued. Persons with disabilities were disadvantaged.

Women.—The law prohibits rape, but enforcement was weak due to police ineffectiveness, victims' unwillingness to refer cases to the police for fear of social stigma, and corruption. The penal code does not make a distinction between rape in general and spousal rape. Sentences for rape convictions ranged from one to five years' imprisonment. No reliable data was available to estimate the extent of the problem.

Domestic violence against women was common. The penal code prohibits domestic violence, and penalties ranged from six to 36 months' imprisonment. However, NGO observers believed that women remained reluctant to report cases. Judges and police were reluctant to intervene in domestic disputes; society generally considered such cases to be internal family matters. The local chapter of a regional NGO, Women in Law and Development Benin and the Female Jurists Association of Benin, offered social, legal, medical, and psychological assistance to victims of domestic violence. The Office of Women's Promotion under the jurisdiction of the Ministry of Family and Solidarity is responsible for protecting and advancing women's rights and welfare.

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

francs (\$100 to \$200). Enforcement was rare, however, due to the code of silence associated with this crime.

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

Prostitution, especially child prostitution, was a problem. There were credible reports that tourists visiting the Pendjari National Park in the far northwest of the country used the services of prostitutes, many of them minors. It was not clear whether these tourists operated through a local or an international network, or whether they came to the region primarily for sex tourism.

Under the penal code there are no penalties imposed on prostitutes; however, those who facilitate prostitution and individuals who profit financially from prostitution, including traffickers and brothel owners, face penalties including imprisonment of six months to two years and fines of 400,000 to four million CFA francs (\$800 to \$8,000) depending on the severity of the offense. Individuals involved in child prostitution, including those who facilitate or solicit it, face imprisonment of two to five years and fines of one million to ten million CFA francs (\$2,000 to \$20,000). Although there are no penalties in the penal code for prostitutes, the belief that prostitution is illegal is widespread, and police often raid brothels to arrest prostitutes to deter the practice; the prostitutes are then released without being charged with any offense.

Sexual harassment was common, especially of female students by their male teachers. In 2006 the National Assembly passed a law prohibiting sexual harassment and offering protection for victims. Under the law, persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA francs (\$200 to \$2,000). The law also provides penalties for persons who are aware of sexual harassment and do not report it. Enforcement of these laws was lax due to law enforcement agents' and prosecutors' lack of legal knowledge and necessary skills to pursue such cases, and victims' fear of social stigma. Although this specific law was not enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors.

Although the constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive discrimination, especially in rural areas where they traditionally occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas women dominated the informal trading sector in the open air markets. During the year, the Government and NGOs continued to educate the public on the 2004 family code, which provides women with inheritance and property rights and significantly increases their rights in marriage, including prohibitions on forced marriage, child marriage, and polygamy. In practice women experienced discrimination in obtaining employment, credit, and equal pay, and in owning or managing businesses. During the year, the Government granted micro credits to the poor, especially to women in rural areas to help them develop income-generating activities. An estimated 450,000 people benefited from this micro credits project.

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

Particularly in rural areas, parents often did not declare the birth of their children, either out of ignorance or because they could not afford the fees for birth certificates. A 2001 survey indicated that a quarter of children under 18 were not registered at birth. This could result in denial of public services such as education and health care. Several donors have taken action to increase the number of registered children. Over the last two years, the NGO PLAN International has supported the free registration of children who need to take the primary school leaving exam. (Without a birth certificate children may attend primary school but cannot take the exam.) UNICEF and the NGO CRS/World Education have supported the Government's campaign to register every birth.

Primary education was compulsory for all children between four and a half years and nine years of age. It became tuition free for all children starting with the 2007–

08 school year; however, in some parts of the country, girls received no formal education. Parents often voluntarily paid tuition for their children because many schools had insufficient funds. The Government offered books to pupils at reduced prices. According to the UN Children's Fund (UNICEF), primary school enrollment was approximately 90 percent for boys and 60 percent for girls; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and male literacy-estimated to be approximately 50 percent-was at least twice as great as female literacy.

FGM was commonly practiced on girls; See Section 5, Women, above.

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

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

Through the traditional practice of "vidomegon," poor, generally rural, families placed a child in the home of a wealthier family. The child received living accommodations, while the child's parents and the urban family that raised the child split the income generated by the child's activities; however, the child often faced forced labor, long hours, inadequate food, and sexual exploitation. Vidomegon was traditionally intended to provide better educational opportunities and a higher standard of living for children of poor families; however, this practice has made children more vulnerable to labor exploitation and to trafficking. Up to 95 percent of the children in vidomegon were young girls.

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

Child prostitution was a problem. Some children, including street children, engaged in prostitution to support themselves.

Child labor, although illegal, remained a problem.

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

Trafficking in Persons.—The law prohibits trafficking in children, but no law prohibits trafficking in adults. However, the Government has used laws that prohibit human smuggling and the labor code to prosecute traffickers.

The country was a source, transit point, and destination for trafficked persons, primarily children trafficked for forced labor and sexual exploitation. The majority of trafficking occurred internally within the extended family or community; however, organized criminal networks were also active. Children were trafficked to Ghana, Nigeria, Gabon, Cote d'Ivoire, Republic of Congo, Guinea-Bissau, and the Central African Republic for indentured or domestic servitude, farm labor, labor in stone quarries, and prostitution. In addition, children were taken across the border to Togo and Cote d'Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso were trafficked to the country for indentured or domestic servitude. Trafficked children generally came from poor rural areas and were deceitfully promised educational opportunities or other incentives. There were no reports of trafficking of adults.

The penal code prohibits child prostitution; however, enforcement was limited, and the commercial sexual exploitation of children was a problem. Child prostitution often involved girls whose poor families urged them to become prostitutes to provide income. Other children were lured to exchange sex for money by older men, often traffickers, who acted as their "protectors." Some children were abused sexually by teachers who sought sex in exchange for better grades. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

Penalties for traffickers involved in "labor exploitation" ranged from fines to prison terms, forced labor, or the death penalty, depending on the severity of the crime and the length of time over which the exploitation occurred; however, enforcement was lax. No statistics were available on the number of cases.

The 2006 law against child trafficking provides for increased penalties for the trafficking of minors, including imprisonment from six months to life, depending on the severity of the crime, and fines from 50,000 to five million CFA francs (\$100

to \$10,000). Individuals who are aware of child trafficking offenses and do not report them can be fined 10,000 to 50,000 CFA francs (approximately \$20 to \$100).

During the year the Government continued its efforts to arrest and prosecute traffickers. In January and February, the Minor Protection Brigade (BPM), under the Ministry of Interior and Public Security, arrested six child traffickers. On August 7, in the commune of Materi, security forces arrested a trafficker who attempted to cross the Benin-Burkina Faso border with three children destined for labor exploitation in Burkina Faso.

During the year, in cooperation with the concerned countries, the brigade rescued 222 trafficking victims en route to and from the following countries: Nigeria, Gabon, Cote d'Ivoire, Cameroon, Mali, and the Republic of Congo. It brought a total of 58 individuals involved in child trafficking to the Court of Cotonou. Victims spent a few days at the BPM's shelter before they were sent, in conjunction with the Ministry of Family and Solidarity, to other shelters for further social investigation towards their reintegration.

In 2006, together with 23 other West and Central African countries, the Government signed an agreement to adopt an action plan to combat trafficking. Regional efforts also continued between heads of state of concerned countries to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims. On November 18, the Government of Cameroon in conjunction with the Government of Benin arranged the return of 21 Beninese who were rescued from a shipwreck off the Cameroonian coast. Among those were nine trafficked children whom the BPM sent to shelters for reintegration.

Since 1999 UNICEF and other donors have supported the Ministry of Family to establish, equip, and train more than 1,300 local committees to combat child trafficking through community surveillance and monitoring. During the year, activity focused on child trafficking in northern Benin. The BPM sought to prevent crimes against children and investigated cases of child trafficking and other crimes committed against children. It arrested traffickers, rescued victims, and worked towards their social reintegration. The Government worked with NGOs to combat child trafficking, using media campaigns and greater border surveillance; however, police complained that they lacked equipment to adequately monitor trafficking. Resource constraints, prevailing cultural attitudes, and a lack of interagency coordination prevented the Government from meeting minimum standards for the elimination of trafficking.

During the year, the Ministry of Family, international NGOs, and the donor community assisted numerous children who had been trafficked to other countries to work in mines, quarries, and on farms. Efforts included the provision of food, shelter, and medical treatment. The Ministry of Family also cooperated with partners to operate centers in urban areas to provide education and vocational training to victims of child trafficking. During the year government efforts to reunite trafficked children with their families continued.

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

Persons With Disabilities.—Discrimination against persons with physical and mental disabilities is not prohibited by law; however, the law provides that the Government should care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The Government operated few institutions to assist persons with disabilities, and many such individuals were forced to beg to support themselves.

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness during the year. The Office of Labor under the Ministry of Labor and Civil Service is responsible for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—There were no reports of overt societal discrimination or violence based on a person's sexual orientation.

There were no reports of overt discrimination or violence based on HIV/AIDS status. Since 2006 it has been illegal to discriminate against a person, at any stage of hiring or employment, based on his or her HIV status.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and the Government generally respected these rights. Workers have the right to strike, and they exercised it during the year. Unions must register with the Ministry of Interior, a three-month process, or risk a fine.

The labor force of approximately 3.2 million was engaged primarily in subsistence agriculture, with only a small percentage working in the formal wage sector. Although an estimated 75 percent of government workers belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

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

The Merchant Marine Code grants seafarers the right to organize, but not the right to strike.

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

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred in the agricultural, fishing, commercial, and construction sectors, and trafficking in persons was a problem.

The law provides for imprisonment with compulsory labor, and during the year judges sentenced convicts to forced labor for various crimes.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem due in part to limited government enforcement of the law. To help support their families, children of both sexes—including those as young as seven—continued to work on family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon*. A majority of children working as apprentices was under the legal age for apprenticeship of 14. For example, in Tchatchegou, a small village in the north, children worked with adults in a granite quarry located within view of the main north-south highway.

Forced child labor and prostitution by street children were problems. Children under 14 work in either the formal or informal sectors in the following activities: agriculture, hunting and fishing, industry, construction and public works, trade/vending and food/beverage, transportation, and communication and other services, including employment as household staff.

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

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

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

ever, its efforts were impeded by the small number of labor inspectors. Significant parts of the work force and foreign workers were not covered by minimum wage scales.

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

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

BOTSWANA

Botswana, with a population of 1.84 million, has been a multiparty democracy since independence in 1966. Its constitution provides for indirect election of a president and popular election of a National Assembly. On April 1, President Festus Mogae, who was elected during elections generally deemed to be free and fair in 2004, resigned from office and handed over power to Vice President Ian Khama. The Botswana Democratic Party (BDP) has held a majority of National Assembly seats since independence. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, some problems remained, including abuse of detainees by security forces, poor prison conditions, lengthy delays in the judicial process, restrictions on press freedom, violence against women, and child abuse. Societal discrimination against women, persons with disabilities, homosexuals, persons with HIV/AIDS, persons with albinism, and members of the San ethnic group was a problem. The Government restricted the right to strike, and child labor occurred. The Government's continued narrow interpretation of a 2006 high court ruling resulted in the majority of San originally relocated from the Central Kalahari Game Reserve (CKGR) being prohibited from returning to or hunting in the CKGR.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. Five persons were killed during apprehension by police in three separate incidents during the year. The Director of Public Prosecution launched investigations into the deaths; no charges had been made by year's end.

There were no further developments in the June 2007 killing by police of a man in Ramotswa or the 2006 killing of a man in Gaborone.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that security forces occasionally beat and abused suspects to obtain evidence or elicit confessions. During the year the Botswana Police Service (BPS) investigated three abuse complaints. For example, in October the Directorate of Intelligence and Security Services (DISS) allegedly tortured, by beating and suffocation during an extended interrogation, four men, including two police officers and two soldiers, after a weapon in their possession went missing. An investigation was ongoing at year's end.

There were no developments in the March 2007 case in which two men facing robbery and murder charges stated that threats and beatings were used to obtain their confessions.

In October a magistrate ruled in the trial of five soldiers and two police special constables accused of forcing several Zimbabwean detainees to perform sex acts on each other in 2005. The five Botswana Defense Force (BDF) members were convicted of indecent assault, and they awaited sentencing at year's end. The two special constables were acquitted of the charge.

Prison and Detention Center Conditions.—Prison conditions remained poor due to overcrowding. In September the prison system held approximately 6,300 prisoners, which exceeded the authorized capacity of 4,900. Overcrowding, which was worse in men's prisons, constituted a serious health threat due to the high incidence of HIV/AIDS and tuberculosis. Rape of inmates by inmates occurred.

Voluntary and free HIV testing, peer counseling, and antiretroviral (ARV) drug treatment were available to prisoners. As of September 2007, 314 prisoners were receiving ARV treatment, and two HIV-positive pregnant prisoners were participating in a "prevention of mother-to-child transmission" program. The Government did not provide ARV treatment to noncitizens in detention, but those in long-term detention could receive such treatment for free from a local nongovernmental organization (NGO). Some children, typically under age six and occasionally older, were held with their mothers. The prison commissioner had the authority to release terminally ill prisoners in the last 12 months of their sentences and to allow citizen prisoners with sentences of 12 months or less to complete their sentences outside the prison by completing an "extramural" work release program at government facilities. Eligible prisoners must have served short-term sentences with at least half of their sentence complete and must not have been previously incarcerated. Prisoners convicted of serious and violent felonies were ineligible. By September, in order to ease overcrowding, 1,031 prisoners had been released to complete their sentences in the program.

Mistreatment of prisoners is illegal. The Department of Prisons did not provide information on the number of complaints received regarding mistreated inmates or deaths in custody.

Juveniles occasionally were held with adults. Some parents requested that their incarcerated children be transferred to facilities nearer to home, which also resulted in the detention of juveniles with adults. Pretrial detainees and convicts were held together.

Committees appointed by the minister of labor and home affairs visited each prison twice in 2007. Committee reports were not made public. In previous years the Government permitted the International Committee of the Red Cross (ICRC) to visit prison facilities; however, there were no prisoners with whom the ICRC sought access during the year. Representatives of the Office of the UN High Commissioner for Refugees (UNHCR) were able to regularly visit the Center for Illegal Immigrants during the year, as well as prisons.

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

Role of the Police and Security Apparatus.—The BPS, under the Ministry for Presidential Affairs and Public Administration, has primary responsibility for internal security. In March the cabinet disbanded the Local Police Service and merged it with the BPS; previously customary or local police, under the Ministry of Local Government, had law enforcement responsibility in specified tribal areas. The army is responsible for external security and has some domestic security responsibilities.

Police officials acknowledged that corruption was a problem in the lower ranks; some officers took advantage of illegal immigrants and traffic violators. From January 1 through September, there were 31 police officers arrested for criminal offenses, 19 of whom were brought before the criminal courts.

The trial of two special constables arrested in 2006 for collaborating with civilian burglars concluded when both constables were found guilty and dismissed from the BPS.

Civilian authorities maintained effective control over the security forces, and the Government had effective mechanisms to investigate and punish abuse and corruption, including investigation by police and referral into the criminal court system.

During the year 21 BPS officers received human rights training at the International Law Enforcement Academy located in the country.

Arrest and Detention.—Police officers must produce an arrest warrant issued by a duly authorized magistrate upon the presentation of compelling evidence, except in certain cases, such as when an officer witnesses a crime being committed or discovers that a suspect is in possession of a controlled substance. In April the Government established the DISS, a new intelligence agency with the power to enter premises and make arrests without warrants if the agency suspects a person has committed or is about to commit a crime. Elements of civil society criticized the DISS, claiming that it lacked provisions for independent oversight and posed a potential threat to civil liberties.

Suspects must be informed of their rights upon arrest, including the right to remain silent, and must be charged before a magistrate within 48 hours. Authorities generally respected these rights in practice; however, there were some allegations

in the media and by defense attorneys that the right to an attorney was often denied during the first 48 hours after arrest, prior to the suspect being brought before a magistrate. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. There is a functioning bail system, and detention without bail is unusual except in murder cases, where it is mandatory. Detainees have the right to contact a family member and to hire attorneys of their choice; however, in practice most could not afford legal counsel. The Government provides counsel for the indigent only in capital cases, although attorneys are required to accept pro bono clients.

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

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

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

The civil court system includes magistrates’ courts, an industrial court, a court of appeal, and the High Court. A customary or traditional court system also exists.

Trial Procedures.—Trials in the civil courts are public, although trials under the National Security Act may be held in secret. There is no jury system. Defendants have the right to be present and consult with an attorney in a timely manner, but the state provides an attorney only in capital cases. Those charged with noncapital crimes are tried without legal representation if they cannot afford an attorney. As a result many defendants were not informed of their rights in pretrial or trial proceedings. Defendants can question witnesses against them and have access to government-held evidence relevant to their cases. Defendants can present witnesses and evidence on their own behalf. There is a presumption of innocence, and defendants have the right to appeal. Several organizations such as The Botswana Center for Human Rights (DITSHWANELO); Botswana Law Society; and The Botswana Network on Ethics, Law, and HIV/AIDS provided free legal services but had limited capacity. The University of Botswana Legal Assistance Center provided free legal services for some civil, but not criminal, matters.

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

There is a separate military court system; military courts do not try civilians.

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

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

Most civil cases were tried in customary courts. These courts handled land, marital, and property disputes, and often did not afford due process.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected freedom of speech in practice; however, the Government at times attempted to limit freedom of the press and continued to dominate domestic broadcasting.

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

The Government occasionally censored stories that it deemed undesirable, and government journalists sometimes practiced self-censorship. President Khama's inaugural speech on April 1 referred to the need for "discipline" in the media. Some independent groups interpreted the statement to indicate a range of warnings, from not sensationalizing stories to not being overly critical of the Government and its policies.

In December parliament passed the Media Practitioners' Act, establishing a new Media Council to register and accredit journalists, promote ethical standards amongst the media, and receive public complaints. Some NGOs, including the Media Institute for Southern Africa, the independent media, and opposition members criticized the law, stating that it restricted press freedom and was passed without debate after consultations between the Government and stakeholders collapsed.

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

The independent media were active and generally expressed a wide variety of views; however, they were sometimes subject to government pressure to portray the Government and the country in a positive light. It was sometimes more difficult for private media organizations to obtain access to government-held information. In July 2007 the minister of communications, science, and technology stated that the licenses of journalists who did not report correctly would be withdrawn. Reporters claimed that this statement was meant as a threat. According to media companies, government-owned enterprises reduced their advertising in reaction to reporting critical of those enterprises. At year's end no licenses had been withdrawn.

Radio continued to be the most broadly accessible medium. Government-owned Radio Botswana and Radio Botswana 2 covered most of the country. Privately owned Yarona FM, Gabz FM, and Duma FM expanded their broadcasts from Gaborone to cover most of the major towns. They produced news and current affairs programs without government interference.

In 2007 the NGO First People of the Kalahari (FPK) reported that the Government would allow the FPK to have two-way radios in the CKGR provided licensing requirements were followed. However, as of November the FPK had not completed the licensing requirements due to inability to afford the annual 1,500 pula (approximately \$200) licensing fee.

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

In March 2007 the Government required 17 foreigners, including seven journalists who had written articles critical of the Government, to apply for visas prior to entry even though they were from countries generally exempt from this requirement. The requirements continued during the year.

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

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

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

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

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

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

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

The Government restricted the ability of indigenous San who had been relocated from the CKGR to designated settlement camps in 2002 to return to the reserve. Only the 189 San named in a 2006 high court case, their spouses, and their minor children were permitted to live in the CKGR. A few San had never left the reserve, and some San moved back to the CKGR after the High Court's decision. Many of the 189 did not return to live in the CKGR, as lack of water made the CKGR an extremely inhospitable living environment, and some who initially returned left again. The Government was not required to provide water in the CKGR per the 2006 ruling (*See* Sections 1.f. and 5). Visitors to the reserve, including relocated former residents not named in the 2006 case, must obtain a permit to enter the CKGR.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. The Government's system for granting refugee status was accessible but slow. In practice the Government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. As of November an estimated 200 persons were waiting for a decision as to whether they qualified as refugees. During the year 1,305 persons were granted refugee status. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

The Government held newly arrived refugees and asylum seekers, primarily from Zimbabwe, in the Center for Illegal Immigrants in Francistown until the Refugee Advisory Committee (RAC), a governmental body whose chairperson is the district commissioner of Francistown, made a status recommendation; the UNHCR was present at RAC meetings in the status of observer and technical advisor. Once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp until their resettlement or voluntary repatriation. Refugee applicants who were unsuccessful in obtaining asylum were nonetheless allowed to remain at Dukwe if they wished, while the Government referred their cases to the UNHCR for possible resettlement. Refugees in Dukwe were provided access to education and health care. They were also permitted to leave Dukwe to work outside the camp. The UNHCR criticized the detention of asylum seekers at the Center for Illegal Immigrants on the grounds that asylum seekers should not be held in detention facilities, although asylum seekers were housed separately from illegal immigrants. Conditions at the center were generally adequate, but children in the center did not have sufficient access to education for the duration of their detention, which in a few cases lasted many months.

In December 2007 the Government transferred 16 Namibian nationals who were alleged Caprivi secession leaders from a detention center to the Dukwe Refugee Camp, where they were granted refugee status. These individuals faced criminal charges in Namibia and thus did not wish to be repatriated. In 2002 the High Court ruled out extradition for the 16 Namibians as it deemed an extradition request for the individuals from the Government of Namibia to be of a political nature.

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

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

Elections and Political Participation.—On April 1, President Festus Mogae resigned and former Vice President Ian Khama assumed office. President Mogae had been elected during the most recent general election in 2004, which was generally deemed free and fair. However, the incumbent BDP received preferential access to state-owned television during much of the campaign. During the 2004 general election, the BDP won 44 of 57 competitive National Assembly seats, the Botswana Na-

tional Front won 12, and the Botswana Congress Party won one. The BDP has won a majority of seats in the National Assembly in every election since independence.

In March BDP officials had access to a presidential helicopter for campaign activities during parliamentary by-elections in Kgalegi North and Palapye constituencies. Opposition parties criticized this use of state equipment by the ruling party as inappropriate. The BDP won both by-elections. The two constituencies were more than 620 miles apart, and the presidential helicopter allowed President Khama, who was then the vice president, to campaign in both locations the day before the elections.

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

Political parties operated without restriction or outside interference.

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

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

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

During the year the Directorate on Corruption and Economic Crime initiated investigations into 28 suspicious transactions and investigated 40 money laundering cases; one court case was ongoing at year's end. Through September police initiated 16 investigations of alleged corruption involving police officers. Twelve cases completed the court process; eight accused officers were convicted and dismissed from the police department. Four cases were pending at year's end.

There are no financial disclosure laws for public officials.

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, beginning in 2007 the Government placed visa requirements on certain foreign NGO workers, a practice which continued during the year. Government officials were generally cooperative and responsive to NGO views on most subjects but were far less open to the involvement of some international NGOs on the issue of the CKGR relocations.

The Government worked cooperatively with international organizations, including the ICRC and UN, during the year.

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

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

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

The constitution and law prohibit governmental discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and the Government generally respected these provisions in practice. So long as an applicant is able to perform the duties of the position, he or she may not be discriminated against due to disability or language. However, the law does not prohibit discrimination by private persons or entities, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; persons with HIV/AIDS; persons with albinism; and homosexuals.

Women.—The law prohibits rape but does not recognize the concept of spousal rape. The number of reported rape cases increased during the year to 1,360; how-

ever, it was unclear whether this was a result of increased reporting due to NGO efforts to improve awareness of the crime or an actual increase in the number of rapes committed. By law the minimum sentence for rape is 10 years in prison, increasing to 15 years with corporal punishment if the offender is HIV-positive, and 20 years' imprisonment with corporal punishment if the offender was aware of having HIV-positive status. Corporal punishment was used more often in the customary courts and typically consisted of strokes to the buttocks with a stick. A person convicted of rape is required to undergo an HIV test before being sentenced. However, police lacked basic investigative techniques in rape cases. Spousal rape is not recognized as a crime.

The law does not specifically prohibit domestic violence against women, and it remained a serious problem. The police did not keep statistics for the specific category of domestic violence, as it is not considered a crime under the penal code. Customary law allows husbands to treat their wives in the same manner as minor children. Under customary law husbands may use corporal punishment to discipline their wives, which was common in rural areas. Greater public awareness resulted in increased reporting of domestic violence and sexual assault.

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

The law prohibits sexual harassment in both the private and the public sectors. Sexual harassment committed by a public officer is considered misconduct and punishable by termination with or without forfeiture of all retirement benefits, suspension with loss of pay and benefits for up to three months, reduction in rank or pay, deferment or stoppage of a pay raise, or a reprimand. However, sexual harassment continued to be a problem, particularly by men in positions of authority, including teachers, supervisors, and older male relatives.

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

Skilled urban women had increasing access to entry- and mid-level white collar jobs. According to a 2007 Grant Thornton International Business Report, 74 percent of businesses employed women in senior management positions, and women occupied 31 percent of such positions. Women occupied many senior-level positions in government agencies, such as governor of the Bank of Botswana, attorney general, minister of communication, minister of health, and director of public prosecution; however, a 2007 UN report found that women's political participation was not equal to that of men. In March the BDF began to allow women to serve in the military. In November 22 of 30 female officer candidates who were sent by the BDF for training in Tanzania in 2007 graduated from the course. Eight of the officers were unable to finish, mostly due to illness or injury, but were expected to complete their military training in Botswana and graduate.

The Women's Affairs Department in the Ministry of Labor and Home Affairs has responsibility for promoting and protecting women's rights and welfare. The department provided grants to NGOs working on women's issues. During the year a local NGO reported that women were increasingly able to access credit markets and be paid as much as their male counterparts for similar work.

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

Education was not compulsory. The Government reintroduced school fees in 2006. The fees could be waived for children whose family income fell below a certain

amount. The Government also provided uniforms, books, and other fees for students whose parents were destitute. Students in remote areas received two free meals a day at school. According to 2004 government statistics, approximately 88 percent of children attended school, and an estimated 30 percent of children completed secondary school. Girls and boys attended school at similar rates. School attendance and completion rates were highest in urban areas, where transportation was readily available, and lowest in rural areas, where children often lived far from schools and often assisted their families as cattle tenders, domestic laborers, and child care providers.

Boys and girls younger than 15 received free and equal access to government healthcare centers.

In 2005 the UN Children's Fund estimated that there were 150,000 orphans in the country, of whom approximately 120,000 had lost one or both parents due to HIV/AIDS. As of October the Government had registered 49,852 children as orphans. Once registered, the children received clothes, shelter, a monthly food basket worth between 216 pula (approximately \$29) and 350 pula (\$44) depending upon location, and counseling as needed. Some relatives continued to deny inheritance rights to orphans.

No law specifically prohibits child abuse. Sex with a child younger than 16 is known as defilement and is prohibited and punishable by a minimum of 10 years of incarceration. By September 322 defilement cases were reported to the police. There were defilement investigations and convictions during the year. Sexual abuse of students by teachers was a problem, and there were frequent media reports of rape, sexual assault, incest, and defilement. Deaths from HIV/AIDS orphaned an increasing number of children. These children were sometimes sexually abused by the extended family members with whom they lived. The law considers incest a punishable act only if it occurs between blood relatives.

Child marriage occurred infrequently and was largely limited to certain ethnic groups. Marriages that occur when either party is under the legal age are not recognized by the Government.

Child prostitution and pornography are criminal offenses. Media and NGO reports indicated that prostituted children had been made available to truck drivers along the main road linking the country with South Africa and that many of the girls and boys were thought to be orphans. There were reports of child labor. Of the children employed, approximately half were below the legal working age of 14. Two-thirds of employed children were working in rural villages, and more than 60 percent worked in the agricultural sector, mostly on a subsistence level on family cattle posts or farms.

Trafficking in Persons.—The law does not prohibit trafficking in persons, although penal code provisions cover related offenses such as abduction and kidnapping, slave trafficking, and procuring women and girls for the purpose of prostitution. One suspected trafficking case was prosecuted during the year on false documentation charges, although anecdotal evidence suggested that additional trafficking cases may have occurred and gone undetected. There were unconfirmed reports that women and children from eastern Africa were trafficked through the country to South Africa. Traffickers charged with kidnapping or abduction could be sentenced to seven years' imprisonment.

The Government worked with NGOs to assist potential trafficking victims by hosting workshops on trafficking issues and by making grants to shelters that provided short- and long-term care for children who lived on the streets. Individuals in the religious and NGO community formed a task force to compile anecdotal evidence of human trafficking.

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

Persons With Disabilities.—The law does not prohibit discrimination against persons with disabilities in education, employment, access to health care, or the provision of other state services. The Government has a national policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking; however, the Government did not mandate access to public buildings or transportation for persons with disabilities. There was some discrimination against persons with disabilities, and employment opportunities remained limited. The Government funded NGOs that provided rehabilitation services and supported small scale work projects for workers with disabilities. The Government did not restrict persons with disabilities from voting or participating in civil affairs, and some accommodations were made during elections to allow for persons with disabilities to vote. However, although new government buildings were being built to ensure access of persons with disabilities under the supervision of the Ministry of Works,

most older government office buildings remained inaccessible. The Department of Labor is responsible for ensuring that the rights of persons with disabilities are protected and investigating claims of discrimination. Individuals can also bring cases directly to the Industrial Court.

Indigenous People.—The estimated 50,000–60,000 San in the country represented approximately 3 percent of the country's population. The San are culturally and linguistically distinct from most of the population. Under the law discrimination against the San with respect to employment, housing, health services, and cultural practices is illegal. However, they remained economically and politically marginalized and generally did not have access to their traditional land. The San continued to be isolated, had limited access to education, lacked adequate political representation, and were not fully aware of their civil rights. In 2002 the Government forcibly resettled San who were living in the CKGR to the settlement areas of Kaudwane, New Xade, and Xere.

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

During the year the Government made numerous arrests of San for illegally hunting in the CKGR. Although the law allows for a sentence of a fine or prison term for those found guilty of illegal hunting, none of the San arrested during the year were sanctioned.

During the year there were no government programs directly addressing discrimination against the San. With the exception of the 2006 court ruling, there were no demarcated cultural lands.

A number of NGOs made efforts to promote the rights of the San or to help provide economic opportunities. However, the programs had limited impact. In October the NGO Survival International, along with other independent organizations, criticized the decision by the diamond company De Beers to restart mining exploration in the CKGR. The NGOs argued that diamond exploration in the CKGR had a devastating impact on the life and the environment of the San.

Other Societal Abuses and Discrimination.—The law prohibits homosexuality, but there were no reports of enforcement action by the authorities. There were, however, reports of societal discrimination and harassment of homosexuals.

Discrimination against persons with HIV/AIDS continued to be a problem, including in the workplace. The Government funded community organizations that ran programs to reduce the stigma of HIV/AIDS. The Botswana Network on Ethics, Law, and HIV/AIDS continued to advocate for an HIV employment law to curb discrimination in the workplace.

While persons with albinism were subject to some social discrimination, individuals were generally able to exercise their rights in practice. During the year an industrial court heard a case brought by a man with albinism who was refused employment based on his skin color. Although the ruling noted that the complainant had been mistreated, the court found in favor of the company, based on a misconception by the company's secretary who blocked the man's application, that the company did not employ persons with albinism. The court found that the secretary's supervisor, as custodian of company policy, should have better informed the secretary about antidiscrimination policies.

Section 6. Worker Rights

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

The law severely restricts the right to strike, and virtually all strikes are ruled illegal, leaving striking workers at risk of dismissal. Legal strikes theoretically are

possible only after an exhaustive arbitration process. Sympathy strikes are prohibited.

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

In February the Industrial Court dismissed a 2005 case in which 461 workers were fired in 2004 after a strike against their employer, Debswana, the joint government-DeBeers diamond mine venture. The court found that the case was not tried in a timely fashion. The 461 former employees appealed the dismissal; the case was pending at year's end.

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

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

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

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

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

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

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

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

The Government supported and worked with partners to conduct workshops to raise awareness on child labor. The Department of Labor partnered with the Department of Social Services to advocate against and raise awareness of exploitative child labor.

e. Acceptable Conditions of Work.—The minimum hourly wage for most full-time labor in the private sector was 3.80 pula (approximately \$0.50), which did not provide a decent standard of living for a worker and family. The cabinet determined wage policy based on recommendations from the National Economic, Manpower, and

Incomes Committee, which consists of representatives of the Government, private sector, and the Botswana Federation of Trade Unions. The Ministry of Labor and Home Affairs was responsible for enforcing the minimum wage, and each of the country's districts had at least one labor inspector.

Formal sector jobs generally paid well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food were provided, frequently paid below the minimum wage. In March the Ministry of Labor and Home Affairs introduced new minimum wages for workers in the agricultural and domestic sectors; the wages took effect on April 1. The minimum wage for domestic workers was 2 pula (approximately \$0.26) per hour. Workers in the agricultural sector were required to be paid 408 pula (\$52) per month; however, the cost of feeding a worker who lived on the employer's premises could be deducted from the wage.

The law permits a maximum 4-hour workweek, exclusive of overtime, which is payable at time-and-a-half. Most modern private sector jobs had a 4-hour workweek; the public sector, however, had a 4-hour workweek. The labor law applies to farm and migrant workers. The Department of Labor had inspectors to oversee and enforce labor regulations; however, the number was insufficient to allow for inspection of all relevant workplaces.

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

BURKINA FASO

Burkina Faso is a parliamentary republic with a population of 14.25 million. In 2005 President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election to have been generally free, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the Government. The CDP won a majority in the May 2007 legislative elections, which observers declared generally free and orderly despite irregularities, including fraud involving voter identification cards. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

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

RESPECT FOR HUMAN RIGHTS

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

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

Unlike in the previous year, there were no reports of vigilante killings. No action was taken in 2007 cases of mob violence.

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

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

Forcible dispersions of protesters engaged in violent demonstrations resulted in numerous injuries during the year (See Section 2.b.).

On November 10, the Military Court acquitted eight of the 10 soldiers accused of the June 2007 assault, battery, and destruction of private property of residents in Banfora, Comoe Province; the soldiers reportedly retaliated against local youths who had beaten one of their colleagues in a fight over a girl. The court sentenced one

soldier to six months in jail, issued a suspended eight-month sentence to another soldier, and acquitted eight soldiers for insufficient evidence.

No action was taken against soldiers who in June 2007 beat civilians at a dance club in Ouahigouya, Yatenga Province; the soldiers had accused one of the club patrons of disrespecting a colleague by stepping on his foot while he was dancing.

No action was taken against security force members who used military belts and batons to disperse a December 2007 student demonstration in Koudougou, Boulkiemde Province.

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

Deaths from prison conditions or neglect occurred, according to human rights organizations. On April 13, Francois Zoundi, one of the February 28 demonstrators protesting the rising cost of living, died in detention of natural causes, according to medical reports. The Burkinabe Movement for Human Rights (MBDHP), however, charged that Zoundi's death was a result of harsh prison conditions. MBDHP noted that 14–16 prisoners were held in Zoundi's cell, which had a capacity for four, that the cell was wet and fostered pneumonia, that food was of poor quality and insufficient, and that there was no medical care.

Prison authorities generally granted permission to visit prisons and did not require advance permission. There were no reports during the year of prison visits by international organizations; however, during the year members of local nongovernmental organizations (NGOs), foreign embassies, and the press visited prisons.

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

Role of the Police and Security Apparatus.—The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes report to the Ministry of Defense and are responsible for some aspects of public security.

Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2006 report by the NGO National Network to Fight Against Corruption (RENLAC) stated that the police and gendarmerie were among the most corrupt institutions in the country. Corruption and official impunity were also serious problems in the military. The gendarmerie is responsible for investigating police and gendarme abuse; however, the Government took no known disciplinary action against those responsible for abuses, and the climate of impunity created by the Government's failure to do so remained the largest obstacle to reducing abuses. During the year the Human Rights Ministry conducted seminars to educate security forces on human rights standards.

Arrest and Detention.—By law, police have to possess a warrant to search or arrest, arrests must be made openly, and warrants must be based on sufficient evidence and signed by a duly authorized official. However, authorities did not always respect this process. Detainees were promptly informed of charges against them. The law provides for the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge, and, if indigent, access to a lawyer provided by the state after being charged; however, these rights were seldom respected. The law does not provide for access to family members, although detainees were generally allowed such access.

Police arbitrarily arrested numerous demonstrators during the year; however, unlike in previous years, there were no reports of journalists being arrested (*See Section 2.a.*).

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period, although police rarely observed these restrictions. The average time of detention without charge (preventive detention) was one week; however, the law permits judges to impose an unlimited number of six-month preventive detention periods, and defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. Government officials estimated that 23 percent of prisoners nationwide were in pretrial status. In some cases detainees were held without charge or trial for longer periods than the maximum sentence they would have received if convicted of the alleged offense. There was a pretrial release (release on bail) system; however, the extent of its use was unknown.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence and was

corrupt and inefficient. The president has extensive appointment and other judicial powers. Constitutionally, the head of state also serves as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines the performance of individual magistrates. Other systemic weaknesses in the justice system included the removability of judges, corruption of magistrates, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: the Supreme Court of Appeal; the Council of State; the Audit Court and Office; and the Constitutional Council. Beneath these higher courts are two courts of appeal and 24 provincial courts. There is also a High Court of Justice with jurisdiction over the president and other senior government officials. Tribunals in Ouagadougou and Bobo-Dioulasso try juveniles under 18. The Military Court tries military cases only and provides rights equivalent to those in civil criminal courts.

Civil society and human rights groups criticized the March trial of 169 demonstrators involved in the February 28 violent protests, citing lack of transparency and excessive sentences (See Section 2.b.).

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

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

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

Civil Judicial Procedures and Remedies.—Citizens, who criticized the judiciary for being corrupt and inefficient, sometimes preferred to rely on the ombudsman to settle disputes with the Government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs; however, there were problems enforcing court orders when they concerned sensitive cases.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government partially limited press freedom and intimidated journalists into practicing self censorship.

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

No investigation was conducted into the 2007 death threats against singer and free speech activist Karim Sama, who criticized the Compaore government and called for justice in the 1998 killing of journalist Norbert Zongo. There were no reports of similar threats against Sama during the year.

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

All media were under the administrative and technical supervision of the Ministry of Culture, Tourism, Communications, and Spokesman of the Government. The Superior Council of Communication (SCC), which is under the Office of the President and has limited independence, also regulates the media. The ministry is responsible for developing and implementing government policy and projects concerning infor-

mation and communication. The SCC oversees the content of radio and television programs and of newspapers to ensure that it adheres to professional ethics and government policy governing information and communication. The SCC may summon a journalist to attend a hearing about his work, followed by a warning that a repeat of "noncompliant behavior" will not be tolerated; journalists received such summons during the year. Hearings may concern alleged libel, disturbing the peace, or violations of state security.

The definition of libel is excessively broad, and libel suits have been used by political and business figures to pressure journalists who produce unflattering press coverage of them or their organizations.

On January 18, *L'Independant* weekly newspaper was acquitted of libel against Jean Fidel Tapsoba, a government official in the school of forestry in Dinderesso, Houet Province; the newspaper had published allegations that Tapsoba engaged in financial mismanagement and corruption.

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

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

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

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

Police forcibly dispersed several violent demonstrations during the year over the rising cost of living.

On February 20 and 21, demonstrators in Bobo Dioulasso and Ouahigouya marched to protest increased taxes and the rising cost of basic commodities such as gasoline, cooking oil, salt, soap, and bread. The demonstrators, who had not obtained a permit, looted and burned several government and privately owned properties in both cities, including one bank and three gas stations. Demonstrators also destroyed traffic lights and burned tires on the road. Riot police used batons and tear gas to disperse demonstrators, resulting in numerous injuries; 153 demonstrators were arrested, of whom 124 had been released by year's end. The 29 remaining demonstrators were convicted of holding illegal demonstrations and destroying property and were sentenced to prison terms ranging from three to 36 months.

On February 28, in Ouagadougou, demonstrators demanding lower prices for fuel and food attacked government buildings with rocks and metal bars, set fire to piles of tires, and set up roadblocks. Riot police used shotguns, batons, and tear gas to disperse demonstrators and arrested 1840 persons, including Thibaut Nana, the opposition leader who allegedly organized the event. On March 11, 169 persons stood trial in Ouagadougou for their involvement in the February 28 demonstrations: 15 received suspended prison terms; 109 were cleared of all charges and released; and 45 were convicted of holding illegal demonstrations and destroying property and sentenced to prison terms ranging from 12 to 36 months. Thibaut Nana received the maximum prison term of 36 months. Civil society and human rights groups charged that sentences were excessive and the trials lacked due process. None of the accused, including Nana, had access to an attorney, and the trials were held late at night in a room too small to accommodate interested observers. Critics charged that the verdicts would have been different if the trials had been more transparent.

On June 17, students at the University of Ouagadougou rioted after the president of the university refused to meet with them; the students had demonstrated previously during the year for Hepatitis B and Meningitis vaccinations for medical interns, larger and better equipped laboratories, more instructors, and other services. The university called the police and gendarmerie to maintain security, which led to a clash between the students and security forces; 34 students and 14 gendarmes were injured. Police and gendarmes used shotguns, belts, batons, and teargas to disperse the students, resulting in numerous injuries. Security forces arrested 35 students and charged them with assault, battery, and destruction of public and private property. On June 26, after a two-day trial, 31 students were acquitted, and four were sentenced to six months in jail.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right. Political parties and labor unions could organize without government permission.

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

Religious groups must register with the Ministry of Territorial Administration, and failure to register may result in a fine. The Government routinely approved registration applications.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts. There was no known Jewish community in the country.

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

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

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee or asylum status and also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol; during the year 1,911 persons received temporary protection.

The Government accepted refugees for resettlement from third countries and facilitated local integration, including access to naturalization. During the year the Government assisted the voluntary return of four refugees, including two Ivoirian nationals, one from the Central African Republic and one from the Democratic Republic of the Congo.

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

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

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

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

In May 2007 legislative elections, the ruling CDP won 73 seats in the 111-seat National Assembly, and the other parties won 38, although 25 of the 38 non-CDP deputies belonged to parties allied with the Government. Election observers declared the elections to have been free and orderly, except in four cities where they noted irregularities including several fraud cases involving voter identification cards. Opposition leaders denounced the elections.

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

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

The cabinet included 16 minority members; the National Assembly included 61 minority representatives.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effec-

tively, and officials often engaged in corrupt activities with impunity. The World Bank's Worldwide Governance Indicators reflected that there was a serious corruption problem in the country. Corruption was especially acute in the police, gendarmerie, military, customs service, taxing agencies, health and justice ministries, municipalities, government procurement, the education sector, and the media.

In April the Government created the Regulatory Authority of Government Tenders (ARMP), a regulatory oversight body to monitor the tender process for government contracts. The ARMP is authorized to impose sanctions, initiate lawsuits, and publish the names of fraudulent or delinquent businesses; however, it took no action on any of these mandates during the year.

In September 2007 the Court of Accounts, responsible for auditing the Government's accounts, published an annual report for 2005 highlighting mismanagement in government agencies, including by the mayor of Ouagadougou. The report found that the Government had failed to comply with proper administrative, accounting, and auditing procedures for government tenders. No known action had been taken on any of the report's recommendations by year's end.

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

In November 2007 the Government ratified legislation to create the Superior Authority of State Control (ASCE), an entity under the authority of the prime minister that merges the HACLC, the State Inspector General, and the National Commission for the Fight Against Fraud. In addition to releasing annual reports from auditing entities, ASCE has the authority to prosecute ethics breaches in the public sector, including by state civil service employees, local and public authorities, state-owned companies, and all national organizations invested with public service missions. Despite this mandate, no action was taken during the year by the ASCE, which observers believed had insufficient power.

Despite numerous instances in recent years of high-level corruption, no senior officials were prosecuted for corruption, and it was unclear whether the Justice Ministry was equipped to handle such cases. In its February report, RENLAC noted that "lack of experience coupled with a deficit of appropriately trained judges has rendered the Justice Ministry incapable of effectively dealing with corruption cases." The report continued that the ministry's resources were insufficient to handle the increasing number of financial crimes, and that its efforts were limited to the smallest racketeering cases rather than higher level corruption.

Some public officials are subject to financial disclosure laws, but these laws were not effectively enforced.

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

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

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

In 2007 and during the year, there were no reports that the Government met with domestic NGO monitors, responded to any inquiries, or took action in response to any reports or recommendations. Despite human rights NGO criticism of the Government's human rights policies, it was generally believed that they operated without government interference. The local NGO MBDHP was the most vocal and critical of the Government.

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

In 2006 the United Nations Human Rights Council (UNHRC) notified the Government that it had violated articles 7 and 9 of the International Covenant on Civil and Political Rights in connection with the 1987 assassination of former president Thomas Sankara. In its response the Government concurred with UNHRC's observations and agreed to act on its recommendations. In 2006 the Government posted the UNHRC observations on its Web site and distributed copies to the media, rewrote Sankara's death certificate to show the actual cause of death, and undertook

actions to pay Sankara's military pension to his family. It also agreed to pay his family more than 43 million CFA francs (\$89,256) from a family compensation fund. However, no pension or compensation monies have been paid because Sankara's family demanded that the case be investigated and the perpetrators punished prior to accepting any financial compensation.

The Ministry of Human Rights, which was created in 2002, is responsible for the protection and promotion of human rights in Burkina Faso. The minister of human rights reports to the prime minister. During the year the ministry assisted in drafting the antitrafficking law that passed on May 15 and conducted education campaigns on human rights that used theater, films, radio, and pamphlets.

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

The Governmental National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the Government. The MBDHP did not participate on the commission and continued to charge that the commission was subject to government influence. The commission, which issued no reports during the year, was inadequately funded.

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

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

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

Domestic violence against women, especially wife beating, occurred frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court. There were no available statistics on how many persons were prosecuted, convicted, or punished for domestic violence during the year; however, it was believed such legal actions were infrequent because women were ashamed, afraid, or otherwise reluctant to take their spouses to court. Cases that involved severe injury usually were handled through the legal system. The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperated in an effort to protect women's rights. The Ministry for the Promotion of Women has a legal affairs section to inform women about their rights and encourage them to defend these rights.

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

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

The labor code explicitly prohibits sexual harassment in the workplace, but such harassment was common. The law prescribes fines of 50,000 to 600,000 CFA francs (\$104 to \$1,245) and prison terms varying from one month to five years for persons convicted of workplace harassment. There were no available statistics on how many persons were prosecuted, convicted, or punished for the offense during the year.

Women continued to occupy a subordinate position and experienced discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights. Polygyny was permitted, but both parties had to agree to it prior to a marriage. A wife could oppose further marriages by her husband if she provided evidence that he had abandoned her and her children. Either spouse could petition for divorce, and the law provides that custody of a child be granted to either parent, based on the child's best interests. Since 2007 women can serve in the military; however, women represented approximately 45 percent of the general workforce and were primarily concentrated in lower paying positions. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, traditional law denied women the right to own property, particularly real estate. In rural areas land belonged to the family of a woman's husband. Many citizens, particularly in rural areas, clung to tradi-

tional beliefs that did not recognize inheritance rights for women and regarded a woman as property that can be inherited upon her husband's death.

The Government continued media campaigns to change attitudes toward women, but progress has been slow. The Ministry for Women's Promotion is responsible for promoting women's rights, and the minister was a woman. During the year the Government established community banks to promote economic development of grassroots organizations, including women's groups. The banks provided micro loans to fund cereal mills, shea butter production, market gardening, animal fattening, and other small businesses.

Children.—The constitution contains provisions that nominally protect children's rights. The Government allotted approximately 99.8 billion CFA francs (\$207,000,000) to education.

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

The Government paid tuition, books, and supplies for all students under 16 years of age, although uniforms were the responsibility of the student's family. Children over 16 years old were responsible for paying all education costs unless they qualified for tuition assistance from merit and need-based programs. The overall school enrollment was approximately 72 percent for boys and 66 percent for girls.

The law prohibits the abuse of children under 15 and provides for the punishment of abusers. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$623 to \$1,868) for inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced in society, although the Government conducted seminars and education campaigns against child abuse.

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

Female Genital Mutilation (FGM) was practiced widely, especially in rural areas, and usually was performed at an early age. According to a 2006 report by the National Committee for the Fight Against Excision, up to 81 percent of women aged 25 and older, and approximately 34 percent of girls and women under 25, had undergone FGM. Perpetrators were subject to a significant fine and imprisonment of six months to three years, or up to 10 years if the victim died. During the year security forces and social workers from the Ministry of Social Action arrested several FGM practitioners and their accomplices. In accordance with the law, they were sentenced to prison.

As part of the Government's campaign against FGM in West Africa, the first ladies of Burkina Faso and Niger presided over an October 14–15 meeting on FGM in Ouagadougou. Noting that girls were often taken across national borders to countries where excision is legal or law enforcement is weak, participants called on governments to coordinate and enforce national laws against FGM.

Several NGOs believed that child marriage was a problem, primarily in rural areas; however, there were no reliable statistics. The legal age for marriage is 17. The law prohibits forced marriage and prescribes penalties of six months to two years in prison. The prison term may be increased to three years if the victim is under 13 years of age; however, there were no reports of prosecutions of violators.

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

There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after travelling from rural areas to find employment in the city or after their parents had sent them to the city to study with a Koranic teacher or live with relatives and go to school. At least one NGO assisted street children. Two directorates within the Ministry of Social Action also ran educational programs, including vocational training, for street children, funded income-generating activities, and assisted in the reintegration and rehabilitation of street children. Nevertheless, the number of street children far outstripped the capacity of these institutions.

Trafficking in Persons.—On May 15, the Government passed a new antitrafficking law that punishes trafficking in adults as well as children for sexual, labor, and other related practices; the 2003 law applied to traffickers of children only. The new law increases maximum prison terms for traffickers from five to 10 years and allows terms as high as 20 years or life imprisonment under certain conditions. The law

also prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence.

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

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

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling, and medical care. Organized child trafficking networks existed throughout the country and cooperated with regional smuggling rings; authorities dismantled two networks during the reporting period. Village vigilance committees and public awareness campaigns contributed to successful efforts by the Ministry of Social Action and security forces in the dismantling of these networks.

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

According to the 2008 report by the Office for the Protection of Infants and Adolescents, security forces between January and July intercepted 203 trafficked children, 161 of whom were boys; 114 children were destined for international trafficking. Seven child traffickers were arrested; three were cleared of all charges and released, and four were awaiting trial at year's end. The four remaining Nigerian nationals who remained in detention on 2007 trafficking charges received suspended prison terms of six months.

The Ministry of Social Action and National Solidarity and the Ministry of Labor and Social Security were responsible for enforcing trafficking and child labor laws and regulations; however, the Government had limited resources to combat trafficking. In April 2007 the Council of Ministers adopted a national plan of action to combat trafficking. It included elements such as prevention, protection, feeding and care of victims, rehabilitation, social and economic reintegration of victims, prosecution, strengthening of the institutional and legal framework, advocacy, follow-up, and evaluation.

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

The Government worked with international donors and the International Labor Organization to address child trafficking, in part by organizing seminars on child trafficking for customs officers. During the year security services and civil society groups organized similar workshops and seminars. The Government also organized several training sessions for watch committee members. Over several years, the Government has established 142 watch committees in 12 of the 13 regions in which child trafficking and child labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, gendarmerie, magistrates, NGOs, and social welfare agencies. The Government also worked with international and domestic NGOs in the fight against trafficking.

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

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

Persons With Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the

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

Programs to aid persons with disabilities were limited. During the year the National Committee for the Reintegration of Persons with Disabilities implemented reintegration programs and capacity building programs to better manage income generating activities; the committee also conducted sensitizing campaigns.

National/Ethnic/Racial Minorities.—Incidents of discrimination occurred involving cattle farmers of the Fulani ethnic group and farmers of other ethnic groups. Such incidents were fueled by the scarcity of grazing lands and because Fulani herders allowed their cattle to graze on others' farming lands.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals and persons with HIV/AIDS was a problem. Persons who tested positive for HIV/AIDS were sometimes shunned by their families, and HIV/AIDS-positive wives were sometimes evicted from their homes. Some landlords refused to rent lodgings to persons with HIV/AIDS. However, persons with HIV/AIDS were generally not discriminated against in employment practices or the workplace.

Religious and traditional beliefs did not tolerate homosexuality, and homosexuals were at times victims of verbal and physical abuse. There were no reports that the Government responded to societal violence and discrimination against homosexuals.

Section 6. Worker Rights

a. The Right of Association.—The laws allow workers to form and join independent unions of their choice without previous authorization and excessive requirements; however, "essential" workers such as police, army, and other security personnel could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture and did not belong to unions. Of the remainder, an estimated 25 percent of private sector employees and 60 percent of public sector workers were union members. The law allows unions to conduct their activities without interference, and the Government respected this right.

The law provides for the right to strike; however, the law provides a very narrow definition of this right. Magistrates, police, military personnel, and gendarmes do not have the right to strike.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain directly with employers and industry associations for wages and other benefits. There was extensive collective bargaining in the modern wage sector; however, this sector included only a small percentage of workers.

Antiunion discrimination occurred.

There are no export processing zones.

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

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

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

Punishment for violating child labor laws included prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,245).

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

e. Acceptable Conditions of Work.—The law mandates a minimum monthly wage of approximately 30,684 CFA francs (\$64) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations. The minimum wage did not provide a decent standard of living for a worker and family. Employers often paid less than the minimum wage. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Ministry of Labor and Social Security was responsible for enforcing the minimum wage.

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

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

BURUNDI

Burundi is a constitutional republic with an elected government and a population of 8.3 million. In 2005, following local and parliamentary elections, the country's two houses of parliament indirectly elected as President Pierre Nkurunziza, a member of the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) political party. International observers reported that the elections, which ended a four-year transitional process under the Arusha Peace and Reconciliation Agreement, were generally free and fair. Although the CNDD-FDD party dominated parliament and the Government, other major parties, notably the Burundian Front for Democracy (FRODEBU) and the Union for National Progress, were also represented. On April 17, members of the rebel group PALIPEHUTU-FNL (FNL) attacked several military positions around Bujumbura. Subsequent clashes between government forces and rebel combatants resulted in more than 100 dead before a cease-fire was signed at the end of May. More than 2,000 rebels subsequently relocated to a government assembly area awaiting integration into the security forces or demobilization. At year's end an additional 3,000 to 18,000 combatants remained in the bush as rebel leaders and government authorities negotiated the details of the agreement. While civilian authorities generally maintained effective control of security forces, there were instances when elements of the security forces acted independently.

The Government's human rights record remained poor; government security forces continued to commit numerous serious human rights abuses. Members of the army (FDN), the police, and the National Intelligence Service (SNR) were responsible for killings, torture, and beatings of civilians and detainees (including suspected FNL supporters), although there were fewer such reports than in the previous year. There were reports that security forces raped women and girls. Impunity and harsh, life-threatening prison and detention center conditions remained problems, and reports of arbitrary arrest and detention continued. Prolonged pretrial detention, lack of judicial independence and efficiency, and judicial corruption continued. While government security forces, especially the FDN, took some steps to prosecute the perpetrators of human rights abuses, most individuals acted with impunity. The Government continued to hold some political prisoners and political detainees. It restricted freedom of assembly and association, especially for political parties, and did not tolerate direct criticism of the president. Security forces continued to harass members of the opposition. Domestic and sexual violence and discrimination against women remained problems. A large number of weapons circulated throughout the general population, and many violent incidents and killings were considered the result of vigilante abuse and personal score-settling.

Despite the cease-fire, abuses by the FNL against civilians continued and occurred primarily in the FNL traditional strongholds of Bujumbura Rural, and the northern provinces of Bubanza, Cibitoke, Muramvya, and Kayanza. These abuses included killings, kidnappings, rapes, theft, extortion, and the use of forced labor.

RESPECT FOR HUMAN RIGHTS

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

Arbitrary or Unlawful Deprivation of Life.—The UN reported that security forces killed 57 civilians, compared with 20 in the previous year. The human rights organization Ligue Iteka reported widespread killings of civilians by security forces after rebel attacks or for suspected collaboration with rebel forces. FNL rebels killed numerous persons during the year and committed other serious abuses against the civilian population. Ligue Iteka further claimed that authorities failed to investigate these incidents or identify the killers (*See* Section 1.g.). Given the high numbers of arms circulating in the population and general lawlessness in many areas, a large number of killings could be attributed to vigilante abuse or the settling of personal scores.

There were continuing reports of deaths and injuries caused by unknown persons using grenades and mortars, some allegedly involving security force personnel.

There were no reported deaths as a result of unexploded ordnance or landmines laid in previous years by government or rebel combatants.

There were reports of killings, usually perpetrated by unknown persons, of individuals accused of sorcery, as well as killings of persons with albinism for body parts allegedly used in witchcraft. The killing of persons with albinism in particular appeared to be driven by a demand for body parts in neighboring Tanzania.

On July 23, an unidentified man strangled and ritually mutilated a 14-year-old girl by removing her front teeth in Muyinga Province. A mob then burned the man alive.

On September 10, 11 local youths killed and burned four persons accused of sorcery. Police arrested the youths amid protests from local inhabitants; by year's end none of the accused had been tried.

On September 10, also in Ruyigi, unidentified assailants killed and mutilated a girl with albinism and then cut off her hands and feet. Police investigation had produced no arrests by year's end.

On September 30, unknown attackers killed and cut off the arms and legs of a man with albinism in Ruyigi. Police investigation had produced no arrests by year's end.

On November 16, a six-year-old girl with albinism was killed in Ruyigi and her head and limbs removed. Armed attackers broke into the family's home and tied up the girl's parents before shooting her in the head. Police investigation had produced no arrests by year's end.

Despite a 2006 announcement by the president that local authorities would be held accountable for such killings, the perpetrators were rarely identified or prosecuted. On October 6, however, local police arrested and detained two persons in Gihogazi, Karuzi Province, for allegedly trafficking body parts of persons with albinism to Tanzania.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances. The Association for the Protection of Human Rights and Detained Persons (APRODH) reported that 64 detainees were missing from detention facilities during the year and that the 10 detainees missing from detention facilities in 2006 had all been killed. At year's end the authorities had not investigated these killings.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, the UN, Human Rights Watch (HRW), and domestic nongovernmental organizations (NGOs) Ligue Iteka and APRODH reported that members of the security forces beat and tortured civilians and detainees. In September the police commissioner of Bubanza Province tortured a man detained in the Bubanza Provincial Jail following a heated argument over an unknown matter. Authorities later confirmed that the commissioner used his belt and truncheon to inflict severe pain on prisoners; however, no action was taken against him.

There were no developments in the August 2007 shooting into an unruly crowd by a drunken policeman in Bururi Province.

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

During the year the soldiers accused of the 2007 rape of two women and a minor in separate incidents in Bujumbura Rural, Makamba, and Muyinga provinces were each sentenced to 20 years' imprisonment.

Prison and Detention Center Conditions.—Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted, and in August APRODH reported that 9,613 persons were held in 11 facilities built to accommodate a total of 4,050. According to government officials and human rights observers, prisoners suffered from digestive illnesses and malaria, and some died as a result of disease. APRODH reported 57 cases of torture and abuse of prisoners and detainees, as well as arbitrary and prolonged detentions, in Rumonge Prison in Bururi Province. For example, 59 percent of prisoners were "preventive detainees" held without charge.

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

Detention centers and communal lockups were severely overcrowded, and conditions were generally worse than prison conditions. APRODH stated there were numerous unofficial reports of prisoner abuse. Proper sanitation and medical care were limited or nonexistent. There were 400 communal lockups where those arrested were to be held for no longer than one week; in practice detainees were regularly kept in these facilities for much longer periods, ranging from a few weeks to several months.

According to the Ministry of Justice, there were 489 children in prisons, including 82 infants accompanying their convicted mothers. Juvenile prisoners were held with and often treated as adults. Political prisoners often were held with convicted criminals. Persons being detained before their trials were held in communal lockups, but some were also incarcerated with convicted prisoners. In detention centers and communal lockups, minors were not always separated from adult detainees.

During the year the Government permitted some visits by international and local human rights monitors, including the ICRC, and the visits took place in accordance with standard modalities.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, but security forces arrested and detained persons arbitrarily, including journalists and labor union leaders.

Role of the Police and Security Apparatus.—The national police are responsible for internal security, but the FDN may assume such responsibilities in time of war. The police deal with criminal matters, and the FDN fulfills external security and counterinsurgency roles. In practice the FDN also arrests and detains suspects. The Ministry of Defense oversees the FDN, and the Ministry of Public Security oversees the national police. The SNR is a special police agency that reports directly to the president. The SNR gathers intelligence and has the authority to arrest and interrogate suspects.

Members of the security forces were poorly trained. Corruption, disregard for limits on detention, and torture and mistreatment of prisoners and detainees remained problems. An internal affairs unit within the police force investigated crimes committed by police. The United Nations Mission in Burundi (BINUB) and various NGOs provided human rights training to police. Impunity and lack of accountability for members of the security forces who committed serious human rights abuses remained key problems.

Arrest and Detention.—The law requires arrest warrants in most cases, and presiding magistrates are authorized to issue them. Police and the FDN can make arrests without a warrant but are required to submit a written report to a magistrate within 48 hours. However, police rarely respected these provisions in practice. Police routinely violated a requirement that detainees be charged and appear in court within seven days of arrest. A magistrate can order the release of suspects or confirm charges and continue detention, initially for seven days, then subsequently for one additional period of seven days as necessary to prepare the case for trial. Magistrates also ignored this requirement and detained suspects 10 days or longer. Police are authorized to release suspects on bail, but this provision was rarely exercised. Police regularly detained suspects for extended periods without announcing charges, certifying the detention before a judge, or advising the Ministry of Justice within 48 hours as required. Suspects are permitted lawyers at their own expense in criminal cases, but the law does not require, and the Government did not provide,

attorneys for indigents at government expense. The law prohibits incommunicado detention, but numerous credible sources reported that it occurred. Authorities on occasion denied prisoners prompt access to family members.

Security forces arbitrarily detained journalists and labor union leaders. In September both journalist Jean-Claude Kavumbago (*See* Section 2.a.) and the vice president of the Justice Ministry's administrative workers union, Juvenal Rududura (*See* Section 6), were arrested; both were being held without trial at year's end.

According to the Ministry of Justice, 9,613 persons were in prison as of September, more than 6,400 of whom had not been tried. Lengthy jail procedures, a large backlog of pending cases, judicial inefficiency, corruption, and financial constraints often caused trial delays. Irregularities in the detention of individuals, including holding them beyond the statutory limit, continued. Human rights NGOs and others lobbied the Government unsuccessfully for the release of prisoners who were held for long periods of time without charge.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the judiciary was not independent of the executive branch, was inefficient, and was hampered in some cases by corruption. According to UN officials, political interference seriously impeded the judiciary's impartiality.

The judicial system consists of civil and criminal courts with the Supreme Court and Constitutional Court at the apex. In all cases involving constitutional matters, the Constitutional Court has the ultimate appellate authority, while the ultimate authority in all other cases rests with the Supreme Court.

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

The Government officially recognizes the traditional system of community arbitration known as "abashingantahe," which functions under the guidance of community members recognized for their conflict resolution skills. A "mushingantahe," or community mediator, recognized by the community and presides over deliberations; no lawyers are involved. The opinion of a mushingantahe often is necessary before access is granted to the formal civil court system. The abashingantahe system is limited to civil and minor criminal matters and exercises no jurisdiction over serious criminal matters. In previous years some members of the ruling CNDD-FDD party, with a predominately Hutu membership, looked unfavorably on the institution of the abashingantahe because some Hutus perceived it to be a tool of Tutsi domination. Nonetheless, President Nkurunziza met with leaders of the abashingantahe and spoke publicly and favorably about the institution.

A perception that Tutsis dominated the judiciary, making it ethnically biased, began to change. During the last three years, the president appointed Hutu judges as chief justice of the Supreme Court, president of the Constitutional Court (both women), and prosecutor general.

Trial Procedures.—All trials are publicly conducted by panels of judges, with the exception of capital punishment cases, which are decided by a seven-person panel of four citizens and three magistrate judges. In theory, defendants are presumed innocent and have a right to counsel but not at the Government's expense, even in cases involving serious criminal charges. Defendants have a right to defend themselves, which includes the right to question the prosecution's witnesses, call their own witnesses, and examine evidence introduced in their cases. However, few defendants had legal representation because few could afford the services of one of 90 registered lawyers in the country. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources.

All defendants, except those in military courts, have the right to appeal their cases up to the Supreme Court, and in capital cases, to the president for clemency. In practice the inefficiency of the court system extended the appeals process for long periods and in some cases allegedly for more than a year. This effectively limited the possibility of appeals, even by defendants accused of the most serious crimes.

Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. Military trials, like civilian trials, generally failed to meet internationally accepted standards for fairness. The Government does not provide military defendants with attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges.

Military trials generally are open to the public but can be closed for compelling reasons, including for national security or when publicity can harm the victim or a third party, such as in cases involving rape or child abuse. Defendants in military courts are allowed only one appeal.

Political Prisoners and Detainees.—The incarceration of political prisoners and detainees remained a problem. According to APRODH, at year's end there were an estimated 200 political prisoners, most considered to be FNL rebels.

On November 3, journalist and political activist Alexis Sinduhije was arrested at the Bujumbura headquarters of his newly formed Movement for Security and Democracy (MSD), a political party unrecognized by the Government. Sinduhije was subsequently charged with insulting President Nkurunziza, based on comments allegedly found in Sinduhije's personal papers concerning Nkurunziza's policies and religious orientation. Sinduhije appeared before Bujumbura's provincial tribunal on November 28, where he questioned the competence of two judges, prompting the court to delay ruling on his case. He remained in detention at year's end.

In April 2007 police arrested CNDD-FDD party chairman Hussein Radjabu and charged him with "intent to disrupt national security through an armed rebellion." On April 3, Radjabu was sentenced to 13 years in prison; two of his co-detainees were sentenced to 10 years each. Radjabu's appeal was pending at year's end.

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

Civil Judicial Procedures and Remedies.—The judiciary was neither independent nor impartial. Media reports alleged that the judiciary included many individuals beholden to the Government. The execution of court decisions, including payment of damages, could be slow, sometimes taking years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law provide for the right to privacy, but the Government did not always respect this right in practice. Authorities rarely respected the law requiring search warrants. Sources in the media and civil society believed that security forces monitored telephone calls.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Despite the 2006 cease-fire agreement, in April FNL forces conducted sporadic mortar and rocket assaults on Bujumbura over the course of several days, leading to a government counterassault that quickly overran FNL positions outside the city. Although many persons in the areas surrounding Bujumbura temporarily fled their homes, there were no reported civilian casualties; approximately 100 combatants were killed. Peace talks between the Government and the FNL resumed in May, and there were no reports of other major clashes at year's end. An estimated 250,000 persons, mostly civilians, have been killed in conflict-related violence since 1993, primarily before the 2006 cease-fire.

Killings.—According to the UN, during the year security forces killed 57 civilians, as compared with 20 such killings in 2007; 30 of these were killed by the FDN, 25 by the police, and two by the SNR.

On June 22, three soldiers used grenades during an attempted home invasion in Bubanza Province, injuring one soldier and killing a civilian. At year's end no arrests had been made for the attack.

During the week of June 22, two persons were killed in Ruyigi Province by a grenade thrown by someone in military uniform and believed to be a soldier. At year's end no arrests had been made.

On August 23, a grenade thrown at a wedding party killed 19 persons and injured 60. At year's end no arrests had been made.

On or about August 12, a policeman killed a woman in Rumonge for allegedly refusing to sleep with officers at a nearby police post. Two policemen were arrested but had not been tried at year's end.

On September 25, the director general of sports and leisure at the Ministry of Sports, Youth, and Culture was killed in a grenade attack outside his home in Musaga, Bujumbura. At year's end no arrests had been made.

No action was taken in the September 2007 killing of a truck driver by an intelligence agent.

In June the Military Court ruled that it was not competent to judge 24 suspects accused of the 2006 killings of 31 persons last seen alive in military custody in Muyinga Province. Their bodies were found in a river. In September the court reversed its position, and the trial began in October. However, the primary defendant, Colonel Vital Bangirina, allegedly fled the country early in the year. On October 23, the court condemned Bangirina (in absentia) to death, sentenced three other soldiers to life imprisonment, sentenced five members of the military convoy that

took part in the massacre to 10 years' imprisonment each, and sentenced three of the convoy's drivers to two years' confinement each.

Rebel forces were implicated in numerous killings during the year, but as demobilization of FNL forces continued and common banditry increased, it was often impossible to distinguish between former FNL combatants and common criminals.

The media and security forces often blamed the FNL for repeated ambushes of travelers on the main roads into and out of Bujumbura; again, it was not always possible to distinguish between FNL members and common criminals. Frequently these crimes were perpetrated by demobilized soldiers who were unable to find employment after military service.

Abductions.—There were no reports that government agents or rebel forces abducted persons during the year.

Physical Abuse, Punishment, and Torture.—During the year security force abuse occurred, and FNL rebel combatants continued to commit numerous serious abuses against the civilian population, including torture, rape, and the looting and burning of houses, principally in Bujumbura Rural Province and the western provinces of Cibitoke and Bubanza.

On June 22, in Gihanga, Bubanza Province, several soldiers attempted to rob a home; when the occupants protested, the soldiers reportedly panicked and detonated three grenades. A local chief stated he would investigate, but no action had been taken by year's end.

On June 24, in Ngozi Province, a policeman shot and killed a civilian in a bar. He was arrested but had not been tried by year's end. The local population petitioned authorities to forbid police from bringing weapons into drinking places.

On July 6, in Muhuta, Bujumbura Rural Province, FNL rebels reportedly killed the head of a family and looted his house.

On July 8, a large number of armed FNL rebels moved into Isale, Bujumbura Rural Province, looting houses, burning fields, and killing livestock; local media documented the destruction. No arrests were made following these incidents.

Although there were no credible reports of government forces or the FNL using torture or rape as a tactic of war, according to APRODH 140 cases of rape were reported during the first half of the year, many allegedly committed by security forces and FNL members.

The UN recorded 36 rapes committed by security forces during the year.

On July 1, an FDN soldier raped a woman in Busoni, Kirundo Province. No one was arrested or charged for this incident by year's end.

On February 13, FNL former combatants at a cantonment camp in Randa, Bubanza Province, raped a 16-year-old girl. At year's end no one had been charged.

On April 14, an unknown person raped a nine-year-old girl at a camp for displaced persons in Buhiga, Karuzi Province. At year's end no one had been charged.

Child Soldiers.—Under the law the minimum age for military recruitment is 16, although the Government maintained that no one under 18 was recruited. Through year's end a multiyear project sponsored by the Government and the UN Children's Fund (UNICEF) demobilized approximately 3,600 child soldiers from the Government security forces as well as from former rebel groups. According to UNICEF, security forces no longer used children as soldiers for combat.

According to the Ministry of Defense, soldiers using children to perform menial tasks were subject to punishment and dismissal. There were no credible reports of such abuses during the year.

Ligue Iteka reported that the FNL stopped recruiting children into their ranks following the return of FNL leadership to Bujumbura and the resumption of peace talks in May. However, an HRW representative stated that the FNL were thought to retain approximately 50 children who were being used primarily as menial laborers. In addition, there were unsubstantiated but widespread reports that the FNL started recruiting children when peace talks stalled, apparently so they could claim more members and improve their negotiating position. The new "recruits" were apparently being used as bargaining chips, not as laborers or active combatants. With the assistance of the World Bank's National Demobilization, Disarmament, and Reintegration project, most child soldiers identified prior to May were demobilized, and many returned to their families or were placed in schools.

Although there was no forcible displacement of civilians by government agents, the FDN-FNL clashes in April caused thousands to temporarily flee their homes, especially in Bujumbura Rural, Bubanza, and Cibitoke provinces. They returned to their homes once hostilities ceased.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government continued to restrict these freedoms. The Government does not tolerate public criticism, particularly the dissemination of insults directed at the president and other high-level public officials in the media or at public gatherings. Although legislation regulating political gatherings was repealed, opposition meetings continued to be largely monitored by the Government.

Unlike in the previous year, there were no reports that the Government used direct censorship or forced media outlets to suspend operations; however, the National Communications Council, a presidentially nominated media regulatory commission, threatened a major radio outlet, the Africa Public Radio (RPA), with closure unless the radio recanted several news stories criticizing government authorities that the Government claimed were lies.

Journalists continue to exercise self-censorship, and direct criticism of the president was not tolerated.

The Government controlled several major media outlets, including *Le Renouveau*, the only daily newspaper, as well as the widely viewed National Radio and Television of Burundi. There were also two private television stations.

There were eight private weekly publications and 11 private Internet and fax-based news sheets. Print runs by independent publications were small, and readership was limited by low literacy levels. Newspaper circulation was generally limited to urban centers. Ownership of private newspapers was concentrated in the capital, but there was a wide range of political opinion expressed.

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

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

On February 14, Eric Manirakiza and Emmanuel Nsabimana of RPA were charged with defamation for broadcasting that the president's chief of cabinet met with demobilized combatants to discuss creation of a militia to threaten opposition groups. Although the defendants were not imprisoned, they were awaiting a court date to answer the charges at year's end.

On September 11, Chief Editor Jean-Claude Kavumbagu of Net Press, a daily Internet newspaper, was arrested and charged with defamation and disseminating false information for an article questioning the cost of President Nkurunziza's trip to attend the Beijing Olympics opening ceremonies. On September 23, Kavumbagu appeared before the court and at year's end was awaiting a trial date.

On September 15, Juvenal Rududura, the vice president of a judicial trade union, was arrested for allegedly making false statements implying government corruption in the recruitment of judges.

Journalists Serge Nibizi and Domitile Kiramvu of RPA, Corneille Nibaruta of Bonesha FM, and Mathias Manirakiza of Radio Isanganiro were exonerated of the 2006 charge of defaming the president. The Government's appeal of their 2006 acquittal was denied on April 30.

Media outlets continued to complain about licensing fees, which some said were an unnecessarily heavy financial burden.

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

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

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution and law provide for freedom of assembly; however, the Government at times restricted this right.

On February 20, the governor of Kanyanza suspended a meeting of the opposition FRODEBU party in the commune of Gatarara.

On April 12, local police suspended a press conference held by Alexis Sinduhije, former director of the African Public Radio and president of the unrecognized political party MSD. By year's end the MSD had not been granted political party status by the Ministry of Interior for allegedly not fulfilling registration requirements. The MSD claimed its registration file was complete and accurate.

An October presidential decree required all political parties to obtain government permission to assemble. Authorities had the right to send security forces and a representative "to ensure the freedom and security of the meeting" and assure the good behavior of the participants. Early morning or evening meetings were also disallowed. After numerous protests by local political parties and international actors, the Government rescinded the decree and began to require only that political parties notify local authorities before they assemble.

Freedom of Association.—The constitution provides for freedom of association; however, the Government sometimes restricted this right in practice. Registration was required for private organizations and political parties. Although a number of political parties had successfully registered in advance of 2010 elections, at year's end the Ministry of Interior had not accepted the MSD, purportedly because of Sinduhije's popularity and perceived threat to the ruling party's success in the upcoming elections.

Private organizations were required to present their articles of association to the Ministry of Interior for approval. There were no reports that the Government failed to complete the approval process for private organizations whose purposes the Government opposed.

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

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

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

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government sometimes restricted these rights in practice. The Government continued to restrict movement into and out of Bujumbura at night. Citizens' movements were restricted by government checkpoints and the threat of violence by members of the FNL.

The law does not provide for forced exile, and the Government did not use this tactic; however, many persons remained in self-imposed exile.

In 2005 the Governments of Rwanda and Burundi signed an agreement with the UN High Commissioner for Refugees (UNHCR) on the voluntary repatriation of approximately 4,489 Burundian refugees from Rwanda. An estimated 1,869 had voluntarily returned, and approximately 2,620 remained in Rwanda.

During the year the UNHCR facilitated the voluntary repatriation of approximately 95,000 Burundian refugees who had previously fled to neighboring countries, primarily Tanzania, bringing the total to nearly 474,000 since 2002. The repatriates, who returned mostly to the southern and eastern provinces, often found their land occupied. Poor living conditions and a lack of food and shelter were problems for returnees. At year's end six temporary accommodation centers for returnees were under construction in Rutana and Bururi provinces, and six more were planned for the southern provinces. Each center was expected to provide temporary shelter for 42 families whose land has been occupied. The centers were being built in major areas of origin of the former 1972 refugees in order to allow them to participate in the resolution of their land conflicts.

The UNHCR and the National Commission for Rehabilitation of War Victims assisted in the resettlement and reintegration of refugees and internally displaced persons (IDPs).

Internally Displaced Persons.—Despite improved security, an estimated 100,000 IDPs remained in settlements throughout the country. According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), most of the IDPs were living at 160 sites, the majority in Kayanza, Ngozi, Kirundo, Muyinga, and Gitega provinces.

On August 19, a number of IDPs were beaten violently by police in an attempt to move them from land given to them by former president Buyoya but redistributed by the current government to others. Almost 600 families were evicted forcibly. The Government took no action against police brutality.

According to UNOCHA, 91 percent of IDPs were able to participate in agricultural activities, and of these, 78 percent had access to their original lands. In the south and east, 18 percent of IDPs were former refugees.

Protection of Refugees.—The law provides for granting refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The country was also a party to the Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa. According to the UNHCR, at year's end the Government had granted refugee status and asylum to more than 28,000 persons. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The UNHCR reported that the Government fulfilled all of its obligations to provide asylum and refugee protections and cooperated with international organizations involved in refugee issues.

As of December, according to the UNHCR, there were approximately 28,000 Congolese refugees and 305 Rwandan asylum seekers in Burundi. Of the Congolese, more than 16,000 were sheltered in three UNHCR-run refugee camps: Gihinga in Mwaro Province, Gasorwe in Muyinga, and Gihar in Rutana. The remainder were integrated into urban centers.

In 2006 the Government appointed a National Commission for Land and Other Goods to resolve land and property disputes resulting from the return of approximately 474,000 Burundian refugees since 2002, including some who had been in exile in Tanzania since 1972. In addressing the increasing number of land disputes, the country relied on a mixture of customary law and legislation, but few citizens were aware of their legal rights, and most remained too poor to afford legal representation. At year's end the commission had resolved a small number of land disputes in the southern provinces of Makamba and Bururi; however, the organization's success was limited by questions concerning its jurisdiction to resolve many local conflicts.

During the year a number of killings and other crimes were attributed to land conflicts, primarily in the provinces of Ruyigi, Muyinga, and Bururi. For example, on August 23, a man launched a grenade during his half-brother's wedding ceremony in the province of Gitega due to an internecine land conflict, killing 10 persons and injuring 48. The assailant was arrested and was in prison at year's end.

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

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

Elections and Political Participation.—In 2005 through an indirect ballot, citizens chose their first democratically elected president in more than 12 years, marking the end of the four-year transition under the Arusha Peace and Reconciliation Agreement. The legislature elected sole candidate Pierre Nkurunziza of the CNDD-FDD, and he was sworn in as president in August 2005.

President Nkurunziza's election followed communal and legislative elections earlier the same year, which independent electoral observers judged to be generally free and fair, although the campaign prior to the National Assembly elections was tense and significantly marred by violence and intimidation.

In June the ruling CNDD-FDD party dismissed 22 dissident National Assembly parliamentarians who had aligned themselves with jailed former CNDD-FDD president Hussein Radjabu, creating a split in the party. In concert with the opposition parties, the 22 were able to stymie efforts by National Assembly leadership to carry out its legislative agenda. The 22 were classified as "independents" and dismissed in accordance with the constitution for failing to garner "at least 2 percent of the popular vote." The Constitutional Court ruled the dismissals legal, but HRW and the International Interparliamentary Union questioned the decision.

On March 8, tensions among political parties increased after grenades were thrown at four opposition politicians' homes. No one was killed in the attacks. The four were part of a group of 46 parliamentarians who addressed a letter February 22 to the UN Secretary-General accusing the ruling party of "persecution, arbitrary arrests, extrajudicial executions, and assassination" of its opponents. By year's end no one had been charged in the attacks.

The constitution reserves 30 percent of National Assembly, Senate, and ministerial positions for women. There were 37 women in the 118-seat National Assembly and 17 women in the 49-seat Senate; women held eight of 24 ministerial seats.

The law imposes ethnic quotas, requiring that 60 percent of the seats in the National Assembly be filled by Hutus, the majority ethnic group in the country, and 40 percent by Tutsis, who constitute an estimated 15 percent of the citizenry. The Batwa ethnic group, which makes up less than 1 percent of the population, is entitled to three seats in the Senate. Additionally, military positions were divided equally between Hutus and Tutsis. The Government fulfilled this mandate.

Government Corruption and Transparency.—The law provides criminal penalties for corruption; however, the Government did not implement these laws effectively. Widespread corruption in the public and private sectors and a culture of impunity remained problems. Several respected private sector representatives and trade association officials reported that corruption remained a major impediment to commercial and economic development. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a severe problem. In July local NGO Observatory for the Struggle against Economic Corruption and Embezzlement (OLUCOME) estimated the state had lost 233 billion Burundian francs (approximately \$200 million) to corruption and embezzlement since 2000.

Several civil society and media groups, including OLUCOME, expressed concern over a mid-year budget review indicating a presidential request for a 2.4 billion Burundian franc (approximately \$2 million) "development fund." They speculated that the funds would be used in support of the president's reelection campaign.

A parliamentary commission established to investigate irregularities in the 2006 sale of the Government-owned presidential jet reported in August on its findings. The report has not been released but reportedly cited several former high-level leaders in the ruling party and the president's office as complicit in the sale.

Former central bank governor Issac Bizimana has been in jail since August 2007 for illegal transfer of government funds to a private company, Interpetrol, but had not been formally charged by year's end. On October 16, the prosecutor stated that the case had not advanced because authorities could not locate codefendant and former minister of finance Denise Sinankwa. After Interpetrol was excluded for several months from doing business in the country, in late September its president was included in President Nkurunziza's delegation seeking business opportunities in Sweden.

The law requires financial disclosure by government officials, but it was not implemented in practice.

The minister of good governance, an Anti-Corruption Brigade, and the state inspector general are all responsible for combating government corruption. The brigade has the authority to act on its own initiative to identify offenders and refer them to the Anti-Corruption Court. During the year the brigade investigated 66 cases and recovered 113 million Burundian francs (approximately \$940,000).

The law does not provide for access to government information, and in practice information was difficult to obtain. The law does not allow the media to broadcast or publish information in certain cases relating to national defense, state security, or secret judicial inquiries. Human rights observers criticized the law for its poorly defined restrictions on the right to access and disseminate information.

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

A large number of local and international human rights groups generally operated without government restrictions. Unlike in previous years, human rights observers generally were allowed to visit government facilities such as military bases and prisons run by the SNR. Government officials were somewhat cooperative and responsive to their views. Prominent local human rights group Ligue Iteka continued to operate and publish a newsletter documenting human rights abuses by security forces. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs were more susceptible to pressure from authorities. In August a ruling party spokesman accused many NGOs of being proxies for different political parties.

While security forces did not arrest any human rights workers, several members of Ligue Iteka were forced to testify in a case brought against African Public Radio by a high-ranking member of the president's office. Ligue Iteka claimed that the prosecutor intended to intimidate the organization's workers and prevent them from documenting and publicizing government human rights abuses.

Although several international NGOs expressed frustration at the formidable bureaucratic hurdles they often faced when registering with government offices, gov-

ernmental attitudes towards international human rights and humanitarian NGOs remained generally favorable.

The Government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations such as the ICRC.

In August the UN Independent Expert on Human Rights visited and issued a critical report on the state of human rights. The expert mission was expected to continue until a National Human Rights Commission had been established. There was no human rights ombudsman.

In August the Government of Rwanda accused 670 Burundi nationals of having been participants in Rwanda's 1994 genocide; however, by year's end the International Criminal Tribunal for Rwanda had not summoned any Burundians to the International Court.

Despite the adoption of several preliminary steps by the Government and the UN, a national Truth and Reconciliation Commission (TRC) designed to bring to justice persons responsible for genocide, crimes against humanity, and war crimes committed in the country since it gained its independence in 1962 had not been established. Instead, in October the Government and the UN began "Popular Consultations on Transitional Justice" to gauge the population's desire for a TRC.

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

The constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, disability, language, or social status; however, the Government failed to implement these provisions effectively, and discrimination and societal abuses continued.

Women.—The law prohibits rape, which is punishable by up to 20 years' imprisonment, but does not specifically prohibit spousal rape. According to a local NGO, the Association for the Defense of Women's Rights, 3,017 cases of rape and domestic violence were reported to their group during the year. The NGO Doctors without Borders (MSF) received an average of 115 victims each month at its center for rape victims in Bujumbura; however, the MSF said the number of rapes was likely much higher. In 2007 the MSF reported 1,435 cases of sexual violence against children less than five years of age. According to BINUB approximately 65 percent of reported rapes were of children ages 17 years and under. The UN Development Fund for Women reported that many rapes of minors were committed with the belief that they would prevent or cure sexually transmitted diseases, including HIV/AIDS. Centre Seruka, a local NGO financed in part by the MSF, reported that 3 percent of rape victims were male.

Many women were reluctant to report rape for cultural reasons, fear of reprisals, and unavailability of medical care. According to a 2007 report by Amnesty International, only 10 to 15 percent of reported rape victims actually initiated legal proceedings. Men often abandoned their wives following acts of rape, and women and girls were ostracized. Some police and magistrates reportedly ridiculed and humiliated women who said they were raped and required that victims provide food for and pay the costs of incarceration of those they accused of rape. Many of those who sought judicial redress faced the weaknesses of the judicial system, including judges who did not regard rape as a serious crime and a lack of medical facilities to gather medical evidence. According to the report, sometimes victims were forced to withdraw their complaints and enter into negotiated settlements with the perpetrator or his family outside of the formal judicial system. There were cases where the victims were forced by their families and local arbiters to marry their attackers. In the limited number of cases that were investigated, successful prosecutions of rapists were rare.

Despite increased attention to the problem, many women did not have access to appropriate health care in the immediate aftermath of a rape due to lack of adequate resources. The continuing stigma attached to the victims of sexual violence and fear of coming forward prevented many victims from accessing these limited services. Civil society and religious communities worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them. Ligue Iteka, APRODH, and BINUB continued to encourage rape victims to press charges and seek medical care, and international NGOs provided free medical care in certain areas. The Government also raised awareness of the problem through seminars and local initiatives describing the kinds of medical care available. Some local NGOs advocated that cases of rape be subject to community sanctions based upon the traditional justice system of "ubashingantahe." In addition to resolving problems such as land disputes and resettlement of refugees and displaced persons, the "ubashingantahe" actively promoted respect for human rights and the common good.

The law does not specifically prohibit domestic violence; however, persons accused of domestic violence can be tried under assault provisions. Domestic violence against women was common, although no credible statistics were available. Police occasionally arrested persons accused of domestic violence but released suspects within a few days, with no further investigation. Wives have the right to charge their husbands with physical abuse but rarely did so, although police intervened on occasion and upon request.

The media reported many instances of degrading and violent treatment of women by their husbands. These incidents included severe beatings, mutilation, and being thrown into latrines. For example, on October 12, a man in Cankuzo Province burned his wife's genitals and stabbed her in the head with a spear, allegedly for producing only female offspring. He was detained by the police. Although he had been scheduled for a number of court appearances, at year's end the assailant had not been charged.

The law prohibits prostitution and organized prostitution does not exist to any significant degree.

The law does not specifically prohibit sexual harassment, but violators can be prosecuted for similar offenses under public morality laws. There were no known prosecutions during the year.

Despite constitutional protections, women continued to face legal, economic, and societal discrimination and were often victims of discriminatory practices with regard to credit and marital property laws. By law women must receive the same pay as men for the same work, but in practice they did not. Some enterprises suspended the salaries of women while they were on paid maternity leave, and others refused medical coverage to married female employees. Women were less likely to hold mid-level or high-level positions in the workforce. There were many female-owned businesses, particularly in Bujumbura.

Several local groups worked to support women's rights, including the Collective of Women's Organizations and NGOs of Burundi, and Women United for Development.

Children.—The law provides for children's health and welfare, but the Government did not meet most of the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

The failure of the Government to record all births resulted in denial of some public services for unregistered children, as the Government requires a birth certificate for access to free public schooling and free medical care for children under five. Unmarried women and victims of rape traditionally have been less likely to register the birth of a child.

Schooling was compulsory up to age 12, and primary school was the highest level of education attained by most children. Female illiteracy remained a particular problem.

According to the latest statistics from UNICEF, 20,000 children under the age of 15 were living with HIV/AIDS and more than 120,000 children were orphaned by AIDS.

Rape of minors was a widespread problem, but other child abuse was not reported to be widespread.

The Government claimed it no longer recruited anyone under 18 years of age into the military. However, the FNL continued to recruit children into their ranks (*See* Section 1.g.).

The increasing prevalence of HIV/AIDS increased the number of orphans. The total number of children orphaned from all causes was almost 900,000, according to UNICEF.

According to the Ministry for National Solidarity, Human Rights, and Gender, there were approximately 5,000 street children in the country, many of them HIV/AIDS orphans; however, the Government was unable to provide them with adequate medical and economic support and relied on NGOs to provide such basic services.

Child prostitution existed but was not considered to be widespread.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, traffickers can be prosecuted under existing laws outlawing assault, kidnapping, rape, prostitution, slavery, and fraud, but this was not widely understood among police.

The country was a source country for internal trafficking of children for the purposes of soldiering and forced labor. While the FDN claimed it no longer recruited or used child soldiers and punished soldiers who used children to perform menial tasks, the trafficking of child soldiers by the FNL remained a problem (*See* Section 1.g.).

There were no arrests of alleged traffickers. The Ministry of National Solidarity and Human Rights, in cooperation with the Ministries of Justice and Interior, is the lead agency on trafficking. During the year the Ministry of Justice sent a team of lawyers to Lebanon to investigate the whereabouts of approximately 60 young girls who were previously trafficked to the Middle East. As a result, in Lebanon a small number of Lebanese citizens were punished for their involvement in the illegal labor scheme; however, a large-scale prosecution of suspected traffickers was not pursued by the Lebanese authorities.

The Ministry of National Solidarity and Human Rights, in conjunction with the Government's Executive Secretariat for Disarmament, Demobilization, and Reintegration, sponsored weekly radio spots to educate citizens about the perils of trafficking.

In 2005 the Government created a department within the National Police, the Brigade for the Protection of Minors, to protect children against sexual exploitation. The brigade sought to protect children against forced prostitution and helped some improve their living conditions. The brigade has conducted 10 successful prosecutions of individuals found to be abusing women and children through forced prostitution since its inception.

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

Persons With Disabilities.—The constitution prohibits discrimination against those with physical or mental disabilities, and there were no reports that the Government failed to enforce this provision regarding employment, education, or access to healthcare. However, the Government had not enacted legislation or otherwise mandated access to buildings or government services, such as education, for persons with disabilities, in part due to a lack of resources.

National/Racial/Ethnic Minorities.—Discrimination against Hutus, who constituted an estimated 85 percent of the population, occurred less frequently during the year. The constitution requires ethnic quotas for representation within the Government and in the military. Hutus significantly increased their presence and power in the Government following the 2005 elections. During the year significant improvements were made in integration of primarily Hutu former combatants into the security forces.

The minority Tutsis, particularly southern Tutsis from Bururi Province, historically have held power and continued to dominate the economy.

Indigenous People.—The Batwa, believed to be the country's earliest inhabitants, represent less than 1 percent of the population and generally remained economically, socially, and politically marginalized. However, the Government has instituted several measures to address the Batwa's traditional isolation. Each of the country's 117 administrative districts must provide free school books and health care for all Batwa children. The Government also provides small acreages, when possible, for Batwa who wish to become farmers and allocates them approximately two acres of land per family, the average sized farmstead of the country's rural poor.

Other Societal Abuses and Discrimination.—The constitution specifically outlaws discrimination against those with HIV/AIDS or other incurable illnesses. There were no reports of government-sponsored discrimination against such individuals, although some observers suggested the Government was not actively involved in preventing societal discrimination.

The constitution bans marriage between individuals of the same sex. Homosexuality is socially taboo, but overt discrimination against homosexuals was minimal. The Government took no steps to counter discrimination against homosexuals.

Section 6. Worker Rights

a. The Right of Association.—The constitution and the labor code protect the right of workers to form and join unions without previous authorization or excessive requirements, and although most workers exercised this right in practice, the armed forces and foreigners working in the public sector were prohibited from union participation. The law does not cover the rights of state employees and magistrates. The law prevents workers under the age of 18 from joining unions without the consent of their parents or guardians. According to the Confederation of Burundian Labor Unions (COSYBU), many private sector employers systematically worked to prevent the creation of trade unions, and the Government failed to protect private sector workers' rights in practice. The relationship between the COSYBU and the Government deteriorated during the year, and Ligue Iteka reported widespread discriminatory hiring practices for government jobs, based on applicants' political affiliations, despite a law prohibiting such practices.

According to the COSYBU, less than 10 percent of the formal private sector workforce was unionized, and an estimated 50 percent of the public sector was unionized. Most citizens worked in the unregulated informal economy, in which workers had little or no legal protection of their labor rights. A survey conducted by the Statistical and Economic Studies Institute showed that only 5 percent of informal sector workers had written employment contracts.

The law provides workers with a conditional right to strike but bans solidarity strikes and sets strict conditions under which a general strike may occur. All peaceful means of resolution must be exhausted prior to the strike; negotiations must continue during the action, mediated by a mutually agreed-upon party or by the Government; and six days' notice must be given to the employer and the Ministry of Labor. Before a strike can occur, the ministry must determine whether strike conditions have been met, which essentially gives it the power to veto all strikes, according to the International Trade Union Confederation (ITUC).

The labor code prohibits retribution against workers participating in a legal strike. Four committee members of the state-owned Moso Sugar Company's labor union were dismissed for organizing a peaceful strike in April.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, but the Government frequently interfered with unions and intimidated or harassed their leaders. The law also recognizes the right to collective bargaining, and it was freely practiced; however, wages are excluded from the scope of collective bargaining in the public sector and were set according to fixed scales, following consultation with unions.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both the COSYBU and the Confederation of Free Unions represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions. Civil servant unions must be registered with the Ministry of Civil Service. There were no reliable statistics on the percentage of workers covered by collective agreements.

The law prohibits antiunion discrimination; however, the Government often failed to respect this right in the public sector. During the year there were numerous instances of the Government intimidating, imprisoning, or illegally transferring union workers. For example, the leader of the state penitentiary workers' union was transferred in April to another work site for criticizing sharp increases in management salaries.

According to the ITUC, the Government often failed to protect workers in the private sector from discrimination by employers.

On September 15, the vice president of the Justice Ministry's Administrative Workers Union, Juvenal Rududura, was arrested or allegedly "lying" during a television interview in which he criticized government policies. At year's end he remained in detention without any trial.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there continued to be reports that it occurred.

There were many reports that FNL rebels forced rural populations to perform uncompensated labor, such as transporting supplies and weapons, and recruited children for labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code states that children under the age of 18 cannot be employed by an enterprise, except for the types of labor the Ministry of Labor determines to be acceptable, which include light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. However, the Government did not effectively enforce these laws, and child labor remained a problem. The legal age for most types of non-dangerous labor is 18. Children under age 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ITUC, the vast majority of children in the country worked during the year.

Children were legally prohibited from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the other informal sector activity. Child labor also existed in brick-making enterprises.

There continued to be reports of children in rural areas working on family farms or performing household domestic labor. As in previous years, there was no indication that children were trafficked for sex or labor on an organized commercial basis.

The Ministry of Labor enforced child labor laws and had multiple enforcement tools, including criminal penalties, civil fines, and court orders. However, in practice the laws were seldom enforced. Due to a lack of inspectors, the ministry enforced the law only when a complaint was filed. The Government acknowledged no cases of child labor in the formal sector of the economy but had conducted no child labor investigations. In conjunction with UNICEF and NGOs, the Government provided training for Ministry of Labor officials in enforcing child labor laws.

During the year the Government supported international organizations, several NGOs, and labor unions engaged in efforts to combat child labor; efforts included care and training of demobilized child soldiers.

e. Acceptable Conditions of Work.—The legal minimum wage for unskilled workers continued to be 160 Burundian francs (approximately \$0.15) per day. However, in practice most employers paid their unskilled laborers a minimum of approximately 1,500 Burundian francs (\$1.30) a day. Such an income did not provide a decent standard of living for a worker and family. Most families relied on second incomes and subsistence agriculture to supplement their earnings. The Department of Inspection within the Ministry of Labor is charged with enforcing minimum wage laws, but there were no reports of enforcement in recent years. The legal minimum wage had not been revised in many years, and there were no known examples of employer violations. These regulations apply to the entire workforce and make no distinction between domestic and foreign workers.

The labor code stipulates an eight-hour workday and a 40-hour workweek, except for workers involved in national security activities; however, this stipulation was not always enforced in practice. Supplements must be paid for overtime. There is no statute concerning compulsory overtime, opportunities for which generally do not exist. Rest periods include 30 minutes for lunch. There are no exceptions for foreign or migrant workers.

The labor code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the Ministry of Labor, which was responsible for acting upon complaints; however, there were no reports of complaints filed with the ministry during the year. Workers did not have the right to remove themselves from situations that endangered health and safety without jeopardizing their employment.

Small numbers of persons from the neighboring countries of the Democratic Republic of Congo, Tanzania, and Rwanda worked in the country but did not constitute a significant presence.

CAMEROON

Cameroon, with a population of approximately 18 million, is a republic dominated by a strong presidency. The country has a multiparty system of government, but the Cameroon People's Democratic Movement (CPDM) has remained in power since it was created in 1985. The president retains the power to control legislation or to rule by decree. In 2004 CPDM leader Paul Biya won reelection as president, a position he has held since 1982. The election was flawed by irregularities, particularly in the voter registration process, but observers concluded that the election results represented the will of the voters. The July 2007 legislative and municipal elections had significant deficiencies in the electoral process, including barriers to registration and inadequate safeguards against fraudulent voting, according to international and domestic observers. Although civilian authorities generally maintained effective control of the security forces, security forces sometimes acted independently of government authority.

The Government's human rights record remained poor, and it continued to commit human rights abuses, particularly following widespread February riots to protest increased food and fuel costs. Security forces committed numerous unlawful killings. Security forces also engaged in torture, beatings, and other abuses, particularly of detainees and prisoners. Prison conditions were harsh and life threatening. Authorities arrested and detained anglophone citizens advocating secession, local human rights monitors and activists, persons not carrying government-issued identity cards, and other citizens. There were incidents of prolonged and sometimes incommunicado pretrial detention and infringement on citizens' privacy rights. The Government restricted citizens' freedoms of speech, press, assembly, and association, and harassed journalists. The Government also impeded citizens' freedom of movement. Other problems included widespread official corruption; societal violence and discrimination against women; female genital mutilation (FGM); trafficking in per-

sons, primarily children; and discrimination against pygmies, ethnic minorities, indigenous people, and homosexuals. The Government restricted worker rights and the activities of independent labor organizations. Child labor, hereditary servitude, and forced labor, including forced child labor, were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings; however, throughout the year security forces continued to commit unlawful killings. There were more of such reports than in the previous year and the Government rarely prosecuted officers responsible for using excessive force. The rise of unlawful killings by security forces was mainly attributable to the armed forces' reaction to the violent unrest that gripped Douala and dozens of other cities, sparked by a combination of political and economic frustrations. The Government reported at least three unlawful security force killings during the year.

During the February riots, which spread to 31 localities including Yaounde and Douala, and the subsequent government crackdown, security forces shot and killed demonstrators and rioters. While the Government reported 40 persons killed, non-governmental organizations (NGOs) such as La Maison des Droits de l'Homme, stated that security forces killed over 100 persons (*See* Section 2.b.).

There were no new developments in the following 2007 security force killings: the January police shooting of Michele Therese Sename Bella; the suicide of police officer William Etenga, who killed a taxi driver; the police shooting of two taxi drivers in Bamenda; and the shooting of three M'bororo men in Garoua by gendarmes.

There were reports of prisoners dying in custody due to security force abuse during the year.

There were new developments in the 2006 killing of Gregoire Diboule, allegedly by Ni John Fru Ndi, chairman of the Social Democratic Front (SDF), and 21 other SDF officials who belonged to a competing party faction. On November 5, the Mfoundi (Yaounde) High Court released 21 detainees due to their illegal pretrial detention. The court also ruled that the incarceration and arraignment of Mbah Justice Mbah, one of the co-accused, was illegal and acquitted him. However, the court did not dismiss the case and first hearings, which began on December 3, were subsequently delayed until February 26, 2009.

During the year societal violence and summary justice against persons suspected of theft continued to result in deaths. For example, the press reported 13 deaths during the year from mob violence or summary justice while in 2007 the press reported three deaths from such beatings and burning by security forces. In 2006 the press reported 43 reported deaths.

In late January an angry crowd in Tatum, a small locality in Bui Division in the North West Region, burned to death three bandits who had escaped from custody and tried to commit armed robbery; attempts by gendarmes to rescue the three thieves failed. No action had been taken against the perpetrators by year's end.

During the year mob violence was attributed in part to public frustration over police ineffectiveness and the release without charge of many individuals arrested for serious crimes.

There were no new developments in the January 2007 mob violence and summary justice-related case of Walters Akwafe.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were credible reports that security forces tortured, beat, and otherwise abused prisoners and detainees, including demonstrators and a human rights worker arrested during the February riots. The Government rarely investigated or punished any of the officials involved.

In a March 5 interview with La Nouvelle Expression newspaper, barrister Joseph Lavoisier Tsapy, a lawyer in West Region and a member of the Liberty and Human Rights League, described the treatment that security forces inflicted on individuals arrested during the February riots. Security forces repeatedly stripped, beat, and dumped detainees into ashes from burned tires and broken glass, resulting in numerous injuries (*See* Section 2.b.). At year's end the Liberty and Human Rights League and other human rights organizations, in association with the parents and families of the victims, were still compiling information for a formal complaint.

There were reports that security forces detained persons at specific sites where they tortured and beat detainees. Security forces also reportedly subjected women, children, and elderly persons to abuse. For example, on March 4, during his trial in Douala, Bernard Songo, a student from the University of Douala arrested during the February riots, reported that police officers severely beat him and two co-detainees in the judicial police precinct cells. Journalists covering the trial reported that evidence of the beatings was visible on the victims' bodies.

Numerous international human rights organizations and some prison personnel reported that torture was widespread, but most reports did not identify the victims for fear of government retaliation or because of ignorance of, or lack of confidence in, the judicial system.

In Douala's New Bell Prison and other nonmaximum security penal detention centers, prison guards inflicted beatings, and prisoners were reportedly chained or at times flogged in their cells. Authorities also administered beatings in temporary holding cells within police or gendarmerie facilities.

Security forces reportedly subjected prisoners and detainees to degrading treatment, including stripping them, confining them in severely overcrowded cells, denying them access to toilets or other sanitation facilities, and beating them to extract confessions or information about alleged criminals. Pretrial detainees reported that prison guards sometimes required them, under threat of abuse, to pay "cell fees," a bribe paid to prison guards to prevent further abuse.

On February 26, during a visit to the Yaounde Kondengui Central Prison, Divine Chemuta Banda, chairman of the National Commission on Human Rights and Freedoms (NCHRF), learned that many of the SDF militants incarcerated in 2006 in connection with the death of Gregoire Diboule had been treated inhumanely and denied medical care.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening. Prisons were seriously overcrowded and unsanitary. The Government did not provide funds to improve serious deficiencies in food, health care, and sanitation, which were common in all prisons. However, following significant press coverage of prison conditions and subsequent riots and escape attempts, the Government financed the construction of new prisons across the country including one in Yaounde and one in Moulvoudaye, Far North Region, both of which were operational by year's end.

Prisoners were kept in dilapidated, colonial-era prisons, where the number of inmates was as much as four to five times the intended capacity. Overcrowding was exacerbated by the large number of long pretrial detentions. Government officials accused of corruption were held in separate quarters and received special treatment. Some NGOs released a report claiming that cells meant for 30 or 40 persons held more than 100 detainees.

Health and medical care were almost nonexistent in prisons and detention cells located in gendarmeries and police stations. There were reports that prisoners died due to a lack of medical care.

Prisoners also died as a result of inmate abuse. For example, on January 13, prisoners in the New Bell Prison tried to lynch Ahmend Aliou, who subsequently died in his cell because prison wardens did not provide medical assistance. No action had been taken against prison officials by year's end. On January 14, following the lynching of a prisoner, the superintendent of the Douala New Bell Prison told the press that overcrowding, a lack of segregation within the prison populations, and inhuman detention conditions were the major reasons behind the frequent prison violence. Local NGOs added abysmal food, rampant corruption, and sexual abuse as contributing factors. In early August the Action of Christians for the Abolition of Torture (ACAT), an NGO that regularly visits prisoners, characterized New Bell Prison as "hell on earth."

Prisoners' families were expected to provide food for their relatives in prison. New Bell Prison contained seven water taps for approximately 3,500 prisoners, contributing to poor hygiene, illness, and death.

Individuals incarcerated in the Douala New Bell prison for homosexual acts suffered discrimination and violence from other inmates.

Corruption among prison personnel was widespread. Prisoners bribed wardens for special favors or treatment, including temporary freedom.

There were two separate prisons for women. There were also a few pretrial detention centers for women; however, women routinely were held in police and gendarmerie complexes with men, occasionally in the same cells. Mothers sometimes chose to be incarcerated with their children while their children were very young or if they had no other child care option. The Secretary of State in charge of penitentiary administration acknowledged this was a serious problem and on September 24, stated

at a training on detainee rights that, "Cameroonian prisons should no longer be perceived or managed as places of repression, torture, or various other abuses."

Juvenile prisoners were often incarcerated with adults, occasionally in the same cells or wards. There were credible reports that adult inmates sexually abused juvenile prisoners.

Pretrial detainees routinely were held in cells with convicted criminals.

Some high-profile prisoners were separated from other prisoners and enjoyed relatively lenient treatment.

Authorities held adult men, juveniles, and women together in temporary detention centers where detainees usually received no food, water, or medical care. Overcrowding was common. Detention center guards accepted bribes from detainees in return for access to better conditions, including permission to stay in an office instead of a cell. Detainees whose families were informed of their incarceration relied on their relatives for food and medical care.

In the North and Extreme North regions, the Government continued to permit traditional chiefs, or Lamibe, to detain persons outside the Government penitentiary system, in effect creating private prisons. Many citizens turned to the Lamibe for dispute resolution. Within the palaces of the traditional chiefdoms of Rey Bouba, Gashiga, Bibemi, and Tcheboa, there were private prisons that had reputations for serious abuse.

In 2007 there was a report that a Lamido used law enforcement officials to extort money and confiscate cattle from citizens. Authorities held these citizens without access to an attorney for days or weeks, and then sent them to trial in Garoua, where the charges would routinely be dismissed.

The Government permitted international humanitarian organizations access to prisoners. Both the local Red Cross and the NCHRF made infrequent, unannounced prison visits during the year. The Government continued to allow the International Committee of the Red Cross (ICRC) to visit prisons.

On September 23, the directors of the prisons in Douala and Yaounde released new figures indicating that the Douala New Bell Prison, originally built for approximately 800 inmates, now held 4,000 detainees. The Yaounde Kondengui Prison, originally built for approximately 700 inmates, held 3,500 prisoners. In October penitentiary authorities in Bamenda publicly stated that 700 detainees occupied the prison initially intended to hold less than 50 prisoners.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, security forces continued to arrest and detain citizens arbitrarily.

Role of the Police and Security Apparatus.—The national police, the National Intelligence Service (DGRE), the Ministry of Defense, the Ministry of Territorial Administration, and, to a lesser extent, the Presidential Guard are responsible for internal security. The Ministry of Defense, which includes the gendarmerie, the army, the army's military security unit, and the DGRE, are under an office of the presidency, resulting in strong presidential control of security forces. The national police include the public security force, judicial police, territorial security forces, and frontier police. The national police and the gendarmerie have primary responsibility for law enforcement. In rural areas, where there is little or no police presence, the primary law enforcement body is the gendarmerie.

Police were ineffective, poorly trained, underpaid, and corrupt. Impunity was a problem.

Individuals reportedly paid bribes to police and the judiciary to secure their freedom. Police demanded bribes at checkpoints, and influential citizens reportedly paid police to make arrests or abuse individuals involved in personal disputes.

Citizens viewed police as ineffective, which frequently resulted in mob justice (*See* Section 1.a.).

In August the president signed decrees creating police stations and appointing police personnel in the Bakassi area, a region returned from Nigeria in August. In 2007 Mebe Ngo'o, the general delegate for National Security, created new mobile police units and precincts in Yaounde and Douala to improve professionalism and increase police visibility. During the year investigations resulted in sanctions against more than 50 police officers including corruption, falsification of official documents, abuse of authority, use of excessive force, extortion of money, arbitrary arrest, blackmailing, and aggravated theft.

On February 13, Mebe Ngo'o suspended Police Commissioner Francois Xavier Minyem, the officer in charge of inspecting units at the Littoral Provincial Delegation, for three months without pay for corruption.

On April 22, Mebe Ngo'o suspended Senior Police Commissioner Simon Menzouo of the East Region Judiciary Police, for corruption and the embezzlement of property seized as evidence.

On May 15, he also sanctioned Francis Melone Mbe, the director of border police, for corruption in connection with the issuance of passports.

In late August dozens of police officers completed a three-month training seminar that included citizens' rights, human rights, and individual freedoms.

Arrest and Detention.—The law requires police to obtain an arrest warrant except when a person is caught in the act of committing a crime; however, police often did not respect this right in practice. The law provides that detainees must be brought promptly before a magistrate; however, this frequently did not occur. Police legally may detain a person in connection with a common crime for up to 24 hours and may renew the detention three times before bringing charges; however, police occasionally exceeded these detention periods. The law permits detention without charge by administrative authorities such as governors and senior divisional officers for renewable periods of 15 days. The law also provides for access to counsel and family members; however, detainees were frequently denied access to both legal counsel and family members. The law permits bail, allows citizens the right to appeal, and provides the right to sue for unlawful arrest, but these rights were seldom exercised.

Unlike in previous years, there were no reports that police and gendarmes arrested persons on spurious charges on Fridays at mid-day or in the afternoon. While the law provides for judicial review of an arrest within 24 hours, the courts did not convene on weekends, so individuals arrested on a Friday typically remained in detention until Monday at the earliest. Police and gendarmes made such "Friday arrests" after accepting bribes from persons who had private grievances. There were no known cases of policemen or gendarmes being sanctioned or punished for this practice. Security forces and government authorities reportedly continued to arbitrarily arrest and detain persons, often holding them for prolonged periods without charges or trial and, at times, incommunicado. However, there were fewer such cases reported than in 2006.

During the February riots security forces arrested 1,671 persons around the country according to March figures released by the Ministry of Justice (*See* Section 2.b.). NGOs claimed the number was higher and reported that security forces arrested scores of onlookers not directly involved in demonstrations or rioting.

For example, on February 25, Yaounde gendarmes arrested Andre Blaise Essama, a computer specialist. In a June 18 interview with *Le Messager* newspaper, Essama explained that after leaving a business meeting, his route took him close to a demonstration. He pulled out his camera and started taking pictures. Emmanuel Anyon, a plainclothes gendarme officer, stopped Essama and took him to the gendarmerie headquarters where he was interrogated and subsequently incarcerated on charges of disturbing public order and looting. On March 20, the court released Essama due to the erroneous charges. Essama filed a complaint against the two gendarme officers, but no action had been taken by year's end.

On March 1, gendarmes of the Secretariat of State for Defense used excessive force to arrest singer Joe Kameni, alias Joe La Conscience, and his friend Leon Tengue, in front of a foreign embassy in Yaounde. The two men had been on a hunger strike to protest the Government's closing of Radio Equinoxe and Equinoxe TV in Douala (*See* Section 2.a.). On March 19, the Yaounde Court of First Instance sentenced Kameni and Tengue to six months in jail for illegal assembly and demonstration. On May 20, the president granted both men amnesty as part of a larger amnesty benefitting those convicted in the wake of the February unrest.

Other high-profile arrests during the year included Mboua Massok, a political activist arrested in Douala in January disturbing public order, and Lapiro de Mbanga, a popular singer arrested in Loum, Littoral Region in April for fomenting riots and looting. The police released Massok several hours after his arrest. On September 24, the Mungo Court sentenced Lapiro (an alias for Pierre Roger Lambo Sandjo) to three years' imprisonment a 277,000 CFA (\$554,000) fine for his role in fomenting disorder and destruction of private and state property. However, his appeal trial was postponed until January 2009.

Police arbitrarily arrested persons without warrants during neighborhood sweeps for criminal and stolen goods. Citizens are required to carry identification with them at all times and police frequently arrested persons without identification during sweeps.

Prolonged pretrial detention was a serious problem. The criminal procedure code provides for a maximum of 18 months' detention before trial. However, according to government statistics released during the year, 70 percent of the 23,000 inmates held in the country were awaiting trial. In May the Cameroon Bar Association indi-

cated that many of these inmates had been awaiting trial for five to 10 years. The high number of pretrial detainees was due in part to the complexity of cases, staff shortages, and corruption. The bar association linked longer detention periods to a shortage of lawyers and an inadequate tracking system that resulted in frequent loss of files.

The law specifies that, after an investigation has concluded, juveniles should not be detained without trial for longer than three months. In practice the Government detained juveniles for longer periods of time. In December 2007 Foyer d'Esperance, an NGO based in Yaounde, reported that several juveniles were detained in the Yaounde Central Prison for between six months and one year.

In recent years there have been reports that some prisoners were kept in prison after completing their sentences or having been released under a court ruling.

Amnesty.—On May 20, President Biya granted amnesty to hundreds of persons convicted for their participation in the February riots as well as other detainees, including 74 demonstrators in Douala, 61 in Yaounde, and 36 in Bamenda. The presidential pardons did not release those detainees whose appeals were still pending at year's end.

In May the superintendents of the Yaounde and Douala prisons stated that, despite their presidential amnesty, hundreds of prisoners would remain in jail until their court fees and damages were paid.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the judiciary remained subject to executive influence, and corruption and inefficiency remained serious problems. The court system is subordinate to the Ministry of Justice. The constitution names the president as “first magistrate,” thus “chief” of the judiciary and the theoretical arbiter of any sanctions against the judiciary; however, the president has not filled this role. The constitution specifies that the president is the guarantor of the legal system's independence. He also appoints all judges with the advice of the Higher Judicial Council. However, the judiciary showed modest signs of growing independence. In September the Supreme Court nullified six municipal elections conducted in November 2007, including some involving senior CPDM officials.

The court system includes the Supreme Court, a court of appeals in each of the 10 regions, and courts of first instance in each of the country's 58 divisions.

The legal system includes both national and customary law, and many criminal and civil cases can be tried using either one. Criminal cases are generally tried in statutory courts, and customary court convictions involving witchcraft are automatically transferred to the statutory courts, which act as the court of first instance. Customary law, used in rural areas, is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Customary law is deemed valid only when it is not “repugnant to natural justice, equity, and good conscience.” However, many citizens in rural areas remained unaware of their rights under civil law and were taught that they must abide by customary laws. Customary law ostensibly provides for equal rights and status; however, men may limit women's rights regarding inheritance and employment, and some traditional legal systems treat wives as the legal property of their husbands.

Customary courts served as a primary means for settling family-related civil cases, such as in matters of succession, inheritance, and child custody. Customary courts may exercise jurisdiction in a civil case only with the consent of both parties. Either party has the right to have a case heard by a statutory court and to appeal an adverse decision by a customary court to the statutory courts.

Military tribunals may exercise jurisdiction over civilians when the president declares martial law and in cases involving civil unrest or organized armed violence. Military tribunals also have jurisdiction over gang crimes, banditry, and highway robbery. The Government interpreted these guidelines broadly and sometimes used military courts to try matters concerning dissident groups who used firearms.

Trial Procedures.—The law provides for a fair public hearing in which the defendant is presumed innocent. There is no jury system. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants generally were allowed to question witnesses and to present witnesses and evidence on their own behalf. Defendants also had access to government-held evidence relevant to their cases. Because appointed attorneys received little compensation, the quality of legal representation for indigent clients often was poor. The bar association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offered free assistance in some cases. Defendants could appeal their cases.

Lawyers and human rights organizations observed several violations of the criminal procedure code in the Government's response to the February unrest. Some de-

tainees in police or gendarmerie cells did not receive medical assistance or access to an attorney. Jean de Dieu Momo, a human rights lawyer, and ACAT representative Madeleine Afite publically denounced these violations. Afite stated that arrested minors received no assistance from their parents, attorneys, or human rights organizations, as is mandated by the code.

Judges tried persons en masse, while the law provides for individual trials.

For example, on March 3, the Douala-Ndokoti First Instance Court tried dozens of young men with no legal representation. No lawyer assisted any of the defendants. Informed of the situation by lawyers who were in the court house for other matters, Charles Tchoungang, chairman of the Cameroon Bar Association, demanded that the trials be suspended until the bar association could commit lawyers to assist them. The judge agreed to adjourn the trial, which resumed the following day with proper representation.

On March 4, police detained 155 youth for allegedly participating in the February riots and brought them before the Douala Court of First Instance dirty and dressed only in their underwear. Their lawyers, including human rights lawyer Alice Nkom, stated that the defendants had endured beatings and humiliating treatment while in custody. In response to the lawyers' protests, the presiding magistrate ordered that the defendants be dressed before the trial could begin. These individuals benefited from President Biya's May 20 amnesty.

Corruption also marked some of the trials. According to several press reports, judicial authorities accepted illegal payments from detainees' families in exchange for a reduction in sentence or the outright release of their relatives, including juveniles. Political bias by judges (often instructed by the Government) frequently stopped trials or resulted in an extremely long process with extended court recesses. Many powerful political or business interests enjoyed virtual immunity from prosecution and some politically sensitive cases were settled through bribes.

Political Prisoners and Detainees.—There were reports of political detainees, which included anglophone citizens advocating secession through an illegal organization.

During the year the Government continued to detain two individuals widely considered by human rights NGOs to be political prisoners because of irregularities in their trials and restricted access to counsel. Titus Edzoa, former minister of health and long-time aide to President Biya, and Michel Thierry Atangana, Edzoa's 1997 campaign manager, were arrested in 1997, three months after Edzoa resigned from government and launched his candidacy for president. They were convicted on charges of embezzling public funds and sentenced to 15 years in prison.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent civil judiciary; however, the judiciary remained subject to executive influence, and corruption and inefficiency remained serious problems.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, these rights were subject to the "higher interests of the state," and there were credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail with impunity. The Government continued to keep some opposition activists and dissidents under surveillance. Police sometimes detained family members and neighbors of criminal suspects.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing a criminal suspected of committing a crime. A police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

During the year police put the houses of Southern Cameroons National Council (SCNC) officials and activists under surveillance, searched the houses of some SCNC leaders, and disrupted SCNC meetings in private residences. The SCNC is an anglophone group the Government considers illegal because it advocates secession.

A prominent human rights organization in Yaounde also reported that security forces ransacked its offices during the February unrest.

An administrative authority may authorize police to conduct neighborhood sweeps without warrants. Such sweeps at times involved forced entry into homes in search of suspected criminals or stolen or illegal goods. Security forces sometimes sealed off a neighborhood, systematically searched homes, arrested persons, sometimes arbitrarily, and seized suspicious or illegal articles. In December security forces conducted sweeps in the Douala neighborhoods of Akwa and Douala III (Logbaba). During the operation, they seized stolen equipment including electrical and telephone wires stolen from public installations and arrested suspects.

Citizens without ID cards were detained until their identity could be established and then released. Several complained that police arbitrarily seized electronic devices and cell phones. Some registered their complaints with the police. Following the December raids in Douala, several persons who were arrested or whose houses were searched publicly complained about the motives of the security forces.

There continued to be accusations, particularly in the North and Far North regions, that traditional chiefs arbitrarily evicted persons from their land. In June in Bogu, Diamare Division, Far North Region, a villager filed a complaint to a local human rights NGO about the traditional ruler who seized his land. There was no further development by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government continued to restrict these rights in practice. The Government arbitrarily arrested and detained journalists. Senior members of the Government and the CPDM used their positions to harass journalists and encourage their arrest and detention. The Government enforced media regulations irregularly, often implementing arduous requirements selectively to regime critics. This often created an environment of self-censorship for journalists and media outlets. Government officials used expansive libel laws to persecute journalists who criticized them.

On September 4, Michel Mombio, editor of the independent newspaper *L'Ouest Republicain* was arrested in Bafoussam and charged with fraud, attempted blackmail, and libel after he wrote an article criticizing cabinet officials. Mombio was held incommunicado for two days and transferred without hearing to Yaounde, where he awaited trial at year's end. Police arrested at least three other journalists reporting on high level corruption during the year and detained them under similar circumstances.

Individuals generally were able to criticize the Government publicly and privately without being subjected to government reprisal. However, there were numerous examples where government officials threatened, harassed, or denied equal treatment to individuals or organizations who criticized government policies or expressed views at odds with government policy.

For example, human rights activist Madeleine Afite reported threats from officials and anonymous callers in response to her assessment that more fatalities occurred during the February riots and subsequent government crackdown than the Government acknowledged.

In March the youth organization *Conseil Patriotique et Populaire de la Jeunesse* (CPPJ) received threatening calls from military officials after releasing a statement asking government to address the socio-political issues underlying the February unrest. Security officials held incommunicado at least one CPPJ member who had signed the statement. The individual was subsequently released without charges.

The Government published the daily newspaper the *Cameroon Tribune*. The newspaper did not report extensively on protests or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

During the year approximately 200 privately owned newspapers were published; however, most appeared irregularly, primarily due to lack of funding. Only an estimated 25 were published on a regular basis. Newspapers were distributed primarily in urban areas, and most continued to criticize the Government and report on controversial issues, including corruption, human rights abuses, homosexuality, and economic policies.

The Government continued to disburse official funds to support private press outlets during the year. According to media reports, the Government awarded funding selectively to outlets that were less critical of the Government and with instructions to provide reporting favorable to the regime.

The Government interfered with private broadcast, print, and radio media during the year.

Journalists were more subject to arrest, harassment, and intimidation than in the previous year. For example, security forces in the wake of the February unrest, acting under the command of local provincial government officials, restricted press freedom by arresting, detaining, physically abusing, threatening, and otherwise harassing journalists.

On February 12, gendarmes of Zoetele arrested Jean-Bosco Talla, the publisher of *Le Front*, a Yaounde biweekly newspaper, and his colleague Simon Djomo. Talla and Djomo were reporting on the unusual wealth of senior government officials from Zoetele when gendarmes bound and blindfolded them. Gendarmes secretly moved Talla and Djomo from Zoetele to Douala and back to Zoetele without charges or al-

lowing them to contact a lawyer or family for approximately 24 hours. Gendarmes subsequently released them without charges.

On March 3, security forces in Yaounde who were reportedly members of Military Security (SEMIL) arrested Jacques Blaise Mvie, the publisher of *La Nouvelle Presse* newspaper. The same day the newspaper published an article on an alleged coup attempt and cited Minister of Defense Remy Ze Meka. Following his release three days later, Mvie alleged that Ze Meka had ordered the arrest. On March 6, SEMIL arrested Mvie again and interrogated him for several hours. The director of SEMIL told reporters that the rearrest was a normal procedure because Mvie incriminated them when he stated that SEMIL originally arrested him. SEMIL subsequently released Mvie, and no charges were filed by year's end.

On September 9, the independent daily newspaper *La Nouvelle Expression* reported that gendarmes apprehended and detained Michel Mombio on September 4 after his newspaper, *L'Ouest Republicain*, printed articles critical of Madeleine Tchunte, the minister of scientific research and innovation, and Jacques Fame Ndong, the minister of higher education. Police transferred Mombio to Yaounde, where he remained in prison at year's end, awaiting trial scheduled for early 2009.

Radio remained the most important medium reaching most citizens. There were approximately 70 privately owned unofficial radio stations operating in the country, three-fourths of them in Yaounde and Douala. The state-owned CRTV broadcasts on both television and radio. In August 2007 the Government issued the first licenses to two private televisions, STV and Canal 2 International, one private radio, Sweet FM, and one cable television network, TV+. The Government levied taxes to finance CRTV programming, which allowed CRTV a distinct advantage over independent broadcasters.

The Government required nonprofit rural radio stations to submit an application to broadcast, but they were exempt from paying licensing fees. Potential commercial radio and television broadcasters must submit a licensing application and pay an application fee when the application is submitted. Once the license is issued, stations must then pay an annual licensing fee, which was expensive for some stations. Although the Government did not issue new broadcast licenses during the year, companies operated without them.

On February 21, the minister of communication indefinitely suspended broadcasts by Radio Equinoxe and Equinoxe TV, two Douala-based media outlets belonging to the same independent media group. Officially, the minister discontinued the broadcasts because the owners had failed to pay the broadcasting licenses fee. However, most broadcast stations defaulted on these payments and continued to operate legally. National and international observers concluded that the suspensions were politically motivated because the two outlets broadcast critical views of President Biya's removal of constitutional term limits. On July 4, the minister lifted the suspension after the stations had paid 40 million CFA (\$80,000) of the required 100 million CFA (\$200,000) fees.

On February 28, in an attempt to impose content restrictions, Minister of Communication Jean-Pierre Biyiti Bi Essam urged the owners of electronic media to use an "appeasement tone" in their coverage of the riots. On the same day, the broadcast of "Magic Attitude," a popular daily interactive program of the Yaounde-based Magic FM (a partner of the Voice of America), was suspended. Gendarmes raided the premises of the station without a warrant, interrupted programs, and removed all broadcasting equipment. The media reported that the raid was illegal because the minister of communication had not taken action against Magic FM, and the minister of defense (who commands gendarmes) had not authorized the raids. On July 4, the minister of communication lifted the ban; however, the seized equipment was never returned.

Unlike in the previous year, the National Communications Council, whose members were appointed by the president to review broadcasting license applications, did not meet. In addition, an official suspended the technical committee that reviews license applications and stated that it would not reconvene until the Government reopened the previously closed media outlets. Several low-power, rural community radio stations functioned with funding from the UN Educational, Scientific, and Cultural Organization and foreign countries. The Government prohibited these stations from discussing politics.

The law permits broadcasting by foreign news services but requires them to partner with a national station. The BBC, Radio France International, and Africat broadcast in partnership with CRTV.

Television had lower levels of penetration than print media but was more influential in shaping public opinion. The Government closed Radio Equinox for its harsh criticism of the regime. The other five independent television stations skirted criticism of the Government, although their news broadcasts sometimes focused on pov-

erty, unemployment, and poor education, pointing to the role of government neglect and corruption.

During the year CRTV management continued to instruct staff to ensure that government views prevailed at all times during their coverage.

The Government was the largest advertiser in the country. Some private media enterprises reported that government officials used the promise of advertising (or the threat of withholding it) to influence reporting of the Government's activities.

The Government and government officials used strict libel laws to suppress criticism. These laws authorize the Government, at its discretion and the request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the president and other high government officials; such crimes are punishable by prison terms and heavy fines. The libel law places the burden of proof on the defendant. Government officials abused this law to keep local journalists from reporting on corruption and abusive behavior. In 2006 various government members and senior government officials filed nine libel suits against journalists. During the year seven government officials filed libel suits against journalists.

On June 7, the International Federation of Journalists asked the Government to stop intimidating journalists, especially those covering corruption scandals.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was available and used by citizens, although access was limited by cost and slow connections.

Academic Freedom and Cultural Events.—Although there were no legal restrictions on academic freedom, state security informants reportedly operated on university campuses. Professors said that participation in opposition political parties or public discussion of politics critical of the Government could adversely affect their professional opportunities and advancement.

Security officials harassed musical entertainers during the year for singing songs that were derogatory to government officials.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government restricted this right in practice, particularly during and after the February demonstrations and riots.

The law requires organizers of public meetings, demonstrations, or processions to notify officials in advance but does not require prior government approval of public assemblies and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, officials routinely asserted that the law implicitly authorizes the Government to grant or deny permission for public assembly. Consequently, the Government often did not grant permits for assemblies organized by persons or groups critical of the Government and used force to suppress public assemblies for which it had not issued permits.

Authorities refused to grant the SCNC permission to hold rallies and meetings, and security forces arrested and detained some activists.

Security forces forcibly disrupted the demonstrations, meetings, and rallies of citizens, trade unions, and groups of political activists throughout the year; demonstrators were injured, arrested, and killed.

On December 10, police forces confronted a group who had gathered in front of the Yaounde headquarters of l'Association Citoyenne de Defense des Interets (ACDIC). They arrested ACDIC President Bernard Njonga and at least a dozen other individuals. Police injured Theophile Nono and he required medical attention due to a head laceration. The police justified their actions by stating that ACDIC had not received approval for a gathering and that the gathering blocked a public street. Njonga was released on bail and was scheduled to appear in court in on charges of disturbing public order and conducting an unauthorized rally the following month.

On January 15, Fai Yengo Francis, the governor of Littoral Region, banned any public rallies and demonstrations in the region. The governor used the preservation of public order as a justification for his decision. Local and international observers claimed that the ban prevented opposition parties and anticonstitutional reform activists from exercising their rights. The ban was not applied to public events in support of the Government and CPDM. Due to public criticism, the governor lifted the ban on July 29.

On January 19, the Sous-Prefet of Dschang, in the West Region, banned a rally organized by the Union of the Peoples of Cameroon, an opposition party, to commemorate the 37th anniversary of the death of one of its major leaders.

On February 13, in the Bessengue neighborhood the Douala GMI disrupted an SDF march to protest against constitutional reform. The police used water cannon, trucks, and tear gas to disperse demonstrators in addition to beatings with rubber batons.

During the February riots, which spread to 31 localities including Yaounde and Douala, and the subsequent government crackdown, security forces shot and killed demonstrators and rioters. While the Government reported 40 persons killed, NGOs such as La Maison des Droits de l'Homme claimed that security forces killed over 100 persons.

For example, on February 23, Douala police shot and killed Lovet Ndimia Tingha, a meat vendor, while police attacked a crowd gathered for a march organized by the SDF leading opposition party. The march protested President Biya's intention to remove constitutional term limits. The press reported that SDF organizers had decided to disband for fear of violence and that police attacked while the crowd dispersed. Human rights organizations assisted Tingha's family in filing a complaint against the police; no further information was available at year's end.

On February 26, GMI police officers in Bafoussam, West Region, responding to a violent demonstration, shot and killed 23-year-old Emanuel Tantoh. Human rights NGOs assisted Tantoh's family in filing a complaint against the police; however, no other information was available by year's end.

No action was taken against security forces responsible for deaths and injuries as a result of the forcible dispersion of demonstrators in 2006 or 2007.

There were no new developments in the September 2007 case in which a senior divisional officer and his deputy reportedly shot and killed high school students Jean Jores Shimpe Pougou Zok and Marcel Bertrand Mvogo Awono in Abong-Mbang, East Region during a demonstration against a four-month absence of electricity in the town. The Government promised an investigation.

The trial continued during the year in the 2006 case of four leaders of the Association for the Defense of Students' Interests, who were charged with rebellion and disturbance of public order.

Freedom of Association.—The law provides for freedom of association, but the Government limited this right in practice.

The conditions for government recognition of political parties, NGOs, or associations are arduous, interminable, and unevenly enforced. The process forced most associations to operate in uncertainty, in which their activities were tolerated but not formally approved.

The law prohibits organizations who advocate for any type of secession, leading government officials to disrupt meetings of the SCNC on the grounds that the purpose of the organization rendered their meetings illegal.

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

The practice of witchcraft is a criminal offense under the law; however, individuals generally were prosecuted for this offense only in conjunction with another offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of unknown cause.

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

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Although the constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, security forces routinely impeded domestic and international travel during the year.

In the wake of the February riots, roadblocks and checkpoints manned by security forces proliferated in cities and on most highways, where extortion of small bribes and harassment were commonplace. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. However, there were credible reports that police arrested and beat individuals who failed to carry their identification cards as required by law.

Foreign travel is generally respected. However, there was at least one case of foreign travel restriction.

On March 2, DGRE officers arrested SDF parliamentarian Jean Michel Nintcheu from Littoral Region at the Douala International Airport, while he was about to travel to France. Despite Nintcheu's parliamentary immunity, the DGRE officers

confiscated his passport but released him after an hour of detention and without any formal charges. On June 10, officials returned Nintcheu's passport to him.

The law prohibits forced exile, and the Government did not use it; however, some human rights monitors and political opponents who had departed the country because considered themselves threatened by the Government remained outside of the country, declaring themselves to be in political exile.

Internally Displaced Persons (IDPs).—Approximately 100 persons had not returned home due to previous violence between the Bali and Bawock ethnic groups over land disputes and as a result of an attack by the Oku tribe on the Mbessa tribe.

In 2005 between 10,000 and 15,000 citizens in and around the Adamaoua Region villages of Djohong and Ngaoui were displaced following attacks and looting by unidentified armed groups from the Central African Republic (CAR). Officials from the Adamaoua Region administration reported that hundreds of IDPs remained.

During the year the Government worked with the UN High Commissioner for Refugees (UNHCR) to protect and assist IDPs.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system of providing protection to refugees. The Government granted refugee status or asylum. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government also provided temporary protection to certain individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol. However, some noncitizens claimed that refugee status was denied to long-term residents. At year's end the UNHCR estimated that the country provided temporary protection to approximately 82,000 refugees, of which 62,000 came from CAR, 12,000 were urban refugees (9,000 in Yaounde and 3,000 in Douala), 4,500 from Chad, and 2,500 from Nigeria.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. During the year the Government facilitated entry and provided assistance to some refugees from CAR and Chad.

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

The law provides citizens with the right to change their government peacefully; however, President Biya's and the CPDM party controlled the political process, including the judiciary and agencies responsible for the conduct and oversight of elections. Electoral intimidation, manipulation, and fraud limited the ability of citizens to exercise this right in past elections. In April the National Assembly passed a constitutional amendment that removed presidential term limits and added provisions for presidential immunity. While considerable national discussion of the proposal ensued, the National Assembly ultimately passed the revisions in a manner that allowed no debate and underscored the CPDM's unfettered control of all government branches. Neither the electorate nor their elected representatives had an opportunity to affect the outcome of the constitutional exercise.

Elections and Political Participation.—In July 2007 legislative elections, observers witnessed poor supervision at the polling stations and lax application of the electoral law. An unnecessarily complex registration process effectively disenfranchised some voters. The Government failed to implement some electoral improvements it had previously committed. For example, despite repeated public assurances, the Government was unable to provide indelible ink—an internationally recognized safeguard against multiple voting—to many polling stations. Despite efforts to computerize voter registration, the lists still included numerous errors.

The Supreme Court received over 130 complaints from political parties after the elections, but disqualified the majority of them on technical grounds. However, the court ordered new elections in five constituencies for 17 parliamentary seats, which were held in 2007; the CPDM won 13 seats and opposition parties four. Observers noted some irregularities and low voter turnout.

In July the Government's National Elections Observatory published its assessment of the 2007 legislative and municipal elections. The report cited shortcomings due to lack of coordination between the various electoral commissions and a lack of clear and uniform procedures for the various stages of the electoral process (especially the registration process).

In 2004 President Biya, who has controlled the Government since 1982, was re-elected with approximately 70 percent of the vote in an election widely viewed as more free and fair than previous elections. Although the election was poorly man-

aged and marred by irregularities, in particular in the voting registration process, most international observers agreed that it reflected the will of the voters. The Commonwealth Observer Group, however, maintained that the election lacked credibility.

During its June electoral session, the National Assembly passed an amendment to the law that created Elections Cameroon, extending the deadline for the electoral body's creation from June to December.

Membership in the ruling political party conveyed significant advantages, including in the allocation of key jobs in parastatals and the civil service. The president appoints all ministers, including the prime minister, and also directly appoints the governors of each of the 10 regions. The president has the power to appoint important lower level members of the 58 regional administrative structures as well. Onerous requirements for registration of parties and candidates restricted political activity.

The right of citizens to choose their local governments remained circumscribed. The Government greatly increased the number of municipalities run by presidentially appointed delegates, who have authority over elected mayors, effectively disenfranchising the residents of those localities. Delegate-run cities included most of the provincial capitals and some division capitals in pro-opposition regions; however, this practice was almost nonexistent in the southern regions, which tended to support the ruling CPDM party. In municipalities with elected mayors, local autonomy was limited since elected local governments relied on the central government for most of their revenue and administrative personnel.

There were more than 180 registered political parties in the country. Fewer than 10, however, had significant levels of support, and only five had seats in the National Assembly. The ruling CPDM held an absolute majority in the National Assembly; opposition parties included the SDF, based in the anglophone regions and some major cities. The largest of the other opposition parties were the National Union for Democracy and Progress, the Cameroon Democratic Union, and the Union of the Peoples of Cameroon.

On numerous occasions throughout the year, authorities refused to grant permission to hold rallies and meetings to individuals or organization who espoused views at odds with government policy. In response to growing public dissatisfaction to the proposed constitutional amendment, Littoral Region Governor Francis Fai Yengo banned public demonstrations or events. While officials enforced the ban for civil society and opposition groups, progovernment and pro-CPDM events were permitted to take place. For example, both NGOs l'Association Citoyenne de Defense des Interests and Nouveaux Droits de l' Homme were banned from holding public events to protest government actions during the year.

The Government considered the SCNC illegal because it advocates secession and authorities refused to register it as a political organization. During the year security forces preemptively arrested approximately 40 leaders, members, and supporters of the SCNC to prevent them from participating in unauthorized political meetings.

For example, on February 9, Bamenda police preemptively arrested 19 SCNC activists gathered in a private residence. Police arrested the activists to prevent them from celebrating the Day of Unrepresented Nations and Peoples Organization. On February 13, the Bamenda prosecutor released them on bail, pending formal charges and eventual trial.

In accordance with the provisions of the newly instituted penal code, officials released, pending trial, individuals who were detained for participating in illegal gatherings of the SCNC.

Women held 23 of 180 seats in the National Assembly, six of 61 cabinet posts, and a few of the higher offices within the major political parties, including the ruling CPDM.

Pygmies were not represented in the National Assembly or the higher offices of government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. The public perception was that judicial and administrative officials were open to bribes in almost all situations. Corruption was pervasive at all levels of government.

There were publicized prosecutions of government officials accused of corruption during the year. For example, the Government sanctioned dozens of government employees for corruption and mismanagement.

On March 12, police arrested and detained Paulin Abono Moampamb, a former Secretary of State and mayor of Yokadouma, a small town in East Region, for embezzlement of public funds. Moampamb was placed in pretrial detention, awaiting trial at year's end.

On March 31, police arrested and detained Polycarpe Abah Abah, a former minister of finance, and Urbain Olanguea Awono, a former minister of public health, for embezzlement. The two men were placed in pretrial detention, awaiting trial at year's end.

On August 1, police arrested and detained Jean Marie Atangana Mebara, a former minister of state and secretary general of the presidency, for corruption and embezzlement. Mebara was in detention awaiting trial at year's end.

There were new developments in the following high profile corruption cases.

On July 11, the Yaounde High Court sentenced Joseph Edou, the general manager of Credit Foncier, a real estate funding company, and Andre Boto'o a Ngon, the former board chairman of the company, to 40 years' imprisonment each for corruption. Twenty-one other former Credit Foncier employees were found guilty and given prison terms ranging from one to 45 years' imprisonment. The court also sentenced the 23 to pay 8.5 billion CFA (\$17 million) and ordered the confiscation of their property.

On April 16, the Yaounde Court of Appeals reduced the prison sentence of Gerard Ondo Ndong, former general manager of FEICOM (a parastatal providing project finance to municipalities) from 50 to 20 years' imprisonment. The court also reduced the prison terms of three of his codefendants from 48 to 20 years' imprisonment.

The constitution and law require senior government officials, including members of the cabinet, to declare their assets; however the president had not issued the requisite decree by year's end.

There are no laws providing citizens with access to government information, and such access was difficult to obtain. Most government documents, such as statistics, letters exchanged between various administrations, draft legislation, and investigation reports, were not available to the public or the media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing findings on human rights cases; however, government officials repeatedly impeded the effectiveness of local human rights NGOs during the year by harassing their members, limiting access to prisoners, refusing to share information, threatening violence, and using violence against NGO personnel.

Despite these restrictions, numerous independent, domestic human rights NGOs operated in the country, including the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women against Violence, the Movement for the Defense of Human Rights and Freedoms, and the Cameroonian Association of Female Jurists. The Government collaborated with domestic NGOs to address child labor, women's rights, and trafficking in persons.

On February 16, the Douala antiriot police arrested, beat, dragged on the floor, and stripped naked Aicha Ngo Eheg, a human rights activist with "Cri des Femmes," a Douala-based human rights group. Ngo Eheg, along with other demonstrators, had gathered in the Douala neighborhood of Bepanda to march against constitutional reform. According to Ngo Eheg's public statement, the police targeted her because she tried to stop them from harassing a young demonstrator. At year's end Ngo Eheg had not decided whether to file a complaint against the police.

The Government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations such as the ICRC. In July Prime Minister Inoni met with representatives from Human Rights Watch and other international NGOs.

While the NCHRF remained hampered by a shortage of funds, during the year it conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars for judicial officials, security personnel, and other government officers. Although the commission infrequently criticized the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights abuses by security forces. During the year the NCHRF continued its efforts to stop "Friday arrests" (the practice of detaining individuals on Friday to prolong the time before court appearance) and sought to obtain medical attention for jailed suspects. Government officials also attended several seminars organized by the commission. On February 5, the NCHRF launched its Web site, which provides information about the commission and its ac-

tivities. In 2006 the president signed a decree appointing members to the commission and dismissing all incumbents except the chairman.

The National Assembly's Constitutional Laws, Human Rights and Freedoms, Justice, Legislation, Regulations, and Administration Committee is charged with reviewing any human rights related legislation the Government submits for consideration. The Government did not submit any such bills during the year.

The Ministry of Justice published its own 2007 human rights report during the year which focused primarily on enumerating government actions to address human rights issues, such as judicial and disciplinary action taken against corrupt officials.

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

The law does not explicitly forbid discrimination based on race, language, or social status, but does prohibit discrimination based on gender and mandates that "everyone has equal rights and obligations." The Government, however, did not enforce these provisions effectively. Violence and discrimination against women, trafficking in persons, and discrimination against ethnic minorities and homosexuals were problems.

Women.—The law prohibits rape, although police and the courts rarely investigated and prosecuted rape cases. The media reported at least seven rape cases during the year, although no one was arrested. Due to social taboos associated with sexual violence, many rapes likely went unreported.

A 2005 survey cited by the Cameroon Tribune indicated that 39 percent of women living with a man (married or unmarried) were victims of physical violence, and 28 percent were victims of psychological violence. The law does not specifically prohibit domestic violence, although assault is prohibited and is punishable by prison terms and fines. Women's rights advocates asserted that penalties for domestic violence were insufficient. Spousal abuse is not a legal ground for divorce.

Unlike in the previous year, NGOs did not lead public awareness campaigns to combat breast ironing during the year, a practice conducted by female family members.

While the law prohibits prostitution, it was tolerated and practiced predominantly in urban areas and places frequented by tourists.

In June 2007 the Government signed the Anti-Sex Tourism Charter, which provides ethical guidelines for the tourism industry.

While the law prohibits sexual harassment, very few cases were reported or prosecuted during the year. The Government did not conduct any public education campaigns on the subject and there were no statistics available on its occurrence.

Despite constitutional provisions recognizing women's rights, women did not enjoy the same rights and privileges as men. Some points of civil law were prejudicial to women.

The law allows a husband to oppose his wife's right to work in a separate profession if the protest is made in the interest of the household and the family; a husband may also end his wife's commercial activity by notifying the clerk of the commerce tribunal of his opposition based upon the family's interest.

Customary law is far more discriminatory against women, since in many regions a woman traditionally was regarded as the property of her husband. Because of the importance attached to customs and traditions, civil laws protecting women often are not respected.

Children.—During the year the Government made some efforts to protect children's rights and welfare, including participation in seminars on children's rights. During the year the minister of social affairs and other senior leaders made statements and presented government action plans regarding the improvement of the condition for children.

The law provides for a child's right to education, and schooling was mandatory through the age of 14 and free in public primary schools. Since parents had to pay uniform and book fees for primary school, and because tuition and other fees for secondary education remained costly, education was largely unaffordable for many children. The Government took measures during the year to improve access to schools, such as the construction of new classrooms and the recruitment of new teachers, and provision of water fountains.

According to 2005 government statistics, 72 percent of girls between the ages of six and 14 were enrolled in school, compared to 81.3 percent of boys in the same age group. According to the UN Children's Fund (UNICEF), the secondary school enrollment ratio (gross) was 36 percent for boys and 29 percent for girls. The low education rate continued to be attributed to high costs, socio-cultural prejudices, early marriage, sexual harassment, unwanted pregnancy, and domestic chores.

The extent of child abuse was not known, although children's rights organizations targeted the problem. Newspaper reports often cited children as victims of kidnapping, mutilation, and even infanticide.

There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning their newborns in streets, garbage cans, and pit toilets.

The law does not prohibit FGM, which was practiced in isolated areas of the Far North, East, and Southwest regions.

Internal migration contributed to the spread of FGM to different parts of the country. The majority of FGM procedures were clitorectomies. The severest form of FGM, infibulation, was performed in the Kajifu region of the Southwest Region. FGM usually was practiced on infants and preadolescent girls. Public health centers in areas where FGM is frequently practiced counseled women about the harmful consequences of FGM; however, the Government did not prosecute any persons charged with performing FGM.

On February 6, during the first International Day against Female Genital Mutilation, the minister of women's empowerment and the family condemned the practice and called on all citizens to join the fight against FGM.

While the minimum legal age for a woman to marry is 15, many families facilitated the marriage of young girls by the age of 12. Early marriage was prevalent in the northern regions of Far North, Adamaoua, North, and particularly the remote Far North Region, where many girls as young as nine faced severe health risks from pregnancies. There were no statistics on the prevalence of child marriage.

Although exact numbers were unavailable, the country had a significant number of displaced or street children, most of whom resided in urban areas such as Yaounde and Douala.

Beginning in January the Ministry of Social Affairs, in association with communities and various councils, established the "Project to Fight the Phenomenon of Enfants De la Rue (EDR)". The program gathered information on the phenomenon, offered psycho-social care, and bolstered the intake capacities of specialized centers. On April 9, in Maroua, Far North Region, the Ministry of Social Affairs launched the pilot phase of EDR. On April 14, the ministry also launched the program in Douala, for the Littoral and South West regions. The ministry reported that approximately 2,000 children lived in the streets of the major urban centers of the country. In April and May, a census conducted in Yaounde and Douala showed that 155 street children lived in Yaounde, and 280 street children lived in Douala. On May 14, the Minister of Social Affairs launched the operation designed to return 150 children to their families. On December 30, she revealed that the operation made it possible for 119 out of the 435 children identified in Yaounde and Douala to return home.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, and there were reports that persons were trafficked to, from, and within the country. The law criminalizes child trafficking and slavery and prohibits prostitution, forced labor, and other crimes related to trafficking in persons.

A 2000 International Labor Organization (ILO) study conducted in Yaounde, Douala, and Bamenda, reported that trafficking accounted for 84 percent of child laborers in those three cities. Local NGOs believed this statistic was still accurate. In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with education or professional training. The intermediary paid parents an average of 6,000 CFA (\$12) before transporting the child to a city where the intermediary would subject the child to forced labor with little remuneration. In four out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that the country was a transit site for regional traffickers, who transported children from Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the CAR for indentured or domestic servitude, farm labor, and sexual exploitation. Citizens also were trafficked to South Africa.

Women and children traditionally have faced the greatest risk of trafficking generally for sexual exploitation and forced labor. Most trafficking in children occurred within the country's borders, while most trafficked women were transported out of the country. According to anecdotal evidence from the NCHRF, women often were "hired" into hubs of prostitution, often in Europe. The method for trafficking women usually involved a marriage proposition by a foreign businessman. Women were often inducted into servitude upon arrival at a foreign destination. Credible reports indicated that traffickers used trafficking victims to recruit additional victims. Girls were internally trafficked from the Adamaoua, North, Far North, and Northwest regions to Douala and Yaounde to work as domestic servants, street vendors, or prostitutes.

For example, in 2007 a local law enforcement official reported that traffickers smuggled scores of children as young as eight years old into the country from Bakassi, Nigeria for a Nigerian fisherman. There was no action taken to address the problem due to the lack of effective administrative control.

Slavery is illegal in the country and the law provides punishment of 10 to 20 years' imprisonment for persons accused of slavery or trafficking in persons. However, there were credible reports of hereditary servitude by former slaves in some chiefdoms in the North Region. For example, there were reports that the Lamido (the traditional Muslim chief) of Rey Bouba in the North Region had hereditary servants inside his compound. Although the Lamido was replaced by his son in 2004, the hereditary servants remained, reportedly by choice for cultural reasons.

The law provides that any person who engages in crimes associated with trafficking in persons shall be punished by prison terms of between six months and 20 years.

Although statistics were unavailable because traffickers could be prosecuted under various sections of the penal code, the Government reportedly prosecuted trafficking cases during the year. In January gendarmerie in the North West Region arrested three traffickers transporting seven children between the ages of 12 and 17 to the Center Region to work as forced laborers. The case was pending in Bamenda at year's end.

The Ministry of Labor and Social Insurance (MINLESI) is primarily responsible for fighting trafficking; however, the ministry was severely underfunded.

The Government continued to fight trafficking through the use of an interagency committee and a program to find and return trafficked children. In addition, the Government cooperated with the Governments of Gabon, Nigeria, Togo, and Benin to fight trafficking through the exchange of information and preparation of common legislation on trafficking. The Interpol office in the country also played a significant role in the Government's antitrafficking actions.

The Government continued to work with local and international NGOs to provide temporary shelter and assistance to victims of trafficking. Catholic Relief Services worked to combat corruption in local schools that led to child prostitution. UNICEF was also actively engaged in combating girls' prostitution throughout the year.

The Government continued to build awareness among local government and security officials in the areas where trafficking was an issue. Antitrafficking information or education campaigns and antitrafficking spots were broadcast on government radio and television. The Government monitored immigration and emigration patterns for evidence of trafficking. Frontier police at airports, borders, and ports reported stopping many trafficking cases but did not provide details regarding specific cases.

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

Persons With Disabilities.—The law provides certain rights to persons with disabilities, including access to public buildings, medical treatment, and education, and the Government was obliged to provide part of the educational expense of persons with disabilities, to employ them where possible, and to provide them with public assistance when necessary. Access to public secondary education is free for persons with disabilities and children born of parents with disabilities. In practice, there were few facilities for persons with disabilities and little public assistance; lack of facilities and care for persons with mental disabilities was particularly acute. Society largely tended to treat those with disabilities as outcasts, and many felt that providing assistance was the responsibility of churches or foreign NGOs.

During the year First Lady Chantal Biya attended National Solidarity Action Day, the Ministry of Social Affairs sponsored an exhibition at the National Museum that allowed persons with disabilities to exhibit their handicrafts. For example, blind persons exhibited woven chairs.

National/Racial/Ethnic Minorities.—The population consists of more than 200 ethnic groups, among which there were frequent and credible allegations of discrimination. Ethnic groups commonly gave preferential treatment to fellow ethnic group members in business and social practices. Members of the president's Beti/Bulu ethnic group from southern parts of the country held key positions and were disproportionately represented in government, state-owned businesses, the security forces, and the ruling CPDM party. For example, the minister of defense, the delegate general for national security, and the minister of communication were all from the South Region, the former two being from the same division as the president.

On July 6, in Akonolinga, Central Region, several persons were injured and killed in ethnically motivated violence. The violence occurred when a soccer team from the city of Dschang, Menoua Division, West Region, a region predominated by ethnic

Bamilekes, defeated the local soccer team. Members of the Yebekolo tribe sought out and beat ethnic Bamilekes in Akonolinga. The Government investigated the incident, but no one had been arrested by year's end.

There were reports during the year that Alhadji Baba Ahmadou Danpullo, a wealthy businessman with ties to the Government, deceived M'Bororo women into sexual situations, forcibly displaced the M'Bororo and seized their land and cattle, and used his money and influence with the Government to order the beating and false imprisonment of members of the M'Bororo.

The commission established in 2007 to demarcate the borders between the Oku and the Mbessa tribes in both Bui and Boyo divisions in the North West Region began during the year.

In 2007 the Bui Oku burned dozens of Mbessa houses, displacing more than 500 persons. The Oku claimed that the Mbessa were farming on their land. They also accused them of having caught and raped Oku women, a charge disputed by local authorities. Local territorial command officials reported that the investigation, although ongoing at year's end, was complicated by the allegations that traditional rulers threatened potential witnesses.

Northern areas of the country continued to suffer from ethnic tensions between the Fulani (or Peuhl) and the Kirdi. The Kirdi remained socially, educationally, and economically disadvantaged relative to the Fulani in the three northern regions.

Traditional Fulani rulers, called Lamibe, continued to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor. Isolated cases of slavery were reported, largely Fulani enslavement of Kirdi.

Natives of the North West and South West regions tended to support the opposition party SDF and consequently suffered disproportionately from human rights abuses committed by the Government and its security forces. The anglophone community was underrepresented in the public sector. Although citizens in certain francophone areas—the East, Far North, North, and Adamaoua Regions—voiced similar complaints about under-representation and government neglect, anglophones said they generally believed that they had not received a fair share of public sector goods and services within their two regions. Some residents of the anglophone region sought greater freedom, equality of opportunity, and better government by regaining regional autonomy rather than through national political reform, and have formed several quasi-political organizations in pursuit of their goals.

Police and gendarmes subjected illegal immigrants from Nigeria and Chad to harassment and imprisonment. During raids, members of the security forces extorted money from those who did not have regular residence permits or who did not have valid receipts for store merchandise. Some members of the country's large community of Nigerian immigrants complained of discrimination and abuse by government officials. Illegal immigrants were subject to harassment on some occasions, although at a lower level than in previous years.

Indigenous People.—Approximately 50,000 to 100,000 Baka, Bakola, and Bagyeli (Pygmies) primarily resided (and were the earliest known inhabitants) in the forested areas of the South and East regions. While no legal discrimination exists, other groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. Baka reportedly continued to complain that the forests they inhabit were being logged without fair compensation. Some observers believed that sustained logging was destroying the Baka's unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems to a more rigid modern society similar to their Bantu neighbors.

Local Baka along the path of the Chad-Cameroon pipeline continued to complain that they were not compensated fairly for their land or had been cheated by persons posing as Baka representatives. In 2006 the committee in charge of the follow-up on the pipeline organized an evaluation seminar to determine compensation for the Bakola and Bagyeli. The committee agreed that despite improved access to education and healthcare, much remained to be done to improve living conditions for the pygmies. No further developments were reported during the year. On October 3, the Fondation Camerounaise d' Actions Rationalisées et de Formation sur l' Environnement conducted a study in 28 villages in the Center and South regions that confirmed the pygmies' complaints (Kribi Region) that they had not yet been fully compensated. The final conclusions of the study were not released by year's end.

An estimated 95 percent of Baka did not have national identity cards; most Baka could not afford to provide the necessary documentation to obtain national identity cards, which were required to vote in national elections. In 2004 Plan International and another NGO launched a program to educate Bakas about their political rights,

which included the construction of a communal radio station in the region of Abong-Mbang in Upper Nyong Division, East region.

In 2005 the Ministry of Social Affairs launched the Project to Support the Economic and Social Development of Bakas in South Region. The mission of the three-year project was to allow the issuance of birth certificates and national identity cards to 2,300 Bakas, as well as to help register hundreds of students in school. The program was still ongoing at year's end.

Other Societal Abuses and Discrimination.—Homosexual activity is illegal and punishable by a prison sentence of six months to five years and a fine ranging from 20,000 to 200,000 CFA (\$40 to \$400). While authorities did not prosecute persons under this law during the year, homosexuals suffered from harassment and extortion by law enforcement officials. False allegations of homosexuality were used to harass enemies or to extort money.

There were new developments in the August 2007 case of three homosexuals arrested by gendarmes in Douala. On January 9, the Douala High Court sentenced Lazare Baeg, Emmanuel Balep, and Tony Dikongue to six months in jail and fines of 50,000 CFA (\$100) for homosexuality. Their lawyer appealed the decision, which was pending at year's end.

In October 2007 the Bonanjo High Court refused to release six Douala men held in New Bell Prison on charges of homosexuality. In January the judge held the first hearing on the case but adjourned it pending further discovery. There were no further developments on the case by year's end.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join trade unions; however, the Government imposed numerous restrictions. The law does not permit the creation of a union that includes both public and private sector workers, or the creation of a union that includes different, even closely related, sectors.

The law requires that unions register with the Government, permitting groups of no less than 20 workers to organize a union by submitting a constitution, bylaws, and nonconviction certifications for each founding member. The law provides for prison sentences and fines for workers who form a union and carry out union activities without registration. Government officials stated that the Government provided union certification within one month of application; however, independent unions, especially in the public sector, have found it difficult to register. For example, the Syndicat National des Enseignants du Supérieur was not officially registered but operated without government interference.

Registered unions were subject to government interference. The Government chose the unions with which it would bargain; some independent unions accused the Government of creating small nonrepresentative unions amenable to government positions and with which it could negotiate more easily. Some sections of labor law have no force or effect because the presidency has not issued implementing decrees.

The labor code explicitly recognizes workers' right to strike, but only after mandatory arbitration, and workers exercised this right during the year. During the year strikes occurred at some universities, the national railroad company (CAMRAIL), and Cameroon Postal Services. Arbitration decisions are legally binding, but often unenforceable when the parties refuse to cooperate. It was not uncommon for such decisions to be overturned or simply ignored by the Government or employers. The provision of the law allowing persons to strike does not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants were required to negotiate grievances directly with the minister of the appropriate department in addition to the minister of labor.

b. The Right to Organize and Bargain Collectively.—The constitution and law provide for collective bargaining between workers and management as well as between labor federations and business associations in each sector of the economy.

When labor disputes arose, the Government chose the labor union with which it would negotiate, selectively excluding some labor representatives. Once agreements were negotiated, there was no mechanism to enforce implementation; some agreements between the Government and labor unions were ignored by the Government.

In November transport unions convened a press conference to address that the February agreements with the Government had not been implemented. The Sous-prefet of Yaounde II banned the press conference and called it "illegal".

The constitution and law prohibit antiunion discrimination, and employers guilty of such discrimination were subject to fines of up to approximately one million CFA (\$2,000). However, employers found guilty were not required to compensate workers for discrimination or to reinstate fired workers. The MINLESI did not report any

complaints of antiunion discrimination during the year, although there were credible press reports of harassment of union leaders.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. Prison authorities arranged for prison inmates to be contracted out to private employers or used as communal labor for municipal public works. Money generated from these activities was usually pocketed by prison administrators and not given to detainees.

Hereditary servitude occurred in the Northern regions.

In the South and East regions, some Baka, including children, continued to be subjected to unfair and exploitative labor practices by landowners, including forced work on the landowners' farms during harvest seasons without payment.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law generally protects children from exploitation in the workplace and specifies penalties ranging from fines to imprisonment for infringement; however, child labor remained a problem. The Government specifically prohibits forced and compulsory labor by children, but there were reports that it occurred in practice.

The law sets a minimum age of 14 for child employment, bans night work, and enumerates tasks that children under the age of 18 cannot legally perform. These include moving heavy objects, dangerous and unhealthy tasks, working in confined areas, and prostitution. The law also states that a child's work day cannot exceed eight hours. Employers were required to train children between the ages of 14 and 18, and work contracts must contain a training provision for minors. The prohibition against night work was not effectively enforced.

Child labor existed chiefly in urban areas and in the informal sector such as street vending, car washing, agricultural work, and domestic service. Many urban street vendors were less than 14 years of age. Children worked as household help, and some children were involved in prostitution. In the north there were credible reports that children from needy homes were placed with other families to do household work for pay.

There were reports that some parents gave their children to "marabouts" (traditional religious figures) in Maroua in the Extreme North, to learn the Koran and prepare them to become "marabouts" themselves. However, there were reports that some children were kept in leg chains and subjected to forced labor.

Parents viewed child labor as both a tradition and a rite of passage. Relatives often employed rural youth, especially girls, as domestic helpers, and these jobs seldom allowed time for the children to attend school. In rural areas, many children began work at an early age on family farms. According to some NGOs, the cocoa industry also employed child laborers. These children originated, for the most part, from the three northern and the North West regions.

The Ministry of Social Affairs and MINLESI were responsible for enforcing existing child labor laws through site inspections of registered businesses; however, the Government did not allocate sufficient resources to support an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances were beyond a child's capacity. In 2005 the Government employed 58 general labor inspectors to investigate child labor cases.

The ILO continued to work with specific contact persons in various ministries and agencies involved in antitrafficking activities; it also conducted nationwide investigations and cooperated with local organizations.

e. Acceptable Conditions of Work.—In June the Government increased the minimum wage in all sectors to 28,246 CFA (\$56) per month. However, the minimum wage did not provide for a decent standard of living for an average worker and family. MINLESI was responsible for enforcing the minimum wage nationally.

The law establishes a standard workweek of 40 hours in public and private non-agricultural firms and 48 hours in agricultural and related activities. There are exceptions for guards and firemen (56 hours a week), service sector staff (45 hours a week), and household and restaurant staff (54 hours a week). The law mandates at least 24 consecutive hours of weekly rest. Premium pay for overtime ranges from 120 to 150 percent of the hourly pay depending on amount and whether it is for weekend or late-night overtime. There is a prohibition on excessive compulsory service. MINLESI inspectors were responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program.

The Government sets health and safety standards. MINLESI inspectors and occupational health physicians were responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program. The law

does not provide workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment.

CAPE VERDE

Cape Verde, with a population of approximately 500,000, is a multiparty parliamentary democracy in which constitutional powers are shared among the elected head of state, President Pedro Verona Rodrigues Pires, and Prime Minister Jose Maria Neves. Pires was elected for a second five-year term in 2006 in generally free and fair elections. Nationwide legislative elections in 2006 and municipal elections in May 2008 were likewise declared generally free and fair by the Supreme Court of Justice and by the National Electoral Commission. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the police forces used excessive force and stole evidence from police lockups.

The Government generally respected the human rights of its citizens; however, problems were reported in some areas: police abuse of detainees, poor prison conditions and juveniles held together with adults, lengthy pretrial detention and excessive trial delays, violence and discrimination against women, child abuse, reports of trafficking in persons, and some forms of child labor.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were credible reports that in some instances police beat persons in custody. Generally, the authorities took action against the abusers. However, there were credible reports that some abuses that occurred within police stations were not reported by police officials.

Prison and Detention Center Conditions.—Prison conditions were poor, and facilities were severely overcrowded. Sanitation and medical assistance were poor; however, doctors and nurses were available, and prisoners were taken to public hospitals for serious medical problems. Psychological problems among prisoners were common.

There were no developments in the investigation of the December 2007 murder in prison of a convicted drug trafficker who was collaborating with authorities. The killer was believed to be another inmate, who was alleged to be a professional hit man hired by drug traffickers.

Juveniles were held together with adults, and pretrial detainees were held together with convicted prisoners.

The Government permitted independent monitoring of prison conditions by international human rights monitors and visits to individual prisoners; however, there were no such visits during the year. Local nongovernmental organizations (NGOs) and media representatives frequently visited the prisons and reported on prison conditions.

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

Role of the Police and Security Apparatus.—The police force is organized nationally under the Ministry of Internal Administration and the Ministry of Justice and is made up of the National Police, responsible for law enforcement, and the Judicial Police, responsible for investigations. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity limited police effectiveness. Corruption was an increasing problem.

In June three Judicial Police officials were arrested for diverting for commercial use over 135 kilograms of cocaine seized in a drug investigation; a full investigation was conducted, and the police officers were charged with the crime.

Police abuses were investigated internally, and these investigations resulted occasionally in legal action against the perpetrators. Impunity was a problem. With an inefficient judicial system, citizens have little expectation of timely and strict law enforcement or accountability for those who commit offenses.

Arrest and Detention.—Police may not make arrests without a warrant issued by an authorized official, unless a person is caught in the act of committing a felony. The law stipulates that a suspect must be brought before a judge within 48 hours of arrest. The law provides a detainee with the right to a prompt judicial determination of the legality of the detention, and the authorities respected this right in practice. Attorneys inform detainees of the charges against them. There was a functioning bail system. Detainees were allowed prompt access to family members and to a lawyer of their choice or, if indigent, to one provided by the Government.

Lengthy pretrial detention was a serious problem; detainees often remained in jail without charge for more than a year. The judicial system was overburdened and understaffed, and the dropping of charges without a court judgment was a frequent means for terminating criminal cases.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice; however, a report by the president of the Supreme Court of Justice (SCJ) on the state of the justice system recognized that the judiciary was understaffed, inefficient, and in urgent need of reform.

The judicial system is composed of the Supreme Court of Justice and the regional courts. Judges are independent and may not belong to a political party. Penal and civil regional courts adjudicate minor disputes; the penal courts handle criminal cases, including violations of the electoral laws; and the civil courts handle civil and commercial suits. Civilian courts have jurisdiction over state security cases. There is also a military court, which cannot try civilians. The SCJ is the highest appellate court.

Trial Procedures.—The law provides for the right to a fair and public nonjury trial. Defendants are presumed to be innocent until proven guilty. Defendants have the right to be present and to consult with an attorney in a timely manner; free counsel is provided for the indigent. Defendants have the right to confront or question witnesses against them and to present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. They can appeal regional court decisions to the SCJ. The law extends the above rights to all citizens.

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

Civil Judicial Procedures and Remedies.—The ordinary courts handle civil matters, including lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. The independent press was active and expressed a variety of views without restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. Unofficial reports estimate that 10 percent of Cape Verdeans were Internet users; citizens in the cities had access to the Internet at cyber cafes.

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

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

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. More than 85 percent of the population is nominally Roman Catholic, according to an informal poll taken by local churches. The Government imposed no registration requirements that discriminate against any religious groups.

Societal Abuses and Discrimination.—There was no known Jewish community, and no reports of acts of anti-Semitism or discrimination against members of any religious group.

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

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

The constitution and law prohibit forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol, but there were no reported cases during the year.

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

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

Elections and Political Participation.—In the 2006 legislative elections individuals and parties were free to declare their candidacies. The ruling African Party for the Independence of Cape Verde won 41 seats in the 72-seat National Assembly; the main opposition party, Movement for Democracy (MPD), won 29 seats; and the Union for a Democratic and Independent Cape Verde won the remaining two seats. International observers characterized the elections as generally free and fair, despite some irregularities. The MPD unsuccessfully contested the results by alleging fraud and filing with the SCJ for annulment of the elections.

Presidential elections were also held in 2006, and individuals and parties were free to declare their candidacies. International observers characterized the conduct of the election as generally free and fair. The incumbent President Pires received a second term with 51 percent of the vote; MPD candidate Carlos Veiga obtained 49 percent of the vote. Veiga then petitioned the SCJ to annul the presidential election results, stating that the elections were not free or transparent. The SCJ ruled there were no legal grounds for annulment and confirmed President Pires as the winner.

Municipal elections were held in May, and the opposition won in 12 of the 22 municipalities—including the most important. These elections were organized under a new electoral code, with a new electoral census for voters in and outside the country, and greater oversight powers to the National Electoral Commission. The National Electoral Commission and the SCJ declared the legislative and presidential elections generally free and fair.

There were 11 women in the National Assembly. Out of 16 ministers appointed in June following a cabinet reshuffle, eight were women. There was one woman on the SCJ.

There is no majority ethnic group in the country, and the Government is multi-ethnic at all levels.

Government Corruption and Transparency.—The law provides criminal penalties of up to 15 years' imprisonment for official corruption. There was one report of government corruption during the year. According to the World Bank's Governance Indicators, government corruption was a problem.

The law provides for public access to government information without restriction, provided that privacy rights are respected; There were no reports that the Government denied requests for such information.

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

A number of domestic human rights groups generally operated without government restriction and investigated and published their findings on human rights cases. Leading human rights groups included the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association. Government officials generally were cooperative and responsive to their views.

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

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively, and violence and discrimination against women and abuse of children were serious problems.

Women.—Rape, including spousal rape, is a criminal offense, but the Government generally did not effectively enforce the law; the number of prosecutions during the year was small. The penalty for rape is eight to 16 years' imprisonment, and may be higher if the victim is under the age of 16, or if the offender takes advantage of job responsibilities in a prison, hospital, school, or rehabilitation center, or with persons under his or her responsibility. NGOs such as the Association in Support of Women's Self-Promotion in Development and the Cape Verdean Women's Organization conducted campaigns against rape.

Domestic violence against women, including wife beating, was widespread. The Government and civil society encouraged women to report criminal offenses such as spousal abuse, which is punishable by two to 13 years' imprisonment; however, long-standing social and cultural values inhibited victims from doing so. The number of prosecutions was small.

While there were mechanisms such as legal counseling, psychological care, specific police attention, and family courts to deal with spousal abuse, these mechanisms neither effectively prevented violence nor ensured the punishment of those responsible. Women's organizations claimed that police lacked adequate skills to handle cases of abuse and often ignored the legal complaints they filed against their husbands. Nevertheless, reports to police of domestic violence increased during the year. There were police and judicial delays in acting on abuse cases. Violence against women was the subject of extensive public service media coverage, but the media protected alleged perpetrators' identities.

Women's organizations, such as the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, there was no such legislation by year's end.

Prostitution of minors is prohibited by law, but the Government generally did not enforce it. Sex tourism was a growing problem, and there are no laws to address it. While no statistics are available, prostitution was most prevalent in tourist areas of the islands of Sal, Boa Vista, and Sao Vicente.

Sexual harassment was common and not culturally perceived as a crime. It is prohibited by law with a penalty of one year in prison, but the Government did not effectively enforce this law.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. However, despite legal prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. The Cape Verdean Institute for Gender Equality and Equity worked for the protection of legal rights of women. The Women Jurists' Association provided free legal assistance to women throughout the country suffering from discrimination, violence, and spousal abuse.

Children.—The Government was committed to children's rights and welfare.

Child abuse and sexual violence against children were serious problems, regularly reported by the media. Child labor was also a problem. Government efforts to address these problems were inadequate.

Trafficking in Persons.—The law prohibits trafficking in minors, but not adults, and there were reports that persons were trafficked to and from the country. Police reports indicated that the country was also a transit point for trafficking in persons from West African countries to the Canary Islands and to Europe.

Sentences for trafficking in children range up to 16 years' imprisonment, but there were no prosecutions during the year. The Ministry of Justice and the Ministry of Internal Administration are responsible for combating trafficking.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government effectively enforced these provisions. There are no laws or programs to ensure access to buildings for persons with disabilities.

Other Societal Abuses and Discrimination.—There were no reports of discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. There are no restrictions except for employees of diplomatic missions. Approximately 22 percent of workers were unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides union members with the right to strike, but the Government may invoke a “civil request” in an emergency or if coverage of basic needs is threatened. Under a civil request the Government has the power to require the striking union to continue to provide specified minimum services.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law; however, there was very little collective bargaining. There were no collective bargaining agreements and no collective labor contracts completed during the year. Workers and management in the small private sector, as well as in the public sector, normally reached agreement through negotiations either individually or collectively. There were no reports of antiunion discrimination.

There are no special laws or exemptions from regular labor laws in the one export processing zone, which encompasses the whole country.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred. Children commonly work as car washers, fishers, street vendors, and in small-scale family agriculture.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, but the Government did not effectively implement them in practice. A new labor code was approved in 2007, prohibiting children under the age of 15 from working. The law also increased restrictions on children between 15 and 18 years of age, prohibiting them from working at night, more than seven hours per day, or in establishments where toxic products were produced. However, the Government rarely enforced the law.

The most recent statistics available (2000 census) indicated that 8,000 children were working in urban centers as street vendors and car washers, and in the countryside in agriculture, livestock raising, and fishing. There were reports that children were being used in the sale of illicit substances. In June the Institute of Children and Adolescents, a government organization, concluded a study analyzing the child labor situation in the country; by year’s end the study had not resulted in any concrete action by the Government.

The ministries of justice and labor were responsible for enforcing child labor laws; however, such laws were seldom enforced. There were no government programs to address child labor.

e. Acceptable Conditions of Work.—As the country’s largest employer, the Government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector. For an entry-level worker, this wage was 12,000 escudos (approximately \$150) per month. The majority of jobs paid wages that did not provide a worker and family with a decent standard of living; most workers relied on second jobs and extended family support.

The law provides for a maximum workweek for adults of 44 hours, prohibits excessive compulsory overtime, and requires that a premium be paid for hours beyond the standard workweek. There is a required rest period of 12 consecutive hours per week. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The director general of labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law; however, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy legal protection. The Government has not set occupational health and safety standards; however, there is a general provision in the law that requires employers to provide a healthy and safe work environment. Few industries employed heavy or dangerous equipment. The law provides workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment.

CENTRAL AFRICAN REPUBLIC

The Central African Republic (CAR) is a constitutional republic whose population of approximately 4.2 million is governed by a strong executive branch and weak legislative and judicial branches. Armed forces Chief of Staff General Francois Bozize seized power in a military coup in 2003. Subsequent elections in 2005 resulted in Bozize's election as president. National and international observers judged the elections to be generally free and fair despite some irregularities. While fighting between rebels and government security forces decreased during the year, much of the northwestern and northeastern parts of the country remained outside of government control. Banditry remained a serious threat to civilians throughout the northern prefectures of the country. Civilian authorities did not maintain effective control over the security forces.

The Government's human rights record improved somewhat from the previous year but remained poor. Reports of the military killing civilians decreased due to a peace agreement between government forces and rebels in the north. However, the presidential guard continued to carry out extrajudicial executions in the contested northwest prefectures. Security forces, including the presidential guard, continued to torture, beat, detain, and rape suspects and prisoners. Mob violence resulted in deaths and injuries. Impunity, particularly military impunity, remained widespread. Conditions in prisons and detention centers remained harsh and life threatening. The Government's use of arbitrary arrest and detention contributed to a large number of detainees. Prolonged pretrial detention, denial of a fair trial, and judicial corruption continued to be problems. The Government intimidated and restricted the press on occasion. Freedom of movement remained limited in the north because of actions by security forces, armed bandits, and rebels. Sporadic fighting between government forces and rebel groups continued to produce internally displaced persons, though the number of displaced persons and refugees decreased from the previous year. Government corruption and lack of access to government-held information remained serious problems. Societal violence, including female genital mutilation (FGM), discrimination against women, and societal discrimination against indigenous people (Pygmies) occurred. Trafficking in persons was a problem, as were forced labor and child labor, including forced labor by children. Workers' rights improved from the previous year, but remain restricted.

In addition to recognizable rebel organizations, unidentified armed groups continued to kill, beat, and rape civilians and loot and burn villages in the north. Rebel groups kidnapped, beat, raped, and extorted money from local populations. There were numerous reports of children as young as 12 fighting alongside rebel groups.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents killed members of opposing political groups, but soldiers, particularly the presidential security forces (commonly known as the presidential guard) killed numerous civilians they suspected of supporting armed rebel groups. Both government security forces and armed rebels killed civilians in the course of conflict in the north of the country.

During the year there were numerous credible reports that elements of the security forces, including the Central African Armed Forces (FACA), and particularly the presidential guard forces, committed unlawful killings while apprehending suspects and, allegedly, in connection with personal disputes or rivalries. Authorities appeared unwilling to prosecute personnel of the presidential guard for extrajudicial killings.

Unlike the previous year, there were no reports that the Central Office for the Repression of Banditry (OCRB), a special anti-banditry police squad and an investigative and intelligence police service operated by the Ministry of Defense in and around Bangui, arbitrarily executed suspected bandits, although they continued to use torture.

There were no reports that the Government prosecuted any OCRB personnel for 2007 killings.

In January Lieutenant Eugene Ngaikosse of the presidential guard reportedly executed three persons accused of highway banditry between Baoro and Carnot. The director of presidential security investigated the incident, and the Chadian consul represented the victims. At year's end no further information was available, although Ngaikosse remained free and had not been indicted.

On April 6, Boris Namsene of the presidential guard shot and killed five persons and wounded several more following a quarrel during a funeral in Boy-Rabe,

Bangui. Military authorities who were informed of the killings did not immediately take action against Namsene, whose body was found at a hospital three days later, apparently killed by his fellow soldiers. At year's end no one had been charged.

In March and April the Permanent Military Tribunal, which is responsible for adjudicating crimes allegedly committed by military forces, ruled on 38 of the 47 cases involving military service members arrested for crimes from murder to desertion and theft of military equipment. Of the six cases in which the victims died, the tribunal convicted one soldier of murder, convicted two others on lesser charges, and acquitted one. Decisions on two other cases were postponed. The tribunal handed down 20 convictions with prison sentences, nine convictions with suspended sentences, and acquitted nine defendants. Nine cases were remanded for further discovery or postponed to the tribunal's next session.

In May Captain Achille Lakouama was sentenced to five years in prison and a fine of 16 million CFA francs (approximately \$32,000) for the 2006 killing of presidential protocol director Pascal Bembe.

Armed bandits, who have contributed to the country's instability for many years, demonstrated a growing willingness to kill civilians during the year. In the central part of the country, armed groups known as zaraguinas engaged in widespread kidnappings, at times killing family members of individuals who could not or would not pay ransom. Although information about these armed groups and highway bandits was difficult to obtain, aid workers and UN officials described them as a combination of common criminals and remnants of insurgent groups from the recurring conflicts in the region.

On February 22, Mayor Emmanuel Voulele of Kouï and four of his staff were kidnapped for ransom. A partial payment of the ransom led to the release of two persons; however, the mayor was later killed. At year's end no one had been charged for the crime.

No further information was available at year's end on the alleged massacre of 56 civilians in the village of Massabo near Boromata in February 2007.

Civilians reportedly continued to kill and injure persons suspected of being sorcerers or witches during the year.

On August 1, three persons accused of sorcery following the death of a young woman were killed by the local population in Pissa. Acting on the advice of a local marabout, or religious fortune teller, villagers invaded the detention facility, wrested the accused from gendarmes, and killed them. Five persons were arrested and at year's end were awaiting trial.

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

During the year unidentified armed groups kidnapped and held for ransom M'boboro children, local officials, and a group of medical personnel in Ouham Pende prefecture.

On February 10, unidentified gunmen in Bombole took two medical doctors and four medical personnel hostage and demanded ransom. The hostages were released five days later when the National Medical Association threatened to call a strike and the local population mobilized against the kidnappers. At year's end no one had been charged for the kidnapping.

The February 22 kidnapping of the mayor of Kouï resulted in his death. (See Section 1.a.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law and the constitution prohibit torture and specify punishment for those found guilty of physical abuse, police and security services continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners, according to local human rights groups such as the Association Against Torture (ACAT) and the Central African Human Rights League (LCDH). The Government did not take effective action to punish police who tortured suspects, and impunity remained a problem. Family members of victims and human rights groups, including the LCDH, filed complaints with the courts but the authorities took no action. Members of the military raped, robbed, and abused civilians in conflict areas.

According to ACAT, torture and beating of detainees occurred frequently in detention centers run by the Services des Recherches et Investigations (SRI) and the OCRB.

Police most commonly employed a form of torture known as "le cafe," the repeated beating of the soles of an individual's feet with a baton or stick. Immediately after administering the beating, police would sometimes force the victim to walk on badly bruised feet and, if the individual was unable to do so, would continue beating the individual. For example, in January several individuals accused of embezzlement or banditry near Bambari were given this punishment.

On October 20, Dieu-Beni Pani was arrested for fraud and taken to the ORCB police headquarters where he was beaten severely. On October 29, he was moved to the SRI police headquarters where he was shackled and beaten unconscious before being returned to his ORCB cell. He later was released to a local hospital with severe injuries. No update was available at year's end on his condition.

Members of the presidential guard and armed forces continued to beat and abuse civilians, including journalists. In August Lieutenant Olivier Koudemon of the presidential guard threatened to kill Sylvestre Boymandja following a dispute over a vehicle rental; Boymandja took his complaint to the SRI. When summoned by SRI authorities, Koudemon came armed and began insulting and beating Boymandja. When convoked by the prosecutor's office, Koudemon arrived accompanied by other presidential guards. In the office lobby, he pulled out his gun, threatened to kill Boymandja and his relatives, and started beating Boymandja's sister in front of the deputy prosecutor. By year's end the military had taken no action against Koudemon.

On December 22, Koudemon and his colleagues in the presidential guard attacked and beat several of his neighbors in the Boy-Rabe neighborhood of Bangui following a dispute over a stolen chicken, an incident widely reported in the press. On December 27, Koudemon attacked another Boy-Rabe woman after a roadside dispute, according to the local press.

On July 13, Corporal Zilo and five of his colleagues from FACA severely beat Dany Tapandji Zingazo for allegedly looking at Zilo's girlfriend. Tapandji remained incapacitated by his injuries, and at year's end the authorities had not investigated the incident.

Members of security forces, particularly members of the military, reportedly raped civilians during the year, although sexual assault reporting remained rare throughout the country. Security personnel rarely were punished, and suspects either escaped from police custody or were released by fellow soldiers and other security agents.

On December 27, Nganatouwa Goungaye Wanfiyo, one of the lawyers for the victims in the International Criminal Court (ICC) proceedings against Congolese politician and militia leader Jean-Pierre Bemba, died in an automobile accident near Sibut. While there was no evidence of foul play, several nongovernmental organizations (NGOs) called for an investigation given the sensitive nature of his work.

There were no further developments in the ongoing ICC investigation into the 2005 charge against former president Ange-Felix Patasse and others for crimes against humanity committed prior to and during the 2003 coup.

Civilians continued to take vigilante action against suspected thieves, poachers, and some persons believed to be Chadian combatants.

Prison and Detention Center Conditions.—Prison conditions were extremely harsh and well below international standards. Prison conditions outside Bangui generally were worse than those in the capital. There were reports that guards tortured prisoners. There were an estimated 400 prisoners in Bangui as of year's end. Prison cells were overcrowded and basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials. Prisoners depended on family members to supplement inadequate prison meals and sometimes were allowed to forage for food near the prison. Prisoners frequently were forced to perform uncompensated labor.

According to one international observer, detainees outside the capital received no food from prison authorities. For example, a Ba'Aka (Pygmy) prisoner arrested in Bayanga during the year was transferred to Nola, where he died after eating a poisonous toad out of hunger and desperation.

There were two prisons in Bangui, Ngaragba Central Prison for men and Bimbo Central Prison for women. Inmates with infectious diseases lived among healthy inmates. A nurse was available at both prisons for inmates needing medical care. Detainees and inmates at both prisons received one meal per day. Meals were insufficient and prisoners complained of meals made from inferior ingredients. Inmates slept on the floor or on thin matting provided by their families or charities. Authorities at both prisons permitted detainees' families to make weekly visits.

By September there were 340 inmates in Ngaragba Prison, most of them pretrial detainees. Several detainees had been held for seven months without appearing before a judge. In some cell blocks there were 10 individuals in each common room. The more crowded cellblocks contained four rooms, in which approximately 30–40 prisoners slept, usually on bare concrete floors. Prisoners in these cellblocks complained that water supplies were inadequate and often were cut. In the prison section reserved primarily for educated prisoners and former government officials suspected or convicted of financial crimes, common rooms held four to eight persons on

average. In August a prisoner died in Ngaragba and authorities temporarily refused to allow for the body's removal, leading to a brief riot.

As of June, Bimbo Central Prison housed 44 female detainees, many of whom were pretrial detainees. Several individuals had been detained for months and had not appeared before a judge; few had lawyers. Prison officials allowed detainees who were ill to be treated by a nurse who visited regularly. Overcrowding was reportedly not a problem, and children younger than five were allowed to stay with their mothers at the prison. By year's end a new block of toilets and showers built by the International Committee of the Red Cross (ICRC) alleviated concerns about inadequate sanitary facilities. There were no reports of rapes or sexual harassment by the all-male prison guard staff.

Male and female prisoners were held in separate facilities in Bangui but housed together elsewhere. Juveniles were sometimes held with adult prisoners. For example, in June observers from a UN agency found five minors between the ages of 12 and 16 among the prisoners at Ngaragba. Pretrial detainees were not held separately from convicted prisoners.

Conditions in detention centers were worse than those in prisons and in some cases were life threatening. Bangui's police detention centers consisted of overcrowded cells with very little light and leaky buckets for toilets. Poor sanitation and negligence by authorities posed a serious health risk to detainees. According to local human rights groups, lack of training and poor supervision at detention centers were serious problems and continued to result in torture and beatings. Suspects in police and gendarmerie cells had to depend on family, friends, religious groups, and NGOs for food. Detainees with infectious diseases lived among healthy prisoners, and medicine was not available. Suspects generally slept on bare cement or dirt floors. Corruption among guards, who had not been paid in months, was rife. Guards often demanded between 200 CFA francs (approximately \$0.40) and 300 CFA francs (approximately \$0.60) to permit showers, allow the delivery of food and water, or permit family visits.

International observers noted that the detention center in the gendarmerie in Bouar had neither windows nor a toilet, only a bucket that was emptied every other day. Detainees at the police facility in Bouar slept chained to each other, a measure the police justified by alleging the detainees were recidivists and undisciplined.

In Bangui male and female detainees were separated; however, this was reportedly not the case in detention facilities in the countryside. There were no separate detention facilities for juvenile detainees, who routinely were housed with adults and often subjected to physical abuse.

The Government restricted prison visits by human rights observers during the year, more so than in the previous year, particularly after the detention and eventual release of journalist Faustin Bambou. Although international observers were not denied visits, the Government delayed responses to visit requests, often for weeks or months. The ICRC and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners; however, access for some other observers was at times limited to certain areas.

Arbitrary Arrest or Detention.—The law provides protection against arbitrary arrest and detention and accords detainees the right to a judicial determination of the legality of their detention; however, security forces frequently ignored such provisions, and arbitrary arrest and detention remained a problem.

Role of the Police and Security Apparatus.—The Ministry of the Interior and Public Security, through the director general of police, has oversight over the activities of the National Police, including the OCB. The Ministry of Defense oversees military forces, including the presidential guard, the National Gendarmerie, and the SRI. The police and the military share responsibility for internal security.

As part of its efforts to protect citizens and safeguard property, the Government continued to support joint security operations in the capital conducted by several hundred regional armed forces peacekeepers, renamed Mission for the Coordination of Peace (MICOPAX), stationed throughout the country as well as by French and European forces in the northeastern Vakaga prefecture.

Police were ineffective; they severely lacked financial resources, and their salaries were often in arrears. Citizens' lack of faith in police led at times to mob violence against persons suspected of theft and other offenses. Police corruption, including the use of illegal roadblocks to commit extortion, remained a problem; however, removal of some illegal roadblocks enabled more freedom of movement and easier transportation by year's end.

Mechanisms existed for redress against police abuse. Citizens could and did file complaints with the public prosecutor. The most common complaints involved theft, rape, brutality, and embezzlement. However, impunity remained a severe problem.

Although the prosecutor had the authority to order the arrest of police officers suspected of committing abuses and exercised that authority during the year, the prosecutor's staff was small and severely underfunded. There were no prosecutions of police officers during the year, according to the deputy prosecutor.

The human rights section of the UN Peace Building Office in the Central African Republic (BONUCA) continued to provide security forces, including police officers, with human rights training, and during the year it sponsored training for FACA and MICOPAX soldiers in Bossangoa, Nola, and Alindao. It also organized similar training for presidential guard soldiers in December. BONUCA placed UN human rights observers in three regional UN offices in northwestern and central parts of the country. While BONUCA reported on human rights and worked with the local human rights community, local and international observers criticized its human rights section for its inability or refusal to bring such abuses to light or demand redress. Due in part to previous criticisms on its lack of public reporting, BONUCA released in August its first public report on the human rights situation and on abuses that occurred in the country during the first quarter of the year.

Arrest and Detention.—Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be informed of the charges against them and brought before a magistrate within 48 hours. This period is renewable once, for a total of 96 hours. In practice authorities often did not respect these deadlines, in part due to inefficient judicial procedures and a lack of judges. In several police detention centers, including the SRI, detainees were held for more than two days and often for four weeks before bringing their cases before a magistrate. The law allows all detainees, including those held on national security grounds, to have access to their families and to legal counsel. Indigent detainees may request a lawyer provided by the Government, although it was not known if this right was often invoked. Detainees are allowed to post bail or have family members post bail for them. In most cases lawyers and families had free access to detainees, but incommunicado detention occasionally occurred.

There were different standards for treatment of detainees held for crimes against the security of the state. National security detainees may be held without charge for up to eight days, and this period can be renewed once, for a total of 16 days. However, in practice persons accused of crimes against the security of the state were held without charge for longer periods.

Security forces arbitrarily arrested persons, including journalists. In January presidential guard soldiers arrested several highway bandits in Ouham prefecture without following judicial procedures. The soldiers subsequently beat the detainees and freed them after several days.

In January presidential guard Lieutenant Eugene Ngaikosse ordered the arrest of Markounda Mayor Tolngar Vincenta for allegedly urging his citizens to flee during a presidential guard trip to the town. The mayor was released three weeks later.

In April Bertin Aristide Kabamba, a former Congolese army commandant who had received refugee status in the country in 2003, was imprisoned by the SRI security service following unspecified allegations of abuse. At year's end he remained in custody.

In September presidential guard members arrested Christian Mocket, an official working at the presidency, following his letter to the president criticizing corruption surrounding the presidency, including the presidential guard. Mocket remained in detention at the SRI at year's end, and no further information was available as to his condition or the charges against him.

Gendarmes in Markounda arrested and held 19 persons for two days in December 2007 allegedly for maintaining dirty and unhygienic houses.

During the year individuals, particularly women, continued to be arrested and charged with witchcraft, an offense punishable by execution, although no one received the death penalty during the year. Prison officials at Bimbo Central Prison for women stated that accused witches were detained for their own safety since village mobs sometimes killed suspected witches. In late 2005 Bangui prison officials estimated that 50 to 60 percent of female detainees were arrested in connection with charges of witchcraft.

In June an 80-year-old man and a married couple were detained in Bambari after villagers accused them of sorcery.

Prolonged pretrial detention was a serious problem. At year's end pretrial detainees comprised 49 percent of Ngaragba Central Prison's population and an estimated 80 percent of Bimbo Central Prison's population. Detainees usually were informed of the charges against them; however, many waited in prison for several months before seeing a judge. Judicial inefficiency and corruption, as well as a shortage of

judges and severe financial constraints on the judicial system, contributed to pre-trial delays. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the judiciary remained subject to the influence of the executive branch, and, despite government efforts to improve it, the judiciary was inadequate to meet its tasks.

In February President Bozize reopened the Constitutional Court. He had closed it in 2007 after a dispute over Supreme Court judges who opposed government-supported legislation affecting the country's only petroleum supplier, the French oil company Total. The April 2007 case was resolved following an out-of-court settlement.

The courts continued to suffer from inefficient administration, a shortage of trained personnel, growing salary arrears, and a lack of material resources. Many citizens effectively lacked access to the judicial system. Citizens often had to travel more than 30 miles to reach one of the country's 35 courthouses. Consequently, traditional justice at the family and village level retained a major role in settling conflicts and administering punishment.

Judicial corruption remained a serious impediment to citizens' right to receive a fair trial. According to the LCDH, corruption extended from the judges down to the bailiffs. Many lawyers paid judges for verdicts favorable to their clients. There were, however, some efforts to combat judicial corruption, including by several UN agencies and the European Union.

The president appoints judges after the Superior Council of Magistrates nominates them. The judiciary consists of 24 tribunals of first instance, three courts of appeal, a Final Court of Appeals (Cours de Cassation), a High Court of Justice, commercial courts, a military court, and a Constitutional Court. There are also children's and labor tribunals, as well as a Tribunal for Financial Crimes. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the constitution and hears appeals challenging the constitutionality of a law. The Permanent Military Tribunal judges only members of the military.

A law adopted by the National Assembly in September introduced significant reforms regarding the composition of the Superior Council of Magistrates and gave a majority of the membership to non-magistrates. The magistrates' and lawyers' associations complained that they had not been consulted, which resulted in a one-month strike by magistrates. The press and opposition political parties viewed the reform as a sharp limitation of judicial independence as well as an expansion of executive power.

There were numerous reports that, in reaction to judicial inefficiency, citizens in a number of cities organized to deal with cases through parallel justice and persecution, such as mob justice, or resorted to neighborhood tribunals and appeals to local chiefs, especially in cases of suspected witchcraft.

Trial Procedures.—Trials are public, and defendants have the right to be present and to consult a public defender. Juries are used for criminal trials. If an individual is accused of a serious crime and cannot afford a lawyer, the Government has an obligation to provide one. In practice the Government provided counsel for indigent defendants, although this process was often slow and delayed trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence. Defendants are presumed innocent until proven guilty, and, if convicted have the right to appeal. The Government generally complied with these legal requirements. The judiciary, however, did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. One indigenous ethnic group in particular, the Ba'Aka, reportedly was subject to legal discrimination and unfair trials.

Witchcraft occasionally was tried in the regular courts and could be punishable by execution, although no death sentences were imposed during the year. Most individuals who were convicted received sentences of one to five years in prison; they could also be fined up to 817,800 CFA francs (approximately \$1,630). During a typical witchcraft trial, doctors of traditional medicine were called to give their opinion of the suspect's ties to sorcery, and neighbors were called as witnesses. Police and gendarmes conducted investigations into witchcraft.

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

In October 2007, Lydie Florence Ndouba, who had close family ties to former president Patasse and was detained in 2006, was freed from custody.

Authorities granted BONUCA's human rights unit and human rights and humanitarian NGOs limited access to all prisoners and detainees, although bureaucratic requirements for visits and delays significantly restricted their frequency during the year.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, there was a widespread perception that judges were bribed easily and that litigants could not rely on courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly.

f.Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits searches of homes without a warrant in civil and criminal cases; however, police sometimes used provisions of the penal code governing certain political and security cases to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes.

Local journalists alleged that the Government tapped their telephones and that they were harassed regularly by telephone.

Kina Baptist Church, which security forces burned in 2006 pursuant to a presidential order, reopened during the year.

Use of Excessive Force and Other Abuses in Internal Conflicts.—Government and opposition forces engaged in serious and numerous violations of human rights in the course of their struggle for control of the northern part of the country. Human rights abuses were particularly prevalent in the northwest, where soldiers, rebels, and bands of unidentified armed men attacked civilians. In the view of many observers, the Government controlled little more than half of the country during the year. Although government forces and rebel groups maintained a cease-fire for much of the year, renewed fighting in September, October, and December jeopardized the peace process underway between the Government and rebel leaders. Civilians were caught in the crossfire between the rebels and counterattacks by the military, which often accused them of supporting the rebels, although these battles were fewer than in the previous year.

In the northwest, several politically motivated rebel groups, including the Popular Army for the Restoration of the Republic and Democracy (APRD) and the Central African People's Democratic Front (FDPC), continued their struggle against government security forces. Rebels of the APRD partly controlled areas in the northwest, outside of the major cities and towns.

In the northeast, the Union of Democratic Forces for Unity (UFDR) forces maintained an uneasy peace with government forces, and the two groups led joint security patrols in and around Sam Ouandja, which reduced fighting in that town.

UN efforts at disarmament, demobilization, and reintegration stalled during the year. The UN-led process continued to map out the restructuring and redeployment of military forces, while the disarmament, demobilization, and reintegration of rebel forces remained on hold pending a final peace agreement. In August the Government started a project for the reduction and control of small and light arms with the destruction of 461 arms collected through previous programs.

In addition to recognizable rebel organizations, unidentified armed groups, taking advantage of weakened security, continued to attack, kill, rob, beat, and rape civilians and loot and burn villages in the north. Kidnappings by such groups also increased during the year, contributing significantly to the country's massive population displacement.

Killings.—Extrajudicial killings reportedly decreased; however, during military operations conducted against rebel groups and/or highway bandits, government forces did not distinguish between the armed groups and civilians in the villages. In reprisal, government forces often burned houses and sometimes killed villagers accused of being accomplices of rebels or highway bandits.

UN observers noted numerous cases of extrajudicial killings by security forces, using disproportionate force against suspect bandits and rebels.

On January 15 and 16, security forces shot and killed three men suspected of banditry. At year's end no one had been charged in the killing.

On March 19, a group of FACA training at the Centre d'Instruction Militaire in Bouar returned from a patrol showing off the decapitated heads of several suspects they had summarily executed. At year's end no one had been charged in the killings.

On November 11, near Kabo, rebels from the FDPC rebel group under the command of Martin Koumtamadji, a.k.a. Abdoulaye Miskine, attacked a FACA unit, and shot and killed 10 soldiers, while displacing civilians in the surrounding villages. Miskine claimed not to have ordered the attack and recommitted to a cease-fire.

No further information was available on the extrajudicial killings of civilians by government forces in the northeast in 2006 and January 2007, as reported by Human Rights Watch (HRW).

No information was available on the January 2007 executions in Kaga-Bandoro by government soldiers, nor killings near the towns of Paoua, Bossangoa, and Lia by FACA and presidential guard forces. No known action was taken against any of the perpetrators.

By year's end authorities had not investigated or tried members of FACA or the presidential guard for the 2006 killings of large numbers of civilians in the northwest. In January Philip Alston, the UN Special Rapporteur for Extrajudicial Executions for the UN Human Rights Council, met with President Bozize and Lieutenant Eugene Ngaikosse and expressed his concern at government inaction, noting that Ngaikosse remained free and that no complaint had been filed against him. In a press conference, Alston noted a decrease in reports of extrajudicial killings but underscored his concern over the prevailing impunity in the ranks of the military, particularly the presidential guard. He was told that Ngaikosse faced charges of stealing a car from another senior member of the Government, but that his punishment from his military superiors was reduced from 45 days to three days.

No further information was available in the June 2007 death of French humanitarian volunteer Elsa Serfass, who was participating in a mission with Doctors without Borders (MSF).

Abductions.—There were no reports of government forces abducting civilians during the year.

During the year APRD rebels in the northwest continued to kidnap, beat, and extort money from the local population. They looted villages on the Ouandago-Batangafo road multiple times and beat villagers if they tried to resist. Reports from this area also indicated that rebel forces took civilians hostage to extort money from their families.

There was little or no response on the part of local authorities to multiple kidnappings of civilians by armed groups considered to be bandits or zaraguinas. (See Section 1.a.)

Physical Abuse, Punishment, and Torture.—Government forces and rebel groups mistreated civilians, including through torture, beatings, and rape in the course of the conflicts. During military operations conducted against rebel groups or highway bandits, the armed forces often burnt homes and did not distinguish between armed groups and local civilian population they regarded as accomplices, though less so than in the previous year.

In March a man in Bossangoa was detained for four days by presidential guard Lieutenant Ngaikosse with his arms and legs tied, leaving scars and deep marks on his wrists and ankles. He was also beaten on his bare feet. The public prosecutor claimed the abuse came from local villagers and not security forces. Authorities took no further action.

International and domestic observers reported that during the year security forces, rebel soldiers, Chadian soldiers, and bandits continued to attack cattle herders, primarily members of the M'bororo ethnic group. Many observers believed M'bororo were targeted primarily because of their perceived wealth and the relative vulnerability of cattle to theft. One UN agency reported that, according to its NGO partners in the affected region, the attackers often were themselves M'bororo.

More than 20,000 M'bororo who fled the northwestern region as a result of 2007 attacks remained refugees in Cameroon. M'bororo cattle herders were also disproportionately subjected to kidnapping for ransom, which increased in the first part of the year. A UN agency working in the area indicated that the perpetrators often kidnapped women and children and held them for ransoms of between one million and two million CFA francs (approximately \$2,000 and \$4,000). Victims, whose families could not or would not pay, were often killed. Armed groups in the country continued to conduct frequent attacks on the M'bororo population on the Cameroonian side of the border despite the Cameroonian government's deployment of elite security forces.

Some observers noted the use of rape to terrorize the population in the northern prefectures by both government forces and rebel groups. In August 2007 over 200 survivors of rape came forward in the area around Kaga-Bandoro, according to one report. Given the social stigma attached to rape, any report would likely underestimate the incidence of rape in the conflict zones. Several NGOs and UN agencies conducted gender-based violence awareness and treatment campaigns during the year in northern prefectures and Bangui.

Child Soldiers.—According to HRW, numerous APRD groups included soldiers as young as 12. In addition, the UFDR rebel movement admitted that many child sol-

diers fought with it. Amnesty International also reported that UFDR forces actively recruited children. The UN Children's Fund (UNICEF) and other observers noted that, while the child soldiers were willing to demobilize and were anxious to attend school, their communities lacked the most basic infrastructure.

In February and March the Lord's Resistance Army (LRA) attacked several villages from Bambouti to Obo. According to the Archbishop of Bangassou who visited the area in May, the group attacked several villages kidnapping 157 persons including 55 children. LRA forces looted and burned houses before returning to the Democratic Republic of Congo (DRC). Men and boys were used as porters, and women and girls as sexual slaves; those above the age of 16 were later released, while approximately 55 of the kidnapped young boys and girls remained in LRA custody. The Government sent security forces to the prefecture following the attack, but did not increase security forces on the eastern border until a renewed threat of attack appeared at the end of December.

Other Conflict-related Abuses.—In the northwest members of the Government security forces, including the FACA and presidential guard, continued to project a presence from the larger towns, and occasionally engaged in combat with rebel groups and bandits. While the cease-fire between government forces and rebel groups allowed some displaced persons to return home, approximately 200,000 persons remained displaced in the bush or in refugee camps along the Chadian or Cameroonian border.

In the northeast, government forces burned houses and other buildings after re-taking the town of Ouandja. The town was considered sympathetic to the UFDR rebellion.

Because security forces perceived members of the Goula ethnic group as sympathetic to or collaborators with UFDR rebels, and due to the perception among Goula communities that government forces targeted them, many Goula in the northeast fled their homes.

Internal movement was severely impeded, particularly in the northern and northwestern parts of the country that the Government did not control, by unidentified bandits and rebels, including former combatants who helped President Bozize come to power in 2003. Highway bandits also committed many kidnappings and armed robberies.

Sporadic fighting between government security forces and rebel groups, attacks on civilians by rebels, armed banditry, and the occasional misbehavior by government soldiers kept many internally displaced persons (IDPs) from their homes. Nonetheless, the decrease in active combat from the previous year allowed many to return to their homes, particularly those from more rural villages. UNHCR estimated the number of IDPs decreased during the year from approximately 212,000 in December 2007 to an estimated 101,000 at year's end.

Citizens continued to be displaced throughout the year, though less so than in the previous year. The overwhelming majority of IDPs were in the northwestern prefectures of Ouham and Ouham Pende, where some civilians remained displaced from their villages out of fear and lived in the bush for much of the year, returning occasionally to their fields to plant or scavenge. NGOs and UN agencies observed anecdotal evidence that some civilians were returning in the northwest prefectures, but this was not a widespread phenomenon. Thousands of individuals remained homeless due to fighting in the north-central prefectures of Haute Kotto and Bamingui-Bangoran and the northeastern prefecture of Vakaga due to renewed fighting within the UFDR as well as a nascent ethnic conflict between the Goula and Rounga communities. Hygiene-related illnesses and chronic malnutrition continued as attacks or fear of attacks prevented many subsistence farmers from planting crops, and attackers either stole most of the livestock, or the farmers fled with their livestock to safety in neighboring Cameroon. Chronic insecurity also rendered the northwestern region occasionally inaccessible to commercial, humanitarian, and developmental organizations, contributing to the lack of medical care, food security, and school facilities, though less so than in the previous year. Humanitarian organizations continued to supply some emergency relief and assistance to displaced populations, though long-term development projects remained suspended due to ever-changing security situations and sporadic fighting.

The Government did not attack or target IDPs although some IDPs were caught in the fighting between government forces and the rebels. The Government provided little humanitarian assistance, but it allowed UN agencies and NGOs to access these groups to provide relief. In 2007 the Government also allowed the creation of the first camp for IDPs in Kabo.

MICOPAX peacekeepers and government forces conducted joint security operations in an effort to secure the northern region and control the proliferation of

small arms. Despite these operations, however, the Government was not able to provide sufficient security or protection for IDPs in the northern region.

Refugees and IDPs continued to flee the country during the year, although the number of IDPs decreased at year's end while the number of refugees stayed roughly the same. The fighting, along with banditry and kidnapping by unidentified groups, kept more than 200,000 residents away from the villages they had fled the previous year and led them to seek refuge in Chad (50,000) or Cameroon (45,000), or to live in the bush (101,000). During the year the number of persons who abandoned their villages anew in Ouham and Ouham Pende was approximately 8,000. These persons mainly fled to Moyenne Sido near the Chad border.

On November 8, a dissident group of former rebels from the UFDR attacked the town of Sam Ouandja, which was defended by a joint UFDR-FACA unit. Two rebel soldiers were killed and one government soldier wounded. Although the attack did not specifically target the civilian population, much of the town's population fled temporarily and suffered several days of living in the surrounding area before returning.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—The constitution and law provide for freedom of speech and of the press; however, authorities continued to employ threats and intimidation to limit media criticism of the Government, although there were fewer instances than in the previous year. Journalists who worked for state-owned media reportedly practiced self-censorship.

A number of newspapers criticized the president, the Government's economic policies, and official corruption throughout the year. There were more than 30 newspapers, many privately owned, which circulated daily or at less frequent intervals. Five independent dailies, including *Le Citoyen*, *Le Confident*, and *Le Democrate*, were available in Bangui but were not distributed outside of the Bangui area, and the absence of a functioning postal service continued to hinder newspaper distribution. Financial problems prevented many private newspapers from publishing regularly, and the average price of a newspaper, approximately 300 CFA francs (\$0.60), was higher than most citizens could afford.

Radio was the most important medium of mass communication, in part because the literacy rate was low. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. The privately owned Radio Ndeke Luka continued to provide popular and independent broadcasts, although its reach was limited outside Bangui. Ndeke Luka broadcast domestically produced national news and political commentary on FM airwaves in Bangui and rebroadcast international news throughout the country on shortwave radio with assistance from a foreign media development organization and the UN Development Program. Radio Notre Dame, which the Catholic Church owned and operated, broadcast national news, debates, legal counseling, and human rights education. International broadcasters, including Radio France Internationale, continued to operate during the year. Radio of Peace broadcast Islamic religious programs in Arabic and Sango. According to the High Council for Communications (HCC), two license requests were pending at year's end for community-supported radio stations.

The Government continued to monopolize domestic television broadcasting, and television news coverage generally supported government positions. The Government approved one license application for a private television station during the year.

The media continued to face many difficulties, including chronic financial problems, a serious deficiency of professional skills, the absence of an independent printing press, and a severe lack of access to government information.

There were no further developments in the case of Temps Nouveaux editor Michel Alkhady Ngady, who was arrested, fined, and imprisoned for two months in 2007 after he contested appointments to the HCC. Ngady remained free during the year and continued publication of his newspaper, but the charge of "disobedience to public authorities" remained pending before an appeals court.

During the year security forces often harassed journalists and sometimes physically and verbally threatened them; there were also reports of government ministers and other senior officials threatening journalists who were critical of the Government.

For example, in February Radio N'deke Luka journalist Jean-Magloire Issa was threatened and beaten by presidential guard member Olivier Koudemon, who accused the journalist of refusing to stop for the presidential motorcade as it passed through Bangui.

Arbitrary arrest and detention remained a problem.

On January 11, authorities arrested Faustin Bambou, editor of *Les Collines de Bas-Oubangui*, after he reported that two government ministers had embezzled almost seven billion CFA francs (approximately \$14 million) from French nuclear company AREVA. Bambou was detained without charge for several days and then tried and convicted on defamation charges, despite protests from local and international journalists who noted that press offenses were decriminalized in 2005. He was sentenced to six months in jail but released after spending 44 days in prison following a presidential pardon in March.

In March Patrick Agoudou of the newspaper *La Plume* was arrested and detained for four days at the SRI for publishing an editorial on a controversy surrounding the country's football federation. He was later released without charges.

In June Ferdinand Samba, the editor of the private newspaper *Le Democrate*, was summoned for three consecutive days to the SRI and questioned about an article critical of the justice minister. He was charged with defamation and given a six-month suspended sentence following his trial.

There were no further developments in the case of former Radio N'Deke Luka journalist Zephirin Kaya, who was harassed in 2007 following his reports on abuses against civilians by government forces.

Imprisonment for defamation and censorship was abolished in 2005; however, journalists found guilty of libel or slander faced fines of 100,000 to eight million CFA francs (approximately \$200 and \$16,000) and were on occasion arrested and detained.

The law provides for imprisonment and fines of as much as one million CFA francs (approximately \$2,000) for journalists who use the media to incite disobedience among security forces or incite persons to violence, hatred, or discrimination. Similar fines and imprisonment of six months to two years may be imposed for the publication or broadcast of false or fabricated information that "would disturb the peace."

The Ministry of Communications maintained a ban on the diffusion by media of songs, programs, or articles deemed to have a "misogynist character" or to disrespect women.

Unlike in the previous year there were no reports that violence perpetrated by former pro-Bozize rebel fighters, forces loyal to former president Patasse, and armed bandits prevented Bangui-based reporters from venturing outside the capital.

Internet Freedom.—There were no reports that the Government monitored e-mail or Internet chat rooms. Although less than 1 percent of the population had access to the Internet, individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of assembly; however, the Government restricted this right on a few occasions. Organizers of demonstrations and public meetings were required to register with the minister of the interior 48 hours in advance; political meetings in schools or churches were prohibited. Any association intending to hold a meeting was required to obtain the Ministry of Interior's approval. In some cases the ministry refused permission "for security reasons."

Unlike in the previous year there were no reports that the Government monitored opposition meetings.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right. All associations, including political parties, must apply to the Ministry of Interior for registration, and the Government usually granted registration expeditiously. The Government normally allowed associations and political parties to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

A law prohibiting nonpolitical organizations from uniting for political purposes remained in place; however, there were no reports that this law was enforced during the year.

c. Freedom of Religion.—The constitution provides for freedom of religion, although it prohibits what the Government considers to be religious fundamentalism or intolerance and establishes fixed legal conditions based on group registration with the Ministry of Interior. The Government generally respected the right during the year. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims, who made up approximately 10 percent of the population, but this provision has not been implemented by enabling legislation.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. The ministry's administrative police monitored groups that failed to register; however, police did not attempt to impose any penalties on such groups during the year. The ministry could decline to register, suspend the operations of, or ban any organization that it deemed offensive to public morals or likely to disturb the peace. Any religious or nonreligious group that the Government considered subversive was subject to sanctions.

The Ministry of Interior also could intervene to resolve internal conflicts about property, finances, or leadership within religious groups.

In September 2007 the Government banned the church "Eglise Jehova Sabaoth," led by Reverend Ketafio, and maintained the ban during the year. According to the Ministry of Interior, the pastor was using false documents and diplomas, following an investigation into his mass healings and other public events. Despite the ban, the pastor continued to preach from his home during the year.

Mobs reportedly continued to kill and injure persons suspected of being sorcerers or witches during the year. Police often arrested and detained persons accused of witchcraft or sorcery.

Societal Abuses and Discrimination.—There was no significant Jewish community, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement, foreign travel, emigration, and repatriation; however, the Government restricted freedom of movement and foreign travel during the year. Security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along major intercity roads and at major intersections in Bangui, although these roadblocks had decreased significantly by year's end.

During the year police continued to stop and search vehicles, particularly in Bangui, in what amounted to petty harassment in search of bribes. Local human rights organizations and UN officials said the problem of illegal road barriers and petty extortion by members of the military was widespread, but had decreased from the previous year. During the year merchants and traders traveling the more than 350 mile main route from Bangui to Bangassou encountered an average of 25 military barriers; at each roadblock, a motorist paid an average fee of 8,781 CFA francs (approximately \$18). This extortion greatly discouraged trade and road travel and severely crippled the country's economy. Following protests from National Assembly deputies and human rights organizations, the Government ordered the demolition of illegal barriers on the roads and set up a team to travel the country and enforce the prohibition of illegal or extrajudicial roadblocks in late 2007. These efforts led to far fewer reports of harassment and petty bribes during the year, though there remained sporadic reports of such harassment.

Freedom of movement, including of traders and delivery trucks, was also severely impeded in conflict zones, though roadblocks and other blockages decreased in number throughout the year.

With the exception of diplomats, the Government required that all foreigners obtain an exit visa. Travelers intending to exit the country could be required to obtain affidavits to prove that they owed no money to the Government or to parastatal companies.

The constitution does not permit the use of exile, and the Government did not employ it in practice. Former president Patasse, convicted in absentia for embezzlement, remained outside the country during the year.

Internally Displaced Persons (IDPs).—Sporadic fighting between government forces and rebel groups, attacks on civilians by rebels, and armed banditry prevented the approximately 101,000 persons still displaced since 2006 from returning to their homes.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government accepted refugees without subjecting them to individual screening.

The Government continued to cooperate with the UNHCR and other humanitarian organizations in assisting approximately 9,500 refugees in the country.

During the year security forces subjected refugees, as they did citizens, to arbitrary arrest and detention. Refugees were especially vulnerable to such human rights violations. The Government allowed refugees freedom of movement, but like citizens, they were subject to roadside stops and harassment by security forces and unidentified armed groups. Refugees' access to courts, public education, and basic public health care was limited by the same factors that limited citizens' access to these services.

Several international organizations worked with the Government and UNHCR to assist refugees during the year. They included the ICRC, Doctors without Borders, Caritas, and the international NGO International Cooperation (COOPI).

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in presidential and legislative elections in 2005, which election observers considered to be generally free and fair, despite some irregularities.

Elections and Political Participation.—In 2005 the country held two rounds of multiparty presidential and legislative elections that resulted in the election of General Francois Bozize as president; Bozize had seized power in a 2003 military coup, declared himself president, and headed a transitional government until the 2005 elections. Domestic and international election observers judged the elections to be generally free and fair, despite irregularities and accusations of fraud made by candidates running against Bozize.

The state remained highly centralized. The president appointed all regional government officials, who led the country's 16 prefectures and 60 subprefectures, and regional government entities had no significant fiscal autonomy. Despite a constitutional requirement that he do so by 2007, the president did not call for municipal elections for the second consecutive year, citing lack of government resources.

In September the Government passed an amnesty law allowing several former ministers and rebel leaders previously under indictment to return to the country.

In December the Government hosted a political dialogue with the opposition parties, rebel groups, civil society groups, and outside mediators with the goal to end rebellion in the northeast and northwest and bring all political and military parties to the negotiating table. All of the major political and rebel leaders attended the dialogue and recommended a new consensus government. While President Bozize pledged to implement the recommendations, by year's end the consensus government had not been formed.

During the year the Ministry of Interior granted a license to a new political party, the New Alliance for Progress (NAP) founded by former minister of defense Jean-Jacques Demafouth, who was also the head of the rebel group APRD. Demafouth remained in self-imposed exile in France for much of the year, before returning for the political dialogue in December. With tacit government support, Demafouth toured several prefectures in the northwest.

The Government continued to bar opposition parties' access to public radio in order to broadcast their views on national issues.

During the year the LCDH continued to criticize President Bozize for holding the position of minister of defense on the grounds that the constitution prohibits the president from holding "any other political function or electoral mandate"; however, government officials said this criticism was based on a misinterpretation of the constitution. After political activist Zarambaud Assingambi filed a complaint with the Constitutional Court, the court ruled in June that it was not competent to try the case.

According to recommendations from a 2003 government-sponsored national dialogue, women are to occupy 35 percent of posts in government ministries and political parties; however, this provision was not respected during the year. There were 10 women in the 105-seat National Assembly and four in the president's 27-person cabinet. There were no laws prohibiting women from participating in political life, but most women lacked the financial means to compete in political races.

There were two members of the M'bororo ethnic group and approximately 13 Muslims in the National Assembly.

Pygmies (Ba'Aka), the indigenous inhabitants of the southern part of the country, represented between 1 and 2 percent of the population; they were not represented in the Government and continued to have little political power or influence.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity. Misappropriation

tion of public funds and corruption in the Government remained widespread. The World Bank's Worldwide Governance Indicators reflected that government corruption was a severe problem.

The Government continued some efforts to combat corruption. For example, the customs service, which was dissolved in 2006, was subsequently reestablished with strengthened safeguards. To combat fraud and improve tax collection, the Ministry of Finance created in April the Joint Financial Intervention Unit and the Illegal Detection and Fraud Company (SODIF). There was occasional confusion regarding the roles of these entities and the customs service, and private businesses remained concerned by evidence of corruption within the customs service and other parts of the Government. During the year SODIF's efforts to carry out its mandate created some controversy.

The Government continued its campaign against embezzlement, money laundering, and other forms of financial fraud.

In June the Government canceled its contract with Unitec-Benin, the private company charged with collecting import taxes in the port of Douala, Cameroon, on grounds of poor performance. The contract was awarded to another company. However, inefficiency and corruption by customs service officials remained a major complaint among importers and exporters in the country.

The president continued to chair weekly committee meetings to combat fraud in the treasury. On March 31, Prime Minister Touadera set up a national committee to fight corruption that included representatives from the Government, trade unions, NGOs, private sector, religious organizations, and the media. The committee's investigations during the year resulted in the arrest of 19 senior civil servants in the tax division of the Ministry of Finance. At year's end the investigations were ongoing.

Former president Patasse, who was sentenced in absentia in 2007 for embezzlement, was pardoned under the September amnesty law, and he returned to the country in December to take part in the political dialogue. At year's end he had returned to Togo but pledged to return and planned to run again for the leadership of the Movement for the Liberation of the Central African People political party.

According to the constitution, senior members of executive and legislative branches and the courts are required to declare publicly their personal assets; however, during the year no government officials made such declarations.

The law provides for access by journalists to "all sources of information, within the limits of the law;" however, it does not specifically mention government documents or government information, and no mention is made of access by the general public. The Government often was unable or unwilling to provide information, and lack of access to information continued to be a problem for journalists and the general public. Furthermore, years of instability and conflict made information difficult to collect even for the Government, particularly in the countryside. Information on the humanitarian situation, for example, was difficult to obtain and sometimes contradictory.

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings. Government officials met with local NGOs during the year, but at least one local NGO reported that the Government was not responsive. Government officials continued to criticize local NGOs publicly for their reports of human rights violations that security forces committed.

A few NGOs were active and had a sizable impact on the promotion of human rights. Some local NGOs, including the LCDH, the Human Rights Observatory, the anti-torture NGO ACAT, and the Association of Women Jurists, actively monitored human rights problems; worked with journalists to draw attention to human rights violations, including those committed by the army; pleaded individual cases of human rights abuses before the courts; and engaged in efforts to raise the public's awareness of citizens' legal rights. However, the unrest and economic dislocation the country experienced in recent years continued to impede the activities of NGOs and limited their area of work almost exclusively to Bangui.

Citing an August statement made by the president of the National Assembly, local human rights NGOs reported that some officials viewed them as spokespersons for opposition political parties. They also reported several cases of harassment by officials during their fact-finding visits within the country.

Bernadette Sayo, the founder of the Organization for Compassion and Development for Women in Distress (OCODEFAD), formed by victims of the widespread rapes that took place in 2002–03, was appointed minister of tourism during the

year. She reported that security forces continued to harass her and her children for her activist views, even after her appointment to a ministerial post. The new coordinator for OCODEFAD also reported several incidents of minor harassment by authorities.

International human rights NGOs and international organizations operated in the country without interference from the Government, and they increased in number during the year. Armed groups sporadically targeted the small number of humanitarian workers operating in the northwest, stopping their vehicles and robbing them. The northwest and the northeastern Vakaga areas were occasionally inaccessible to NGOs, although the levels of fighting and insecurity decreased from the previous year.

During the year Philip Alston and representatives from HRW visited the country and met with human rights organizations and the country's officials, including President Bozize. He also traveled upcountry on a fact-finding trip. At a press conference at the close of his visit, he noted a decrease in reports of extrajudicial executions but expressed his concern regarding impunity in the ranks of the military, particularly the presidential guard.

During the year BONUCA continued to monitor human rights practices, assist the Government in capacity building, sensitize the public to human rights, conduct visits to prisons and detention centers, and conduct human rights training for hundreds of government security agents. Although based in Bangui, BONUCA maintained three field offices in the countryside. In response to local and international criticism for its refusal to report publicly its findings, BONUCA issued its first public report on human rights abuses for the first quarter of the year in August.

The High Commission of Human Rights and Good Governance, attached to the presidency, has in the past investigated citizen complaints of human rights violations committed by members of the Government, and occasionally forwarded cases to the Ministry of Justice for possible prosecution. The commission was without a head for six months before the appointment of El Hadj Abacar Nyakanda in mid-year, and there was little evidence of the commission's work during the year. The commission claimed not to have adequate staffing or financial resources and lacked the means to train its investigators properly. Some human rights observers noted that it acted more as a spokesperson for the Government than an office promoting human rights.

A human rights commission in the National Assembly sought to strengthen the capacity of the legislature and other government institutions to advance human rights, but it also had few resources.

The ICC continued its investigation into crimes committed in the country in 2002–03 by the previous government and by soldiers under the command of Jean Pierre Bemba, then a Congolese rebel leader. In May Bemba was arrested in Brussels and was awaiting trial in The Hague at year's end.

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

The constitution stipulates that all persons are equal before the law without regard to wealth, race, disability, or gender. The Government did not enforce these provisions effectively, and significant discrimination existed.

Women.—The law prohibits rape, although it does not specifically prohibit spousal rape. Rape is punishable by imprisonment with hard labor, but the law does not specify a minimum sentence. Police sometimes arrested men on charges of rape. Nevertheless, the Government did not enforce the law effectively, and the social stigma induced many families to avoid formal court action.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison. Domestic violence against women, including wife beating, was reportedly common. Spousal abuse was considered a civil matter unless the injury was severe. According to the Association of Women Jurists, a Bangui-based NGO specializing in the defense of women's and children's rights, victims of domestic abuse seldom reported incidents to authorities. When incidents were addressed, it was done within the family or local community. The courts tried very few cases of spousal abuse, although litigants cited these abuses during divorce trials and civil suits. Some women reportedly tolerated abuse to retain financial security for themselves and their children. According to a June UN report for the area surrounding Bambari, 15 instances of gender-based violence were reported in that month alone.

The law does not prohibit prostitution; however, it prohibits coercing someone into prostitution or profiting from the prostitution of another. Prostitution continued to exist, mostly among young women and occasionally among men. The law imposes fines and imprisonment for three months to one year for sexual procurement (in-

cluding assisting in prostitution). For cases involving a minor, the penalty is one to five years of imprisonment.

The law prohibits sexual harassment; however, the Government did not effectively enforce the law, and sexual harassment was a problem.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed, and women's statutory inheritance rights often were not respected, particularly in rural areas. The family code further strengthened women's rights, particularly in the courts, but access to the judicial system remained very limited throughout the country.

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, including those with children, were not considered heads of households. Only men were entitled to family subsidies from the Government. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, remained limited. Some women did report economic discrimination in access to credit due to lack of collateral.

Polygamy is legal, although it is rarely practiced due to both widespread Christian religious beliefs in monogamous marriage and growing resistance among educated women. The law allows a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never married formally because men could not afford the traditional bride payment. The family code obliges the use of bride payments, but it neither requires them nor sets a minimum payment amount. Women who were educated and financially independent tended to seek monogamous marriages. Divorce is legal and can be initiated by either partner.

The Association of Women Jurists advised women of their legal rights and how best to defend them and filed complaints with the Government regarding human rights violations. During the year several women's groups organized workshops to promote women's and children's rights and encourage women to participate fully in the political process.

Children.—The Government spent very little money on programs for children, and churches and NGOs had relatively few youth programs.

The registration of births was inadequate, and unregistered children faced limitations in their access to education and other social services. According to the UNICEF country report for the year, total birth registration was 73 percent, with 88 percent of children registered in urban areas and 63 percent in rural areas. Registration of births in conflict zones was likely lower than in other, particularly urban, areas.

Education is compulsory for six years; tuition is free, but students must pay for their own books, supplies, transportation, and insurance. Approximately 75 percent of children started school, but many did not complete the first six years of primary school education. Girls did not have equal access to primary education; 65 percent girls were enrolled in the first year of school, but only 23 percent of girls finished the six years of primary school, according to a 2007 UN Educational, Scientific and Cultural Organization (UNESCO) study. At the secondary level, a majority of girls dropped out at age 14 or 15 due to societal pressure to marry and bear children.

Few, if any, Pygmies attended primary school during the year. Some local and international NGOs, including COOPI, made efforts to increase Pygmy (Ba'Aka) enrollment in schools, although there were no reports of significant government assistance to these efforts.

The law criminalizes parental abuse of children under the age of 15 years, and child abuse and neglect was widespread although rarely recognized as such due to economic poverty. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

There are no statutory rape laws protecting adolescent minors or children.

The law prohibits FGM, which is punishable by up to 10 years' imprisonment; nevertheless, girls were subjected to this traditional practice in certain rural areas and, to a lesser degree, in Bangui. According to the Association of Women Jurists, anecdotal evidence suggested that the FGM rates declined in recent years as a result of efforts to familiarize women with the dangers of the practice.

The law establishes 18 as the minimum age for civil marriage; however, an estimated 57 percent of children were married before the age of 18, according to UNICEF data collected between 1987 and 2005.

The country's instability had a disproportionate effect on children, who accounted for almost 50 percent of IDPs during the year.

Child labor, including forced labor, was widespread.

Some young women and girls reportedly engaged in prostitution for survival without third party involvement, although no data were available to indicate how common this practice was.

There were more than 6,000 street children between the ages of five and 18, including 3,000 in Bangui, according to the Ministry of Family and Social Affairs. Many experts believed that HIV/AIDS and a belief in sorcery, particularly in rural areas, contributed to the large number of street children. An estimated 110,000 children have lost one or both parents to HIV/AIDS, and children accused of sorcery (often reportedly in connection to HIV/AIDS-related deaths in their neighborhoods) often were expelled from their households.

There were NGOs specifically promoting children's rights, including some, such as Voix du Coeur, which assisted street children.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports of persons being trafficked, although NGOs and government officials said that trafficking in persons was not widespread. During the year no action was taken on a draft National Assembly law criminalizing the trafficking of women and children.

Traffickers can be prosecuted under laws against slavery and sexual exploitation, labor code violations, and mandatory school age laws. In addition specific laws that address prostitution have been used in recent years to punish those who trafficked women for the purposes of prostitution.

The country was a source, transit, and destination point for men, women, and children trafficked for the purpose of forced labor and sexual exploitation. The majority of victims were children trafficked within the country for sexual exploitation, domestic servitude, forced labor in agriculture, mining, and restaurants. Victims were also trafficked to Cameroon, Nigeria, and the DRC. Children were also trafficked into the country from Rwanda. Little concrete data existed on the extent of the problem.

There were reports that rebel forces abducted children and conscripted them as soldiers. Villagers subjected Pygmies, who were unable to survive as hunters because of depleting forests, to forced agricultural labor.

During the year there were reports that trafficked children were forced into domestic servitude and commercial labor activities, such as street vending and agricultural work. In recent years there were reports that children were trafficked into the country and that members of the foreign Muslim community from Nigeria, Sudan, and Chad forced them to work. There were also reports that merchants, herders, and other foreigners doing business in and transiting the country trafficked girls and boys into the country. Child trafficking victims were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration. There was anecdotal evidence of sexual exploitation of girls in Bangui.

Some girls entered prostitution to earn money for their families, both as commercial sex workers and more informally as steady mistresses to wealthy clients.

Using laws prohibiting kidnapping, in February the Government started prosecuting three suspected traffickers for allegedly selling a three-year-old Guinean girl. At year's end the trial had been delayed.

In December a man was arrested for attempting to sell his infant daughter; the man was not prosecuted, however, as he had not completed the sale and the girl was returned to her mother.

Neither the Government nor the NGOs operated shelters providing care to trafficking victims, and there were no known NGOs specifically working to combat trafficking. The Government did not monitor immigration or emigration patterns for evidence of trafficking and it did not investigate trafficking cases or implement procedures to identify trafficking victims among vulnerable populations, or rescue and provide care to victims.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, although this prohibition is not written into the constitution. There was no codified or societal discrimination against persons with disabilities. However, there were no legislated or mandated accessibility provisions for persons with disabilities, and such access was not provided in practice. The Government had not developed a national policy or strategy to provide assistance to persons with disabilities. Approximately 10 percent of the country's population had disabilities, mostly due to polio, according to the 2003 census. There were several government and NGO initiated programs designed to assist persons with disabilities, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Family and Social Affairs.

The Ministry of Family and Social Affairs continued to work with the NGO Handicap International during the year to provide treatment, surgeons, and prostheses to persons with disabilities. For example, a physiotherapy center for persons with disabilities continued to operate in Dekoa.

National/Racial/Ethnic Minorities.—The M'bororo and Goula ethnic groups continued to suffer disproportionately from the civil disorder in the north.

Tensions among the resident Chadian community, who number in the thousands and who have resided in the country for generations, were less apparent during the year.

Indigenous People.—Despite constitutional protections, there was societal discrimination against Pygmies (Ba'Aka and Babinga) the earliest known inhabitants of the rain forest in the southern part of the country. Pygmies constituted approximately 1 percent of the country's population. They continued to have little say in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Forest-dwelling Ba'Aka, in particular, were subject to social and economic discrimination and exploitation, which the Government has done little to prevent. Despite repeated promises, the Government took no steps to issue and deliver identity cards to Pygmies, lack of which, according to many human rights groups, effectively denied them access to greater civil rights.

The Ba'Aka and Babinga, including children, often were coerced into agricultural, domestic, and other types of labor. They often were considered to be the slaves of other local ethnic groups, and when they were remunerated for performing labor, their wages were far below those prescribed by the labor code and lower than wages paid to members of other groups.

During the year COOPI continued to promote the rights of the Ba'Aka and Babinga by monitoring discrimination and seeking to increase their access to public services by helping them acquire birth certificates. Refugees International reported in recent years that Pygmies were effectively "second-class citizens" and that the popular perception of Pygmies as barbaric, savage, and subhuman seemingly had legitimized their exclusion from mainstream society.

Other Societal Abuses and Discrimination.—The penal code criminalizes homosexual behavior; however, there were no reports that police arrested or detained persons they believed to be homosexual. Societal discrimination against homosexuals persisted during the year, and many citizens attributed the existence of homosexuality to undue Western influence.

Persons living with HIV/AIDS were also subject to discrimination and stigma, though less so as NGOs and UN agencies raised awareness about the disease and available treatments. Nonetheless, many individuals living with HIV/AIDS did not disclose their status for fear of social stigma.

Section 6. Worker Rights

a. The Right of Association.—The law allows all workers, except for senior level state employees and security forces, including the military and gendarmes, to form or join unions without prior authorization; however, only a relatively small part of the workforce, primarily civil servants, exercised this right. The labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status, including the right to file lawsuits. The Government generally respected these rights in practice.

The labor code requires that union officials be full-time wage-earning employees in their occupation and allows them to conduct union business during working hours as long as the employer is informed 48 hours in advance and provides authorization. A person who loses the status of worker, either through unemployment or retirement, can belong to a trade union and participate in its administration.

Workers have the right to strike in both the public and private sectors, and they exercised this right during the year; however, security forces, including the military and gendarmes, are prohibited from striking. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union must provide eight days' advance written notification of a planned strike. The law states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The Government has the authority to end strikes by invoking the public interest. The code makes no other provisions regarding sanctions on employers for acting against strikers.

In January and February government workers went on strike for two months to protest the Government's inability to pay salaries. The payment of a portion of the arrears resolved the strike, but the arrears remained a significant obstacle.

b. The Right to Organize and Bargain Collectively.—The labor code provides that unions may bargain collectively in the public and private sectors, and provides workers protection from employer interference in the administration of a union. Collective bargaining occurred in the private sector during the year. The Government generally was not involved if the two parties were able to reach an agreement.

The country's largest single employer was the Government, and government employee trade unions were especially active. In the civil service, the Government set wages after consultation, but not negotiation, with the unions, and public sector unions have protested the Government's refusal to implement seasonal and annual raises. Salary arrears continued to be a severe problem for military personnel and the country's 24,000 civil servants. The Government owed its employees up to six months of salary arrears from the beginning of the Bozize administration, or up to 46 months of salary arrears taking into account previous administrations over the last 20 years.

The law expressly forbids antiunion discrimination. Employees can have their cases heard in the labor court. The law does not state whether employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities, although employers found guilty of such discrimination were required to pay damages, including back pay and lost wages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Although the labor code specifically prohibits forced or compulsory labor, there were reports that such practices occurred. Women and children were trafficked for forced labor, usually in households and for domestic chores and cooking, and sexual exploitation. Prisoners were reportedly forced to work on public works projects without compensation for government officials or magistrates; the prisoners often received shortened sentences for doing so. Pygmies, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor, and often treated as slaves.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code's prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically. Other provisions of the labor code forbid the employment of children younger than 14 years of age; however, the Ministry of Labor and Civil Service did not enforce these provisions. Child labor was common in many sectors of the economy, especially in rural areas, and forced labor also occurred. At times child labor was employed on public works projects and at the residences of government officials and magistrates. The labor code provides that the minimum age for employment could be as young as 12 for some types of light work in traditional agricultural activities or home services. The law prohibits children younger than 18 years old from performing hazardous work or working at night; however, children continued to perform hazardous work during the year. The labor code does not define the worst forms of child labor.

Reliable statistics on child labor were not available; however, according to data collected by UNICEF in surveys between 1999 and 2005, approximately 57 percent of children between the ages of five and 14 were involved in child labor activities. UNICEF considered a child to be involved in labor activities according to the following classification: children five to 11 years old who, during the week preceding the survey, did at least one hour of economic activity or at least 28 hours of domestic work; and children 12 to 14 years old who, during the week preceding the survey, performed at least 14 hours of economic activity, or at least 42 hours of economic activity and domestic work combined.

Throughout the country, children as young as seven frequently performed agricultural work. Children often worked as domestic workers, fishermen, and in mines (often in dangerous conditions). International observers noted that children worked in the diamond fields alongside adult relatives. The mining code specifically prohibits child or underage labor; however, this requirement was not enforced by authorities during the year and many children were seen working in and around diamond mining fields. In Bangui, many of the city's 3,000 street children worked as street vendors.

During the year rebel groups recruited and used child soldiers. (See Section 1.g.) The Government had few resources to enforce the prohibition against forced labor or child labor laws. Salary arrears and the lack of personnel training severely impeded its enforcement capacity.

Although international organizations, local NGOs, and labor unions have called for more attention to the rehabilitation and reintegration of former child laborers

and street children, the country had only two centers-both located in Bangui-that addressed the problem.

e. Acceptable Conditions of Work.—The labor code states that the minister of labor must set minimum wages in the public sector by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage was equivalent to approximately 8,500 CFA francs (approximately \$17) for agricultural workers and approximately 26,000 CFA francs (approximately \$52) for office workers. The minimum wages did not provide a decent standard of living for a worker and family, although wage levels were raised during the year. The law applies to foreign and migrant workers as well. Most labor was performed outside the wage and social security system (in the vast informal sector), especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 52 hours per week. The law also requires a minimum rest period of 48 hours per week, for both citizens and foreign and migrant workers. Overtime policy varied according to the workplace; violations of overtime policy were taken to the Ministry of Labor, although it is unknown whether this occurred in practice during the year.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment. There are no exceptions for foreign and migrant workers.

CHAD

Chad is a centralized republic with a population of approximately 10 million. In 2006 citizens reelected President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), to a third term in what unofficial observers characterized as an orderly but seriously flawed election boycotted by the opposition. Deby has ruled the country since taking power in a 1990 coup. Political power remained concentrated in the hands of a northern oligarchy composed of the president's Zaghawa ethnic group and its allies. The executive branch dominated the legislature and judiciary. Despite 2006 and 2007 peace accords with rebel groups, fighting between the Government and rebels continued and resulted in civilian deaths and the widespread destruction of homes and property during the year. Rebels attacked N'Djamena in February, as well as locations in the east in June. The Government supported Sudanese rebels. Violent interethnic conflict, banditry, and cross-border raids by Darfur-based militias continued. Civilians were killed, and an estimated 185,000 have been internally displaced as a result of violence. Approximately 250,000 Sudanese refugees who had fled from violence in Darfur lived in camps along the border. On March 15, the European Union Force (EUFOR) in Chad, whose mandate includes protecting civilians, including internally displaced persons (IDPs) and refugees, and facilitating the delivery of humanitarian assistance in the east, reached operational capacity. Civilian authorities did not maintain effective control of the security forces.

The Government's human rights record deteriorated in comparison with the previous year. Human rights abuses included limitation of citizens' right to change their government; extrajudicial killings; politically motivated disappearances; torture and rape by security forces; security force impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; incommunicado detention; lengthy pretrial detention; denial of a fair public trial; executive interference in the judiciary; arbitrary interference with privacy, family, and correspondence; use of excessive force and other abuses in internal conflict, including killings and use of child soldiers; limits on freedom of speech, press, and assembly, including harassment and detention of journalists; widespread official corruption; obstruction of the work of nongovernmental organizations (NGOs); violence and societal discrimination against women, including the widespread practice of female genital mutilation (FGM); child abuse and trafficking; ethnic-based discrimination; repression of union activity; forced labor; and exploitive child labor.

Rebel groups, ethnic-based militias, Darfur-based militias, and bandits committed numerous human rights abuses. These abuses included killing, abducting, injuring, raping, and displacing civilians; attacks against and destruction of villages; use of child soldiers; and attacks against humanitarian workers.

RESPECT FOR HUMAN RIGHTS

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

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

There were reports of numerous killings of civilians by the Government, militias, and rebels during the year in connection with the country's internal conflict (*See* Section 1.g.).

Security forces committed politically motivated killings and officially sanctioned extrajudicial killings of suspected criminals. Use of excessive force resulted in deaths. Security forces continued to kill civilians during apprehension and while in custody and killed demonstrators. The Government did not prosecute or punish members of the security forces who committed killings, although it established a commission of inquiry during the year to investigate abuses that occurred between January 28 and February 8 (*See* Section 1.g.).

According to Human Rights Watch, the military killed civilians and burned villages in the Central African Republic (CAR) in support of nomadic Peuhls who drive their cattle across land used by farmers in CAR. For example, witnesses stated that on February 29, the military destroyed several villages in the area of Maitoukoulou, CAR.

On June 29, security forces used excessive force in response to a confrontation in Kouno during which supporters of Sheikh Ahmet Ismael Bichara reportedly attacked security forces. Approximately 72 persons were killed during the confrontation, including an estimated 68 supporters of Bichara and four gendarmes. Bichara had earlier called for a "holy war" against the Government and declined to negotiate with religious leaders from the High Council for Islamic Affairs (a government-sanctioned, nongovernmental body). Security forces detained Bichara, and he remained detained without charge at year's end.

Security forces killed demonstrators (*See* Section 2.b.).

There were no developments regarding the numerous reported 2006 and 2007 killings by security forces.

Unexploded ordnance and landmines laid by government, rebel, and foreign forces resulted in deaths (*See* Section 1.g.).

Attacks by armed bandits increased during the year. Armed bandits continued to operate on many roads, assaulting, robbing, and killing travelers; some perpetrators were identified as active duty soldiers or deserters. Their targets included employees of foreign assistance organizations and NGOs (*See* Section 1.g.).

On July 14, armed bandits between Koumogo and Sarh killed Tenebaye Oringar, a college professor. No suspects had been identified by year's end.

On July 22, near the village of Djarwaye, armed bandits attacked a vehicle, killing one person and injuring another.

On August 19, armed bandits shot at the car of General Secretary of the Ministry of Mines Oumar Abdoul Dabeh, killing him.

No action was taken against the perpetrators of numerous 2006 and 2007 attacks and killings by bandits.

Interethnic fighting resulted in numerous deaths (*See* Section 1.g.).

b. Disappearance.—There continued to be reports of politically motivated disappearances and persons being held incommunicado during the year, particularly in relation to the country's ongoing conflict (*See* Section 1.g.).

On February 3, security forces arrested opposition leaders Lol Mahamat Choua, Ngarlely Yorongar, and Ibni Oumar Mahmat Saleh, according to the commission of inquiry. Saleh's whereabouts remained unknown at year's end (*See* Section 1.g.).

There was additional information regarding the case of at least 16 high-ranking army officers whom the Government detained in 2006. Although in 2006 government and human rights sources reported that Colonel Ahmat Ismat had been released, his whereabouts during 2007 and 2008 were unknown. In April 2007 Colonel Abdoulaye Issakha Sarwa was released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, the Government did not respect these provisions in practice. Members of the security forces tortured, beat, abused, and raped persons. Such practices also occurred in connection with the ongoing armed conflict (*See* Section 1.g.). The Government took no known action against security force members responsible for such abuse.

No action was taken in reported 2006 or 2007 cases of security force abuse.

Police, gendarmes, and Chadian National Army (ANT) personnel raped women.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening. Prisons were seriously overcrowded, had poor sanitation, and pro-

vided inadequate food, shelter, and medical facilities. As a result of inadequate record-keeping and management, many individuals remained in prison after completing their sentences or after courts had ordered their release.

Local human rights organizations continued to report on the existence of military prisons and prisons run by the National Immigration Service, to which access was prohibited; they also reported on the existence of secret National Security Agency (ANS) and General Directorate of Security Services for National Institutions (DGSSIE) prisons. The NGO Chadian Association for the Promotion of Human Rights (ATPDH) reported, based on the statement of an escapee, the existence of a secret prison in Koro Toro in the department of Bourkou-Ennedi-Tibesti. The Commission of Inquiry to examine disappeared persons and other abuses that occurred from January 28 to February 8 also found that secret detention centers existed. The commission visited the detention facility in Koro Toro and found that most of the detainees were children, that two persons were in shackles, and that the detainees had not been accorded due process.

While the law provides that a doctor must visit each prison three times a week, this provision was not respected. The law authorizes forced labor in prison, but human rights organizations did not report that it occurred.

Approximately 1,000 prison inmates escaped during the February rebel attack on N'Djamena. Some of the prisoners returned voluntarily to reduce the punishment they would have faced if apprehended; none of the others had been apprehended by year's end.

Juvenile males were not always separated from adult male prisoners, and children were sometimes held with their inmate mothers. Pretrial detainees were held with convicted prisoners.

The Government permitted the International Committee of the Red Cross (ICRC) to visit civilian prisons on a regular basis, and the ICRC conducted such visits during the year. The ICRC also visited illegal detention facilities under the control of the Ministry of Defense, Ministry of Interior, and the Presidency. The Government denied repeated requests by the ICRC for access to the Koro Toro detention facility. The Government provided ATPDH with a permanent authorization notice to visit civilian prisons at any time, without need to provide advance notice. Other NGOs, including human rights groups, were required to obtain authorization from a court or from the director of prisons; such authorizations depended largely on the personal inclinations of those with authority to grant permission. NGOs were not allowed access to military prisons.

During the year a prison development committee whose members included government, UN, and NGO members was formed to address prison conditions.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, security forces often violated these provisions.

Role of the Police and Security Apparatus.—The ANT, gendarmerie, national police, nomadic guard (GNNT), DGSSIE, and ANS are responsible for internal security.

The ANT, gendarmerie, and GNNT report to the Ministry of Defense; the National Police report to the Ministry of Public Security and Immigration; the DGSSIE and ANS report to the president. Officers from President Deby's ethnic group and closely allied ethnic groups dominated the ANS. The DGSSIE's ethnic composition was mixed, but its officers were primarily Zaghawas. Security force impunity and corruption were widespread.

The police force was centrally controlled, but exercising oversight, particularly outside N'Djamena, was difficult. Police generally enjoyed impunity. The police force was unable to improve internal security problems, including widespread banditry and arms proliferation. The Government continued to allow months to pass before it paid police salaries.

As of November 7, the UN Mission in CAR and Chad (MINURCAT) had trained 428 police on the protection of refugees and displaced persons as part of an effort to facilitate the deployment of the police Integrated Security Division (DIS) to reduce insecurity in the eastern part of the country. An additional 120 started training before the year's end. Approximately 100 DIS members were deployed to the east as of November.

On July 9, the minister of defense directed that all gendarme brigade commanders take a one-month training course on civil affairs, which included the topics of working peacefully with local populations and the proper role of gendarmes in law enforcement. A total of 924 gendarmes received this training.

Reports of widespread defection of government troops to rebel groups continued.

Arrest and Detention.—Although the constitution and law require a judicial official to sign arrest warrants, the Government often did not respect this requirement,

and secret detentions occurred. Detainees were not promptly informed of charges, and judicial determinations were not made promptly. The law requires access to bail and counsel, but neither was regularly provided. Incommunicado detention was a problem, and there were reports that persons held incommunicado were tortured. The constitution and law state that legal counsel should be provided for indigent defendants and that defendants should be allowed prompt access to family members and counsel; however, in practice this usually did not occur.

On January 9, judiciary police arrested and detained Deuzombe Daniel Passalet from the local NGO Human Rights without Borders. He was released 72 hours later.

Security forces arbitrarily arrested and reportedly tortured persons, particularly those suspected of collaborating with rebels (See Section 1.g.).

Security forces arbitrarily arrested a journalist and a political party leader, as well as arbitrarily detained other civil society representatives.

There were reports that the Government arrested numerous military defectors and members of their families, although specific information was unavailable.

Lengthy pretrial detention remained a problem. Persons accused of crimes could be imprisoned for several years before being charged or tried, particularly those who were arrested in the provinces for felonies and transferred to prison in N'Djamena.

There were no reported developments in the numerous 2007 cases of arbitrary arrest and detention.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, vulnerable to intimidation and violence, and subject to executive interference. In practice government officials and other influential persons often enjoyed impunity. Members of the military continued to enjoy a particularly high degree of impunity. The Judiciary Police did not usually enforce domestic court orders against military members or those of the Zaghawa ethnic group, to which the president belongs.

In March two colonels of the Zaghawa ethnicity forced landowner Moussa Pepe to turn over the title to his property at gunpoint. The court ruled in favor of the landowner in October; however, by year's end the decision had not been enforced.

Members of the judiciary received death threats or faced demotion or removal from their positions for not acquiescing to pressure from officials.

At the national level, a supreme court, constitutional court, and court of appeals exist; some of their members were appointed by the Government rather than elected by citizens as required by law, which weakened judicial independence. The constitutionally mandated High Court of Justice can try high ranking government officials whose cases are submitted by the National Assembly. Crimes committed by military members are to be tried by a military court; however, no such courts have been established.

A special criminal court was established to try abuses committed under former president Hissein Habre.

In 2006 the Government began a process to establish appeal courts in all principal cities outside N'Djamena. As of July magistrates were named to all these appeals courts. At the provincial level, there are appeals courts in N'Djamena, Moundou, Sarh, and Abeche.

The constitution and law mandate that the Superior Council of Magistrates recommend judicial nominations and sanction judges who commit improprieties; however, continuing problems between the Government and magistrates prevented any sanctions from being considered or carried out.

A five-judge judicial oversight commission has the power to conduct investigations of judicial decisions and address suspected miscarriages of justice. However, in contrast to the superior council, commission members are appointed by the president, which increased executive control over the judiciary and diminished the authority of the superior council. Parties to judicial cases can appeal to the commission.

Trial Procedures.—Applicable law was sometimes confusing, as courts tended to blend the formal French-derived legal code with traditional practices, and customary law often superseded Napoleonic law in practice. Residents of rural areas often lacked access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. However, decisions can be appealed to a formal court.

The law provides for a presumption of innocence; however, in practice many judges assumed a suspect's guilt, particularly in crimes involving rape or theft. Trials are public and use juries, except in politically sensitive cases. Defendants have the right to be present in court. They also have the right to consult an attorney in a timely manner; however, in practice detained persons were not always given

access to counsel. The law states that indigents should be provided promptly with legal counsel, but this seldom occurred in practice. Human rights groups sought to improve this situation and sometimes provided free counsel themselves. Defendants, their lawyers, and judges are permitted by law to question witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases, except in politically sensitive cases. Defendants have the right to appeal decisions.

The Muslim concept of *dia*, which involves a payment to the family of a crime victim, is based on the decision of local leaders and was practiced widely in northern Muslim areas. Non-Muslim groups, which supported implementation of a civil code, continued to challenge the use of the *dia* system, arguing that it was incompatible with the constitution. Such groups further accused the Government of supporting *dia* practices by permitting the existence of local tribunals.

During its August 12–15 session, the criminal court sentenced 11 current rebel leaders and former president Hissene Habre to death in absentia. Among those sentenced to death were rebel leaders Mahamat Nouri, Tom Erdimi, Timan Erdimi, Ahmat Hassaballah Soubiane, and Abdoul-Wahid Aboud. Life sentences were pronounced for 31 other rebels. The court also ordered the confiscation of the property of the condemned.

Political Prisoners and Detainees.—The Government held political detainees during the year, and human rights organizations were denied access to such persons.

Civil Judicial Procedures and Remedies.—The judiciary reportedly was not always independent or impartial in civil matters, although specific information was not available. There are administrative and judicial remedies available such as mediation for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, but the Government conducted illegal searches and wiretaps and monitored private mail and e-mail. Security forces also regularly stopped citizens and extorted money or confiscated belongings.

On February 10, security forces broke into a home in Abena and robbed three of its occupants.

During the state of emergency from February 14 to March 15, city authorities in N'Djamena destroyed at least 1,000 homes located in several different neighborhoods; many were destroyed without due process. The Government stated that the homes were illegally built on government-owned land. In November a delegation of magistrates and attorneys asked the mayor to establish a commission regarding these cases and asserted that they should be handled through civil courts. The mayor stated that the matter was not under court jurisdiction and required a political solution.

During the February rebel attack on N'Djamena, the Government ordered the temporary shutdown of cellular telephone networks. The Ministry of Interior banned the use of satellite telephones by private individuals in 2006. Military and police officials conducted searches for and confiscated satellite telephones from private individuals.

There were reports of the recruitment of minors into the military (See Section 1.g.).

There were occasions when police officers arrested family members of suspects.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Fighting between the Government and rebel groups continued and resulted in civilian deaths and the widespread destruction of homes and property during the year. While rebel attacks and government counterattacks occurred mainly along the eastern border with Sudan, rebels also attacked N'Djamena on February 2–3. From June 12 to 17, rebels attacked locations in the east and took temporary control of Goz Beida, Am Dam, and Biltine.

A UN panel of experts found that the Government supported the Justice and Equality Movement (JEM), a Sudanese rebel group. The report noted open circulation of JEM vehicles and personnel in the east, most of JEM's support and resupply activities occurring in Chad, and joint ANT and JEM operations and resupply.

The February 2–3 rebel attack on N'Djamena and the Government counterattack resulted in civilian deaths and the displacement of approximately 30,000 persons to Cameroon, and additional persons to Nigeria. Although most returned to the country by year's end, an estimated 14,000 remained in Cameroon.

The Government declared a state of emergency from February 14 to March 15 that limited civil liberties including freedom of speech, movement, assembly, and the press. A curfew remained in place for N'Djamena and the six principal departments in the center and east of Chad from February 7 to March 15. On April 2, a government decree established a Commission of Inquiry to examine disappeared persons and other abuses that occurred from January 28 to February 8—the period

before, during, and after the attack. The commission released a report on August 5 that stated that 977 persons including civilians, ANT, and rebels were killed, 1,758 injured, 34 raped, and 380 detained in N'Djamena and the provinces; however, there were no indications by year's end that the Government took judicial action against those responsible. The Government issued a reply to the commission's report and established an interministerial committee to look into the commission's findings.

The October 2007 peace agreement, known as the Sirte accord, remained largely unimplemented; however, more than 1,500 former members of the Chad National Concord rebel group were reportedly integrated into the military in December 2007. On August 18, an annex to the Sirte accord was signed, and at least 22 members of the Forces of Change Gathering rebel group were subsequently integrated into the army. There was no further implementation of the 2006 government and United Front for Change peace accord during the year.

Violent interethnic conflict, banditry, and cross-border raids by Darfur-based militias continued, as did interethnic attacks on villages in the eastern part of the country. Vast areas along the border with Sudan were not protected by the Government. Militias stole cattle and burned houses in unprotected villages, resulting in numerous deaths and the displacement of persons.

In 2007 the UN Security Council authorized the deployment of EUFOR and a UN police training mission, known as MINURCAT, to protect civilians and promote human rights and the rule of law in eastern Chad and northeastern CAR. At year's end EUFOR had reached its operational capacity. As of October 31, 282 of the authorized MINURCAT 350 uniformed officers had been deployed along with civilian personnel.

Killings.—Government, militia, and rebel attacks and counterattacks resulted in numerous civilian deaths and injuries.

The commission of inquiry found that during the February rebel attack on N'Djamena, the Government's aerial bombardment of rebel positions in civilian areas killed and injured civilians and caused large-scale civilian displacement.

On February 2, in Arded Djoumal, 25-year-old student Ibrahim Moussa Korbol was reportedly shot and killed during the attack on N'Djamena.

On February 2 and 3, gunfire and bombs from government helicopters killed numerous civilians including in the N'Djamena neighborhoods of Abena, Blabline, Chaguoua, and Diguel.

Security forces continued to kill persons suspected of collaborating with rebel forces.

On February 3, in the Mardjanedaffack neighborhood of N'Djamena, security forces reportedly killed two persons of the Ouddai ethnic group, accusing them of complicity with rebels.

On February 23, in the N'Djamena neighborhood of Farcha, soldiers reportedly arrested and beat Adam Hassan and Bineye Mahamat, who were suspected of collaborating with rebels. They were found dead the following day.

On February 6, near Farcha, soldiers reportedly killed three unidentified persons appearing to be of the Gorane ethnicity.

There were no developments in the alleged 2007 security force killing of Ahmat Sougou, who was suspected of collaborating with armed rebels.

Interethnic attacks on communities continued during the year, particularly in the east and the south.

For example, on January 2, in Benoye, clashes between nomadic herders and sedentary populations resulted in one death.

On February 5, in Batha, clashes between Nawala Arabs and Awada Arabs resulted in the deaths of 23 people.

On July 2, in Biltine, fighting between nomadic herders and sedentary populations resulted in the deaths of three persons. The Ministry of the Interior sent officials to mediate the conflict, and the Government compensated the families for the deaths. There were no reports that authorities took judicial action against those responsible for the deaths.

There were no reported developments regarding the 2006 or 2007 ethnic clashes.

Abductions.—On February 3, security forces arrested opposition leaders Lol Mahamat Choua, Ngarleje Yorongar, and Ibni Oumar Mahamat Saleh, according to the commission of inquiry. Government forces released Lol Mahamat Choua on February 27 and placed him under house arrest. Yorongar claimed that he also had been detained by the Government and that he had been released on February 21; however, the commission of inquiry found contradictory testimony regarding the Government's role in his detention. The whereabouts of Saleh remained unknown at year's end.

The Government captured at least 135 rebels, including children, during the February attack on N'Djamena; as of June none had been brought to trial. The whereabouts of these persons were unknown at year's end.

On July 24, an American missionary who was abducted in October 2007 by rebels in the Tibesti region was released.

Recruitment of refugees and displaced persons into armed groups continued.

There were no reported developments regarding Sudanese militiamen who abducted approximately 4,700 refugees from refugee camps in the east in 2006.

Physical Abuse, Punishment, and Torture.—Security forces tortured, beat, arrested, detained, and abused numerous persons suspected of rebel activity or collaboration with rebels. The Government also arrested military defectors, some of whom had joined rebel groups.

On February 8, security forces reportedly arrested and beat a shopkeeper from Mardjanedaffack who was suspected of rebel activity.

On February 25, four teenagers were reportedly arrested and beaten by persons in military uniforms in Bololo. The security forces alleged that the teenagers collaborated with the rebels.

There were developments in the November 2007 arrest of four army officers, the sultan and governor of Dar Tama, and one additional individual. On May 3, the sultan was released; the whereabouts of the others were unknown at year's end.

Retribution against the families and villages of military defectors to rebel groups reportedly included the burning of homes, arrest and torture of family members, and destruction of crops and other property.

Unexploded ordnance and landmines laid by government, rebel, and foreign forces resulted in civilian deaths. For example, on August 4, ordnance reportedly left from the February 2–3 rebel attack on N'Djamena exploded, killing four persons and injuring 30 in a market.

Government and rebel forces raped civilians, according to the commission of inquiry.

On February 10, in the N'Djamena neighborhood of Abena, a group of security force members assaulted and raped a pregnant woman, causing her to miscarry.

Rapes also occurred during attacks on villages and also on and near IDP camps.

Child Soldiers.—The law prohibits the use of child soldiers; however, child soldiers were used by the ANT, Chadian rebel groups, village self-defense forces, and armed groups from Sudan operating in the border region.

According to the UN Children's Fund (UNICEF) there were thousands of children in the ANT.

Children were recruited from refugee camps along the eastern border by armed groups from both Chad and Sudan, including JEM.

In May 2007 UNICEF negotiated an agreement with the Government to end recruitment of persons younger than age 18 into the army; however, in contrast to 2007 there were no reports of the ANT demobilizing children through the program.

Other Conflict Related Abuses.—Armed groups and bandits attacked humanitarian workers. Insecurity hindered the ability of humanitarian organizations to provide services including food distribution to refugees and IDPs. Humanitarian organizations temporarily suspended or limited activities due to insecurity. During the year humanitarian vehicles were hijacked, numerous convoys were attacked and looted, and humanitarian offices were robbed. According to one estimate, there were 111 assaults on aid workers, resulting in seven deaths between July 2007 and June 2008.

On May 1, armed men attacked a humanitarian convoy in Farchana and killed Pascal Marlinge, country director for the NGO Save the Children. No suspects had been identified by year's end.

In June rebels looted the offices of aid agencies during the temporary rebel occupation of Goz Beida.

On September 17, armed bandits in military uniforms stole equipment from and injured two staff members of the NGO International Relief and Development in Goz Beida.

Violence increased the number of IDPs in the country from 180,000 in 2007 to 185,000 as of August and caused thousands to flee to neighboring countries. The IDPs were largely the former residents of villages in the eastern prefectures of Salamat and Ouaddai. Some IDPs were forcibly displaced two or three times.

Although the overall number of IDPs increased, there was a significant reduction in the number of persons newly displaced from their homes during the year in comparison to the two previous years. Attacks by janjaweed-like mounted raiders from Sudan, Chadian rebels, and Chadian ethnic militias, both Arab and non-Arab, occurred. These attacks occurred mostly in the area south of the Abeche-Adre road

in the Dar Assongha and Dar Sila departments, in the prefectures of Salamat and Ouaddai.

The February 2–3 rebel attack on N'Djamena and the Government counterattack resulted in the displacement of approximately 30,000 persons to Cameroon and additional displacement of persons to Nigeria. Although most returned to the country by year's end, an estimated 14,000 remained in Cameroon.

The Government publicly acknowledged that its resources were directed toward fighting rebel groups and armed militias and that it could not protect or provide for the growing number of IDPs and refugees in the country. The Government allowed IDP access to humanitarian organizations and permitted them to accept assistance provided by these groups. Although UN and humanitarian organizations operated in the country during the year, lack of security reduced their ability to provide services to IDPs and refugees. During the February rebel attack on N'Djamena, the UN evacuated employees from the country.

According to the UN, Chadians continued regularly to move to and from Sudan. The movements reflected seasonal migration and were in response to insecurity. The UN estimated that there were 45,000 Chadian refugees in West Darfur and noted that estimates on North and South Darfur were difficult to obtain.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the Government did not respect these rights in practice and placed additional restrictions on the press and speech during the year, including through a state of emergency decree and revisions to the press law. Journalists and publishers practiced self censorship and many fled the country for fear of arrest after the February rebel attack on N'Djamena.

The February 14 to March 15 state of emergency included strict press censorship provisions. On February 20, the president amended the press law by decree, placing new restrictions on speech and the press. Punishments for articles whose purpose is to cause tribal, racial, or religious hatred regarding ethnicity, religion, or regions can include imprisonment for three to five years under the law. The new law provides for increased penalties, including imprisonment, for defamation of the courts, armed forces, security forces, and public administration. Offending the president is punishable by one to five years' imprisonment and/or fines, as is publicly offending foreign, high-level government officials. Conspiring with the enemy is punishable by up to three years' imprisonment and/or fines. The law included additional requirements for launching a newspaper. Human rights organizations and newspapers criticized the new restrictions. On March 28, several newspapers jointly published a newspaper calling for a repeal of the law.

Individuals who publicly criticized the Government often faced reprisal. There were reports that the Government attempted to control criticism by monitoring meetings of the political opposition and that the Government attempted to intimidate its critics.

For example, on January 17, police arrested Liberal party leader Keletete Dono after a radio interview in which he criticized the Government's policy regarding the internal conflict. He was provisionally released on January 25.

The Government owned the newspaper Info Tchad and influenced another, Le Progres. Government-controlled media were subject to censorship but sometimes criticized the Government. Beginning in February, independent newspapers Notre Temps, N'Djamena Hebdo, L'Observateur, and Le Miroir temporarily suspended publication in protest of censorship; the newspapers later resumed publication.

Radio remained the most important medium of mass communication. Government-owned Radiodiffusion Nationale Tchadienne had several branches. There were numerous private radio stations that broadcast throughout the country, many of them owned by religious organizations, including two stations affiliated with the Catholic NGO BELACD that opened during the year.

The licensing fee set by the Government's High Council for Communications (HCC) for a commercial radio station remained prohibitively high at approximately five million CFA francs (approximately \$11,000) per year, 10 times the fee for radio stations owned by nonprofit NGOs. The HCC monitored and censored the content of radio station programming.

The Government owned and operated the only domestic television station but did not interfere with channels originating outside the country.

The Government arrested, harassed, and intimidated journalists; many journalists fled the country in fear of arrest after the February rebel attack on N'Djamena.

For example, there were reports that between February 2 and 8, uniformed men went to the homes of Laldjim Narcisse and Michael Didama of the independent newspaper Le Temps and Eloi Miandadji of the new weekly satirical newspaper Le

Moustick and tried to arrest them; however, they had fled the country. The Judiciary Police had closed both newspapers in late January. Le Temps resumed publication in March.

On February 7, Zara Yacoub, coordinator of the privately owned Dja FM radio, was attacked by persons in military uniform. Two technicians were also injured in the attack. The Government did not investigate the case.

In February the Government suspended the work permit for French journalist Sonia Rolley, and subsequently terminated it, alleging that her reporting favored the rebels. Rolley was a correspondent for several French media outlets.

The Government directly censored the media by restricting media content through laws and other mechanisms as well as closing some media outlets. Under the state of emergency the Government required that all news items be submitted to the HCC for approval before publication.

On January 16, security forces closed FM Liberte and arrested its manager, Djekourninga Kaotar Lazare, for allegedly disseminating false information. Lazare was arrested after the broadcast of a petition from the Chadian Association for the Defense of the Rights of the Consumer opposing the charging of administrative fees for identity documents by the Government. Lazare was released on January 18, and the charges against him were dropped. Daouda Elhadji of the Chadian Association for the Defense of the Rights of the Consumer was also detained and later released. On May 27, FM Liberte was allowed to resume broadcasting.

The Government permitted the newspaper Notre Temps to resume publication during the year; however, the newspaper did not do so.

Some journalists in rural provinces reported that government officials warned them not to engage in any contentious political reporting. In addition, some domestic journalists claimed that the Government restricted their ability to cover some events or visit certain locations and limited their access to high-ranking officials, restrictions the Government did not impose on foreign journalists.

Internet Freedom.—There were no government restrictions on access to the Internet; however, the Government reportedly monitored e-mail. Although increasingly available to the public at Internet cafes, the growth of Internet access was almost entirely through the Government telecommunications company.

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

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution and law provide for freedom of assembly; however, the Government did not respect this right in practice. The law requires the Government to be notified of demonstrations five days in advance.

On April 23, in Moundou, gendarmes shot and killed several students who were demonstrating peacefully. Although the progovernmental daily newspaper Le Progres reported that four students were killed, the human rights organization Tchad Non-Violence quoted a hospital source as stating 12 students were killed and 50 injured. Authorities did not investigate or take other action by year's end.

No action was taken against security force members responsible for injuries that resulted from the violent dispersal of demonstrators in 2006 or 2007.

Freedom of Association.—The constitution and law provide for freedom of association; in contrast with 2007, there were no reports that the Government banned the formation of a union.

An ordinance requires prior authorization from the Ministry of Interior before an association, including a labor union, may be formed; however, there were no reports that the ordinance was enforced. The ordinance also allows for the immediate administrative dissolution of an association and permits authorities to monitor association funds.

c. Freedom of Religion.—Although the law provides for religious freedom, at times the Government limited this right. The law also provides for a secular state; however, some policies favored Islam in practice. For example, a committee composed of members of the High Council for Islamic Affairs and the Directorate of Religious Affairs in the Ministry of Interior organized the Hajj and the Umra.

The July 2007 ban on all forms of street-corner evangelization and preaching remained in effect.

On June 29, security forces used excessive force in response to a confrontation in Kouno during which supporters of Sheikh Ahmet Ismael Bichara reportedly attacked security forces. Approximately 72 persons were killed during the confrontation, including an estimated 68 supporters of Bichara and four gendarmes. Bichara had earlier called for a "holy war" against the Government and declined to negotiate

with religious leaders from the High Council for Islamic Affairs. Security forces detained Bichara, and he remained detained without charge at year's end.

On February 20, in Bol, Abakar Brahim was arrested by ANS personnel. Brahim was accused of mobilizing Muslims to pray for the release of Lol Mahamat Choua.

The Government continued to ban Al Mountada al Islami, the World Association for Muslim Youth, the Mecca Al-Moukarrama Charitable Foundation, and Al Haramain Charitable Foundation for promoting violence to further religious goals.

The Islamic religious group Faid al-Djaria remained banned on the grounds that its religious customs, including singing and dancing together by men and women in religious ceremonies, were un-Islamic.

Societal Abuses and Discrimination.—Although the different religious communities generally coexisted without problems, there were reports of tensions within the Muslim community between the High Council for Islamic Affairs and fundamentalist elements within the community. During the year there were regular meetings between key religious leaders to discuss peaceful collaboration among groups.

Rebels abducted and subsequently released a foreign missionary during the year (See Section 1.g.).

There was no known Jewish community and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Although the law provides for freedom of movement, foreign travel, emigration, and repatriation, in practice the Government imposed some limits on these rights.

The Ministry of Territorial Administration required foreigners, including humanitarian agency personnel, to obtain authorization to travel to the eastern part of the country.

Security forces, rebels, and bandits continued to maintain roadblocks, extorting money from travelers, often beating them, and in some cases killing them.

The activities of armed bandits and rebel groups along the border with CAR continued to hinder free movement in the region.

In June the traditional chief of Lere-near the border with Cameroon was accused of organizing armed bandits to rob local herders and farmers. Authorities did not investigate or take action by year's end.

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

Internally Displaced Persons (IDPs).—The number of IDPs increased from 180,000 in 2007 to 185,000 by August.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol.

The number of Sudanese refugees from Darfur in the country increased to approximately 250,000; most of these refugees were located in 12 camps along the eastern border with Sudan. The number of refugees from CAR increased to approximately 56,000. Most of the refugees from CAR lived in five camps in the south. There were also approximately 5,000 refugees of various nationalities living in urban areas.

The Government did not provide sufficient protection for refugee camps in the east, although there were no reports that camps were attacked. Insecurity in the east, including rebel and bandit attacks, hindered the ability of humanitarian organizations to provide services to refugees. NGO workers traveling between camps were frequently victims of carjackings and armed robberies.

UNHCR and its partner organizations continued to express concern regarding the potential for militarization of refugee camps by Sudanese and Chadian rebels, particularly camps located close to the border. The recruitment of some refugees, including children, into armed groups continued (See Section 1.g.). UNHCR relocated several thousand refugees who had fled from Darfur to Birak to camps located farther from the border. Women were raped in and near refugee camps, including by ANT soldiers.

Antirefugee sentiment among citizens living in refugee-affected areas was high, due to competition for local resources such as wood, water, and grazing land, and

because Sudanese refugees received goods and services that were not available to the local population. There continued to be occasional reports that citizens attacked refugees and destroyed their wells.

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

Although the constitution and law provide citizens with the right to change their government, the Government continued to limit this right in practice. The executive branch dominated the other branches of government.

Elections and Political Participation.—In 2006 President Deby, leader of the ruling MPS, was reelected to a third term in what unofficial observers characterized as an orderly but seriously flawed election that was boycotted by the opposition. The Government had dismissed appeals from the opposition, civil society, religious groups, and some members of the international community to postpone elections and organize a national dialogue. Observers noted low voter participation, underage voting, multiple voting, and other irregularities.

In August 2007 the Government and the opposition coalition signed an agreement that delayed communal and legislative elections, originally scheduled for 2005, until 2009. Opposition members asserted that the Government was not fully implementing the agreement. On February 11, in reaction to government abuses against opposition and civil society members after the February rebel attack on N'Djamena, opposition members from the Coalition of Political Parties for the Defense of the Constitution suspended their participation in a joint government and opposition committee to monitor the implementation of the August 2007 accord. Opposition members rejoined the committee on May 5. During the year the Government and the unarmed political opposition, with the support of the European Union, continued to work to implement the accords, including agreeing to hold a new census and create a more representative electoral commission.

There were approximately 86 registered political parties in the country. Political parties were subject to outside interference. During the year opposition leaders were subject to violence and disappearance (*See* Sections 1.b. and 1.g.). Opposition political leaders accused the Government of co-opting their most popular local politicians to run as MPS members in local elections and alleged that the military intimidated party members who refused to cooperate. Parties allied with the Government generally received favorable treatment. Northerners, particularly members of the Zaghawa ethnic group, including the Bideyat subclan to which the president belongs, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff.

There were 10 women in the 155-seat National Assembly. There were six women among 40 ministers in the cabinet.

Both the cabinet and the National Assembly had diverse ethnic representation.

Government Corruption and Transparency.—The law does not provide criminal penalties for official corruption, and officials frequently engaged in corrupt practices. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a severe problem.

The Ministry of Morality is responsible for fighting corruption and carried out anticorruption seminars for government employees.

In September the World Bank ended its financial assistance for a project to support the Chad-Cameroon oil pipeline. The bank stated the Government did not comply with components of project agreements requiring that a substantial portion of the oil revenue be used for poverty reduction programs.

The Ministry of Morality investigated the Government-owned communication utility SOTEL due to allegations of embezzlement during the year. In October President Deby removed the director and deputy director of the utility from their positions due to mismanagement.

On December 17, President Deby removed the president and vice president of the HCC due to the disappearance of 100 million CFA francs (approximately \$200,700). They had not been prosecuted by year's end.

There were no reported developments in the 2006 case of two cabinet ministers who were removed from their positions for misappropriation of government funds.

The College for the Monitoring and Control of Oil Resources published one report during the year. Identified deficiencies included corruption, the 2007 appointment of new college members who were biased toward the Government, the use of a large portion of revenues for security sector spending, mismanagement of revenue allocated to regions, some unfinished social projects, and insufficient coordination with

local populations and leaders. The Government took no action on the college's previous reports by year's end.

The law does not provide for public access to government information, although the Government provided such access to government-employed journalists. Independent media journalists stated that they were not given sufficient access to government information.

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

The Government continued to obstruct the work of domestic human rights organizations through arrest, detention, and intimidation of their members during the year, particularly after the February attack on N'Djamena. Government officials generally were accessible to human rights advocates but were often unresponsive or hostile to their findings. Nevertheless, such groups were able to investigate and publish their findings on human rights cases.

There were two principal local human rights organizations, the ATPDH and the Chadian League for Human Rights (LTDH). These and smaller human rights organizations worked together through an umbrella organization, the Association for Human Rights.

On January 9, judiciary police arrested and detained Deuzombe Daniel Passalet of the local NGO Human Rights without Borders. He was released 72 hours later.

On February 9, in N'Djamena, Jacqueline Moudeina, the lawyer representing victims of former President Hissein Habre and president of ATPDH, received a death threat by telephone, and a military vehicle went to her house. She had taken refuge in another area of the city.

In February Jean-Bernard Padare, defense lawyer in the 2007 child abduction case involving the organization Zoe's Arc and LTDH member, received threats after he filed a suit regarding the detention of Ngarlegu Yorongar and Ibni Oumar Mahamat Saleh.

Unidentified assailants and armed bandits also attacked numerous NGO employees during the year, resulting in deaths and injuries (*See* Section 1.g.).

The lack of security in the east reduced the ability of humanitarian organizations to provide services.

Despite pressure from the Government, human rights groups were outspoken in publicizing abuses through reports, press releases, and the print media but only occasionally were they able to intervene successfully with authorities. There was a perception on the part of government officials that most local human rights groups were composed mainly of political opponents, which weakened their credibility with the Government and some international organizations.

The Government continued to obstruct the work of international human rights organizations, such as Amnesty International.

On April 2, a government decree established a Commission of Inquiry to examine disappeared persons and other abuses that occurred from January 28 to February 8. The commission concluded that security forces and rebels committed human rights violations and that civilians were killed, injured, raped, and detained (*See* Section 1.g.). The newspaper *Le Progres* reported that on June 25, uniformed persons invaded the home of the commission president, Maitre Djaibe, and shot and injured his bodyguard while trying to locate Djaibe.

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

Although the constitution and law prohibit discrimination based on origin, race, gender, religion, political opinion, or social status, the Government did not effectively enforce these provisions. The Government favored its ethnic supporters and allies.

Women.—The law prohibits rape but does not provide for criminal penalties. Rape was a problem; no reliable quantitative data was available. While police often arrested and detained perpetrators, rape cases usually were not tried.

Although the law prohibits violence against women, domestic violence, including spousal abuse, was common. Wives traditionally were subject to the authority of their husbands, and they had limited legal recourse against abuse. Although family or traditional authorities could provide assistance in such cases, police rarely intervened.

In previous years there were reports that family members killed women for breaking social taboos, although there were no such reports during the year. In some places girls and women may not visit the site where an initiation ceremony is to take place. If a female violates this prohibition, under traditional practices the village leaders can kill her.

The law prohibits prostitution; however, it was a problem, particularly in the south.

The law does not prohibit sexual harassment, and such harassment was a problem.

Discrimination against women and exploitation of women were widespread. Although property and inheritance laws do not discriminate against women, local leaders adjudicated most inheritance cases in favor of men, according to traditional practice. The Ministry of Social Action and Women is responsible for gender-related issues. Women did not have equal opportunities for education and training, making it difficult for them to compete for formal sector jobs.

The law does not address polygyny, but husbands may opt at any time to declare a marriage polygynous. If a husband takes a second wife, the first wife has the right to request that her marriage be dissolved, but she must repay her bride price and other marriage-related expenses.

Children.—The Government did not sufficiently ensure the protection of children's rights; however, it generally supported the activities of NGOs and international donors to improve children's rights and welfare. The Government did not fund medical care or public education adequately beyond the primary level.

The Government did not register all births immediately.

By law education is universal and free and basic education is compulsory; however, in practice parents were required to pay tuition to public schools beyond the primary level. Parents were required to pay for textbooks, except in some rural areas. Approximately half of teachers were hired and paid by parent-teacher associations, without government reimbursement. Educational opportunities for girls were limited. Most children did not complete primary education. The percentage of girls enrolled in secondary school was extremely low compared with that of boys.

Child abuse, including abuse of child herders, remained a problem. These children often worked long hours and were unable to attend school.

The law prohibits the practice of FGM; however, FGM was widespread. According to a 2004 government report by the National Institute of Statistics, Economic and Demographic Studies, 45 percent of local women had undergone excision. According to the survey, 70 percent of Muslim females and 30 percent of Christian females were subjected to FGM. The practice was prevalent, especially among ethnic groups in the east and south. All three types of FGM were practiced. The least common but most dangerous and severe form of FGM, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

FGM could be prosecuted as a form of assault, and charges could be brought against the parents of FGM victims, medical practitioners, or others involved in the action. However, prosecution was hindered by the lack of specific penalty provisions in the penal code. There were no reports that any such suits were brought during the year. The Ministry of Social Action and Family was responsible for coordinating activities to combat FGM.

Although the law prohibits sexual relations with a girl younger than age 14, even if she is married, the ban was rarely enforced. Families arranged marriages for girls as young as 12 or 13; the minimum legal age for engagements was 11. The law prohibits forced marriages of anyone younger than age 18 and provides for imprisonment of six months to two years and a fine of 50,000 to 500,000 CFA francs (\$114–1,140). There were some forced marriages, and the custom of buying and selling child brides continued to be widespread. Many young wives were forced to work long hours for their husbands in fields or homes.

The Government and other armed groups continued to use child soldiers (*See Section 1.g*). The UN reported that on June 27, nine children were demobilized from the gendarmerie in N'Djamena; five of the children were former FUC recruits who had been later recruited by the gendarmerie.

Several human rights organizations reported on the problem of the mahadjir, children who attended certain Islamic schools and were forced by their teachers to beg for food and money. There was no reliable estimate of the number of mahadjir children.

According to the newspaper *Le Progres*, on October 15, two boys were rescued from a Koranic teacher in Massaguet. The children appeared to have been beaten and reportedly were also chained and made to perform labor for their teacher. The teacher had not been prosecuted by year's end.

Children who were refugees or IDPs had limited access to services such as education and health care.

There were developments in the 2007 child abduction case involving the NGO Zoe's Arc. UNICEF reported that all of the children had been returned to their fami-

lies. On March 31, the president of Chad pardoned the six French nationals involved in the case. The Sudanese and the Chadian nationals, who each received sentences of four years of hard labor for complicity, were reported to have escaped from prison during the February rebel attack on N'Djamena.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, traffickers could be prosecuted under statutes prohibiting child abduction, sale of children, and child labor. Persons were trafficked to, from, and within the country. Cross-border trafficking was not widespread, and internal trafficking was largely restricted to children.

Children were trafficked for forced labor and commercial sexual exploitation. The majority of child victims were trafficked within the country to work as involuntary domestic servants, herders, beggars, forced labor in the commerce or fishing sector, or prostitutes. Children from Cameroon and CAR were trafficked for commercial sexual exploitation to the country's oil-producing regions. Chadian children were trafficked to Cameroon, CAR, and Nigeria.

The majority of child trafficking occurred with parental consent; children were given by parents to relatives or an intermediary in exchange for promises of education, apprenticeships, cattle, or a small sum.

Children were also recruited, sometimes forcibly, into armed groups (*See Section 1.g.*).

In June the subprefect of Goundi arrested several village chiefs suspected of involvement in the selling of children to herders.

On July 15, *Le Temps* newspaper reported that 108 children were being held by herders in the subprefecture of Goundi in the district of Bodo and the village of Hahimtoki.

The Government authorized a local NGO, the Association for the Recovery of Children in Distress, to remove children from forced herding and provide them with rehabilitation services.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities. There were no laws or programs to ensure access to buildings for persons with disabilities. The Government operated few education, employment, or therapy programs for such persons. The Government, in conjunction with NGOs, continued to sponsor an annual day of activities to raise awareness of persons with disabilities. The Ministry of Social Action and Family is responsible for the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—There are approximately 200 ethnic groups in the country, many of which are concentrated regionally. They speak 128 distinct primary languages. Although most ethnic groups were affiliated with one of two regional and cultural traditions—Arabs and Muslims in the north, center, and east; and Christian or animist groups in the south—internal migrations in response to urbanization and desertification resulted in the integration of these groups in some areas.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of employment, especially across the North-South divide. The law prohibits government discrimination on the basis of ethnicity, although in practice ethnicity continued to influence government appointments and political alliances. Political parties and groups generally had readily identifiable regional or ethnic bases.

Interethnic violence continued, particularly in the east and south (*See Section 1.g.*).

Clashes between herders and sedentary populations and other interethnic violence that often concerned land use continued to be a serious problem.

Other Societal Abuses and Discrimination.—Societal discrimination continued to be practiced against homosexuals.

A 2007 law provides for persons with HIV/AIDS to have the same rights as those without HIV/AIDS and obligates the Government to provide information, education, and access to tests and treatment for persons with HIV/AIDS; however, societal discrimination continued to be practiced against those who have HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows all employees except members of the armed forces to join or form unions of their choice without excessive requirements, but the authorization of the Ministry of Interior is required. The Ministry of Interior can also authorize the immediate administrative dissolution of an association. In contrast with 2007, there were no reports that the Government banned the formation of a union.

In the formal sector, more than 90 percent of employees belonged to unions; however, the great majority of workers were nonunionized, unpaid subsistence cultiva-

tors or herders. The Government, which owned enterprises that dominated many sectors of the formal economy, remained the largest employer.

The law recognizes the right to strike but restricts the right of civil servants and employees of state enterprises to do so. Civil servants and employees of state enterprises must complete a mediation process and must notify the Government before striking. Employees of several public entities deemed as essential must continue to provide a certain level of services. The International Trade Union Confederation asserted that the law prolonged the period before a strike can occur and that the definition of essential services was overly broad. The law permits imprisonment with forced labor as punishment for participation in illegal strikes, but no such punishment was imposed during the year.

b. The Right to Organize and Bargain Collectively.—The law allows unions to organize and bargain collectively, and the Government protected these rights. Although there are no restrictions on collective bargaining, the law authorizes the Government to intervene under certain circumstances.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there continued to be reports of forced labor practices in the formal economy and isolated instances of local authorities demanding forced labor by both children and adults in the rural sector. There were also reports that prisoners were required to work to pay back taxes they allegedly owed.

The law permits imprisonment with forced labor for participation in illegal strikes.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code stipulates that the minimum age for employment is 14, although children may work as apprentices beginning at age 13. The Government did not enforce the law. Child labor, including forced child labor, was a serious problem. The minimum employment age is not consistent with the compulsory education age.

An estimated 20 percent of children between the ages of six and 18 worked in exploitive labor in the urban informal sector according to a study published by Human Rights without Borders. Children throughout the country worked in agriculture and herding. They also were employed in the commercial sector, particularly in the capital, as street vendors, manual laborers, and helpers in small shops. Young girls worked as domestic servants, mainly in N'Djamena. A 2005 UNICEF-government survey of child domestics in N'Djamena noted that 62 percent were boys; 24 percent were between eight and 14 years of age; 68 percent were between 15 and 17; and 86 percent were illiterate.

A report by the NGO Justice and Peace Commission stated that from 2006 to 2008 local NGOs rescued more than 600 children whose families had sold them for use as herders in the southern part of the country, specifically in the departments of Mandoul and Moyen Chari.

Children who attended certain Islamic schools were sometimes forced by their teachers to beg for food and money.

Some children worked as domestic servants in the households of relatives for little compensation. Some young girls were forced into marriages by their families and then compelled to work in their husbands' fields or homes while they were still too young to do so safely.

Government forces and rebel groups recruited child soldiers (*See* Section 1.g.).

The Office of Labor Inspection is responsible for enforcement of child labor laws and policies. That office had approximately 16 labor inspectors to cover the entire country. As in previous years, they reportedly had no funding to carry out field work and investigations.

The Government did not have a comprehensive plan to eliminate the worst forms of child labor; however, the Government continued to work with UNICEF and other NGOs to increase public awareness of child labor. In addition, the campaign to educate parents and civil society on the dangers of child labor, particularly for child herders, continued.

e. Acceptable Conditions of Work.—The labor code requires the Government to set minimum wages, and the minimum wage at year's end was 28,000 CFA francs (approximately \$64) per month; however, these standards were generally ignored. The minimum wage did not provide a decent standard of living for a worker and family, although wage levels were raised during the year.

Nearly all private sector and state-owned firms paid at least the minimum wage, but it was largely ignored in the vast informal sector. In some areas there were long delays in the payment of those salaries. Salary arrears remained a problem, al-

though less so than in previous years. Low wages among customs, police, and military officials contributed to almost daily extortion of the civilian population along all major roads.

The law limits most employment to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year, an average of 46 hours per week. All workers were entitled to an unbroken 48-hour rest period per week; however, these rights rarely were enforced.

The labor code mandates occupational health and safety standards and gives inspectors the authority to enforce them; however, these standards were generally ignored in the private sector and in the civil service.

Workers had the right to remove themselves from dangerous working conditions; however, in practice they could not leave without jeopardizing their employment. The labor code explicitly protects all workers, including foreign and illegal workers, but the protections provided were not always respected in practice.

COMOROS

The Union of the Comoros is a constitutional, multiparty republic of 732,000 citizens. The country consists of three islands—Grande Comore, Anjouan, and Moheli—and claims a fourth, Mayotte, which France governs. In May 2006 citizens elected Ahmed Abdallah Mohamed Sambi as Union president in polling that international observers described as generally free and fair. This was the first peaceful and democratic transfer of power in the country's history. On March 25, the Union Army of National Development, with African Union support, launched a successful and bloodless military action that resulted in the removal of former Anjouan president Mohamed Bacar, who fled the country. Bacar had ruled the island by force since declaring himself the winner of an illegal election in June 2007. On June 29, Moussa Toybou was elected president of Anjouan in a generally free and fair process. The civilian authorities in Grande Comore and Moheli, and in Anjouan after March 25, generally maintained effective control of the security forces.

The Union government generally respected the human rights of its citizens on the islands under its effective control—Grande Comore and Moheli, as well as Anjouan after March 25—although there were some areas of concern. Problems on all three islands included poor prison conditions; restrictions on freedom of movement, press, and religion; official corruption; discrimination against women; child abuse; and child labor.

Until March 25, Bacar's regime in Anjouan arbitrarily detained and imprisoned its critics and restricted freedom of movement and association.

RESPECT FOR HUMAN RIGHTS

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

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

Civil society representatives in Anjouan reported that on March 7, Nadiati Soimaddine died from injuries inflicted during torture a few days earlier by Mohamed Bacar's security agents. Soimaddine was accused of supporting Union president Sambi.

b. Disappearance.—There were no reports of politically motivated disappearances; however, in Anjouan, prior to March 25, Mohamed Bacar detained more than 300 persons who opposed or criticized his regime, and many were held incommunicado.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them on Grande Comore or Moheli; however, prior to March 25, regime gendarmes in Anjouan were responsible for rape, torture, illegal detention, and forced exile.

The Comoros Human Rights Foundation (FCDH) interviewed victims of the Bacar regime between April 7 and April 10 and was preparing evidence to prosecute members of the Bacar regime at year's end. Most cases involved the torture of detainees.

For example, on January 14, Bacar's security forces arrested Mohamed Attoumane for listening to a radio program from the national radio station. Attoumane was tortured and released the following day.

On February 7, Bacar's forces detained and tortured Soulaymana Bacar and several unnamed friends. Soulaymana Bacar, who suffered a broken foot and arm, was

held incommunicado and transferred between unknown locations before his February 24 release.

On February 15, Bacar's forces arbitrarily detained and beat Attoumane Houmadi, whom they held until February 21, when his family paid for his release.

Some persons released during the year had been held for months by Bacar regime security forces. For example, Abdallah Ahmed Ben Ali, who was arbitrarily arrested in June 2007, was detained and tortured until his March 25 release.

Prison and Detention Center Conditions.—Prison conditions remained poor. Common problems included improper sanitation, overcrowding, inadequate medical facilities, and poor diet. Authorities held pretrial detainees with convicted prisoners.

There were reports that prisons in Anjouan were filled to capacity and that detainees were being held in shipping containers prior to March 25. After order was restored in Anjouan, all political prisoners were released.

The Government permitted visits by independent human rights observers. In an August visit, an international organization confirmed that the Union government met international standards in its detention in Grande Comore of officials from the Bacar regime.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions on Grande Comore and Moheli; however, during the year the Union government detained civilian and military officials of the Bacar regime on charges of crimes against the state.

Prior to March 25, the Bacar regime arbitrarily arrested hundreds of persons (*See* Section 1.e.).

Role of the Police and Security Apparatus.—Six separate security forces report to four different authorities. Union forces include the Army of National Development, the Gendarmes, and the National Directorate of Territorial Safety (immigration and customs). The previously separate Anjouan Gendarmes has been incorporated into the Union structure. Each of the three islands also has its own local police force under the authority of each island's ministry of interior.

There was continued corruption in the police force. Citizens paid bribes to evade customs regulations, avoid arrest, and falsify police reports. Police personnel paid bribes to receive promotions within the force. Impunity was a problem, and there was no mechanism to investigate police abuses. Union police took part in international training to become more professional.

Arrest and Detention.—The law requires warrants for arrests and provides that detainees may be held for 24 hours, although these provisions were not always respected in practice. The prosecutor must approve continued detention. A tribunal informs detainees of their rights, including the right to legal representation. The law provides for the prompt judicial determination of the legality of detention and that detainees be promptly informed of the charges against them. In practice these rights were inconsistently respected. Some detainees did not get prompt access to attorneys or families. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred. There is a bail system under which the individual is not permitted to leave the country. Prior to the March 25 military action, incommunicado detention in Anjouan was a problem.

After March 25, the Union government detained approximately 50 civilian and military officials of the Bacar regime. All remained in detention at year's end.

Pretrial detention was a problem, with approximately 20 percent of the prison population awaiting trial for extended periods. By law pretrial detainees can be held for four months only, but this period could be renewed.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice; however, judicial corruption was a problem. The head of state appoints magistrates by decree.

The seven-member Constitutional Court includes a member appointed by the president of the Union, a member appointed by each of the two Union vice presidents, a member appointed by each of the three island government presidents, and a member appointed by the president of the National Assembly. Minor disputes can be reviewed by the civilian court of first instance, but they were usually settled by village elders outside of the formal structure.

Trial Procedures.—The law provides for the right to a fair trial for all citizens. Under the legal system, which incorporates French legal codes and Islamic Shari'a law, trials are mostly open to the public, and defendants are presumed innocent. Juries deliberate criminal cases, and there is an appeal process. Defendants have the right to be present, to access government-held evidence, and to consult with an

attorney. The law allows defendants to question witnesses and present their own witnesses. In practice these rights were inconsistently respected.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees on Grande Comore and Moheli; however, prior to March 25, the Bacar regime arbitrarily arrested and held hundreds of political detainees and prisoners, including 60 members of President Sambu's family and more than 300 journalists, intellectuals, politicians, teachers, and other persons suspected of disloyalty. Some of those detained were held incommunicado, and one detainee reportedly died from injuries inflicted during torture. After March 25, all prisoners confirmed to have been arbitrarily held by Bacar's regime were released.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters, but formal courts had insufficient resources and were corrupt. Administrative remedies were rarely available, although citizens with influence had access to such alternatives. Court orders were inconsistently enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Union government partially limited press freedom. Until March 25, the Bacar regime on Anjouan also did not respect freedom of speech or press and detained and imprisoned the regime's critics. Journalists on all three islands practiced self-censorship.

Individuals could generally criticize the Union government publicly or privately without reprisal on Grande Comore and Moheli, and on Anjouan after March 25. Before March 25, forces loyal to Mohamed Bacar detained hundreds in Anjouan for criticizing the regime (See Section 1.e.).

There is a government-supported newspaper and four independent newspapers.

On January 15, Union security forces detained and questioned El-Had Said Omar, director of La Gazette newspaper, for five hours regarding La Gazette's publication of personal information about the nomination of a Union intelligence official. El-Had was released the same day.

No action was taken against Anjouan gendarmes involved in the May 2007 arrest and beating of four journalists or the June 2007 arrest and detention of radio reporter Elarifou Minihadji.

Unlike in the previous year, there were no reports that Union police seized newspapers or that journalists fled the country to avoid arbitrary arrest.

There is independent radio on Grande Comore and Moheli and, since March 25, on Anjouan; Mohamed Bacar did not allow independent radio. One government radio station operated on a regular schedule. Small community radio stations operated without government interference on Grande Comore and Moheli, as did Mayotte Radio and French television.

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

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, the Government did not always respect this right.

On March 27, police fired tear gas to disperse hundreds of violent demonstrators near the French embassy in Grande Comore. The demonstrators, who threw rocks and threatened French citizens and other foreigners, were protesting suspected French involvement in Bacar's departure from the country, a charge the Government of France denied.

Until March 25, Bacar's forces on Anjouan regularly used force and intimidation to prohibit gatherings of those who criticized him.

Freedom of Association.—The constitution and law provide for freedom of association, and the Union government generally respected this right.

Until March 25, security forces on Anjouan harassed and intimidated political opponents.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the Government restricted this right in practice. The constitution does not de-

declare Islam the official religion but declares that the laws must draw inspiration from Islam. Proselytizing for any religion except Islam is illegal, and converts from Islam may be prosecuted under the law that prohibits proselytizing.

Societal Abuses and Discrimination.—Comoran Christians, who constitute less than 1 percent of the population, continued to experience societal discrimination and intimidation. The law allows non-Muslims to practice their religion, but societal pressure effectively restricted the use of the country's three churches to noncitizens. Family and community members harassed those who joined non-Muslim faiths.

On April 20, unknown persons wrote obscene words on the outer wall of the Protestant Church of Moroni. Community leaders near the church publicly expressed disappointment, and on May 28, the Union National Assembly issued a statement calling for Union authorities to investigate the incident. No action had been taken by year's end.

Unlike in the previous year, there were no reports of attacks on Catholic charities.

There was no known Jewish population and no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country and foreign travel, and the Government generally respected these rights in practice; however, travel restrictions were imposed on certain individuals as a result of the political unrest on Anjouan.

Until March 25, Mohamed Bacar continued to prevent political opponents from leaving Anjouan and denied entry to all Union government officials. After March 25, there were reports that government officials barred persons associated with Bacar from leaving until their involvement or complicity in the regime had been determined.

During the year the travel sanctions against Mohamed Bacar and 144 other individuals imposed by the African Union in October 2007 were withdrawn.

The law does not prohibit forced exile, but the Government did not use it. However, on March 25, Mohamed Bacar and 21 loyalists and family members fled to Mayotte, from where they were transferred to Reunion. Bacar, who was denied asylum in France, accepted an offer of asylum from Benin, where he remained in exile at year's end. Bacar's loyalists remained in Reunion, according to press reports.

Internally Displaced Persons.—Hundreds of Anjouan residents fled the island during Bacar's regime, but all had returned by year's end.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

The constitution and law provide citizens with the right to change their government peacefully, and residents of Grande Comore and Moheli exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Residents in Anjouan also exercised this right in free and fair elections conducted after the March 25 military action that resulted in the removal of former island president Mohamed Bacar.

Elections and Political Participation.—Anjouan held its first round of island president (governor) elections on June 15. With no clear winner, a second round run-off was held June 29 between Mohamed Djaanfari and Moussa Toybou. Toybou won with 52.4 percent of the vote in elections that international observers deemed generally free and fair.

The constitution provides for a "rotating" Union presidency in which each island takes a turn at holding a primary for presidential candidates. In 2006 the turn passed to Anjouan; all 12 presidential candidates had to be natives of Anjouan to run in the primary. From the 12, Anjouan voters selected three to run in the national election that Ahmed Abdallah Mohamed Sambi won. International observers considered the elections free and fair. The May 2006 inauguration of President Sambi was the first peaceful and democratic transfer of power in the country's history. The constitution thus restricts, by island, who can run for the presidency, but aside from the rotation principle, anyone is free to stand for election.

Grande Comore and Moheli held first- and second-round island president (governor) elections in June 2007; both elections were considered generally free and fair.

More than 20 political parties operated without restriction and openly criticized the Union government.

There was one woman in the 33-member National Assembly. There were no minorities in high-level offices.

Government Corruption and Transparency.—Corruption was a serious problem. The law provides for criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Resident diplomatic, UN, and humanitarian agency workers reported that petty corruption was commonplace at all levels of the civil service despite the Government's 2006 launch of an anticorruption campaign. Private sector operators reported that corruption and lack of transparency were problems.

Unlike in previous years, the Government did not prosecute or discipline officials charged with corruption. The Union Ministry of Justice is responsible for combating corruption.

Officials were not subject to financial disclosure laws.

There are no laws providing for public access to government information. Those who have personal or working relationships with government officials can generally access government information, but members of the general public cannot.

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

One domestic and some international nongovernmental organizations (NGOs) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The Government cooperated with international governmental organizations and permitted visits by UN representatives or other organizations during the year.

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

The law prohibits discrimination based on race, sex, disability, language, or social status; however, there was discrimination against women.

Women.—Rape is illegal, punishable by imprisonment of five to 10 years or up to 15 years if the victim is younger than 15 years of age. The Government did not enforce the laws on rape effectively. The law does not specifically address spousal rape.

The law prohibits domestic violence, but the Government did not take any action to combat violence against women. Although women can seek protection through the courts in such cases, extended family or village elders customarily addressed such problems.

Prostitution is illegal and was not openly practiced in public places, with the exception of a few hotels frequented by foreigners. Arrests for prostitution were rare.

Sexual harassment is illegal and punishable by up to 10 years' imprisonment. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem.

The law provides for equality of persons, and in general, inheritance and property rights do not discriminate against women. Men retained the dominant role in society, although the matriarchal tradition afforded women some rights, especially in landholding. Societal discrimination against women was most apparent in rural areas where women had farming and child-rearing duties, with fewer opportunities for education and wage employment. In urban areas, growing numbers of women were employed and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. The law does not require women to wear head coverings, but many women faced societal pressure to do so.

Children.—The Government did not take specific action to protect or promote children's welfare and did not enforce legal provisions that address the rights and welfare of children.

Education is compulsory until the age of 12, but not free. Teacher strikes over nonpayment of salaries interrupted school several times during the year. Boys generally had greater access to schools than girls.

Although there are no official statistics on child abuse, it was common and often occurred when impoverished families sent their children to work for wealthier families. A 2002 UN Children's Fund study found that child abuse, including sexual abuse, was widespread and often occurred at home. There also were reports that teachers raped students.

Child prostitution and child pornography are illegal. The law considers unmarried children under the age of 18 as minors, and they are protected legally from sexual exploitation, prostitution, and pornography. There were no statistics regarding these matters, but they were not considered serious problems.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

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

Persons With Disabilities.—There are no laws that mandate access to buildings for persons with disabilities or that prohibit discrimination in employment and public services.

The country's center for persons with disabilities on Grande Comore was run by an NGO. The center imported wheelchairs and prostheses.

Other Societal Abuses and Discrimination.—There were no reports of discrimination against persons with HIV/AIDS. Homosexuals did not publicly discuss their sexual orientation due to societal pressure.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and many of those in the wage labor force did so in practice. Teachers, civil servants, taxi drivers, and dockworkers were unionized. The law allows unions to conduct their activities without government interference and provides for the right to strike, and workers exercised this right in practice.

There are no laws protecting strikers from retribution, but there were no reported instances of retribution.

The labor code, which was rarely enforced, does not include a system for resolving labor disputes.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain collectively, although employers set wages in the small private sector, and the Government, especially the ministries of finance and labor, set them in the larger public sector.

The law does not prohibit antiunion discrimination by employers in hiring practices.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor by adults with certain exceptions for obligatory military service, community service, and accidents, fires, and disasters. The Union's civil protection unit may oblige persons to respond to disasters if it is unable to obtain sufficient voluntary assistance; however, this has never occurred. There are no specific prohibitions against forced or compulsory child labor, and it occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Laws exist to protect children from exploitation in the workplace, but the Government did not enforce such laws. The law defines 15 as the minimum age for employment. Children worked in subsistence farming, fishing, in the informal sector selling goods along roadsides, and extracting and selling marine sand. Some children worked under forced labor conditions, particularly in domestic service and agriculture. In addition, some Koranic schools arranged for poor students to receive lessons in exchange for labor, which sometimes was forced.

Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities. Many children were not paid for their work. The Government's Ministry of Labor is responsible for enforcing child labor laws, but it did not actively do so.

e. Acceptable Conditions of Work.—A ministerial decree set the minimum wage at 30,000 Comoran francs per month (\$83). Although national and local governments do not enforce a minimum wage, unions have adequate authority to negotiate de facto minimum wage rates for different skill levels. In practice unions enforce this de facto minimum wage via their ability to strike against employers. Despite strikes and other protests, the Union government was unable to pay government employees, including low-level officials, teachers, and medical workers, for several months due to budgetary difficulties.

The law specifies a workweek of 37 1/2 hours, one day off per week, and one month of paid vacation per year. According to the law, workers receive time and a half for overtime. There was no prohibition on excessive, compulsory overtime; however, shortages in electricity prevented overtime work of any kind in most busi-

nesses. These laws, like many others, were not enforced. Employers, particularly the Government, were often remiss in paying salaries.

No safety or health standards have been established for work sites. Workers generally could not remove themselves from an unsafe or unhealthful situation without risking their employment.

CONGO, DEMOCRATIC REPUBLIC OF THE

The Democratic Republic of the Congo (DRC) is a nominally centralized republic with a population of approximately 60 million. The president and the lower house of parliament (National Assembly) are popularly elected; the members of the upper house (the Senate) are chosen by provincial assemblies. Multiparty presidential and National Assembly elections in 2006 were judged to be credible, despite some irregularities, while indirect elections for senators in 2007 were marred by allegations of vote buying.

Internal conflict in the eastern provinces of North and South Kivu, driven to a large degree by the illegal exploitation of natural resources, as well as a separate conflict in the western province of Bas-Congo, had an extremely negative effect on security and human rights during the year. The Goma peace accords signed in January by the Government and more than 20 armed groups from the eastern provinces of North and South Kivu provided for a cease-fire and charted a path toward sustainable peace in the region. Progress was uneven, with relative peace in South Kivu and the continued participation of the South Kivu militias in the disengagement process. In North Kivu, what little progress was made in implementing the accords during the first half of the year unraveled with the renewed fighting that began in August, perpetuating lawlessness in many areas of the east.

On December 12, the UN Group of Experts on the Democratic Republic of Congo Report Pursuant to United Nations Security Council Resolution 1807 reported that Rwandan authorities have supplied military equipment and been complicit in recruiting soldiers, including children, to support the Congolese rebel National Congress in Defense of the People (CNDP), led by a former general of the Congolese Armed Forces (FARDC), Laurent Nkunda. In addition, the UN Group of Experts presented extensive and credible evidence that elements of the FARDC provided support to the Democratic Forces for the Liberation of Rwanda (FDLR), which committed numerous abuses in eastern Congo during the year and was composed primarily of Hutus from neighboring Rwanda, including some who perpetrated the 1994 Rwandan genocide. Also in December, the Rwandan and Congolese governments met to develop a joint strategy to eliminate the FDLR.

At year's end government control over many regions remained weak, particularly in North and South Kivu provinces. Civilian authorities generally did not maintain effective control of the security forces.

In all areas of the country the Government's human rights record remained poor, and security forces continued to act with impunity throughout the year, committing many serious abuses including unlawful killings, disappearances, torture, and rape. Security forces also engaged in arbitrary arrests and detention. Harsh and life-threatening conditions in prison and detention facilities, prolonged pretrial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Security forces retained child soldiers and compelled forced labor by civilians. Members of the security forces also continued to abuse and threaten journalists, contributing to a decline in freedom of the press. Government corruption remained pervasive. Security forces at times beat and threatened local human rights advocates and harassed UN human rights investigators. Discrimination against women and ethnic minorities, trafficking in persons, child labor, and lack of protection of workers' rights continued to be pervasive throughout the country. Enslavement of Pygmies occurred.

Armed groups continued to commit numerous, serious abuses—some of which may have constituted war crimes—including unlawful killings, disappearances, and torture. They also recruited and retained child soldiers, compelled forced labor, and committed widespread crimes of sexual violence and other possible war crimes.

RESPECT FOR HUMAN RIGHTS

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

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

On July 6, Kinshasa-based members of the Republican Guard (GR), an elite armed force under the control of President Joseph Kabila, killed Daniel Botethi, the vice president of the Kinshasa Provincial Assembly and a prominent figure of the opposition party Liberation of Congo (MLC), whose leader Jean-Pierre Bemba ran against Kabila for president in 2006. The soldiers shot and killed Botethi and his bodyguard at a roadblock in Kinshasa, near the site of an attack in May that injured opposition Senator Adolphe Onusumba. The MLC subsequently suspended its participation in government bodies to protest the killing. On September 22, the Military Tribunal of Kinshasa/Ngaliema sentenced four GR soldiers to death for their involvement in the killing. Although a soldier on trial for the murder testified that Kinshasa Governor Andre Kimbuta, an ally of President Kabila, ordered the killing, the connection was never proved.

In the east, security forces summarily executed civilians and killed civilians during clashes with illegal armed groups (*See* Section 1.g.).

There were several occasions during the year when members of security forces arbitrarily and summarily killed civilians, sometimes during apprehension or while holding them in custody, and often for failing to surrender their possessions, submit to rape, or perform personal services. For example, according to the United Nations Joint Human Rights Office in the country (UNJHRO), on January 23, a Congolese National Police (PNC) officer in Bulukutu, Equateur Province, shot and killed a civilian who was serving lunch to a group of police officers because the victim had given a larger serving to his police colleagues. Authorities arrested the perpetrator but later released him, reportedly due to the lack of detention facilities. No further action had been taken by year's end.

According to the UNJHRO, on February 21, a policeman attached to the Provincial Mining Office in Kalukalanga, Katanga Province, shot and killed an artisanal miner because he did not have enough money to pay "an entry fee" into the local mining site. No action was taken against the officer.

On February 28, the Government launched operations ostensibly to restore state authority in Bas-Congo Province. Members of the Bundu Dia Kongo (BDK), a political-religious group seeking greater provincial autonomy, had effectively taken over state functions in several villages and towns in Seke-Banza, Lukula, and Luozi territories to set up a parallel justice system where existing state authority was extremely weak. The arrival of security forces spawned violent clashes with the BDK, as well as the rape of local residents by the PNC (*See* Section 1.c.). In June, after dispatching an investigative team to the province in late March, the UNJHRO published a report concluding that at least 100 persons, most of whom were members of the BDK, died during the operations launched by the PNC. The report concluded that the police used excessive force and in some cases committed arbitrary executions. Although it criticized the report, the Government made a commitment to hold a judicial investigation, which had not begun by year's end. A report released in November by Human Rights Watch (HRW), which also cited instances of excessive force by security forces against the BDK in 2007, estimated that more than 200 BDK supporters and others were killed as a result of the clashes in March, which HRW believed were part of "a deliberate effort to wipe out the movement."

According to the UNJHRO, on March 22, a FARDC soldier shot and killed a civilian in Mahagi Port, Orientale Province, who resisted his attempt to extort money at a checkpoint. The victim's brother later stabbed the soldier to death.

There were no reports that authorities apprehended the police chief in Sota, Ituri District (Orientale Province), who escaped arrest in January 2007, after he and his assistant subjected a detainee to cruel and inhuman treatment, resulting in his death. It was unknown whether the assistant remained in detention or had been tried.

Authorities took no action against members of security forces who used excessive force, according to a UN report, during a January 2007 demonstration by the BDK, resulting in the killing of at least 105 persons.

According to the Bukavu-based nongovernmental organization (NGO) Volunteer Service Bureau for Children and Health, the Bukavu Military Court sentenced a soldier of the FARDC's 11th Integrated Brigade in March 2007 to 20 years in prison for the February 2007 killing of a civilian who refused to carry the soldier's personal belongings.

Authorities took no action against a navy corporal who shot and killed a university student in Goma, North Kivu Province, in April 2007.

Authorities took no action against those responsible for summarily executing and otherwise killing approximately 300 persons in March 2007 during armed confrontations in Kinshasa between forces loyal to President Kabila and rival forces loyal to former vice president Jean-Pierre Bemba. Authorities also took no action against FARDC and GR officers who arrested more than 200 persons following the con-

frontations and subjected many of them to cruel, inhuman, and degrading treatment. By July 25, after the vice minister of human rights identified several individuals being detained illegally, authorities had released more than half (107) of the 187 individuals who were still in detention at the beginning of the year as a result of the March 2007 Kinshasa fighting. According to the UN peacekeeping mission in the country (MONUC), by year's end authorities released the remaining 80, all former militia members of Bemba's protection force, and transferred them to Kamina, Katanga Province, to be integrated into the FARDC.

There was no information available regarding a policeman in Mabikwa, Maniema Province, who beat a man to death in July 2007 before going into hiding.

During 2007 there were reports of deaths in prisons resulting from physical abuse by members of security forces. No action was taken against the FARDC soldiers who tortured to death two suspects at Uvira Central Prison in South Kivu Province in October 2007, or against the Mobile Intervention Group (GMI) officers for the October 2007 killing of an inmate at Buluwo Prison in Katanga Province.

Authorities did not take any action during the year against several FARDC soldiers involved in the 2006 killing of 13 civilians in Kagaba, Ituri District (Orientale Province).

There were no reports that authorities had found the escaped FARDC soldier who was sentenced to prison in 2007 for the 2006 killing of an elderly man in Beni, North Kivu Province.

On February 29, the High Military Court in Kinshasa rejected a motion filed by victims' relatives to reverse the December 2007 decision by the Lubumbashi Military Court of Appeal. The December 2007 decision rejected the appeal request that had been filed challenging the acquittals of the original Kilwa trial. In the original June 2007 trial, a Katanga Province military court acquitted several FARDC soldiers and three employees of Anvil Mining of involvement in the 2004 massacre of 73 residents of Kilwa, Katanga; UN human rights officials subsequently expressed serious concern over the trial's verdict.

According to locally based African Association for the Defense of Human Rights (ASADHO), in April the governor of Katanga Province and the provincial minister of interior arbitrarily prevented local human rights activists and attorneys from an Australian law firm from traveling to Kilwa to gather information for a possible civil law suit in Australian courts against Perth-based Anvil Mining Company. Katanga authorities did not allow the group's aircraft to leave a Lubumbashi airport for Kilwa, citing a lack of official authorization, which the governor subsequently refused to grant due to regional "insecurity," although other flights that same day reportedly made the same voyage with no such authorization.

There were no reports of authorities taking action on the June 2007 killing of a police officer by civilians in Bukavu, South Kivu Province.

Illegal armed groups, including rebel groups and community militias, committed unlawful killings during the year (*See* Section 1.g.).

A MONUC peacekeeper shot and killed a civilian during violent demonstrations in Goma on October 27 (*See* Section 1.g.).

b. Disappearance.—There were reports of politically motivated disappearances caused by government forces. According to a report released in January by the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID), of the 52 cases of forced or involuntary disappearances reported to the UNWGEID since 1980, 43 remained unsettled as of November 2007. There were few, if any, reports that the Government made efforts to investigate disappearances and abductions, including those in which security force members were accused of involvement.

There was no information about the whereabouts of three lawyers in Kinshasa who were abducted by three armed men in July 2007 and allegedly detained by the National Intelligence Agency (ANR).

Armed groups operating outside government control kidnapped numerous persons, often for forced labor, military service, or sexual services. Many of the victims disappeared (*See* Section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically criminalize torture, and during the year there were many credible reports by informed sources that security services tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. There were almost no reports of government authorities taking action against members of security forces responsible for these acts.

The UNJHRO reported several cases of torture and cruel, inhuman, and degrading treatment. For example, on January 7, two FARDC soldiers in Kalemie, Katanga Province, beat a civilian with the butts of their AK-47 rifles and stole his mo-

bile telephone and 12,000 Congolese francs (approximately \$24). Authorities had taken no action against the soldiers by year's end.

On January 13, five FARDC soldiers severely beat a civilian in Mbuji-Mayi, Kasai Oriental Province, for resisting their efforts to steal his motorbike. Military authorities took no action against the soldiers.

On January 28, seven PNC officers in Bena-Leka, Kasai Occidental Province, subjected a civilian to cruel, inhuman, and degrading treatment because he had failed to install hygienic facilities in his home, as ordered by local authorities. They severely beat the victim, undressed him, and then forced him to walk naked to the local ANR office, which subsequently provided him with clothes and released him. Authorities took no action against the PNC officers.

On February 28, GMI officers in Mbuji-Mayi, Kasai Oriental Province, arrested a policeman and detained him in a GMI holding cell until March 13 while subjecting him to torture. Over several days a GMI lieutenant handcuffed the victim's hands behind his back and beat him on the buttocks and right shoulder with the backside of a machete and the wooden handle of a spade. The military prosecutor began an investigation into the case, but results remained unknown at year's end.

Authorities took no action against ANR agents who arrested a theft suspect in Beni, North Kivu Province, in January 2007 and, according to MONUC, subsequently beat the victim with sticks, including on his genitals.

During the year a police commander arrested one of his subordinates for the abuse of a theft suspect in February 2007 in Mbuji-Mayi, Kasai Oriental Province. At year's end the policeman remained in detention awaiting a court date.

Police took no action against members of security forces who, according to informed sources, committed the following acts of torture in 2007: the January torture of a judicial investigator by authorities in Orientale Province (*See* Section 1.d.); the daily whipping of a man between April and June on the orders of a FARDC general in Kinshasa following a personal business dispute; and the November torture of seven suspected gang members, one of whom died from his injuries, by the GMI in the Bakwa Bowa police station in Kasai Oriental Province.

On several occasions during the year police beat and arrested journalists who wrote or broadcast material they did not like (*See* Section 2.a.)

There were continuing reports, including many from the UNJHRO, of rape of civilians by members of the security forces. Several of these reports concerned rape committed in the context of the conflict in the east (*See* Section 1.g.). Other reported rapes by security forces occurred outside the conflict's context. For example, on February 26, a FARDC soldier in Rwindi, North Kivu Province, allegedly raped a three-year-old girl. Military justice authorities from the 9th Integrated Brigade later arrested and detained the perpetrator, although his status was unknown at year's end.

On March 19, a FARDC lieutenant in Gemena, Equateur Province, abducted a 14-year-old girl, took her to his house, and repeatedly raped her until he released her on March 23. The Office of the Military Prosecutor subsequently arrested him, although his status was unknown at year's end.

On April 15, the Mbanza Ngungu Military Tribunal in Luozi, Bas-Congo Province, sentenced two PNC officers to 20 years in prison for rape committed during PNC operations against the BDK in March (*See* Section 1.a.).

On May 17, a group of policemen in Ngele, Equateur Province, raped 13 women and six girls, subjected male residents of the village to cruel, inhumane, and degrading treatment, and pillaged the entire village. The rapes were reportedly a planned response to a May 13 incident during which villagers threw stones at the police after two officers had severely beaten two young men. Authorities took no known action against the policemen.

In May 2007 FARDC soldiers of the 6th Integrated Brigade looted several houses near Jiba, Ituri District, raped four women, and forced 10 villagers to carry looted goods to their camp near Bule. They released the villagers several days later. Military authorities arrested two soldiers in connection with one of the rapes, but did not take any additional action.

Authorities took no known action against members of security forces responsible for the following rapes committed in 2007: the September rape of eight women, including three minors, in Yanonge, Orientale Province, by PNC officers reportedly acting on orders from their commander; and the November gang rape of a woman in Bongondjo, Equateur Province, by five FARDC soldiers.

According to the UNJHRO, on February 18, the Mbandaka Military Tribunal pronounced its verdict against six police officers accused of committing mass rape and other human rights violations in Waka, Equateur Province, in 2006. The court sentenced one of the officers to 20 years in prison for crimes against humanity. It sentenced two others to six months, already served, for extortion and looting. The court

sentenced the remaining officers to three to five years in prison for arbitrary arrest and illegal detention.

According to ASADHO, in September a mobile court investigated the 2006 rape of 60 women and girls in Belongo, Equateur Province, but had not reached a verdict at year's end.

Prison and Detention Center Conditions.—Conditions in most prisons remained harsh and life-threatening.

In all prisons except the Kinshasa Penitentiary and Reeducation Center (CPRK), the Government had not provided food for many years—prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prison staff often forced family members of prisoners to pay bribes for the right to bring food to prisoners.

Temporary holding cells in some prisons were extremely small for the number of prisoners they held. Many had no windows, lights, electricity, running water, or toilet facilities.

According to the UNJHRO, on January 17, inmates took the director of Kalemie Central Prison in Katanga Province hostage in protest against the chronic food shortage in the prison. The inmates had not eaten for three days. They released him the same day.

During the year many prisoners died due to neglect. For example, the UNJHRO reported in February that over a two-month period, 21 prisoners died from malnutrition or dysentery in prisons in Uvira, Bunia, and Mbuji-Mayi.

On April 17, local judicial authorities visiting Bunia Central Prison in Orientale Province observed that three prisoners had died that month due to malnutrition.

Between June 21 and 25, five inmates died of malnutrition in Mbuji-Mayi Central Prison in Kasai Oriental Province. The UNJHRO stated 12 other inmates were in critical condition.

The results of a public prosecutor's investigation into the October 2007 death of an illegally detained man in Lodja, Kasai Oriental Province, were not known.

The penal system continued to suffer from severe underfunding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. According to the UNJHRO, almost 80 percent of inmates were pretrial detainees. Health care and medical attention remained grossly inadequate and infectious diseases rampant. In rare cases prison doctors provided care; however, they often lacked medicines and supplies. In August 2007 the UN Human Rights Council's independent expert on human rights in the DRC recommended that the parliament adopt a law to reform the prison system. However, as of year's end, neither the Government nor the parliament had responded.

Larger prisons sometimes had separate facilities for women and juveniles, but others generally did not. Male prisoners raped other prisoners, including men, women, and children. Prison officials held pretrial detainees together with convicted prisoners and treated both groups the same. They generally held individuals detained on state security grounds in special sections. Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held both soldiers and civilians.

On June 12, foreign diplomats visited the CPRK, which had a capacity of 1,500 but held 4,400 detainees and prisoners, almost 400 more than a year earlier. Pretrial detainees accounted for 65 percent of the CPRK's population. Of the 4,400, 1,864 were military prisoners. The women's wing housed 130 women and their infant children, who shared four toilets. The women suffered from frequent skin and vaginal infections and typhoid. In addition to the infants in the women's wing, the CPRK housed 64 juveniles. Access to the women's and children's wings was self-regulated and not secure.

The Kisangani Central Prison, originally built in 1927, was in a state of disrepair when foreign diplomats visited on December 4. Two wings of the interior of the prison appeared uninhabitable due to a collapsed roof and the absence of doors. Originally built for a capacity of 1,500 prisoners, the prison could only support a few hundred at the time of the visit. Of the 282 men being held, only 20 had been convicted; the rest were awaiting trial.

Not all the prison staff were being paid. The prison received very sporadic financial assistance. The prisoners received only three meals per week, largely through the Catholic Church; most days the prisoners either had to wait for handouts from relatives, if any lived nearby, or they did not eat.

A separate room, 20 feet by 15 feet, housed 31 military prisoners. As in the rest of the prison, there were no beds; prisoners had to sleep either on a grass mat or the bare concrete floor. Sanitary conditions were extremely poor, as there were only pit latrines and open sewer lines. There were no functioning showers. Rooms for ci-

vilian prisoners were more crowded, with 65–70 prisoners sleeping in rooms that were 15 feet by 30 feet. The medical unit was decrepit and austere with one box of medicine.

Escapes from Kisangani Central Prison were problematic. The red brick infrastructure crumbled easily by touch or by a blunt tool.

According to MONUC, fewer than 90 of the country's 230 prisons actually held prisoners; while there were no reports of the Government officially closing prisons during the year, dozens of prisons that had not functioned for years remained closed. In some cases security personnel who were detained or convicted for serious crimes were released from prison by military associates or by bribing unpaid guards. Most prisons were dilapidated or seriously neglected. Prisoners routinely escaped from prisons in all provinces.

On April 1, 46 inmates escaped from Isiro Central Prison in Orientale Province after breaking down the main door in the absence of PNC guards. The escape reportedly was in protest of the unresponsiveness towards the prisoners' grievances, including lack of food, inadequate sanitary conditions, and prolonged pretrial detention. None of the escapees had been recaptured by year's end.

Even harsher conditions prevailed in small detention centers, which were extremely overcrowded, had no toilets, mattresses, or medical care, and which provided detainees with insufficient amounts of light, air, and water. Originally intended to house short-term detainees, they were often used for lengthy incarceration. They generally operated without dedicated funding and with minimal regulation or oversight. Informed sources stated detention center authorities often arbitrarily beat or tortured detainees. Guards frequently extorted bribes from family members and NGOs to visit detainees or provide food and other necessities.

Despite President Kabila's 2006 decision to close illegal jails operated by the military or other security forces, there were no reports of illegal jails being closed during the year. According to MONUC the security services, particularly the intelligence services and the GR, continued to operate numerous illegal detention facilities characterized by harsh and life threatening conditions. Authorities routinely denied family members, friends, and lawyers access to these illegal facilities.

During the year the UNJHRO confirmed cases of torture in detention centers run by security services. For example, in April, six inmates in Musenze Central Prison in Goma, North Kivu, claimed that ANR agents tortured them in an ANR holding cell from March 29 to April 1, before transferring them to the prison. UNJHRO officers observed marks on their bodies that were consistent with their claims.

In October 2007 two ANR agents in Bishile, Katanga Province, arbitrarily arrested, detained, and subjected a civilian accused of facilitating prostitution to cruel, inhuman, and degrading treatment. The victim was admitted to the local hospital in critical condition. Authorities had taken no action against the ANR agents at year's end.

The law provides that minors may be detained only as a last resort; however, in part due to the absence of juvenile justice or education centers, authorities commonly detained minors. Many children endured pretrial detention without seeing a judge, lawyer, or social worker; for orphaned children, pretrial detention often continued for months or years.

In general, the Government allowed the International Committee of the Red Cross, MONUC, and some NGOs access to all official detention facilities; however, it did not allow these organizations access to illegal government-run detention facilities.

On April 21, the ANR denied access by UNJHRO officers to holding cells in five provinces (Kinshasa, Bas-Congo, North Kivu, Orientale, and South Kivu), claiming that the directors of the cells were unavailable. According to the UNJHRO, this type of denial commonly occurred despite the fact that UN Security Council Resolutions related to MONUC's mandate state that UN Human Rights Officers are to be granted immediate and unhindered access to all holding cells and places of detention.

Armed groups outside central government control sometimes detained civilians, often for ransom, but little information was available concerning the conditions of detention (*See* Section 1.g.).

Authorities took no action during the year against the mwami (local chief), other traditional leaders, or FARDC soldiers involved in the arbitrary and inhumane detention and ill-treatment of 57 civilians accused of witchcraft at the mwami's private residence in Luvungi, South Kivu Province, for four days in October 2007.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest or detention; however, government security forces arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—The security forces consist of the PNC, which operates under the Ministry of Interior (MOI) and has primary respon-

sibility for law enforcement and public order. The PNC includes the Rapid Intervention Police and the Integrated Police Unit. The ANR, overseen by the president's national security advisor, is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also carries out an internal security role.

Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The Government prosecuted and disciplined few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. Investigating misconduct or abuses by the security forces is the responsibility of the military justice system. According to MONUC's Rule of Law Unit, there were a total of 265 investigators, 232 prosecutors, and 125 judges in the military system. However, they were poorly trained, had little or no resources for investigations, and limited, if any, access to legal codes.

Members of the FARDC and police continued to commit the majority of the country's human rights abuses, particularly acts of torture, according to MONUC. Although the UN independent expert on human rights in the DRC recommended in August 2007 that the Government undertake fundamental security sector reform, including the development of mechanisms to effectively reduce impunity and end widespread sexual violence, the Government had not undertaken significant steps by year's end. For example, it had yet to establish a vetting system for members of the security forces aimed at suspending officers who had committed past human rights abuses.

However, in August the Government established joint military oversight committees with MONUC in several provinces. They were composed of military officers, military magistrates, MONUC human rights officers, and MONUC child protection officers. They met monthly to monitor, investigate, and develop strategies to combat sexual violence and other human rights abuses. Their effectiveness remained unclear at year's end.

FARDC naval forces in Equateur Province regularly engaged in illegal taxation and harassment of traders along the Congo River. They set up checkpoints to collect "taxes," often arresting individuals who could not pay the demanded bribes, and stole whatever food and money they could from them.

During the year the Government continued to cooperate with MONUC and international donors on police training programs.

Arrest and Detention.—By law, arrests for offenses punishable by more than six months' imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason for their arrest, and may not arrest a family member instead of the individual being sought. They may not arrest individuals for non-felony offenses, such as debt and civil offenses. Authorities must allow arrested individuals to contact their families and consult with attorneys. In practice security officials routinely violated all of these requirements.

Prolonged pretrial detention, often ranging from months to years, remained a problem. Trial delays were due to factors such as judicial inefficiency, corruption, financial constraints, and staff shortages. Prison officials often held individuals after their sentences had expired due to disorganization, judicial inefficiency, or corruption.

Government security forces sometimes used the pretext of state security to arbitrarily arrest individuals and frequently held those arrested on such grounds without charging them, presenting them with evidence, allowing them access to a lawyer, or following other aspects of due process.

Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention.

According to the UNJHRO, on January 4, a FARDC soldier attached to the Office of the Military Prosecutor arbitrarily arrested a woman in Bandundu, Bandundu Province, in place of her son. She paid 14,000 Congolese francs (approximately \$28) for her release. Military authorities took no action against the perpetrator.

On February 28, the military prosecutor of Kolwezi, Katanga Province, arrested and detained a woman and her one-year-old baby, since she was the sister-in-law of the owner of a residence that the prosecutor tried to occupy illegally the day be-

fore. He released them the same day. Authorities took no action against the prosecutor.

In March the commander of the Karawa police station in Equateur Province arrested and detained a man for attempted arson. The commander later illegally took the man from the PNC holding cell and locked him up in his private residence because the victim refused to pay him a bribe. Over a three-month period, the commander unlawfully detained and mistreated the man in his home, which resulted in his death on July 8. The commander admitted the charge of unlawful detention before the military prosecutor, but rejected the accusation of causing his death. A trial date had not been set by year's end.

On May 3, the vice minister of human rights visited the CPRK prison, and after noting that 174 inmates were illegally detained, he ordered the immediate release of 40 of them. According to the UNJHRO, on July 25, authorities released 116 of the remaining 134 inmates after determining that they were illegally detained for political/security reasons. The fate of the remaining 18 prisoners was not known at year's end.

In January 2007 the district police inspector of Buta, Orientale Province, arrested the wife of a judicial investigator, alleging that the investigator was inciting the population against the police. According to the UNJHRO, the inspector released the investigator's wife after three days of detention and took the investigator into custody. The inspector released the investigator after having him tortured and after his family paid a large sum of money. No action was taken against the inspector.

Security personnel detained perceived opponents and critics of the Government during the year (*See* Section 2.a).

The Goma peace accords envisioned a general amnesty for acts of war and insurrection committed in North and South Kivu by groups that signed the accords, covering the period from June 2003 to the date of the promulgation of the amnesty. The amnesty bill had not been passed by the parliament by year's end. The proposed amnesty bill specifically excluded war crimes, crimes against humanity, and genocide.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; in practice, judges who were poorly compensated, remained subject to influence and coercion by officials and other influential individuals.

For example, on February 9, while the laws to create new constitutionally mandated judicial institutions were under parliamentary consideration, the president began to reorganize the judiciary. President Kabila signed seven presidential decrees throughout February appointing 28 new magistrates, most notably a new chief justice of the Supreme Court and prosecutor general, and forced into retirement 89 other magistrates, despite a severe shortage of judges. The new magistrates were appointed to positions beyond their qualifications. According to the UNJHRO, the Magistrates' Union staged a one-week strike to protest the alleged unconstitutionality of these decrees.

In April the UNJHRO observed that high-ranking military officers in North and South Kivu provinces were adjudicating cases in which their own soldiers were implicated. Their alleged interference resulted in several out-of-court settlements regarding rape cases. For example, a FARDC commander in Muhangi, North Kivu Province, admitted having facilitated an out-of-court settlement involving the April 6 rape of a 14-year-old girl by a FARDC warrant officer.

Despite investigations launched by authorities late in 2007, no action was taken during the year against General Jean-Claude Kifwa, commander of the 9th Military Region and a cousin of President Kabila, and his security detail for arresting and severely beating two military magistrates in Kisangani, Orientale Province, in September 2007. They allegedly arrested the magistrates for objecting to two pending cases being tried in the military instead of the civilian court system.

Judicial corruption remained pervasive, particularly among magistrates. The judicial system was funded with less than one percent of the national budget and was poorly staffed, with a very limited presence outside of Kinshasa. There were only 2,000 magistrates (judges who serve in the lowest level courts) serving the entire population (one magistrate for every 30,000 citizens), and two-thirds of them were located in Kinshasa, Matadi (Bas-Congo Province), and Lubumbashi (Katanga Province). There were fewer than 200 courts, of which approximately 50 were functioning during the year. In rural areas, where there were often no courts within a 310-mile radius, justice was administered on an ad hoc basis by any available authority, creating extraordinary opportunities for corruption and abuse of power. During the year some observers asserted that members of both the executive and legislative branches were content to keep the judiciary weak and ineffective because it

protected their power and allowed them to engage in corruption and abuse of power without consequence.

Following his assessment mission in March, the UN Human Rights Council's independent expert on human rights in the DRC highlighted the lack of judicial capacity and the continuing human rights abuses, particularly sexual violence, and called for an end to impunity through "any provision to provide the judicial system with adequate salaries, equipment, and staff." The independent expert stated there were as many as 14,200 cases of rapes registered in provincial health centers from 2005–07, of which only 287 were taken to trial. In addition, according to the UNJHRO, despite strengthened laws on sexual violence in recent years, "law enforcement personnel and magistrates continue to treat rape and sexual violence in general with a marked lack of seriousness. Consequently, men accused of rape are often granted bail or given relatively light sentences, and out-of-court settlements of sexual violence cases are widespread." However, during the year the Government cooperated with the UN and other donor nations to train civil and military judges in methods to effectively adjudicate rape cases.

The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, failed to dispense justice consistently and was widely disparaged by the international community and Congolese citizens as ineffective and corrupt.

The 2006 constitution laid the foundation for an independent judiciary by removing previous presidential powers to appoint and remove magistrates. The Supreme Court's functions are also divided into a Constitutional Court, Appeals Court, High Council of Magistrates (CSM), and Administrative Oversight Agency. In July parliament passed the necessary legislation to create the new CSM. President Kabila promulgated the legislation in August. By law, the CSM was to have adopted internal rules of procedure within 30 days; this was delayed, in part, because no government funds had been received since September. By year's end the new body was not fully operational.

Military courts, which had broad discretion in sentencing and provided no appeal to civilian courts, tried military as well as civilian defendants during the year. The military code of justice, in place prior to the adoption of the present constitution, continued in force. It prescribed trial by military courts of all cases involving state security and firearms, whether the defendants were military or civilian. In August 2007 the UN's resident expert on human rights recommended that the Government establish a clearer separation between civilian and military jurisdictions. No action was taken by parliament during the year to address this.

Trial Procedures.—As provided for in the constitution, defendants enjoy a presumption of innocence until proven guilty. However, in practice most detainees were treated as already having been convicted by authorities. Although the Government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. The public could attend trials only at the discretion of the presiding judge. Juries are not used. During trials defendants have the right to be present and to be provided a defense attorney. However, in practice these rights were not always respected. Defendants have the right to appeal in most cases except those involving national security, armed robbery, and smuggling, which the Court of State Security generally adjudicates. Defendants have the right to confront and question witnesses against them and can present evidence and witnesses in their own defense. The law requires that defendants have access to government-held evidence, but this was not always observed in practice. There were no reports of women or specific ethnic groups being systematically denied these rights.

In the appeal trial concerning the murder of local journalist Serge Maheshe, which lasted from February to May, the UNJHRO observed the persistent violation of the rights of the main defendants. The Bukavu Military Court continuously failed to provide interpreters to the defendants, refused to investigate leads and evidence exculpatory for the defendants, including refusing to seek a ballistic test for the weapon allegedly used in the murder, and repeatedly denied equity and neutrality in the allocation of time to the parties to present their cases.

Political Prisoners and Detainees.—There were reports of political prisoners and detainees, and HRW estimated that there were at least 200 political prisoners in detention at the end of the year. The Government sometimes permitted access to political prisoners by international human rights organizations.

According to MONUC, by year's end authorities had released each of the 200 detainees who had been arrested and detained by security forces following fighting in Kinshasa between forces loyal to President Kabila and Senator Bemba in March 2007 (See Section 1.a.).

On October 2, the Kinshasa/Gombe Military Court reduced the 20-year sentence of Fernando Kutino to 10 years in prison following the end of his appeal trial. After Kutino criticized President Kabila in a radio broadcast, a military tribunal convicted him and two colleagues in 2006, following a trial that reportedly used evidence obtained through torture, according to informed sources.

Civil Judicial Procedures.—Civil courts exist for lawsuits and other disputes, but the public widely viewed them as corrupt. The party willing to pay the higher bribe was generally believed to receive decisions in its favor. Most individuals could not afford the often prohibitive fees associated with filing a civil case. While the law stipulates access to free legal counsel for citizens in civil trials, in practice, magistrates remained overburdened by large caseloads in areas outside of Kinshasa. It was difficult to retain the continued services of lawyers, who often spent minimal time outside of the capital. No civil court exists specifically to address human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary interference with privacy, family, home, or correspondence; however, security forces routinely ignored these provisions. Soldiers, demobilized soldiers, deserters, and police continued to harass and rob civilians. Security forces routinely ignored legal requirements and entered and searched homes or vehicles without warrants. In general those responsible for such acts remained unidentified and unpunished. Security forces sometimes looted homes, businesses, and schools.

On July 8, two police officers reportedly broke into the home of a man in Mbuji-Mayi, Kasai Oriental Province, to arrest him for a pending debt. They severely beat the man's son for trying to stop them and for asking for a search warrant. Authorities had taken no action against the soldiers by year's end.

Authorities at times arrested or beat a relative or associate of a person they sought to arrest (*See* Section 1.d.).

Armed groups operating outside government control in the east routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (*See* Section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Internal conflict continued in rural and mineral-rich parts of the east, particularly in North Kivu Province, and to a lesser degree, South Kivu Province and the Ituri District of Orientale Province. Despite the signing of the Goma peace accords in January, in which more than 20 rebel groups agreed to withdraw and disarm, fighting continued throughout the year, including a major intensification beginning in late August. According to a countrywide International Rescue Committee mortality survey released in January, conflict and related humanitarian crises, including the destruction and deterioration of essential infrastructure such as health centers, continued to result in as many as 45,000 deaths each month.

Military preparations during the year, and the fighting itself, led to further depredations against civilians by members of security forces and armed groups, led to further recruitment of child soldiers and dozens of attacks on humanitarian groups, and temporarily halted humanitarian aid to many of North Kivu Province's displaced persons. Following a late August skirmish in the Rutshuru territory of North Kivu Province, large scale hostilities broke out on several fronts in Rutshuru and neighboring Masisi territories, pitting the FARDC, FDLR, and local self-defense militia known as Mai-Mai, including the Congolese Patriotic Resistance (PARECO), against the National Congress for the Defense of the People (CNDP), led by former FARDC general Nkunda, a self-proclaimed defender of the country's Tutsi minority and a former officer of the Rwanda-backed Congolese Rally for Democracy rebel group (RCD). This escalation of fighting in North Kivu Province internally displaced 250,000 persons between August and year's end and generated 40,000 refugees who fled into neighboring Uganda. More than 17,000 MONUC peacekeepers, including 6,100 in North Kivu, 3,500 in South Kivu, and 3,700 in Ituri District of Orientale Province, continued to provide logistical support and training to the FARDC. In December the UN Security Council extended MONUC's mandate until December 31, 2009, and approved more than 3,000 additional peacekeeping soldiers and police for the mission.

Security forces and armed groups continued to kill, abduct, torture, and rape civilians, and burn and destroy villages. All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. According to a report released in July by a coalition of 64 international and local aid agencies and human rights organizations, more than 2,200 cases of rape were recorded in June in North Kivu Province, which represented only a small portion of the actual rapes committed in the province. Rapes, on occasion, committed against a single woman by large numbers

of armed men, sometimes resulted in vaginal fistulas, a rupture of vaginal tissue that left victims unable to control bodily functions and likely to be ostracized.

According to a report released in November by the UN Secretary-General, there continued to be 3,500 children in the ranks of all armed groups and in a few units of government security forces in the east, with the overwhelming majority of them found in armed groups, serving as combatants, porters, spies, and sex slaves. Despite their commitments given at the January Goma peace conference to immediately demobilize children, armed groups continued to actively recruit child soldiers into their ranks, and child protection agencies reported a surge in forcible recruitment of children in North Kivu Province by armed groups in November, particularly by the CNDP and Mai-Mai. According to a September Amnesty International report, for every two children demobilized, five were recruited. While there were a few reports of child recruitment during the year by a nonintegrated FARDC brigade, most reports indicated that the FARDC was no longer systematically recruiting children. UN officials estimated that between 200 and 300 children remained within the FARDC's nonintegrated brigades, particularly in the 81st and 85th brigades.

Since 2004 more than 31,000 children have been released from the FARDC and rebel groups. However, in addition to the estimated 3,500 children being held by armed groups and a few FARDC units before the escalation of violence in August, many of the 2,200 child soldiers demobilized and reunited with their families during the year were re-recruited by armed groups, according to Save the Children.

Fighting between the FARDC and armed groups continued to displace populations and limit humanitarian access to conflict areas. According to the Office of the UN High Commissioner for Refugees (UNHCR), at year's end there were more than 1.4 million internally displaced persons, including 1 million in North Kivu Province and more than 100,000 in Orientale Province.

In the provinces of North and South Kivu, the illegal exploitation of natural resources—including cassiterite (a tin oxide) and columbite-tantalite (or coltan), both of which were used in the global electronics industry—by some FARDC units and armed groups such as the FDLR, CNDP, and PARECO—continued to prolong the conflict, facilitate the purchase of small arms to commit abuses, and reduce government revenues needed for increasing security and rebuilding the country. The FARDC, particularly the 85th Nonintegrated Brigade in North Kivu Province, and FDLR forces in both Kivu provinces forced civilians to work for them or relinquish their mineral production and extorted illegal taxes, according to international NGO, Global Witness. During the year, a UN Group of Experts charged with investigating violations of the international arms embargo concerning armed groups in the DRC collected credible evidence of the large-scale smuggling of minerals such as gold and cassiterite to neighboring countries. The group of experts recommended that exporters and consumers of Congolese mineral products publicly disclose evidence that would demonstrate that they were not knowingly purchasing materials that were benefiting armed groups or government security forces engaged in illegal mineral exploitation, and that donor nations develop a map of mineral rich zones and make it public to “remove the excuse” that companies were unaware of which areas were controlled by armed groups.

At times, verification of reported abuses in the east was difficult due to geographical remoteness and hazardous security conditions; however, MONUC's presence allowed observers to gather more information than would have otherwise been possible.

Abuses by Government Security Forces.—Government security forces arrested, illegally detained, raped, tortured, and summarily executed or otherwise killed civilians and looted villages during military actions against armed groups during the year, according to reports by UN agencies and NGOs. Members of the FARDC 13th Integrated Brigade were responsible for the disappearance of at least six civilians and the arbitrary execution of at least one civilian during January operations against the Patriotic Resistance Forces of Ituri (FRPI) in Kamatsi, Orientale Province, according to a UNJHRO investigative team. Military authorities had not taken any action by year's end.

On January 2, according to the UNJHRO, members of the FARDC 2nd Integrated Brigade killed eight civilians, including three children, in the village of Musezero, North Kivu Province. The military prosecutor sought MONUC's assistance in conducting an investigation into the killings, but at year's end authorities had taken no action.

According to Radio Okapi, on October 29, during their retreat in front of encroaching CNDP rebels, dozens of FARDC soldiers in Goma, North Kivu, committed serious abuses against the local populations, including killing nine civilians, raping three girls, and pillaging numerous homes, stores, and restaurants. In November

the military prosecutor in Goma arrested 24 soldiers for their alleged participation in said crimes. As of year's end, a trial date had not been set.

According to MONUC officials, on November 7, a group of FARDC soldiers tried to extort money and cell phones from a group of off-duty Senegalese UN peacekeepers in Goma. An argument ensued and one of the FARDC soldiers fatally shot a Senegalese peacekeeper. There was no reported action taken against the FARDC gunman or any of the soldiers.

There were no reports of authorities taking any action against two FARDC corporals of the 24th Integrated Battalion who the Office of the Military Prosecutor determined to be responsible for the arbitrary execution of two civilians in the area of a market northeast of Beni, North Kivu Province, in September 2007.

In November 2007 a FARDC soldier of the 7th Integrated Brigade allegedly shot and killed a civilian in Kabaya, North Kivu Province, following an argument. Military authorities arrested the soldier, but it was not known whether the military prosecutor had brought the case to trial by year's end.

The FARDC also continued to subject civilians to physical abuse and arbitrary arrest in the east. For example, from June 20–22, the UNJHRO investigated reports of human rights abuses committed by FARDC elements engaged in fighting the Mai-Mai in Orientale Province. They were accused of rape, looting, and ill-treatment of the civilian population. Witnesses said that many FARDC elements deserted their units in reaction to fierce resistance from Mai-Mai combatants and subsequently went on a rampage in nearby villages, carrying out reprisal attacks against the local residents. Nine women claimed that they were gang-raped by four FARDC soldiers. Authorities took no action against the soldiers.

By year's end, despite receiving a formal complaint from victims, the Office of the Military Prosecutor in Kalemie, Katanga Province, had taken no action against 25 FARDC soldiers of the 67th Integrated Brigade who subjected 92 civilians in the village of Kahese, Katanga Province, to cruel, inhuman, and degrading treatment as well as extortion in October 2007.

There was no information on the status of four individuals arbitrarily arrested and illegally detained by the ANR in November 2007 in Goma, North Kivu Province, for allegedly collaborating with the CNDP.

Rape by members of security forces remained a serious problem, and perpetrators enjoyed almost total impunity. In July a FARDC soldier of the 14th Integrated Brigade arrested and raped a woman suspected of collaborating with the FDLR, according to the UNJHRO. The commanding officer of the perpetrator offered the victim 5,000 Congolese francs (approximately \$10) to settle the matter. The perpetrator was not prosecuted.

The FARDC 7th and 15th integrated brigades raped at least 10 women while retreating amid combat operations in the Ruthuru villages of Kibirizi and Nyanzale in North Kivu Province between September and year's end. There were no reports of authorities taking action against the soldiers.

Between August 22–28, FARDC soldiers from the 131st Battalion of the 13th Integrated Brigade raped seven women in the village of the Lubero territory of North Kivu Province. There were no reports of authorities taking action against the soldiers.

No action was taken against FARDC soldiers of the 2nd Integrated Brigade in Vuyinga, North Kivu Province, who committed a series of rapes during April 2007.

The use and treatment of child soldiers by FARDC elements remained a problem. In a report released in December, the UN Group of Experts presented evidence that the 85th Nonintegrated Brigade recruited children into its ranks shortly after having facilitated the release of 30 children in May. In addition, the UN Group of Experts and MONUC Child Protection expressed concern about frequent reports of the prolonged detention of children at detention centers following their separation from armed groups; the group noted that this practice often involved the interrogation of children and inhumane treatment.

Abuses by FARDC Mixed Brigades.—Many human rights violations were committed in 2007 by five “mixed brigades,” created when former FARDC general Nkunda, based in North Kivu Province, agreed in late 2006 to “mix” his troops with pro-government troops in North Kivu, before the agreement collapsed in August 2007. Nkunda remained subject to a 2005 Congolese arrest warrant for alleged war crimes and crimes against humanity committed since 2002.

FARDC mixed brigades in North Kivu Province, notably Bravo Brigade, based in Rutshuru territory, and Charlie Brigade, based in Masisi territory, killed civilians during 2007. The Government took no action during the year against any of the soldiers in the mixed brigades responsible for killings in 2007, largely because most

of them subsequently joined the CNDP following the disintegration of the mixed brigades and remained outside government control.

Some mixed brigade commanders recruited or tolerated the use of children as soldiers during 2007. These commanders included Colonel Faustin of Delta Brigade, deputy commander Colonel Baudouin of Charlie Brigade, former Ituri District militia leader Bosco Ntaganda, Bravo commander Colonel Sultani Makenga and Lieutenant Colonel Mulomba. Since they all subsequently joined the CNDP, the Government was not able to take any action against them.

Abuses by Armed Groups Outside Central Government Control.—Illegal armed groups committed numerous serious abuses, especially in rural areas of North and South Kivu provinces during the year. Such groups, which were believed to have approximately 20,000 combatants, killed, raped, and tortured civilians, often as retribution for alleged collaboration with government forces.

Armed groups maintained and recruited child soldiers, including by force, sometimes from schools and churches, and sometimes killed, threatened, and harassed humanitarian workers. According to the December report by the UN Group of Experts, the most active commanders responsible for recruitment of child soldiers belong to the CNDP (Innocent Kabundi, Sultani Makenga, Nkunda, and Ntaganda) and PARECO (its North Kivu commander, Mugabo).

Many armed groups abducted men, women, and children and compelled them to transport looted goods for long distances without pay. On occasion, armed groups also forced civilians to mine. Armed groups forced women and children to provide household labor or sexual services for periods ranging from several days to several months.

Armed groups in parts of the east sometimes detained civilians, often for ransom. They continued to loot, extort, and illegally tax civilians in areas they occupied.

There were no credible attempts by armed groups to investigate abuses allegedly committed by their fighters.

National Congress for the Defense of the People (CNDP).—Forces loyal to former FARDC general Nkunda, believed to number between 4,000 and 7,000 combatants, continued to commit serious abuses in North Kivu Province following the disintegration of the mixed brigades in 2007. On October 2, Nkunda publicly announced that the CNDP had organized itself as the Movement of Total Liberation of the Republic and withdrew from the Amani process while declaring it dead. According to MONUC, there were frequent reports of beatings, abductions, forced displacement, extortion at road blocks, looting, and forced labor in territories controlled by the CNDP, including the forced recruitment of child soldiers. There were also reports of killing and rape by the CNDP. No action was taken against CNDP combatants for any of their human rights abuses.

On January 16–17, CNDP elements arbitrarily executed at least 30 civilians, all of whom belonged to the Hutu ethnic group, in the vicinity of Kalonge, North Kivu Province, according to a UNJHRO investigative team. CNDP soldiers executed them using firearms, machetes, and hammers before dumping the bodies into several mass graves. A likely motive for the killings is that the victims had left a CNDP-held area to seek refuge in an area controlled by PARECO.

According to the UN Group of Experts on the DRC, in August and September there were credible eye-witness reports that three children who attempted to flee a CNDP military camp under the command of CNDP Colonel Sultani Makenga were summarily executed during August and September.

Between November 4 and 6, fighting in the North Kivu town of Kiwanja, 50 miles north of Goma, between the CNDP and local Mai-Mai resulted in the deaths of several civilians. By year's end estimates ranged from at least 50 to 200, but MONUC had not released the results of its investigation. According to reports by international human rights and aid organizations and international media, the majority of civilian victims were killed by CNDP combatants, including several days after the fighting ended, all in reprisal against those deemed by the CNDP to be collaborating with Mai-Mai militia. In addition the CNDP summarily executed 20 civilians in Kiwanja for refusing to carry water for CNDP combatants, according to one international NGO.

On December 16, an unidentified armed group in CNDP-held territory in Rutshuru, North Kivu Province fired upon the convoy of the child protection NGO Voluntary Association for International Service, killing an Italian aid worker and seriously wounding the driver. Afterward, MONUC called on the CNDP to cease committing human rights abuses and stated that the killing could be regarded as a war crime or crime against humanity; however, no action was taken against those responsible.

On January 31, 15 CNDP soldiers abducted 15 civilians from Kitchanga, North Kivu Province, and forced them to carry their belongings to Bwiza, three kilometers away. The soldiers allegedly mutilated the genitals of one of the victims after they discovered that he had a demobilization identification card in his pocket and accused him of not wanting to be recruited by the CNDP.

On April 20, CNDP elements arbitrarily arrested and illegally detained four civilians in Karuba, North Kivu. The soldiers allegedly beat them during their interrogation and transfer to a CNDP holding cell in Mushake. According to the UNJHRO, the CNDP has refused to hand over the victims to authorities, claiming that the cases will be adjudicated by CNDP judicial police officers. The victims' statuses were not known at year's end.

According to HRW, during its takeover of Rutshuru and Kiwanja in October and November, CNDP soldiers raped at least 16 women and girls. Along with the killings, the rapes appeared to be in retribution for alleged aid given to CNDP enemies.

According to the December report of the UN Group of Experts, there were several cases during the year of aggressive and forcible recruitment of children by the CNDP, including from schools and churches, for use as combatants, bodyguards, and porters. CNDP recruitment intensified in September, particularly in the Masisi territory of North Kivu Province. In October, 16 children reportedly sought protection at the bases of a MONUC brigade to avoid CNDP recruiters near the town of Mushaki before being relocated by MONUC. There were no actions taken against pro-Nkunda forces who committed abuses, including killings and rape, in 2007.

The Democratic Forces for the Liberation of Rwanda (FDLR)

The FDLR continued to be led by individuals responsible for fomenting and implementing the Rwandan genocide. Between 6,000 and 8,000 FDLR fighters remained in the provinces of North and South Kivu. According to MONUC, 1,367 FDLR members opted to voluntarily demobilize and return to Rwanda in 2008, representing a sizable increase over the 800 who did so in 2007. According to the December report by the UN Group of Experts, there was strong evidence that the FARDC collaborated with the FDLR, including through the provision of military equipment and in joint operations against the CNDP, despite the November 2007 Nairobi communique signed by the Congolese and Rwandan governments, which called for military engagement against the FDLR by September.

FDLR fighters continued to commit abuses against civilians, including killings, abductions, and rapes. On January 24, FDLR troops shot and killed the village chief of Kilali, North Kivu. FDLR had accused him of providing information on their location to the FARDC 85th Nonintegrated Brigade. According to the UNJHRO, military authorities arrested three of the alleged perpetrators but had not prosecuted them by year's end.

According to the UNJHRO, on March 15, FDLR combatants arbitrarily executed three civilians in Tchanishasha, South Kivu Province. No action had been taken against them by year's end.

The UNJHRO reported that on March 27, FDLR forces allegedly killed three residents of Kabunga, North Kivu, whom they accused of poisoning their commander and practicing witchcraft. No action had been taken against them by year's end.

The FDLR took no credible action to investigate or address human rights abuses allegedly committed by its members.

Ituri District Militia Groups.—Following the signing of a 2006 cease-fire agreement between militias in the Ituri District of Orientale Province, including the Front for National Integration (FNI), the Congolese Revolutionary Movement, the Front for Patriotic Resistance in Ituri (FRPI), and the Government, reports of human rights abuses by Ituri militias decreased in 2007, as a process of disarmament, demobilization, and reintegration for former combatants began to be implemented. However, during the year abuses by Ituri District militias appeared to increase again; first, in isolated incidences; and then, in a more organized manner. On January 4 and 5, FNI combatants attacked villages in and around Lalo and Djurukidogo in Ituri District. According to a UNJHRO investigation, FNI combatants burned two children to death, kidnapped the chief of Djurukidogo and a 15-year-old girl, subjected two men to cruel and inhumane treatment, and looted nine villages.

According to MONUC, in July a residual group of FRPI members began attacking the local population of Tchey in Irumu Territory of Oriental Province, employing acts of violence and looting. In retaliation to an intensified FARDC counter-insurgency operation in the area, the FRPI launched a major attack on September 29 against the villages of Tchey, Quinz, Bulanzabo, and Kodheza, sending hundreds of civilians fleeing and briefly capturing FARDC camps at Tchey and Quinz.

In October the FRPI commanders contacted MONUC to announce that they and combatants from the FNI had begun fighting under the banner of a new group, the Popular Front for Justice in Congo (FPJC). The FPJC reportedly incorporated a broader ethnic composition, as compared to the FRPI, which was closely identified with the Ngiti ethnic group.

The UNJHRO reported that on February 6, authorities arrested Mathieu Ngudjolo, a former senior FNI commander, and transferred him to the International Criminal Court (ICC) in The Hague. His war crimes and crimes against humanity charges included murder, sexual slavery, and using child soldiers in hostilities.

According to the UNJHRO, on April 28 the ICC unsealed an outstanding arrest warrant against former Ituri warlord Bosco Ntaganda. The ICC charged him with the enlistment, conscription, and active use of children in hostilities between July 2002 and December 2003 while he was the chief of military operations for the Union of Congolese Patriots. In 2006 he became the chief of staff for the CNDP in North Kivu. Authorities had not arrested him by year's end.

According to Radio Okapi, the ICC confirmed the charges against Mathieu Ngudjolo and Germain Katanga on September 26. Their cases were scheduled to be tried together in 2009.

In October 2007 the Government transferred Germain Katanga, a former FRPI leader, to the ICC on various charges of war crimes and crimes against humanity, including killings, using child soldiers, and forcing women into sexual slavery.

Former Ituri militia leader Thomas Lubanga, whom the Government surrendered to the ICC in March 2006, remained in custody during the year. On June 13, the court imposed a stay of the proceedings against him, since the prosecutor did not share confidential information that may have contained exculpatory evidence for the defense. On October 21, the Appeals Chamber confirmed the stay of proceedings, denied Lubanga's appeal and release, and remanded the evidence sharing question back to the Trial Chamber. The Trial Chamber's ruling was pending at year's end.

On February 15, the Kisangani Court of Appeal, citing the 2005 amnesty law, acquitted Yves Kawa Panga Mandro, alias Chief Kawa, a former Ituri militia leader convicted in 2006 for crimes against humanity in 2003. According to the UNJHRO, the appeals judge ruled that the prosecution had made a number of errors in the case. However, Kawa remained in detention as the military prosecutor-general requested that he be transferred from the MONUC military facility in Bunia to the CPRK prison in Kinshasa while the prosecutor appealed the decision of the appeals court to the High Military Court in Kinshasa.

Mai-Mai.—Various Mai-Mai community-based militia groups in the provinces of South Kivu, North Kivu, and Katanga continued to commit abuses against civilians, including killings, abductions, and rapes. According to the UN Group of Experts on the DRC, the use of children as soldiers by PARECO and other Mai-Mai groups in North Kivu Province was endemic.

According to the UNJHRO, on March 1, PARECO combatants allegedly raped a woman, stabbed a 17-year-old girl, and arbitrarily executed six other civilians during an attack on Luwuzi, North Kivu Province.

In October 2007 a joint team composed of FARDC, UN, and local officials investigating allegations of mass rape perpetrated in Lieke Lesole, Orientale Province, beginning in late July 2007, determined that a Mai-Mai group led by Colonel Thomas was responsible for 114 cases of rape committed between July and August 2007. On February 21–22, FARDC soldiers arrested two Mai-Mai combatants for illegal possession of weapons and ammunition but subsequently discovered that they were implicated in the Lieke Lesole mass rape. In addition, on April 22, the Kisangani military prosecutor arrested Colonel Thomas for his responsibility in orchestrating the mass rape. On May 17, authorities arrested two more of Thomas' men and brought them to the Office of the Military Prosecutor. On July 21–26, the UNJHRO conducted another joint investigative mission with military authorities in Lieke Lesole, where they took statements from 30 victims of the mass rape, including eight children. At year's end Thomas and his men remained in detention at the Kisangani Central Prison awaiting a trial date.

In August 2007 the Kipushi military tribunal in Katanga Province began the trial of Katanga Mai-Mai leader Gideon for war crimes and crimes against humanity. At the end of the year, his trial was still underway. However, according to the UNJHRO, there was a suspension of the trial since his attorneys were boycotting the court to protest the arrest of their colleagues (other defense attorneys) in another case.

Clashes between Mai-Mai militia and the FARDC led to population displacement in North Kivu Province during the year.

Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU).—MONUC officials said members of ADF/NALU, a Ugandan rebel group active in northern North Kivu Province, engaged in petty theft and extortion throughout the year.

Lord's Resistance Army (LRA).—The LRA, which relocated from Uganda to the DRC's Garamba National Park (Orientale Province) in 2005, was responsible for killing, raping, and kidnapping hundreds of persons in the DRC, Central African Republic, and Sudan as it continued to seek the overthrow of the Ugandan government. The LRA continued to hold children it had forcibly abducted.

Radio Okapi reported that on February 12, combatants of the LRA killed three civilians near Doruma, Orientale Province. The LRA also reportedly killed six civilians in the village of Mukosa, in the Haut Uele District of Orientale Province, on October 19 while burning and looting their village.

The LRA continued to attack local villages and forced citizens to flee in Dungu Territory, Orientale Province. The UNHCR estimated that there were more than 104,000 internally displaced persons in the territory by late December. Following the concerted efforts in mid-December by Ugandan, Congolese, and southern Sudanese military forces to confront the rebels, the LRA began a new series of attacks on civilians. The NGO Caritas estimated that the LRA killed more than 400 civilians between December 25 and 29, while HRW estimated a higher figure of more than 600 killed. The UN Office for the Coordination of Humanitarian Affairs reported that the largest LRA attack occurred in Faradje the evening of December 25 with a death toll of 129, 225 persons kidnapped, including 160 children, and 80 women raped.

Abuses by UN Peacekeepers.—A number of sexual exploitation and abuse cases by MONUC peacekeepers were under investigation. However, the monthly rate of allegations has declined since 2005.

On August 12, the United Nations Office of Internal Oversight Services made public the results of an investigation wherein it accused Indian peacekeepers posted in the DRC in 2007 and the first part of the year of child abuse, indulging in a child prostitution ring near Masisi, North Kivu Province, and helping to organize the ring. The Indian government promised its own thorough investigation and to bring to justice those found guilty.

On the morning of October 27, violent civil demonstrations against MONUC began in Goma between the town center and the airport, resulting in one civilian death outside of a MONUC transit camp, when a soldier from MONUC's Malawian contingent opened fire in accordance with MONUC rules of engagement.

There were allegations by international media in April that the UN ordered a halt to investigations into allegations that, in exchange for gold, its peacekeepers were arming rebels they were assigned to disarm. According to the allegations reported in international media, in 2005 some Indian and Pakistani peacekeepers received gold from the FNI and the FDLR in exchange for weapons in Orientale and North Kivu provinces. UN officials stated during the year that they had investigated the allegations in previous years, acknowledged the evidence of limited gold trading and smuggling by a small number of MONUC personnel, but did not find evidence of arms trading. MONUC referred the respective cases to the Governments of India and Pakistan for discipline. It was not known whether the responsible troops were punished. By the beginning of the year, the accused peacekeepers were no longer stationed in the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Freedom of the press declined during the year. In August 2007 the UN's independent expert on human rights in the DRC recommended that the Government increase its dialogue with the media to seek "remedies, when necessary, through the law" and reduce violence against the media; however, the Government took no action on the proposal during the year. The Government intimidated journalists and publishers into practicing self-censorship.

Generally individuals could privately criticize the Government, its officials, and private citizens without being subject to official reprisals. However, on February 8, ANR agents in Goma arbitrarily arrested and detained a member of the Union for Democracy and Social Progress/Goma for discussing politics with local citizens. The victim, who was released on February 13 after the UNJHRO intervened, claimed that he was subjected to cruel, inhumane, and degrading treatment while in detention. No action had been taken against the responsible ANR agents by year's end.

A large and active private press functioned throughout the country, and the Government licensed a large number of daily newspapers to publish. The Government required every newspaper to pay a license fee of 250,000 Congolese francs (approximately \$450) and complete several administrative requirements before publishing. Many journalists lacked professional training, received little, if any, salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the Government, and many others showed bias toward it or supported particular political parties. The Government press agency published the Daily Bulletin that included news reports, decrees, and official statements.

Radio remained the most important medium of public information due to limited literacy and the relatively high cost of newspapers and television. More than 200 privately owned radio and television stations operated independently. The state owned two radio stations and one television station, Congolese National Radio-Television (RTNC). The UN operated Radio Okapi, the only nationwide radio network. The president's family also owned and operated television station Digital Congo. Political parties represented in the Government could generally gain access to RTNC.

During the year security forces did not generally arrest or harass foreign journalists; however, on April 16, the DGM arrested independent Belgian journalist Colin del Fosse in Seke-Banza, Bas-Congo, for allegedly entering mining areas without authorization. The journalist had informed local authorities that he wanted to investigate the clashes in March between the BDK and security forces.

Security forces arrested, harassed, intimidated, and beat local journalists because of their reporting. For example, on January 9, police in Kinshasa arrested reporter Maurice Kayombo from *Les Grand Enjeux* magazine for reporting "damaging allegations" against Christophe Kanionio, secretary-general of the Mining Ministry, according to the NGO, Reporters Without Borders (RSF). The reporter was detained for 34 days before the justice minister ordered his release.

On March 7, in the commune of Masina, Kinshasa, ANR agents arrested and detained Nsimba Embete Ponte, the editor of the Kinshasa biweekly newspaper *L'Interprete*, which had recently published a series of articles about President Kabila's health. On March 29, Tondo Nzovuanga, Ponte's assistant, was arrested. Ponte and Nzovuanga, who were initially charged with spreading false rumors, undermining state security, and insulting the head of state, were held incommunicado for three months in an ANR building; Ponte claimed he was subjected to psychological torture. The men were convicted on November 27 by the Kinshasa/N'Djili Criminal Court for insulting the president and were sent back to Kinshasa's CPRK prison to serve out the remainder of their sentences; Ponte was sentenced to 10 months' imprisonment and Nzovuanga to nine.

On July 10, in Maniema Province, ANR agents raided the privately owned television station Tele Kindu Maniema and arrested program host Mila Dipenge and a cameraman; both were released the following day. Local sources said the raid was ordered by Governor Lingo because Dipenge allowed criticism of local authorities during broadcasts.

On September 12, police raided the Kinshasa-based television station Global TV and arrested studio manager Daudet Lukombo, who was subsequently held incommunicado at Kin-Maziere, special police services headquarters. According to *Journalist in Danger* (JED) the raid was prompted by the station's broadcast the previous day of an interview with opposition politician Ne Muanda Semi, who blamed the Government for the conflict with Nkunda's rebels in north Kivu. On October 28, the Kinshasa/Gombe Criminal Court acquitted him of the charges of incitement to rebellion, which does not exist in law, and insulting the head of state.

On November 4, in Kiwanja, North Kivu Province, pro-government Mai-Mai militiamen kidnapped Belgian journalist Thomas Scheen, his interpreter Charles Ntiricya, and his driver Roger Bangue. The militiamen seized their valuables and bound the three men before taking them to a militia commander. After questioning, the commander allegedly demanded 444,000 CFA francs (approximately \$800) payment to release them. Unable to pay, the journalist and his colleagues were led 25 miles on foot to a senior Mai-Mai political figure who handed them over to the army, which released the men to UN peacekeepers on November 7.

On November 19, ANR agents arrested and questioned five journalists from the privately owned television station Raga TV in Kinshasa; the five arrests occurred after Raga TV's broadcast of an interview with Roger Lumbala, an opposition deputy and president of the Rally for Congolese Democrats and Nationalists. Lumbala had said in the interview that the replacement of the armed forces chief of staff reflected "the state of panic around the head of state." The armed men seized the tape

from the evening news bulletin and temporarily shut down the transmitter. The ANR released the journalists the next day.

On May 21, at the conclusion of an appeals trial, the Bukavu Military Court in South Kivu Province sentenced three civilians to death for the June 2007 killing of Radio Okapi editor Serge Maheshe; two of the three had already received death sentences at the first trial in August 2007. The court also acquitted two of Maheshe's friends who were found guilty at the original trial. In September 2007 the alleged gunmen recanted their accusations against Maheshe's friends, claiming the military court had bribed them to make the accusations. A MONUC report released early in the year noted serious irregularities in the original trial, and local and international press freedom groups expressed serious concerns over a number of flaws in the appeals trial (*See* Section 1.e.).

The whereabouts of Popol Ntula Vita, a reporter for the weekly *La Cite Africaine*, remained unknown; Vita went into hiding to avoid arrest after appealing a February 2007 court sentence of three months for defamation and "harmful suppositions" after he accused four general tax office employees in Boma of embezzling license plate fees.

No action was taken against security force members responsible for the following abuses of journalists in 2007: the February beating by a local police chief of reporter Nelson Thamba of Community Radio Moanda, and the June shooting by three men in police uniforms of RTNC broadcast journalist Anne-Marie Kalanga and her brother.

Military authorities took no action against security forces responsible for the abuse of journalists in 2006.

The National Media Regulatory Commission, a quasigovernmental organization mandated by the earlier transitional constitution, continued to operate in the absence of a successor body. Unlike during the previous year, it did not sanction any media organizations for broadcasting defamatory comments.

On September 10, Communications and Media Minister Emile Bongeli signed a decree shutting down five Kinshasa television stations for failing to submit administrative documents required by the press law. The decree banned Africa TV, Couleurs TV, Radio Lisanga TV, Business Radio Television-Africa, and Canal 5. On September 15, JED charged that the decree provided no legitimate reason for closing the stations and that the ban was issued to silence the opposition. Africa TV and Couleurs TV were owned respectively by opposition figures Azarias Ruberwa and Zahidi Ngoma. Radio Lisanga TV was owned by opposition Senator Roger Lumbala. On September 16, the communications minister reauthorized all the stations except Canal 5 to recommence broadcasting. No additional information was available at year's end.

On December 4, RTNC suspended 12 journalists and a video editor for broadcasting footage of a demonstration by Congolese citizens living in Brussels against the fighting in the Kivus, according to RSF. A woman carrying a placard saying "Kabila must leave" could be seen among the protesters. The journalists were accused of belonging to a "mysterious organization with subversive designs."

During the year national and provincial governments continued to use criminal defamation and insult laws to intimidate and punish those critical of the Government.

During the year there were reports that rebels and unidentified persons killed and threatened journalists.

On November 21, unknown assailants in Bukavu shot and killed Didace Namujimbo, a journalist for Radio Okapi. On November 27, UN Secretary-General Ban Ki-moon called for a full investigation.

On May 10, PARECO leader Captain Ndaliko warned a journalist with RTNC's local affiliate in North Kivu that "I will kill you before the International Criminal Court arrests us," according to JED. On April 23, RTNC had broadcast an interview with three child soldiers who fled from PARECO forces in Kirumba, North Kivu.

There were no developments in the August 2007 killing by unidentified armed men of independent reporter and photographer Patrick Kikuku in Goma, North Kivu.

Internet Freedom.—The Government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Private entrepreneurs made Internet access available at moderate prices through Internet cafes in large cities throughout the country.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of peaceful assembly; however, the Government sometimes restricted this right.

The Government required organizers of public events to register with local authorities in advance; to deny authorization, authorities must do so in writing within five days of being notified of the planned event. Security forces often acted against unregistered protests, marches, or meetings.

During the year security forces occasionally arrested demonstrators. For example, on February 11, ANR agents arrested and briefly detained 30 persons following a demonstration at the central market in Kisangani, Orientale Province, according to the UNJHRO.

No action was taken against security forces responsible for the January-February 2007 killings of demonstrators in Bas-Congo or the beatings of 11 journalists who accompanied opposition demonstrators in October 2007.

Freedom of Association.—The constitution provides for freedom of association; however, in practice the Government sometimes restricted this right.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice, provided that worshippers did not disturb public order or contradict commonly held morals.

The law provides for the establishment and operation of religious institutions and requires practicing religious groups to register with the Government; however, unregistered religious groups operated unhindered. Registration requirements were simple and nondiscriminatory.

There were no reports that persons were killed, detained, or imprisoned on the basis of their religion.

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

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government sometimes restricted these rights.

Security forces established barriers and checkpoints on roads, at ports, airports, and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The Government forced travelers to pass through immigration procedures during domestic travel at airports, ports, and when entering and leaving towns.

Local authorities continued to extort taxes and fees from boats traveling on many parts of the Congo River. There were also widespread reports of FARDC soldiers extorting fees from persons taking goods to market or traveling between towns.

There were reports of attempts by DGM officials to demand that foreigners not carrying passports during the year pay fines, even though the law does not require foreigners to do so.

Security services sometimes required travelers to present official travel orders from an employer or government official.

The significant risk of rape by soldiers and armed groups, coupled with government inability to secure eastern territories, effectively restricted freedom of movement by women in many rural areas, particularly in the east.

Passport issuance was irregular and often required payment of substantial bribes. The law requires a married woman to have her husband's permission to travel outside the country.

The law prohibits forced exile, and the Government generally did not employ it. Some supporters of Senator and MLC President Bemba, who left the country under MONUC escort following March 2007 fighting in Kinshasa with pro-Kabila forces that eliminated his militia as a viable military force, claimed that he was effectively in self-imposed exile. On May 24, Belgian authorities arrested Bemba, who was transferred in July to the ICC in The Hague to face four counts of war crimes and two counts of crimes against humanity for alleged actions in the Central African Republic in 2002–03.

Internally Displaced Persons (IDPs).—There were approximately 1.4 million IDPs in the country as a whole; one million of whom were in North Kivu (See Section 1.g.). According to a November 21 report by the Internal Displacement Monitoring Center, at least 250,000 IDPs were displaced after the end of August as a result of fighting between the army, CNDP rebels, and other armed groups.

The Government did not provide adequate protection or assistance to IDPs, who were forced to rely heavily on humanitarian organizations. The Government generally allowed domestic and international humanitarian organizations to provide assistance to IDPs; however, limited access and lack of security impeded their efforts. While the majority of IDPs in North Kivu stayed with relatives and friends, tens of thousands stayed in 70 “spontaneous” IDP sites and 16 IDP camps managed by international NGOs and coordinated by the UNHCR. An estimated 120,000 IDPs lived in churches and schools. Displaced women and children were extremely vulnerable to abuses by armed groups, including rape and forced recruitment.

IDPs in North Kivu were victims of abuses by all factions engaged in fighting, including the FARDC, and by other civilians. Abuses in camps around Goma included killings and death threats, particularly by demobilized fighters, as well as abduction and rape. According to the UN Children’s Fund (UNICEF), one third of the more than 1,000 women and girls raped per month in the east were in North Kivu, the majority of them IDPs. Some IDPs were also reportedly subjected to forced labor (See Section 1.g.).

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government had established a rudimentary system for providing protection to refugees. In practice it granted refugee and asylum status to individuals as necessary and provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government provided temporary protection to an undetermined number of individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs. The Government provided assistance in enabling the safe, voluntary return of refugees to their homes by allowing their entry into the country and facilitating their passage through the immigration system.

Government authorities did not provide adequate security to refugees.

The UNHCR received reports that CNDP elements were recruiting children for forced labor or child soldiering in the country from a camp in Rwanda for Congolese refugees.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through credible presidential, parliamentary, and provincial elections based on universal suffrage. Presidential and parliamentary elections in June 2006 and a presidential runoff in October 2006 were judged to be credible by the Carter Center and the European Union Observer Mission.

Elections and Political Participation.—The country’s 11 new provincial assemblies chose 108 candidates for five-year terms in the national Senate in January 2007. The elections took place peacefully but were marred by credible allegations of vote-buying.

A 2007 law on the status and rights of the political opposition recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution. During the year political parties were able to operate most of the time without restriction or outside interference; however, there were notable exceptions. Opposition members were sometimes harassed (See Section 2.a.), and in February and March police killed numerous supporters of the BDK during violent clashes in Bas-Congo Province and systematically destroyed BDK meeting places (See Section 1.a.). In addition, an HRW report released in November, entitled *We Will Crush You: The Restriction of Political Space in the Democratic Republic of the Congo*, drew from hundreds of interviews with government officials, diplomats, political detainees, and members of civil society between 2006 and 2008 and concluded that since the 2006 national elections, there have been disturbing signs that the Government has used violence and intimidation to eliminate its political opponents and restrict democratic space.

Opposition deputies and senators from the MLC boycotted the National Assembly, Senate, and Kinshasa Provincial Assembly from July 10 to July 16 to highlight security concerns following the July 6 killing by GR soldiers of Kinshasa Provincial Assembly Vice President Daniel Botethi (See Section 1.a.).

Women held 42 of 500 seats in the National Assembly and 47 of 690 seats in the provincial assemblies. Five of the 108 senators were women. Among the 45 government ministers and vice ministers, five were women.

Many ethnic groups, including Pygmies, were not represented in the Senate, National Assembly, or provincial assemblies. The lack of political participation of some ethnic groups may have been a result of continuing societal discrimination. For example, the enslavement of Pygmies continued in some areas of the country (See Section 5).

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. However, the authorities did not implement the law, as corruption remained endemic throughout the Government and security forces. The public perceived the Government to be widely corrupt at all levels. According to the World Bank's 2008 Worldwide Governance Indicators, official corruption was a severe problem.

Weak financial controls and lack of a functioning judicial system encouraged officials to engage in corruption with impunity. Many civil servants, police, and soldiers had not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. Reports indicated that the mining sector continued to lose millions of dollars as a result of official corruption at all levels, including illegal exploitation of minerals by the FARDC and armed groups in the east (See Section 1.g.).

During the year a government-initiated review of 61 mining contracts negotiated from 1997–2002 continued to be plagued by both numerous delays and a lack of transparency. In December the Government reached new agreements with all but six of the companies under review. The Government gave these six companies 45 days to return to the negotiating table or face the possible revocation of their contracts.

The law requires the president and ministers to disclose their assets to a government committee. President Kabila and all ministers and vice ministers did so during the year.

There continued to be an Ethics and Anti-Corruption Commission, but it had little impact during the year and lacked resources, independence, and credibility. It last convened in November 2007 without any significant results or findings.

Government authorities and wealthy individuals at times used anti-defamation laws that carry criminal punishments to discourage media investigation of government corruption (See Section 2.a.).

In February the DRC was accepted as a candidate country in the Extractive Industries Transparency Initiative (EITI), an international voluntary initiative designed to improve governance by strengthening transparency in the extractive industries. To reach the validation stage of EITI, the country began the process of adopting and implementing various transparency principles by 2010.

The law does not provide for public access to government-held information. In practice the Government did not grant access to government documents for citizens or noncitizens, including foreign media.

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

A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. However, security forces harassed, beat, intimidated, or arrested local human rights advocates and NGO workers during the year. In addition prison officials sometimes obstructed NGO access to detainees.

The main Kinshasa-based domestic human rights organizations included ASADHO, Voice of the Voiceless, Committee of Human Rights Observers, JED, and the Christian Network of Human Rights and Civic Education Organizations. Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in Bukavu, Lotus Group in Kisangani, and Justice Plus in Bunia, Ituri District.

Officials from the Ministries of Justice and Human Rights met with domestic NGOs and sometimes responded to their inquiries but took no known actions.

There were reports that NGOs seeking to register had to pay bribes to local officials to avoid lengthy application requirements.

On January 3, according to the UNJHRO, FARDC soldiers arbitrarily arrested the president of the local human rights association in Mambassa, Orientale Province, and detained him until January 10. They undressed him and repeatedly beat him during his detention, accusing him of interfering with the functioning of the FARDC. No action was taken against the soldiers.

On January 6, according to the UNJHRO, the territorial administrator in Punia, Maniema Province, issued death threats to human rights activists who had criti-

cized the complicity of local administrative authorities in the 2002 massacre by RCD combatants of 13 civilians. No action was taken against the administrator.

On March 27, ANR agents threatened a human rights activist in Tshimbulu, Kasai Occidental Province, when she sought information about a case of arbitrary arrest and detention. According to the UNJHRO, the agents allegedly manhandled her and threatened to arrest her if she ever returned to inquire about other cases.

There were no new developments in cases from 2007 in which human rights workers received death threats.

No action was taken against the perpetrators of the following cases from 2007 in which human rights workers were arbitrarily arrested, detained, or abused: the August arrest and beating of a local NGO member in the village of Kwasa-Kwasa, Kasai Oriental Province, by three ANR agents; the September arrest and detention by ANR agents in Kabamba, Kasai Occidental Province, of a human rights activist; and the November arrest and detention in Punia, Maniema Province, of the president of the civil society association and a local human rights activist.

The Government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in the previous year, there were no reports that security force members threatened members of international organizations.

The Government cooperated with multilateral organizations and permitted international humanitarian agencies access to conflict areas, except for access to certain prisons located in these areas. A number of senior UN officials visited the country during the year, including UN Special Envoy Olusegun Obasanjo, UN Under-Secretary-General for Peacekeeping Alain Le Roy, Representative of the UN Secretary-General on the Rights of IDPs Walter Kalin, the UN Independent Expert on Human Rights Titinga Pacere, and a delegation of UN Security Council ambassadors.

UN officials freely criticized actions by the Government during the year. During the first half of the year, the UN Human Rights Council's independent expert on human rights in the DRC expressed concern over the extent of impunity for human rights abuses and made recommendations to the Government (*See* Section 1.e.).

On March 27, the UN Human Rights Council decided not to renew the mandate of the Independent Expert (IE) on the situation of human rights in the DRC that was established in 2004. Prior to this decision, on March 19, Frederic Titinga Pacere, the IE, had presented a report on his last two working visits to the country (November 2007 and March 2008). The Government opposed the renewal of the IE's mandate because of perceived overwhelming criticism and lack of proposed solutions and technical assistance on the part of the IE.

A November report by the UN Group of Experts on the DRC presented evidence of abuses committed by government security forces and armed groups in the east, presented evidence that the Congolese and Rwandan governments provided support for armed groups in the east, and made several recommendations, including some relating to the illegal exploitation of resources (*See* Section 1.g.).

During the year the Government cooperated with the ICC, which continued investigations into war crimes and crimes against humanity committed in the country since June 2003.

The Government continued to cooperate with the International Criminal Tribunal for Rwanda, which operated freely in areas under government control, seeking several individuals indicted for involvement in the 1994 Rwandan genocide who they believed might be in the DRC. However, no arrests were made during the year.

No action was taken against ANR agents who in July 2007 subjected two MONUC human rights officers in Uvira, South Kivu Province, to death threats, physical abuse, and expulsion during a joint monitoring visit to ANR holding cells.

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

The constitution prohibits discrimination based on ethnicity, gender, or religion; however, the Government did not enforce these prohibitions effectively, in part because it lacked appropriate institutions.

Women.—The law criminalizes rape, but the Government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in areas of conflict in the east. According to UNICEF, more than 1,000 women and girls were raped each month in the east (*See* Section 1.g.). Legislation enacted in 2006 broadened the scope of the law that defines rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibits compromise fines and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. In addition, it raised the age of consent to 18, creating a discrepancy with the family code

by exceeding the current allowable age of marriage. The minimum penalty prescribed for rape is a prison sentence of five years.

Government security forces, armed groups, and civilians perpetrated widespread and sometimes mass rape against women and girls (*See* Section 1.g.).

Prosecutions for rape and other types of sexual violence remained rare. Both victims and the UN Human Rights Council's special rapporteur on violence against women cited widespread impunity as the main reason for sexual violence. Most victims did not have sufficient confidence in the justice system to pursue formal legal action or feared subjecting themselves to further humiliation and possible reprisal.

It was common for family members to pressure a rape victim to keep quiet, even to health care professionals, to safeguard the reputations of the victim and her family.

Victims of gender-based violence faced an enormous social stigma. After a sexual assault, many young women and girls were often labeled as unsuitable for marriage and married women were frequently abandoned by the husbands.

Some families forced rape victims to marry the men who raped them or to forego prosecution in exchange for money or goods from the rapist.

Domestic violence against women occurred throughout the country; however, there were no statistics available regarding its extent. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

The law does not prohibit female genital mutilation (FGM), but there were no reports of FGM being practiced.

The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were reports that members of the security forces harassed or raped women engaged in prostitution.

Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of one to 20 years; however, there was no effective enforcement, and by year's end judicial authorities had yet to prosecute any cases.

Women did not possess the same rights as men in law and in practice. The law requires a married woman to obtain her husband's consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, and applying for a passport. Under the law women found guilty of adultery may be sentenced to up to one year in prison; adultery by men is subject to legal penalty only if judged to have "an injurious quality."

Women experienced economic discrimination. The law forbids a woman from working at night or accepting employment without her husband's consent. According to the International Labor Organization, women often received less pay in the private sector than men doing the same job and rarely occupied positions of authority or high responsibility.

Children.—The Government's commitment to and budget for children's welfare were inadequate. In practice primary school education was not compulsory, free, or universal, and very few functioning government-funded schools existed. Fighting that resumed in August in North Kivu between government and rebel forces resulted in the closure of approximately 85 percent of all schools in the area, according to UNICEF. Public and private schools generally expected parents to contribute to teachers' salaries, and parents typically funded 80 to 90 percent of school expenses. These expenses, plus the potential loss of income or labor while their children attended class, left many parents unable to enroll their children in school.

According to UNICEF, approximately 55 percent of boys and 49 percent of girls attended primary school. The rates for secondary school attendance were 18 percent for boys and 15 percent for girls. Rates for girls were lower because many parents preferred to send their sons to school, either for financial or cultural reasons.

The law prohibits all forms of child abuse, the extent of which was unknown and had not been thoroughly investigated. Although authorities made several arrests related to child abandonment and abuse during the year, no cases had been prosecuted by year's end.

The constitution prohibits parental abandonment of children for alleged sorcery; in practice such allegations led to abandonment and abuse.

Child abuse was an especially serious problem in the eastern conflict regions. During the year HRW documented rapes of girls by army soldiers and by combat-

ants of the CNDP, FDLR, and Mai-Mai militias. Between June 2007 and June 2008, the UN recorded 5,517 cases of sexual violence against children in Ituri and North and South Kivu.

A November report of the UN secretary-general on children and armed conflict in the DRC concluded that even though there was a decrease in the number of allegations of grave abuses against children during the year, children continued to be the primary victims of the ongoing conflict in the east. In the Kivu provinces alone, the report noted a 38 percent increase from the previous year in the recruitment of children. It also attributed 63 per cent of the alleged abuses against children to armed rebel groups in the Kivus. In addition, it assigned responsibility for 29 per cent of the alleged abuses to the FARDC and 8 per cent to the PNC.

All parties to the conflict in the east were involved in the use of child soldiers (See Section 1.g.).

The law prohibits marriage of girls under age 14 and boys under 18; however, marriages of girls as young as 13 took place. Dowry payments greatly contributed to underage marriage. In some cases parents married off a daughter against her will to collect a dowry or to finance a dowry for a son. The sexual violence law criminalizes forced marriage. It subjects parents to up to 12 years' hard labor and a fine of 92,500 Congolese francs (approximately \$166) for forcing a child to marry. The penalty doubles when the child is under the age of 15. There were no reports of prosecutions for forced marriage during the year.

Child prostitution occurred throughout the country; however, there were no statistics available regarding its prevalence. According to HRW and local NGO, Lazarius, police in Kinshasa extorted sexual services from child prostitutes.

The country's estimated 50,000 street children included many accused of sorcery, child refugees, and war orphans, as well as children with homes and families. Many churches in Kinshasa conducted exorcisms of children involving isolation, beating and whipping, starvation, and forced ingestion of purgatives.

The Government was ill-equipped to deal with large numbers of homeless children. Many engaged in prostitution without third-party involvement, although some were forced to do so. Citizens generally regarded street children as delinquents engaged in petty crime, begging, and prostitution and approved of actions taken against them. Security forces abused and arbitrarily arrested street children (See Sections 1.c. and 1.d.).

There were numerous reports that street children had to pay police officers to be allowed to sleep in vacant buildings and had to share with police a percentage of goods stolen from large markets.

Several NGOs worked effectively with MONUC and UNICEF to promote children's rights throughout the country.

Trafficking in Persons.—Several laws prohibited specific acts of trafficking in persons; however, there were credible reports of trafficking, particularly in the east. The laws that could be used by the Government to prosecute cases against traffickers included the 2006 law on sexual violence, which prohibits forced prostitution and sexual slavery, as well as legislation prohibiting slavery, rape, and child prostitution. The constitution forbids involuntary servitude and child soldiering; however, existing laws do not prohibit all forms of trafficking.

The country was a source and destination country for men, women, and children trafficked for forced labor and sexual exploitation. There were reports of children prostituted in brothels or by loosely organized networks, some of whom were exploited by FARDC soldiers. Women and children were reportedly trafficked to South Africa for sexual exploitation. No statistical information existed on the extent of adult or child prostitution.

MONUC and the NGO Save the Children estimated that there were tens of thousands of children working in the mining sector, most often in extremely dangerous conditions as artisanal miners.

The majority of reported trafficking was conducted in the unstable eastern provinces by armed groups outside government control (See Section 1.g.). Indigenous and foreign armed groups, including the FDLR, CNDP, and various local militia (Mai-Mai), and the Uganda-linked LRA continued to abduct and forcibly recruit men, women, and children, including smaller numbers of Rwandan and Ugandan children, to serve as laborers (including in miners), porters, domestics, combatants, and sex slaves. In some instances elements of the FARDC detained men and women for temporary forced labor. During the year there was one reported case of non-integrated FARDC troops recruiting additional children (See Section 1.g.). CNDP troops, dressed in civilian clothes and fraudulently promising civilian employment, conscripted an unknown number of Congolese men and boys from refugee camps in Rwanda, as well as dozens of Rwandan children from towns in western Rwanda, for

forced labor and soldiering in the country. As a result of LRA abductions during the year and in 2007, an estimated 800 abducted women and children remained with the LRA in Garamba National Park, and 1,500 Congolese women and their children remained in Uganda after being forcibly transported there as sex slaves or domestics in 2004.

All armed rebel groups in the east increased efforts to recruit children, especially children who were former child soldiers, to serve as soldiers and sex slaves, according to the NGO Save the Children (*See* Section 1.g.). The law specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation. There were no reported investigations or prosecutions of traffickers during the year.

Military authorities took no action against commanders who employed child soldiers. Eight children who were identified by child protection officers in South Kivu Province in the ranks of a FARDC unit led by a Captain Mulenga in 2006 remained in the unit, and no action was taken against him. Colonel Jean Pierre Biyoyo, convicted for recruitment of child soldiers, escaped from Bukavu prison in South Kivu Province in 2006. He reappeared in March 2007 in Bukavu as part of a FARDC delegation and had been demoted to lieutenant colonel. He served during 2007 with the mixed brigades in North Kivu Province, reportedly as an aide to former FARDC general Nkunda, and remained with Nkunda's forces after the mixed brigades disintegrated.

The MOJ was responsible for combating trafficking. Law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, training, and funding and the inaccessibility of eastern areas of the country.

The Government's anti-trafficking programs were limited and lacking in resources. However, the National Disarmament, Demobilization, and Reintegration Program (UE-PNDDR) launched a national awareness campaign in partnership with MONUC and local authorities against the recruitment of child soldiers in Kinshasa, Goma, and Bukavu in June. Through lobbying efforts it targeted both military and political leaders. For the general public, UE-PNDDR produced sketches, public service announcements, and debates broadcast by six radio and television stations in July and August. According to its September 30 quarterly report of activities, UE-PNDDR also sent field teams to 23 sites throughout South Kivu, North Kivu, Katanga, and Equateur provinces.

The Katanga provincial government also funded and operated a center for vulnerable children in Lubumbashi and worked with Save the Children, Solidarity Center, and other NGOs to direct children away from the mining sector and into formal education.

The Government provided training to some police and military personnel on preventing sexual violence and child soldiering. The Government did not screen vulnerable population groups to identify trafficking victims. It provided no funding for protection services or for assisting victims of trafficking but permitted NGOs to provide services to them.

The Government, in coordination with MONUC, reached agreements with militias in Ituri District, CNDP in North Kivu, and Mai-Mai in North and South Kivu that included provisions for the demobilization of child soldiers; however, the groups did not generally respect the agreements.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities; however, the Government did not effectively enforce these provisions, and persons with disabilities often found it difficult to obtain employment, education, or government services.

The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including the blind, received private funds and limited public funds to provide education and vocational training.

National/Racial/Ethnic Minorities.—Members of the country's more than 400 ethnic groups practiced societal discrimination on the basis of ethnicity, and discrimination was evident in hiring patterns in some cities. The Government took no reported actions to address this problem.

The security forces in Kinshasa sometimes harassed, arbitrarily arrested, or threatened members of ethnic groups from Equateur Province, according to the UNJHRO. Security forces in North and South Kivu provinces sometimes harassed, arbitrarily arrested, or threatened members of many different ethnic groups resident there.

Discrimination against persons with albinism was widespread and limited their ability to obtain employment, health care, education, or to marry. Persons with albinism were frequently ostracized by their families and communities. According to a 2007 survey conducted in Kisangani by the UN Development Program, 83 percent of parents stated their children were successful in school, but 47 percent said they felt humiliated by having albino children.

Indigenous People.—The country had a population of between 10,000 and 20,000 Pygmies (Twa, Mbuti, and others), believed to be the country's original inhabitants; societal discrimination against them continued. Most Pygmies took no part in the political process and continued to live in remote areas. During the year fighting in North Kivu between armed groups and government security forces caused displacement of some Pygmy populations.

In some parts of the country, traditional leaders (mwami) and wealthy persons were known to capture Pygmies and force them into slavery. Those captured were known as "badja" and were considered the property of their masters. During the year the World Peasants/Indigenous Organization conducted a three-month campaign to free such individuals. On August 18, 96 Pygmies who had been held as slaves were released; 46 of the group belonged to families that had been enslaved for generations.

No action was taken against PNC officers who in November 2007 arrested a Pygmy and subjected him to cruel, inhuman, and degrading treatment for no known reason.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation or persons with HIV/AIDS.

In July President Kabila promulgated a new law passed by Parliament that protects persons with HIV/AIDS from discrimination.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides all workers-except government officials and members of the security forces-the right to form and join trade unions without prior authorization or excessive requirements. Of an estimated 24 million adults of working age, 128,000 employees in the private sector (0.5 percent) belonged to unions, according to the American Center for International Labor Solidarity (Solidarity Center). No information was available regarding the number of union members in the public sector. The informal sector, including subsistence agriculture, constituted at least 90 percent of the economy. The law provides for the right of unions to conduct activities without interference and to bargain collectively; however, the Government did not always protect these rights.

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

Private companies often registered bogus unions to create confusion among workers and discourage real ones from organizing. According to the Solidarity Center, many of the nearly 400 unions in the private sector had no membership and had been established by management, particularly in the natural resources sector.

The constitution provides for the right to strike, and workers sometimes exercised it. There were large strikes this year by teachers, magistrates, and health care workers; most concerned nonpayment of salaries and crippled service delivery for several weeks at a time. However, in small and medium-sized businesses, workers could not exercise this right effectively in practice. With an enormous unemployed labor pool, companies and shops could immediately replace any workers attempting to unionize, collectively bargain, or strike, and according to the Solidarity Center, companies and shops did so during the year. The law requires unions to have prior consent from the Ministry of Labor and to adhere to lengthy mandatory arbitration and appeal procedures before striking. The law prohibits employers and the Government from retaliating against strikers; however, the Government did not enforce this law in practice.

On March 6, police fired into a crowd and killed a 15 year-old boy during clashes with hundreds of artisanal miners, according to the BBC. The clashes began when police started clearing the artisanal diggers off a concession owned by parastatal GECAMINES near Likasi in Katanga Province.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was ineffective in practice. The Government set public sector wages by decree, and unions were permitted to act only in an advisory capacity. Most unions in the private sector collected dues from workers but did not succeed in engaging in collective bargaining on their behalf.

The law prohibits discrimination against union employees, although authorities did not enforce this regulation effectively. The law also requires employers to reinstate workers fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children; however, although no statistics were available, both were practiced throughout the country.

Government security forces continued to force men, women, and children, including IDPs, to serve as porters, mine workers, and domestic laborers.

The military took no action against FARDC soldiers who used forced labor and abducted civilians for forced labor in 2007 and 2006.

In the mining sector, middlemen and dealers acquired raw ore from unlicensed miners in exchange for tools, food, and other products. Miners who failed to provide sufficient ore became debt slaves, forced to continue working to pay off arrears. The Government did not attempt to regulate this practice.

Armed groups operating outside central government control subjected civilians, including children, to forced labor, including sexual slavery (*See* Section 1.g.).

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws to protect children from exploitation in the workplace; however, government agencies did not effectively enforce child labor laws. Child labor remained a problem throughout the country, and there continued to be reports of forced child labor. Although there were no reports of large enterprises using child labor, it was common in the informal sector, particularly in mining and subsistence agriculture. For economic survival, families often encouraged children to work in order to earn money.

Although the minimum age for full-time employment without parental consent is 18 years, employers may legally hire minors between the ages of 15 and 18 with the consent of a parent or guardian. Those under age 16 may work a maximum of four hours per day. All minors are restricted from transporting heavy items.

The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. NGOs continued to pressure the Ministry of Labor to focus on this problem, with few or no results.

Criminal courts continued to hear child labor complaints, and NGOs and the International Labor Organization pushed prosecutors during the year to bring cases against violators of child labor laws.

Security forces and armed groups also used children, including child soldiers, for forced labor in mines.

Children made up as much as 30 percent of the work force in the informal (“artisanal”) mining sector. In mining regions of the provinces of Katanga, Kasai Occidental, Oriental, and North and South Kivu, children performed dangerous mine work, often underground. In many areas of the country, children ages five to 12 years broke rocks to make gravel for a small wage.

In November 2007 a UNJHRO field team in Misisi, South Kivu Province, observed several children working in illegal gold mines for FARDC soldiers of the 115th Battalion. No action was taken against the soldiers by year’s end.

Child prostitution, including forced prostitution, was practiced throughout the country.

According to a June 2007 Save the Children report, 12,000 children in Kasai Oriental Province were employed at 20 unlicensed diamond mining sites. The children excavated, transported, and washed dirt in search of diamonds. At mines near Tumpatu, Kasai Oriental Province, girls around the age of 12 worked as prostitutes. According to the report, preteen children also worked digging tombs at the cemeteries for 500 to 1,000 Congolese francs (approximately \$1 to \$2) per day and as dishwashers and guards at restaurants for 125 to 250 Congolese francs (approximately \$.25 to \$.50) per day. No action was taken against mine operators and supervisors.

Parents often used children for dangerous and difficult agricultural labor. Children sent to relatives by parents who could not support them sometimes effectively became the property of those families, who subjected them to physical and sexual abuse and required them to perform household labor.

Government agencies responsible for combating child labor included the Ministry of Labor, the Ministry of Women and Youth, the Ministry of Social Affairs, and the National Committee to Combat Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no investigations during the year.

e. Acceptable Conditions of Work.—Employers in the informal sector often did not respect the minimum wage law of 500 Congolese francs (approximately \$1) per day. The average monthly wage did not provide a decent standard of living for a worker and family. Government salaries remained low, ranging from 25,000 to 55,000 Con-

golese francs (approximately \$50 to \$110) per month, and salary arrears were common in both the civil service and public enterprises (parastatals). More than 90 percent of laborers worked in subsistence agriculture, informal commerce or mining, or other informal pursuits.

The law defines different standard work weeks, ranging from 45 to 72 hours, for different jobs. The law also prescribes rest periods and premium pay for overtime, but employers often did not respect these provisions in practice. The law establishes no monitoring or enforcement mechanism, and businesses often ignored these standards in practice.

The law specifies health and safety standards; however, government agencies did not effectively enforce them. No provisions of the law provide workers the right to remove themselves from dangerous work situations without jeopardizing their employment.

According to the NGO Pact, 10 million miners worked in the informal sector nationwide, and up to 16 percent of the population may have indirectly relied on this so-called artisanal, or small-scale, mining. Many suffered violence from guards and security forces for illegally entering mining concessions.

CONGO, REPUBLIC OF THE

The Republic of the Congo, with a population estimated at 3.8 million, is a parliamentary republic in which most of the decision-making authority and political power is vested in the president, Denis Sassou-Nguesso, and his administration. Parliamentary elections for the Senate and National Assembly in 2007 were marred by irregularities and widely viewed as poorly run and highly disorganized, with four district results later overturned by the courts. Independent monitors determined that the 2002 presidential elections did not “contradict the will of the people” despite significant irregularities and manipulation in the administration of the elections; presidential elections are next scheduled for 2009. While civilian authorities generally maintained effective control of security forces, there were instances in which members of the security forces acted independently of government authority.

The Government’s human rights record remained poor. Although there were fewer documented abuses during the year, serious problems remained. Citizens’ right to peacefully change their government was limited. In addition, the following serious human rights problems were reported: killings of suspects by security forces; mob violence; security force beatings and other physical abuse of detainees, rapes, looting, solicitation of bribes, and theft; harassment and extortion of civilians by unidentified armed elements; poor prison conditions; official impunity; arbitrary arrest; lengthy pretrial detention; an ineffective and largely nonfunctioning judiciary; infringement of citizens’ privacy rights; limits on freedom of the press; restrictions on freedom of movement; official corruption and lack of transparency; domestic violence and societal discrimination against women; trafficking in persons; discrimination on the basis of ethnicity, particularly against Pygmies; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, security forces killed persons.

According to local human rights and civil society groups, police caused the death of Guy Poaty. He was beaten and reportedly tortured after being among nearly 30 persons arrested in July during riots in Pointe Noire, during which President Sassou-Nguesso’s vehicle was stoned. Poaty died while in custody at the Directorate for Territorial Surveillance (DST); authorities refused to release information on the cause of death. There was no information of any investigation by authorities into the circumstances of Poaty’s death by year’s end.

During the year there were no known investigations or charges in the 2007 death of Guy Yombo, a prisoner at the Ouenze jail. Local human rights groups claimed Yombo died of wounds suffered during beatings by police at the jail, where he was held with no clear charges filed against him.

There were no reports during the year of any charges being filed against authorities who killed a Brazzaville prisoner trying to escape from jail in 2007.

During the year no charges were filed in a 2007 case in which police officers in Brazzaville shot and killed three armed suspects who were resisting arrest.

Unlike in previous years, there were no reports of killings of civilians in the Pool region by armed elements believed to be Ninja rebels. The “Ninjas” were formed from a militia group in the late 1990s in the southeastern Pool region. There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals or settled private disputes. Police at times intervened to stop mob violence.

Three villagers arrested in 2005 for killing an Italian missionary, who was killed after his convoy had struck and killed a child, remained in prison awaiting trial. No trial had been scheduled by year’s end.

Local inhabitants frequently took the law into their own hands to punish persons presumed or known to be police or military personnel who looted civilian residences, resulting in death or serious injury. Such incidents were most common in remote areas.

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

Families of 353 persons who disappeared in the 1999 “Beach” incident failed during the year in their attempts to use French courts to bring claims of criminal wrongdoing against individuals and the Congolese government. In April French courts ruled against allowing the cases to proceed in the French system, apparently ending the families’ legal avenues. In 2005 a Brazzaville court acquitted 15 high-ranking military and police officials accused of involvement in the disappearance and presumed deaths of the 353 persons separated from their families by security forces in 1999 upon their return to Brazzaville from the Democratic Republic of Congo (DRC). In 2006 the Congolese Supreme Court refused to consider an appeal.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such actions, security forces frequently used beatings to coerce confessions or to punish detainees. During the year there were reports that abuses continued in the jail and prison systems.

As in previous years, there were reports by nongovernmental organizations (NGOs) and other reputable sources that security force members raped female detainees and beat citizens.

Early in the year police detained a DRC citizen in the Talangai District of Brazzaville because her husband allegedly was dealing illegal drugs. While she was detained without charge, the woman was raped by three men she claimed were police officers. Two officers were jailed and were awaiting trial at year’s end; authorities had not located the third man.

During the year harassment and mayhem in the Pool region by armed elements believed to be Ninja rebels greatly decreased, following peace accords and disarmament agreements completed in June. Rebel leader Pasteur Ntumi ordered his Ninja troops to disarm and cooperated in an agreement with government soldiers and gendarmes to secure the Brazzaville to Pointe Noire railroad. While the region was not completely safe, there were many fewer reports of harassment or violence during the year.

In August, according to privately owned television stations, police raided restaurants, snack bars, and kiosks without warrants, ostensibly to remove vendors operating illegally alongside the roadways. Police beat civilians and destroyed private property during the raids. There was no report of any official action being taken against the police.

Prison and Detention Center Conditions.—Prison and detention center conditions were harsh and life threatening. Prisons were overcrowded, with more than 400 prisoners housed in the Brazzaville Maison d’Arret, known as the central prison, which was built in 1944 for fewer than 100. In Brazzaville’s central prison, most cellmates slept on the floor on cardboard or thin mattresses in small cells, exposing the prisoners to disease. Food provision was poor and health care virtually nonexistent, provided primarily, if at all, by outside charities. Prisoners and detainees in the Brazzaville central prison, the only prison in the capital, usually received one meal per day. The Ministry of Justice continued to repair some prisons; however, lack of funds hindered efforts to improve facilities and to provide food and medicine.

Detainees held at police stations often were subjected to beatings, rapes, overcrowding, and extortion.

Women were incarcerated with men, except in the city of Brazzaville, where separate facilities were maintained. Juveniles were held with adults, and pretrial detainees were held with convicted prisoners.

There were six prisons but only three were in operation: The Maison d’Arret in Brazzaville, one in Pointe Noire, and one in Ouessou. Other facilities stopped functioning during the year due to the dire conditions, and many prisoners were simply allowed to walk away, reducing the current prison population to approximately 865,

70 percent of whom were awaiting trial; most were jailed for assault and robbery. Many were transferred to Brazzaville's central prison. In addition to the 865 prisoners, there were an estimated 300 detainees throughout the country in local jails waiting to be charged or released. In the great majority of cases, detainees were released.

The Government continued to grant access to prisons and detention centers to domestic and international human rights groups. During the year local human rights groups and NGOs visited prisons and detention centers. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers in Brazzaville and Pointe Noire and reported that it had received appropriate cooperation from the Government on its visits during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention. However, members of the security forces unreasonably and arbitrarily detained persons for minor offenses, mostly traffic-related, and required them to pay bribes on the spot as a condition for release. Nevertheless, reports of arbitrary arrests and detentions continued to decrease.

Role of the Police and Security Apparatus.—The security forces include the police, gendarmerie, and military. The police and the gendarmerie are responsible for maintaining internal order, with police primarily in cities and the gendarmerie mainly in other areas. Military forces are responsible for external security, but also have domestic security responsibilities, such as protecting the president. The minister of defense oversees the military forces and gendarmerie, and the minister of security oversees the police.

A joint police unit known as COMUS, under the Ministry of Security and Public Order, is responsible for patrolling the frontiers. Another unit, the military police, is composed of military and police officers and is primarily responsible for investigating professional misconduct by members of any of the security forces. Overall, professionalism of the security forces continued to improve, in large part due to training by the international law enforcement community. The Government generally maintained effective control over the security forces; however, some members of the security forces who acted independently of government authority committed abuses.

Corruption remained a significant problem in the security forces. During the year there were frequent reports of arrested individuals whose families bribed police to secure their release. Traffic police extorted bribes from taxi drivers and others under threat of impoundment of their vehicles. Although the Human Rights Commission (HRC) was established for the public to report security force abuses, impunity for members of the security forces was a widespread problem.

Arrest and Detention.—The constitution and law require that warrants be issued by a duly authorized official before arrests are made, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within three days and either charged or released within four months. However, the Government habitually violated these provisions. There is a system of bail, but more than 70 percent of the population had an income below the poverty level—defined as less than 500 CFAF a day (approximately \$1.10)—and could not afford to post bail. Detainees generally were informed of the charges against them at the time of arrest, but formal charges often took at least one week to be filed. Police at times held persons for six months or longer due to administrative errors or delays in processing detainees. Most delays were attributed to lack of staff in the Ministry of Justice and court system. Lawyers and family members usually were given prompt access to detainees, and indigent detainees were provided lawyers at government expense. If indigent detainees were detained outside a major city, they were often transferred to the closest town or city where an attorney was available.

Arbitrary arrest continued to be a problem. The most common cases were threats of arrest to extort bribes. These were perpetrated most often against vehicle operators (mainly taxi drivers) by police, gendarmes, or soldiers. Immigration officials also routinely stopped persons and threatened them with arrest, claiming they lacked some required document, were committing espionage, or on some other pretext to extort funds.

Most often these incidents resulted in the bribe being paid; if not, the person was detained at a police station (or the airport) until either a bribe was paid or pressure was placed on authorities to release the individual.

Lengthy pretrial detention due to judicial backlogs was a problem. Pretrial detainees continued to constitute the majority of the prison population, including 67 percent and 52 percent of Brazzaville and Pointe Noire prisoners, respectively. On aver-

age detainees waited six months or longer before going to trial. It was a general belief that bribes determine the length of detention.

Three villagers arrested in 2005 for allegedly killing an Italian missionary remained in prison awaiting trial. No trial had been scheduled by year's end.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the judiciary continued to be overburdened, underfunded, and subject to political influence and corruption.

The judicial system consists of traditional and local courts, courts of appeal, a Court of Accounts, the High Court of Justice, the Constitutional Court, and the Supreme Court. In rural areas, traditional courts continued to handle many local disputes, particularly property and inheritance cases, and domestic conflicts that could not be resolved within the family. The Court of Accounts' function is to hear cases related to mismanagement of government funds. The Constitutional Court's responsibility is to adjudicate the constitutionality of laws and judicial decisions. The High Court of Justice's function is to review judicial decisions or crimes involving the president and other high-ranking authorities in the conduct of their official duties. Local courts dealt with criminal and civil complaints. The Supreme Court met regularly and primarily heard cases related to the legality of land seizures by the Government during the civil war. It also reviewed administrative and penal cases from lower courts.

Trial Procedures.—The constitution provides for the right to a fair trial presided over by an independent judiciary; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials, and most cases never reached the court system. The courts have not heard any civilian criminal trials since 2005, with the Government citing a lack of funds to organize trials. Some prisoners were subsequently freed and considered to be in pending trial status, but most remained in pretrial detention. In general, when trials occurred prior to 2006, defendants were tried in a public court of law presided over by a state-appointed magistrate. Juries are used. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. An attorney is provided at public expense if an indigent defendant faces serious criminal charges. Defendants can confront or question accusers and witnesses against them and present witnesses and evidence on their own behalf. The defense has access to prosecution evidence. Defendants are presumed innocent and have the right of appeal. The law extends the above rights to all citizens.

The military has a tribunal system—the Martial Court—to try criminal cases involving military members, gendarmerie, or police. Civilians were not tried under this system. This body was believed to be subject to influence and corruption. However, in a continuation of a 2007 investigation into corrupt military payroll practices, during the year the Martial Court suspended the salaries of more than 500 current and former military personnel.

Political Prisoners and Detainees.—There were some political prisoners and detainees, such as the arrests made in Pointe Noire, as discussed above. As in previous years, local and international NGOs, including the ICRC, reported monitoring the condition of several political prisoners.

Three exiled DRC military officers remained in pretrial detention in military headquarters, where they have been held since 2004 after being arrested for political reasons following disturbances in Kinshasa. The three were reportedly being held pending extradition, although an effective extradition policy between the two countries did not exist.

In June three former gendarme officers loyal to former president Pascal Lissouba were tried and convicted on robbery charges stemming from a 2005 raid on the Bifouity Gendarmarie Armory in Brazzaville. The officers had been imprisoned awaiting trial since the 2005 raid, which was deemed an attempted coup d'état. The courts sentenced each man to three years in prison, but gave them credit for time spent in jail awaiting trial; all three were released in July.

Civil Judicial Procedures and Remedies.—There is a civil court system; however it was widely believed to be subject to the same corrupt practices as are found in the criminal court system. Although persons can file a lawsuit in court on civil matters, including seeking damages or cessation of a human rights violation, no such cases were known to exist, and there remained general mistrust of the judicial system as a means to address human rights issues.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, security forces at times illegally entered, searched, and looted private homes.

No action was taken during the year on an official complaint filed by a civilian in 2007 against police in the Ouénze District of Brazzaville, after police entered the man's home without a warrant under the pretense of searching for narcotics. The accused was not charged and there was never any evidence provided by police to justify their search.

Citizens generally believed the Government monitored telephone and mail communications of selected individuals.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, but also criminalize certain types of speech, such as incitement of ethnic hatred, violence, or civil war. The Government at times limited freedom of speech and of the press. Broadcast journalists and government print media journalists practiced self-censorship. The nongovernment print media experienced fewer constraints as long as its reporting stayed only in print form and was not broadcast.

Individuals could criticize the Government publicly or privately without reprisal on relatively minor issues. However, persons feared reprisal if they named high-level officials while criticizing government policies. The Government generally did not proactively attempt to impede criticism by, for example, monitoring political meetings, but sometimes punished critics after the fact.

There was one state-owned newspaper, *La Nouvelle Republique*, and several publications which were closely allied with the Government. There were 15 to 20 private weekly newspapers in Brazzaville that criticized the Government. Newspapers occasionally published open letters written by government opponents. The print media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire; it reached approximately one-third of the population.

Most citizens obtained their news from radio or television, and in rural areas primarily from government-controlled radio. There were three privately owned radio stations, all progovernment, three government-owned radio stations, and one government-owned television station. There were four privately owned television stations; unlike in previous years, two of the four stations were increasingly critical of the Government. Several satellite television services were available and permitted the few who could afford it to view a wide range of news programs.

Government journalists were not independent and were expected to report positively on government activities. There was evidence that when government journalists deviated from this guidance there were adverse consequences, especially if they were critical of the president.

Television journalist Christian Perrin was arrested in July after ignoring a government order to not report disturbances in Pointe Noire that were directed against President Sassou-Nguesso's motorcade. Perrin, news director of privately owned *Tele Pour Tous* (TPT), aired footage of the July rioting, which erupted over the funeral of a former president of the national assembly and included protestors hurling stones at the car carrying President Sassou-Nguesso to the burial. Officials in the Ministry of Communications, including the minister himself, ordered all news outlets not to report the incidents; all but TPT complied. Two weeks later, Perrin invited two opposition party members onto his show to discuss politics. Authorities arrested him the next morning and later released him after more than 24 hours at the DST. Authorities did not officially charge or try him, but a state prosecutor declared him guilty and assessed a fine of 500,000 CFA (approximately \$1,120). By year's end authorities had not contacted Perrin to pay the fine. Perrin reported in late August that he felt he was under surveillance by unknown persons.

In September police severely beat Digital Radio Television (DRTV) news reporter Giscard Mayoungou as he was covering a disturbance at a Brazzaville university. Witnesses said Mayoungou clearly identified himself as a reporter but police continued to beat him while they beat students and others caught up in the disturbance. DRTV filed a complaint against the police but authorities did not take action by year's end.

In July a freelance journalist and documentary filmmaker reported receiving threats from government officials after airing a documentary she made about ongoing water shortages in Brazzaville. The documentary, which included criticism of the Government's failure to fix the water problems, was shown once at a cultural center in the Centreville District of Brazzaville; it was not shown again after the journalist received the threats.

A number of Brazzaville-based journalists represented international media. Unlike in previous years, there were no confirmed reports of the Government revoking journalists' accreditations if their reporting reflected adversely on the Government's image. However, the Government had not repealed the policy that allowed revoca-

tion; this policy affected journalists employed by both international and government-controlled media. Local private journalists were not affected.

The press law provides for monetary penalties for defamation and incitement to violence.

Unlike in previous years, the Government forced a newspaper to suspend publication, shutting down the privately owned Talassa for three months, citing defamation. The newspaper, which is routinely very critical of the Government, resumed publication in March.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. A 2005 estimate indicated that only 1 percent of the population had access to the Internet, due to the lack of infrastructure, reliable power, and telephone or satellite services.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected this right in practice.

Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration and appropriate local officials, who could withhold authorization for meetings that they claimed might threaten public order.

Unlike in previous years, there were no demonstrations by public workers protesting salary arrears at a downtown Brazzaville intersection; the Government began paying arrears more frequently during the year, lessening the motivation for the rallies.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice. Groups or associations—political, social, or economic—were generally required to register with the Ministry of Territorial Administration. Registration could sometimes be subject to political influence. During the year the Government refused to process the application for Marien Ngouabi and Ethics, a political opposition group that sought to organize. The group completed all required steps for registration but reported that officials refused without explanation to provide the final approval stamp that would complete recognition. In May government officials and security forces prevented Marien Ngouabi and Ethics from holding its planned national meeting at the Parliament Palace in Brazzaville, citing the group's lack of approved registration.

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

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

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, in practice the Government at times imposed limitations. Immigration officials routinely stopped travelers on various pretexts to extort funds.

In the Pool region, unidentified armed elements believed to be Ninja rebels continued to harass and intimidate citizens, thus limiting freedom of movement. A final disarmament agreement signed in June between the Government and the remaining rebel leader, Pasteur Ntumi, resulted in improved security conditions and fewer reported incidents of harassment.

The law prohibits forced exile, and the Government did not use it. The Government did not prevent the return of citizens, including political opponents of the president. By year's end, former president Pascal Lissouba, who was sentenced in absentia in 2001 to 30 years in prison for "economic crimes," had not returned to the country, despite a 2007 announcement that President Sassou-Nguesso had agreed to allow his return and would pardon him. Other officials, including the former minister of transport and former secretary general for the largest opposition party, returned from exile during the year.

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

viding protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and granted refugee status or asylum.

The Government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. During the year the Government cooperated with the UNHCR in the voluntary return of refugees, including ex-combatants from the DRC, to their home countries.

According to the NGO Congolese Observatory for Human Rights (OCDH), Albert Muya Ilunga, a DRC refugee living in Brazzaville, was involuntarily repatriated to Kinshasa in March, detained for two weeks, and questioned by DRC security forces. Following diplomatic negotiations between both Congolese governments and the UN, Muya Ilunga was brought back to Brazzaville by the UN and released.

The Government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol; however, the Government was not generally effective in dealing with such cases. The National Refugees Committee's offices, closed in 2007 due to a lack of funds, reopened in March, but did not process any refugee requests during the year. According to the World Refugee Survey, the country hosted an estimated 44,000 refugees and asylum seekers at the end of 2007, including approximately 33,800 from the DRC who had fled civil war in the 1990s and in 2004. Some 6,500 Rwandan refugees who fled their country in the 1990s remained in Congo at year's end.

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

The constitution and law provide citizens with the right to peacefully change their government. However, during the 2002 presidential elections, significant irregularities occurred, and the entire Pool region was unable to vote. Legislative elections in 2007 were characterized as chaotic.

Elections and Political Participation.—During the year local elections for senatorial and mayoral positions were marred by disorganization, extreme voter apathy, and low turnout. Opposition party leaders complained that representatives from different political parties were not allowed to examine ballot results before they were publicly announced, as the country's electoral law requires.

Legislative elections in 2007 were marred by poor organization and low voter turnout, although there were no confirmed incidents of violence. The ruling Congolese Labor Party, and independent candidates aligned with it, won 125 seats; candidates from two opposition parties won the remaining 12 seats.

Independent observers determined that the 2002 presidential elections did "not contradict the will of the people" despite serious flaws and the almost complete absence of any opposition candidates. The next presidential elections are scheduled for 2009.

Major political parties included the ruling Congolese Labor Party, the Pan-African Union for Social Development, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and the Union for Progress. Some opposition party leaders returned from exile during the year. Northern ethnic groups, such as the president's Mbochi group and related clans, dominated the political system.

There were eight women in the 72-seat Senate and 10 women in the 137-seat National Assembly. There were five women in the 38-member cabinet.

There were 14 members of tribes other than the dominant northern tribes in the 72-seat senate, 47 in the 137-seat National Assembly, and 15 in the 38-member cabinet. Despite a 2006 parliamentary reaffirmation of their right to vote, Pygmies were excluded from the political process due to their isolation in remote areas, their culture, and stigmatization by the majority Bantu population.

Government Corruption and Transparency.—The law provides for criminal penalties for official corruption.

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. According to the World Bank's 2008 Worldwide Governance Indicators, government corruption was a severe problem. Also, according to the International Monetary Fund (IMF) and local and international NGOs, official corruption was widespread, particularly in the mismanagement of natural resources. The IMF and World Bank expressed concern about governance and lack of financial transparency, inadequate internal controls and accounting systems, and conflicts of interest in the marketing of oil by the state-owned oil company. Government officials, through bribes or other fraud, regularly siphoned off the bulk of revenues from these industries into private overseas

accounts. Pervasive lower-level corruption included security personnel and customs and immigrations officials demanding bribes.

Two prominent anticorruption and human rights activists, Christian Mounzeo and Brice Mackosso, reported an end to the harassment they had been subjected to since their 2006 arrests and convictions on politically motivated charges of embezzlement. By year's end neither man had been approached by government authorities to pay the 300,000 CFA (approximately \$670) fines imposed in their 2006 sentencing. During the year both men reported being able to travel freely.

The law provides for public access to government information for citizens, noncitizens, and the foreign media; however, in practice there were lengthy delays before the Government released information, if it did so at all.

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

A number of domestic and international human rights groups generally operated, with some exceptions, without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were more cooperative and responsive to international groups than to domestic human rights groups. However, domestic human rights groups tended not to report specific incidents for fear the Government would impose obstacles to their work.

The Government-sponsored HRC is charged with acting as a government watchdog and addressing public concerns on human rights issues. Observers claimed that the commission was completely ineffective and lacked independence. The president appointed most, if not all, of its members. During the year the commission met for the first time since its creation in 2003, but failed to take any significant actions other than sending its members on all-expense-paid trips to international conferences and other venues.

The ICRC maintained an office in Brazzaville. During the year access to government officials and to detainees remained good for international humanitarian officials. Local NGOs, in contrast, had poor access.

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

The law and constitution prohibit discrimination on the basis of race, gender, language, social status, or handicap; however, the Government did not effectively enforce these prohibitions. Societal discrimination and violence against women, trafficking in persons, regional ethnic discrimination, and discrimination against indigenous persons were problems.

Women.—Rape, including spousal rape, is illegal; however, the Government did not effectively enforce the law. The law prescribes five to 10 years in prison for violators. However, depending on the severity of the circumstances, the penalties for rape, despite what the law requires, in practice could be as few as several months but rarely more than three years' imprisonment. Rape was common, although the extent of the problem was unknown because the crime was seldom reported. Fewer than 25 percent of reported rape cases were prosecuted, according to local and international NGO estimates.

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions under the law outlawing spousal battery, other than general statutes prohibiting assault. Domestic violence traditionally was handled within the extended family or village, and only more extreme incidents were reported to the police, primarily due to the social stigma for the victim. No official statistics concerning domestic violence against women were available. Local NGOs continued awareness campaigns and workshops.

Female genital mutilation (FGM) was not practiced indigenously and is against the law. It may have occurred, however, in some immigrant communities from West African countries where it was common. There were no known government or other efforts to investigate or combat FGM.

Prostitution is illegal, but the Government did not effectively enforce this prohibition. Prostitution was common, and police often accepted services in lieu of arresting prostitutes.

Sexual harassment is illegal. Generally the penalty is two to five years in prison. In particularly egregious cases, the penalty can equal the maximum for rape, five to 10 years in prison. However, the Government did not effectively enforce the law. Sexual harassment was very common but rarely reported. As in previous years, there were no available statistics on its incidence.

Marriage and family laws overtly discriminate against women. Adultery is illegal for women but not for men. Polygyny (having multiple wives) is legal; polyandry (having multiple husbands) is not. The law provides that a wife shall inherit 30 percent of her husband's estate. In practice, however, the wife often lost all inheritance

upon the death of her spouse, particularly under traditional or common-law marriage. The symbolic nature of the dowry is set in the law; however, this often was not respected, and men were obliged to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers. The Ministry of Social Affairs was in charge of protecting and promoting the rights of women, but it did not effectively perform its function.

The law prohibits discrimination based on gender and stipulates that women have the right to equal pay for equal work. However, women were underrepresented in the formal sector. Women experienced economic discrimination in access to employment, credit, pay, and owning or managing businesses. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas were especially disadvantaged in terms of education and wage employment and were confined largely to family farming, small-scale commerce, and child-rearing responsibilities. Many local and international NGOs have developed micro-credit programs to address this problem, and government ministries such as those of social affairs and agriculture were also active in helping women set up small income-producing businesses.

Children.—The Government was committed to protecting the rights and welfare of children. The Government does not provide automatic recording of births; it is up to parents to record the birth of a child. Recording is not required, but must be done to obtain a birth certificate necessary for school enrollment, etc. Those living in remote villages have a difficult time doing so, as this was done only in the major city of each department. The Government continued a system to provide free birth registration in Brazzaville, but, as in previous years, the program did not cover other areas of the country.

Education was compulsory, tuition-free, and universal until the age of 16, but families were required to pay for books, uniforms, and school fees. In the cities approximately 95 percent of primary school-age children attended school, and in rural areas an estimated 90 percent attended. Schools were overcrowded and facilities extremely poor. Girls and boys attended primary school in equal numbers; however, the proportion of girls who continued on to the high school and university levels was significantly lower. Girls generally quit school by age 15 or 16. In addition teenage girls often were pressured to exchange sex for better grades, which resulted in both the spread of HIV/AIDS and unwanted and unplanned pregnancies.

Reported child abuse was not common. Most reports in previous years involved the West African immigrant communities in the country.

There were isolated cases of child prostitution among children who lived on the streets. The prevalence of the problem remained unclear. According to reports from international and local NGOs and other observers, these cases were not linked to trafficking but were efforts by some of these children to survive.

With support from international organizations, the Government provided economic and counseling support to former child soldiers.

During the year the number of children who lived on the streets remained approximately the same. International organizations assisted with programs to feed and shelter these children. The majority of homeless children in Brazzaville and Pointe Noire were believed to be from the DRC, according to the UN Children's Fund (UNICEF). Children who lived on the streets were vulnerable to sexual exploitation and often fell prey to criminal elements such as drug smugglers. Many begged or sold cheap or stolen goods to support themselves.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to and within the country.

There continued to be reports of trafficking of children by West African immigrants living in the country, as well as trafficking of children from the DRC. Trafficking could be prosecuted under existing laws against slavery, prostitution, rape, illegal immigration, forced labor, and regulations regarding employer-employee relations. However, there were no known cases of the Government prosecuting any trafficker under these laws. The ministries of security, labor, and social affairs, as well as the gendarmerie, have responsibility for trafficking issues. There were no government programs to prevent trafficking or to provide protection or assistance to victims of trafficking.

A 2007 UNICEF report indicated the country was a destination for trafficked persons, with an estimated 1,800 children reportedly trafficked in Brazzaville and Pointe Noire. There were reports that underage relatives of immigrants from West Africa could be victims of trafficking. There was no evidence of trafficking in adults.

Children from West Africa worked as fishermen, shop workers, street sellers, or domestic servants. There were reports that some were physically abused.

Suspected traffickers, who were believed to be either distant relatives or fellow countrymen of the victims, recruited parents to sell their children with false promises of providing the children care or training, visas to Europe, or South Africa.

There were no known cases of the Government assisting with international investigations or extraditing citizens who were accused of trafficking in other countries. During the year a joint program by UNICEF, local NGOs, most notably Action Against Trafficking of West African Children (ALTO), and government officials in Pointe Noire continued successfully repatriating some West African children who claimed to have been trafficked, particularly from Benin.

There was no evidence of involvement of government officials in trafficking, although bribery and corruption were problems. In March the wife of a former presidential cabinet official was arrested in Canada on human trafficking suspicions.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although the Government generally did not enforce the law. There were no laws mandating access for persons with disabilities. The Ministry of Social Affairs is the lead ministry responsible for these issues.

National/Racial/Ethnic Minorities.—The law prohibits discrimination based on ethnicity; however, the Government did not effectively enforce this prohibition.

Regional ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and buying patterns, and apparent in the effective "north-south" regional segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact. Supporters of the Government included persons mostly from northern ethnic groups, such as the president's Mbochi group and related clans.

Indigenous People.—The indigenous Pygmy ethnic group (also known as the Baka people), who lived primarily in forest regions, did not enjoy equal treatment in the predominantly Bantu society. Indigenous people are estimated to constitute 10 per cent of the population or an estimated 300,000 persons. The Government did not effectively protect their civil and political rights. Pygmies were severely marginalized in regard to employment, health services, and education, in part due to their isolation in remote areas of the country and their different cultural norms. Pygmies usually were considered socially inferior and had little political voice; however, in recent years several Pygmy rights groups have developed programs and were actively focusing on these issues. Many Pygmies were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests.

In March the High Court in the Sabiti district indicted a prominent former government official for the disappearance of an indigenous girl in 1989. The former official, Omer Gapa, was arrested in March and was awaiting trial at year's end. The girl, who was six when she disappeared, has not been seen since, according to the local human rights NGO OCDH and APSPC, an NGO advocating for the country's indigenous populations.

During the year the National Network of Indigenous People of Congo continued its campaigns directed at the Government, civil society, and international organizations to improve Pygmy living conditions.

Bantu ethnic groups have exploited Pygmies, possibly including children, as cheap labor; however, as in previous years, there was little information regarding the extent of the problem.

Other Societal Abuses and Discrimination.—The constitution prohibits discrimination based on political, sexual, or religious orientation. However, the social stigma associated with homosexuality was significant. There was no open homosexuality in the country.

In contrast, persons with HIV/AIDS were fairly well organized and sought fair treatment, especially regarding employment. NGOs worked widely on HIV/AIDS issues, including raising public awareness that those living with HIV/AIDS were still able to contribute to society. The law provides avenues for wronged persons to file lawsuits if they were, for example, terminated from employment due to their HIV/AIDS status.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers

exercised this right. Members of the security forces and other essential services do not have this right, however. Almost 100 percent of workers in the public sector and approximately 25 percent of workers in the formal private sector were union members.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law also provides for the right to bargain collectively, and workers exercised this right freely, although collective bargaining was not widespread due to severe economic conditions.

Unlike in previous years, there were no reports that antiunion discrimination occurred. Most trade unions were reportedly weak and subject to government influence; as a result, workers' demonstrations were frequently prohibited, often by the unions themselves. There were no reports during the year of employers firing workers for union activity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that such practices occurred.

The Government has not repealed a 1960 law which allows persons to be requisitioned for work of public interest and provides for their possible imprisonment if they refuse. However, there are no reports of the law ever being utilized or enforced.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although there are laws and policies designed to protect children from exploitation in the workplace, child labor was a problem. The minimum age for employment or internships was 16 years; however, this law generally was not enforced, particularly in rural areas and in the informal sector. Children worked with their families on farms or in small businesses in the informal sector without government monitoring.

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector, where its efforts generally were effective. As in previous years, limited resources prevented the ministry from carrying out regular child labor inspection trips.

International aid groups reported little change during the year in child labor conditions: the problem existed, but had neither worsened nor improved.

e. Acceptable Conditions of Work.—The national minimum wage, which was 54,000 CFAF (approximately \$110) per month in the formal sector, did not provide a decent standard of living for a worker and family. Wage floors established in the 1980s for various sectors have remained largely unchanged and are not considered relevant, as wages in the formal sector are paid above the minimum levels, although often not by much. There was no official minimum wage for the agricultural and other informal sectors. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment, mainly in the informal sector. The bulk of back salaries for government and parastatal workers dating to the late 1990s civil conflict period remained unpaid.

The law provides for a standard workweek of seven hours per day, six days a week with a one-hour lunch break. There was no legal limit on the number of hours worked per week. The law stipulates that overtime must be paid for all work in excess of 42 hours per week; however, there is no legal prohibition against excessive compulsory overtime. Overtime was subject to agreement between employer and employee.

Although health and safety regulations require biannual visits by inspectors from the Ministry of Labor, such visits occurred much less frequently. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment.

COTE D'IVOIRE

Cote d'Ivoire is a democratic republic with an estimated population of 18 million. Laurent Gbagbo, candidate of the Ivoirian People's Front (FPI), became the country's third president in 2000. The 2000 presidential election, which excluded two of the major political parties, the Democratic Party of Cote d'Ivoire (PDCI) and the Rally for Republicans (RDR), was marred by significant violence and irregularities.

In 2002 a failed coup attempt evolved into a rebellion, which split control of the country between the rebel New Forces (FN) in the north and the Government in the south. The failure of subsequent peace accords resulted in the 2004 deployment of 6,000 peacekeepers under the UN Operation in Cote d'Ivoire (UNOCI), who joined the 4,000-member French Operation Licorne peacekeeping force already in the country. Approximately 8,000 UNOCI and 1,800 Licorne peacekeepers remained in the country at year's end to support the ongoing peace process. Civilian authorities generally maintained effective control of the security forces in government-controlled zones. Authorities in FN controlled zones generally did not maintain effective control of the security forces.

In 2007 President Gbagbo and FN rebel leader Guillaume Soro signed the Ouagadougou Political Agreement (OPA), which mandated elections and led to the dismantling of the zone of confidence (ZOC) dividing north and south. At year's end nearly 90 percent of civil administration had returned to the north, and mobile courts had distributed birth certificates to many of those persons who were never registered. However, implementation of other key tenets of the OPA—including disarmament of armed factions and determination of citizenship—remained incomplete. On November 11, the Permanent Consultation Framework for the OPA announced the postponement of the presidential election, scheduled for November 30. A new date had not been announced at year's end.

The Government's human rights record improved slightly during the year but continued to be poor. The following human rights abuses were reported: restriction of citizens' right to change their government; arbitrary and unlawful killings, including summary executions by security forces and progovernment militias; torture and other cruel, inhuman, or degrading treatment and punishment by security forces; life-threatening prison and detention center conditions; security force impunity; arbitrary arrest and detention; denial of fair public trial; arbitrary interference with privacy, family, home, and correspondence; police harassment and abuse of noncitizen Africans; use of excessive force and other abuses in internal conflicts; restrictions on freedoms of speech, press, peaceful assembly, association, and movement; official corruption; discrimination and violence against women, including female genital mutilation (FGM); child abuse and exploitation, including forced and hazardous labor; forced labor; and trafficking in persons.

The FN's human rights record improved slightly during the year but continued to be poor. There were reports of extrajudicial killings with impunity and torture. UNOCI reported the killing, disappearance, and rape of civilians in FN-held territories. The FN continued to arbitrarily arrest and detain persons and to conduct arbitrary ad hoc justice during the year. Conditions in FN prisons and detention centers were life-threatening.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were several reports that the Government or its agents committed arbitrary or unlawful killings. Security forces continued to commit extrajudicial killings with impunity, and progovernment militia groups were responsible for killings, disappearances, and harassment. These crimes often went unreported or underreported due to fear of reprisals.

On April 1, police fired on protestors in Abidjan who were demonstrating against rising prices of basic products like rice and cooking oil, killing a 25-year-old man. No action was taken against the police.

On April 16, gendarme Drissa Dante shot and killed Camara Mouyama, a 15-year-old girl, as he and his colleague were trying to disperse an angry crowd that was threatening them. Two days after the incident, the military prosecutor put Dante and his colleague in prison, and an investigative judge was examining their case at year's end.

Security forces frequently resorted to lethal force to combat widespread crime and often committed crimes themselves with impunity. Such cases often occurred when security forces apprehended suspects or tried to extort money from taxi drivers and merchants at checkpoints and roadblocks.

During the year there were a number of killings attributed to members of the Security Operations Command Center (CECOS), a government anticrime organization whose personnel also were accused of other human rights violations, racketeering, extortion, and harassment. Members of CECOS reportedly carried out summary executions of suspected thieves in Abidjan, although the interior ministry stated that all victims were criminals killed in the course of police anticrime activities.

On February 27, CECOS member Sergeant Alain Yao Konan shot and killed Bamba Lassina, a 24-year-old gbaka (minibus) driver, as he tried to flee a police

checkpoint in Yopougon. Judges tried and sentenced Konan to three years' imprisonment.

There were no developments in the separate 2007 CECOS killings of two prison escapees, an innocent bystander, or Toulman Ibrahim.

During the year extrajudicial killings attributed to the FN were reported in rebel-held zones and in the former zone of confidence.

In January the UNOCI Human Rights Division and Ivoirian human rights organizations claimed the FN arrested five persons in their homes and executed them in the municipal cemetery of Bouake in December 2007. The FN denied any involvement in the killings and did not conduct an official investigation. The FN detained a few persons in connection with the case but released them after a few months without filing further charges.

In July a woman contacted the UN Police (UNPOL) office in Bouake to report her husband, an FN soldier, missing. FN authorities told UNPOL that the woman's husband and two other men had been arrested for stealing 25 million CFA (approximately \$50,000) from a village. FN authorities said FN soldiers killed the three men because they became violent and attempted to escape. The FN did not conduct an investigation into the incident.

On November 9, four FN soldiers stationed in Boundiali arrested two FN soldiers in Odienne for allegedly taking part in a highway robbery. According to the UNOCI Human Rights Office in Odienne, the FN soldiers making the arrest tied up the two men and put them into the trunk of a car. The FN soldiers killed one of the men; the other escaped.

The FN killed nine alleged insurgents immediately following an FN military uprising in Seguela on November 24. According to UNOCI reports, the FN also arrested 73 persons in connection with the incident. The UNOCI Human Rights Office, which visited detainees at three FN detention centers, noted that most of the detainees had visible marks of torture and ill-treatment on their bodies. Although 42 of those arrested were eventually released, many alleged insurgents remained missing, including Doumbia Amara, who was abducted from his home in Seguela on November 24. The FN did not conduct an investigation into the incident.

No government action was taken against members of security forces or the Young Patriots (a youth group with close ties to the ruling FPI party) responsible for summary executions in previous years.

The police officer allegedly responsible for the 2007 killing of Young Patriot Henri Beugre received a new assignment after spending a few weeks in jail.

No investigations were conducted into numerous abuses committed by rebels in previous years, including summary executions and other killings.

In Abidjan and the western part of the country, there were reports of atrocities, including killings by progovernment militia groups and armed bandits thought to be members of the FN.

Reports of ethnic conflict between local residents in the west and other settlers (principally Ivoirians) continued (See Section 5).

b. Disappearance.—There were a few unconfirmed press reports of disappearances of members of the opposition and other citizens, who remained missing at year's end. There were also unconfirmed press reports that security forces participated in kidnappings.

The Government made no effort to assist the French investigation into the 2004 disappearance of Franco-Canadian journalist Guy Andre Kieffer. In July First Lady Simone Gbagbo did not appear in Paris before a French investigative judge to answer questions about the case, claiming she had not been informed of the subpoena.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, security forces and FN soldiers and police beat and abused detainees and prisoners to punish them, extract confessions, or extort payments with near-total impunity. Police officers forced detainees to perform degrading tasks under threat of physical harm and continued to harass and extort bribes from persons of northern origin or with northern names.

There were unconfirmed reports that security forces raped women and girls. There were no developments in the cases from previous years in which security forces committed rape.

The UN and the concerned troop-contributing country (TCC) concluded their investigations into allegations of sexual exploitation and abuse of minors in 2007 by UNOCI personnel stationed in Bouake. At year's end a joint UN-TCC report was under review for subsequent finalization and release.

On May 27, the BBC reported on allegations stemming from a separate incident in which 10 UNOCI peacekeepers sexually abused a 13-year-old Ivoirian girl near her home in 2007. The report was part of the BBC's coverage of the release of the

Save the Children UK report No One to Turn To which revealed incidents of child sexual exploitation by humanitarian workers and peacekeepers. The UN and the concerned TCC conducted an investigation into the case. An official report was sent to the UN Secretariat in December but had not been made public by year's end.

There continued to be reports that noncitizen Africans, mostly from neighboring countries, were subject to harassment by security forces and "self-defense" groups, including repeated document checks, security force extortion, and racketeering.

In FN-controlled areas, FN military police operated with impunity in administering punishment without legally constituted executive or judicial oversight.

On December 9, FN soldiers reportedly arrested seven persons, including three civilians and four FN soldiers, and detained them in Bouna prison for alleged involvement in armed robberies and the sale of stolen motorcycles. The FN soldiers reportedly beat the detainees and ordered them to run barefoot around the city. At least one detainee was reported to have been shot in the foot, and one of the civilians allegedly collapsed and died. At year's end the detainees remained in Bouna prison, and no formal investigation into the incident had been conducted.

There were confirmed reports that FN members raped women and girls in the north and that rebel soldiers tortured suspected government loyalists or allies of rival rebel leader Ibrahim Coulibaly in the zones under their control.

On January 2, two soldiers from a joint brigade made up of government Security and Defense Forces (FDS) and the FN raped a 13-year-old girl in Kounahiri. The Government took no action against the alleged rapists, despite appeals to the local FDS-FN unit commander by the UNOCI Human Rights Division.

An April UNOCI report noted that two FN members raped two girls, ages 10 and 12, in Bouake and Danane. After UNOCI intervention, the FN apprehended one of the alleged rapists and detained him at the Bouake civilian prison, where he remained at year's end.

On May 10, FN soldiers arrested and tortured three cattle breeders at the house of a corporal responsible for the FN cattle unit in Odiénne. The UNOCI Human Rights Division reported that the FN soldiers removed the trousers and shirts of the three men and tightly bound their hands. For three days, the men were beaten with military belts and kicked, leaving visible scars. During their detention, the soldiers gave them only a little food once a day and made them sleep on the bare floor. Following an intervention by the UNOCI Human Rights Office in Odiénne, the three men, who had been detained for ten days, were released.

On August 31, five men (including two FN soldiers) physically assaulted and tortured a man accused of stealing a sheep in Bouake. The FN soldiers, reportedly armed with Kalashnikovs, forcibly entered the victim's house and beat him with truncheons, military belts, and the butts of their guns. They also allegedly inflicted burns on him with matches and threatened to kill him. No disciplinary action was taken against the perpetrators.

Prison and Detention Center Conditions.—Conditions were poor and in some cases life-threatening in the country's 33 prisons. In the 22 prisons, which also served as detention centers, located in the area under government control, this situation was primarily due to inadequate budgets and overcrowding. For example, the country's main prison, the Abidjan Correctional Facility and Penitentiary (MACA), was built for 1,500 persons but held more than 5,000 detainees. Conditions in MACA were notoriously bad, especially for the poor. Some wealthier prisoners reportedly could "buy" extra cell space, food, and even staff to wash and iron their clothes. The Government provided inadequate daily food rations, which were insufficient to prevent cases of severe malnutrition in prisoners whose families did not bring them additional food. As of September 30, 161 prisoners had died in the country's 22 government-controlled prisons, mostly due to malnutrition and disease. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations.

Male minors were held separately from adult men, but the physical barriers at MACA were inadequate to enforce complete separation. At year's end fewer minors were detained with adults than in the past.

Pretrial detainees were held with convicted prisoners.

Prison conditions for women were particularly difficult, and health-care facilities were inadequate. There were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. Pregnant prisoners went to hospitals to give birth, and their children often lived with them in prison. The penitentiary accepted no responsibility for the care or feeding of the infants, although inmate mothers received help from local nongovernmental organizations (NGOs).

The Government permitted access to prisons by the International Committee of the Red Cross (ICRC) and by local and international NGOs, including World Doctors, International Prisons' Friendship, Love Amour, Prisoners Without Borders, and the Ivoirian Islamic Medical Rescue Association.

Detainees continued to suffer from lack of food and medical care in government-controlled prisons. In August four prisoners died from malnutrition in the Daloa prison. Another Daloa inmate suffering from bullet wounds died on August 7, after authorities failed to refer him to the hospital for treatment.

No government action was taken in the 2007 case of 26 detainees who died in a government-controlled prison in Daloa due to malnutrition, poor hygiene, and disease.

On December 15, following violent clashes in MACA two days earlier, one prisoner was killed and scores injured when police launched a containment operation. Prison authorities claimed that the prisoner died from being stabbed by another inmate during the confrontation. No investigation was conducted into the incident.

The FN continued to maintain detention centers and prisons, and the ICRC and UNOCI Human Rights Division local teams were often granted access to them. The FN did not always allow these organizations to meet with detained or incarcerated individuals privately, however, and they occasionally denied visitation rights for some detainees.

Detention and prison conditions in FN zones were extremely poor, with detainees often housed in converted schools, movie theaters, or other buildings with poor air circulation and sanitary facilities. In August UNOCI discovered a two-meter-deep hole covered with iron bars that the FN was using as an illegal detention area. Despite numerous attempts by UNOCI to discuss the subject with the FN sector commander, the illegal detention hole continued to be used.

Prison conditions in FN zones were significantly worse than in MACA. Although Prisoners Without Borders renovated the Bouake and Korhogo prisons located in FN zones, by year's end these prisons were not yet fully operational. The FN did not have sufficient personnel to operate the two prisons, nor could they provide prisoners with proper food or health care. Many detainees became ill with respiratory diseases, tuberculosis, or malaria due to lack of medical care and unhygienic conditions.

Persons died in FN custody, and there continued to be credible reports that prisoners died in FN jails. The UNOCI Human Rights Office in Bouake reported that in early October, an FN element suspected of theft and illegal possession of firearms was found dead in his cell. Local authorities claimed he had hung himself.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, both occurred frequently.

Role of the Police and Security Apparatus.—Security forces under the ministries of defense and interior include the army, navy, air force, republican guard, presidential security force, and the gendarmerie, a branch of the armed forces with responsibility for general law enforcement. Police forces, which are under the jurisdiction of the Ministry of Interior, include paramilitary rapid intervention units such as the Anti-Riot Brigade, the Republican Security Company, and the plainclothes investigating unit, Directorate for Territorial Security (DST). In 2005 the Ministry of Interior formed CECOS to combat rising crime in Abidjan. A central security staff collected and distributed information regarding crime and coordinated the activities of the security forces.

Poor training and supervision of security forces, corruption, the public's fear of pressing charges, and investigations conducted by security forces, who themselves were abusers, contributed to widespread impunity and lawlessness in the country. Racketeering at roadblocks remained a serious problem. There were fewer reports than in the previous year that security forces forced persons stopped at roadblocks to do push-ups while being beaten or subjected to other abuses.

In June the Government launched a nationwide crackdown on racketeering at checkpoints, arresting some drivers who paid bribes to security forces but not the police officers who took the bribes. Those who refused to pay bribes continued to face the confiscation of their official documents, harassment, intimidation, or physical abuse.

Police solicited sexual favors from prostitutes in exchange for not arresting them. Security forces often were accused of causing rising crime in Abidjan; for example, there were credible reports that they rented their uniforms and weapons to persons wanting to engage in criminal activity.

Security forces frequently resorted to excessive and sometimes lethal force while conducting security operations and dispersing demonstrations.

Security forces on occasion also failed to prevent violence.

The Government sometimes took action against police officers who committed abuses; however, it generally did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances.

The Government partnered with UNOCI during the year to provide human rights training to security forces in advance of elections planned for November but later postponed it.

Arrest and Detention.—Under the law, officials must have warrants to conduct searches, although police sometimes used a general search warrant without a name or address. A bail system existed solely at the discretion of the judge trying the case. Detainees were generally allowed access to lawyers; however, in cases of accusations of complicity with the rebels or other matters of national security, detainees were frequently denied access to lawyers and family members. For more serious crimes, those who could not afford to pay for lawyers were given lawyers by the state, but alleged offenders charged with less serious offenses were often without representation.

A public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases such as suspected actions against state security, the law permits an additional 48-hour period. According to members of the jurists' union, police often held persons for more than the 48-hour legal limit without bringing charges, and magistrates often were unable to verify that detainees who were not charged were released. Defendants do not have the right to a judicial determination of the legality of their detention. A magistrate can order pretrial detention for up to four months but also has to provide the minister of justice with a written justification on a monthly basis for continued detention.

The DST is charged with collecting and analyzing information relating to national security. The DST has the authority to hold persons for up to four days without charges; however, human rights groups stated there were numerous cases of detentions exceeding the statutory limit.

On January 17, security forces arrested 11 persons for alleged coup plotting. The individuals were linked to former rebel leader Ibrahim Coulibaly, whose supporters had allegedly attacked FN personnel in Bouake in December 2007, resulting in several deaths. The individuals denied participating in any coup plot and had not been tried at year's end.

Abdul Ibrahim Redda, a naturalized Ivoirian citizen of Lebanese origin who was deported in 2007 without being tried, was allowed to return to the country.

There were fewer reports than in the previous year that security forces arbitrarily arrested merchants and transporters, often in conjunction with harassment and requests for bribes.

Police and gendarmes detained persons in various military camps in Abidjan; however, there were fewer such reports than in the previous year. Few of these detainees entered the civil justice system.

Many inmates continued to suffer long detention periods in MACA and other prisons while awaiting trial. Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some pretrial detainees were held in detention for years. As of September 30, the National Prison Administration reported that of the 11,143 persons held in the 22 government controlled prisons, 30 percent were pretrial detainees.

Amnesty.—No amnesty decrees were issued during the year.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, in practice the judiciary was subject to influence from the executive branch, the military, and other outside forces. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. There also were credible reports that judges were corrupt. It was common for judges open to bribery to distort the merits of a case. Judges also reportedly accepted bribes in the form of money and sexual favors. The judiciary was slow and inefficient.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals, lower courts, and a constitutional council. The law grants the president the power to replace the head of the Supreme Court after a new parliament is convened.

Trial Procedures.—The law provides for the right to public trial, although key evidence sometimes was given secretly. Juries are used only in trials at the Court of Assizes, which meets on an ad hoc basis to try criminal cases. The Court of Assizes, which had not met since 2002 due to a lack of funds to pay salaries, resumed operations on September 2.

The Government did not always respect the presumption of innocence. Those convicted have the right of appeal, although higher courts rarely overturned verdicts. Defendants accused of felonies or capital crimes have the right to legal counsel. Other defendants may also seek legal counsel, but it is not obligatory. The judicial system provides for court appointed attorneys; however, no free legal assistance was available, aside from infrequent instances in which members of the bar provided pro bono advice to defendants for limited periods.

Defendants have the right to be present at their trial, but they may not present witnesses or evidence on their behalf or question any witnesses brought to testify against them. Defendants may not access government-held evidence, though their attorneys have the legal right to do so. Courts may try defendants in their absence.

In rural areas traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly superseded these traditional mechanisms. The law specifically provides for a grand mediator, appointed by the president, to bridge traditional and modern methods of dispute resolution. Grand mediators did not operate during the year.

Military courts did not try civilians. Although there were no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

There was little available information on the judicial system used by the FN in the northern and western regions. There were no developments in the case of the 2007 executions of Seydou Traore and several other persons who were allegedly plotting to overthrow the Government with the help of exiled military leader Sergeant Ibrahim Coulibaly.

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

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent judiciary in civil matters; however, the judiciary was subject to corruption, outside influence, and favoritism based on family and ethnic ties. Citizens can bring lawsuits seeking damages for, or cessation of, a human rights violation; however, they did so infrequently. The judiciary was slow and inefficient, and there were problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law provide for these rights; however, the Government did not respect these rights in practice, although there were fewer reports of violations than in previous years. Officials must have warrants to conduct searches, must have the prosecutor's agreement to retain any evidence seized in a search, and are required to have witnesses to a search, which may take place at any time; however, in practice police sometimes used a general search warrant without a name or address.

Security forces monitored private telephone conversations, but the extent of the practice was unknown. The Government admitted that it listened to fixed line and cellular telephone calls. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to monitor private correspondence, although there was no evidence of this. Members of the Government reportedly continued to use students as informants.

The FN continued to use confiscated property and vehicles of civil servants and those believed to be loyal to President Gbagbo; however, the FN vacated some of the property they had confiscated in previous years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, but the Government restricted these rights in practice. Following the 2002 rebellion, the Government reduced press freedoms in the name of patriotism and national unity. Journalists continued to practice self-censorship for fear of retribution. Government officials aggressively used the court system to punish critics.

On January 23, President Gbagbo signed a decree nominating new and independent boards of directors for the organizations that publish the Government's daily newspaper, *Fraternite Matin*, and control the national radio and television network, Radiodiffusion Television Ivoirienne. The positions had been vacant since 2006 when President Gbagbo dismissed the previous boards of directors and appointed two acting directors who were allied to his FPI party.

Fraternite Matin, which had the greatest circulation of any daily, rarely criticized government policy. There were a number of private newspapers that frequently criticized government policy, the president, and the ruling party. Most newspapers

were politicized and sometimes resorted to fabricated stories to defame political opponents.

On January 5, officials charged Antoine Assale Tiemoko, the chairman of a small NGO, with defamation for publishing a paper on judicial corruption in the country. He was sentenced to one year's imprisonment and paid a fine of 600,000 CFA (approximately \$1,200). At year's end Tiemoko was still in MACA serving his sentence.

On December 13, police arrested Ebenezer Viwami, editor of *Alerte Info*, an independent news agency based in Abidjan, for allegedly publishing false information on a riot at the central prison in Abidjan which occurred the same day. Viwami was released without charge on December 18.

Private radio stations did not have complete control over their editorial content. National broadcast regulations prohibit the transmission of any political commentary. The Government used the National Audiovisual Communication Council (CNCA), controlled by the ruling party, to closely monitor Radio Nostalgie because the major shareholders of the company were close to RDR president Alassane Ouattara. The CNCA also banned Radio France International (RFI) from operating in the country for three months during the year, stating that its broadcasts were biased because RFI lacked an in-country correspondent. The CNCA lifted the ban after a permanent RFI correspondent arrived in Abidjan in May.

The Government did not interfere with UNOCI's radio station, ONUCI-FM. However, like the approximately 121 proximity/community radios in Cote d'Ivoire, ONUCI-FM's 19 proximity/community radio partners are subject to national regulations, which prohibit the transmission of politically related messages.

The Government and the ruling FPI continued to exercise considerable influence over the official media's television program content and news coverage. During the year opposition leaders frequently complained that the official media did not accord the opposition equal television airtime.

There were no new developments in the 2007 cases of newspaper publisher Denis Kah Zion or editor Andre Silver Konan, who both remained in prison for "contempt of the head of state" at year's end.

The media played a role in inflaming tensions, and newspapers backed by political parties published inflammatory editorials and created a climate of hostility toward political opponents. The Ivoirian Observatory on Press Freedom and Ethics and the National Press Commission, which enforced regulations regarding creation, ownership, and freedom of the press, regularly published press releases urging journalists to be more moderate.

Members of the security forces continued to harass and beat journalists. Outspoken members of the press, particularly those working for opposition party newspapers, continued to suffer physical intimidation from groups aligned with the ruling FPI party.

The Government harassed and imprisoned foreign journalists.

In January French freelance journalist Jean-Paul Ney was arrested on charges of threatening national security after video footage he allegedly shot of coup preparations by exiled army sergeant Ibrahim Coulibaly surfaced on the Internet. On September 23, Ney allegedly attempted suicide while incarcerated. His trial had not begun by year's end, and he remained in prison in Abidjan.

In July members of the president's Republican Guard harassed and brutalized RFI correspondent Norbert Navarro to prevent him from covering a cabinet meeting at the presidential palace. The prime minister's office negotiated with the guards and secured his release.

No action was taken against progovernment youth groups who attacked, threatened, arrested, or harassed journalists in previous years. There were no reports during the year that the Young Patriots attacked journalists, destroyed issues of independent and opposition newspapers, or threatened newspaper vendors.

The law authorizes the Government to initiate criminal libel prosecutions against officials. In addition the state may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by three months to two years in prison.

The FN broadcast their own programming into FN-held territory from Bouake, which included radio and television shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, the FN broadcast on a local radio station from Man. The FN continued to allow broadcasts of government television or radio programs in their zones. The FN also allowed distribution of all progovernment newspapers and most independent newspapers in their territory.

No action was taken against FN members who beat, harassed, and killed journalists in previous years.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Citizens had access to the Internet at Internet cafes, but home access was prohibitively expensive for most persons.

Academic Freedom and Cultural Events.—The Government restricted academic freedom. The Student Federation of Cote d'Ivoire (FESCI), the progovernment militant student group created in the early 1990s, generated a climate of fear and intimidation at universities and secondary schools and regularly stopped classes, forced students to attend meetings, and threatened professors who interfered in their activities. The Government controlled most educational facilities, and a presidential decree required authorization for all meetings on campuses.

Many prominent scholars active in opposition politics retained their positions at state educational facilities; however, some teachers and professors suggested that they had been transferred, or feared that they could be transferred, to less desirable positions because of their political activities. According to student union statements, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

Violent attacks by FESCI against students and teachers continued during the year.

On February 8, the UNOCI Human Rights Office conducted a field mission to the Oume region in response to clashes between FESCI and students attending the Lycee Scientifique. UNOCI reported that 15 students suffered head and back injuries as a result of the clashes, which occurred on February 6. During its mission, UNOCI documented several cases presented by seven human rights clubs indicating that FESCI members on schools campuses had threatened and forcibly collected money from other students.

On May 7, Human Rights Watch presented a report entitled *The Best School: Student Violence, Impunity, and the Crisis in Cote d'Ivoire*, which documented numerous cases of violence, extortion, racketeering, torture, summary execution, and rape committed with total impunity by FESCI members.

On October 13, 12 members of FESCI allegedly attacked and severely beat a 34-year-old university professor in Abidjan. Because no action was taken against the perpetrators, teachers went on strike to protest alleged FESCI abuses for one week beginning October 27.

No action was taken against FESCI members responsible for violent incidents reported in previous years.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law allows for freedom of assembly; however, the Government sometimes restricted this right in practice. Groups that wished to hold demonstrations or rallies in stadiums or other enclosed spaces were required by law to submit a written notice of their intent to the Ministry of Security or the Ministry of Interior three days before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner, but the Government prohibited specific events deemed prejudicial to public order. Even if authorization for an event was granted, the Government could later revoke it. In 2006 President Gbagbo renewed a ban on all forms of outdoor public demonstrations in Abidjan. The ban had not been lifted at year's end.

There were no reports that security forces harassed and detained RDR members who tried to meet.

Police forcibly dispersed antigovernment demonstrations, which resulted in injuries. On March 31, riot police injured 10 persons demonstrating against the rising prices of basic products such as rice and cooking oil.

There were no developments in cases from previous years in which police used force to disperse demonstrations.

Six persons were injured, two of them seriously, and 44 arrested when FN soldiers forcibly stopped a demonstration by redeployed civil servants in Korhogo who were protesting against the nonpayment of their resettlement allowances. The civil servants launched a 96-hour strike on October 21.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right; however, the law prohibits the formation of political parties along ethnic or religious lines, both of which were, however, key factors in some parties' membership.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right. Although the country's political conflict lay along ethnic rather than religious lines, political and religious affili-

ations tended to follow ethnic lines. Consequently, religious affiliation was an important marker of political alliance. The targeting of Muslims suspected of rebel ties continued to diminish during the year.

There is no state religion; however, for historical reasons, government officials informally have favored Christianity, in particular the Catholic Church. Catholic schools receive government subsidies, for example.

Some Muslims believed that their religious or ethnic affiliation made them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards. As northern Muslims shared names, style of dress, and customs with several predominantly Muslim neighboring countries, they sometimes were accused wrongly of attempting to obtain nationality cards illegally to vote or otherwise take advantage of citizenship. This created a hardship for many Muslim citizens.

The law requires religious groups desiring to operate in the country to register; however, registration was granted routinely.

Societal Abuses and Discrimination.—The Jewish community in Cote d'Ivoire numbered less than 100 persons. There were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law do not provide specifically for freedom of movement, foreign travel, emigration, or repatriation, and the Government restricted freedom of movement during the year. There were frequent restrictions on internal travel. A curfew remained in place, prohibiting citizens from entering and leaving Yamoussoukro and Abidjan city limits between midnight and 5:00 a.m. Security forces, local civilian “self-defense” committees, and water, forestry, and customs officials frequently erected and operated roadblocks on major roads where they regularly extorted money from travelers.

Persons living under FN authority continued to face harassment and extortion when trying to travel between towns and to and from the Government-controlled south. Security forces also victimized northerners when they tried to cross into the zone under government control. The cost of either paying one's way through the various barricades or hiring a money runner to do so was substantial. Government officials reported the roundtrip cost for citizens in the north to travel from Bouake and other cities to Yamoussoukro to cash paychecks to be between 20,000 to 30,000 CFA (\$40–60). A money courier or informal banking service cost either 5000 CFA (\$10) or a flat percentage of the amount transferred.

By year's end approximately 70 percent of the private banks and government financial services had reopened in the north, thus making it unnecessary for many workers and retirees to travel to Bouake for banking operations. In the west, the situation remained unchanged: private banks and government financial services had not yet resumed operation.

The law specifically prohibits forced exile, and no persons were exiled forcibly during the year.

Internally Displaced Persons (IDPs).—There were large numbers of IDPs in the country as a result of the 2002 crisis. The most recent IDP data from the UN Population Fund estimated the total number of IDPs in the country to be 709,000. More than 90 percent of IDPs lived with host families, and almost 70 percent were located in Abidjan. However, other humanitarian organizations and donors noted that these statistics included IDPs who maintained access to their government salaries even after their displacement.

During the crisis progovernment and rebel forces did not generally target civilians, but ethnic conflict and fighting forced many persons to flee the zones of conflict, and others simply felt uncomfortable living on the side of the divided country where they initially found themselves. Roadblocks and toll collection points made it difficult for civilians to move throughout the country. IDPs continued to place heavy burdens on host communities, especially given the prolonged nature of the crisis.

Since the signing of the OPA in March 2007, important strides made toward peace promoted spontaneous and assisted returns of IDPs to their homes. At year's end the UN Office for the Coordination of Humanitarian Affairs estimated that approximately 76,000 IDPs had returned to their villages in the west and 45,000 were still living with host families and continued to require assistance.

Government assistance, especially in the north and west where civil servants and infrastructure were only partially in place, did not meet the needs of these IDPs. International and local NGOs worked to fill the gap.

The Ministry of Foreign Affairs and the Ministry of Solidarity and War Victims worked closely with UN agencies on IDP issues to ensure that the country's plans for IDP resettlement conformed to UN internal displacement guidelines.

During the year UN agencies and local authorities continued to facilitate the small-scale return of IDPs to several locations in the west of the country. As of September 4, the International Office for Migration estimated that 150 IDPs, mostly of Burkinabe origin, remained at the Guiglo Temporary Center for Assistance to Displaced People, despite its closure on July 31. The Government had not addressed this situation by year's end.

New population displacements continued on a regular basis in the western region, particularly in the area around Guiglo and in the former ZOC, although on a much smaller scale than had occurred in previous years.

Protection of Refugees.—The constitution and law provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protections to refugees. The Government is signatory to the 1969 Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa, and the law provides for asylum status to be granted in accordance with this convention.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status and asylum. The Government also cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and maintained an office charged with aiding refugees and stateless persons.

The Government also provided temporary protection for individuals who may not qualify as refugees under the 1951 Convention or the 1967 protocol.

Many of the country's refugees are Liberians. Individual security officers occasionally did not honor identity documents issued to refugees by the Government or by the UNHCR. There were fewer reports than in previous years that security forces destroyed refugees' identity documents or arbitrarily detained, verbally harassed, and beat refugees at checkpoints; however, these abuses occurred.

Liberians who arrived in the country before the 2003 peace agreement in Liberia benefited from group eligibility and received temporary refugee cards. Liberians who arrived in the country after the peace agreement did not receive temporary cards. Under certain circumstances, some asylum seekers who were not granted refugee status by the Government were provided refugee certificates by the UNHCR. The identity card law includes a provision for identity cards to be issued to non-Liberian individuals older than 14 whose refugee status has been granted by the National Eligibility Commission.

The Government began facilitating local integration for refugees in protracted situations. The National Office of Identification, together with the UNHCR and the Ivoirian Refugee and Stateless Persons Aid and Assistance Office, continued to provide refugee identity cards to undocumented Liberian refugees, which allowed them to legally reside and work in the country for the duration of their refugee status. Refugees also had access to naturalization.

The Government continued to assist the safe, voluntary return of refugees to their homes. At year's end UNHCR found that 24,256 Liberian refugees and 555 refugees from other countries still remained in the country.

Stateless Persons.—In the absence of reliable data, the scale of statelessness in the country was unclear but thought to be in the thousands. The country had habitual residents who were either legally stateless or de facto stateless, and the Government had not effectively implemented laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis.

Citizenship is derived from one's parents rather than by birth within the country's territory, and birth registration was not universal.

During the year the UNHCR continued to work with the ministries of justice and interior to raise awareness of statelessness.

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

The constitution and law provide for the right of citizens to change their government peacefully through democratic means; however, citizens were prevented from exercising this right in practice. President Gbagbo and the National Assembly remained in office at year's end despite the expiration of their term in 2005.

During the year implementation of the OPA faltered on several key areas, including election preparations. On November 10, the Permanent Consultation Framework

for the OPA met and confirmed that the presidential election scheduled for November 30 would not take place. The CEI had not announced a new date for the election at year's end.

Elections and Political Participation.—The 2000 election in which President Laurent Gbagbo came to power followed several postponements and a controversial Supreme Court decision disqualifying 14 of the 19 candidates, including RDR leader Ouattara and former president Bedie, president of the PDCI. As a result of the Supreme Court rulings, most international election observers declined to monitor the election. Preliminary results showed Gbagbo leading by a significant margin. However, an interior ministry and National Elections Commission (CNE) official announced the CNE's dissolution and declared General Guei the victor with 56 percent of the vote. Mass demonstrations by Gbagbo supporters erupted, resulting in numerous deaths and injuries. The next day, national radio and television reported that General Guei had stepped down and that Laurent Gbagbo had assumed the presidency.

Citizens' ability to elect National Assembly representatives was limited.

The 2000 National Assembly election was marred by violence, irregularities, and a very low participation rate. In addition the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of election officials.

Following the legislative by-elections in 2001, 223 of the 225 seats of the National Assembly were filled.

Women held 19 of 225 seats in the last elected National Assembly, whose mandate expired at the end of 2005. The first vice president of the National Assembly was a woman. Women held four of the 33 ministerial positions in Prime Minister Soro's cabinet. Of the 41 Supreme Court justices, four were women. Henriette Dagri Diabate served as secretary general of the RDR, the party's second ranking position.

Presidential and parliamentary elections previously scheduled for 2005 based on UN resolutions were not held due to the lack of political reconciliation and progress in the disarmament, demobilization, and reintegration program.

In March 2007, following several failed political accords, President Gbagbo and FN rebel leader Guillaume Soro signed the OPA, which established a transitional government with Soro as prime minister and called for presidential elections in 2008.

With the signing of the OPA, the country began to take steps toward reconciliation. On April 23, 37 political parties signed the Ivoirian Political Party Code of Conduct. By year's end nearly 90 percent of the civil administration displaced from the north during the conflict had redeployed, although many still were limited by the FN in their ability to exercise administrative authority, and the Government had completed nationwide public identity hearings to issue birth certificates to unregistered citizens and noncitizens older than 13.

On September 15, the Government began the identification process for all persons, except citizens of the Economic Community of West African States countries, older than 16 living in the country and the voter registration process for persons older than 18. The president of the Independent Electoral Commission (CEI) stated that the identification and voter registration process was to last 45 days.

Members of FESCI reportedly broke into several registration centers, assaulted enrollment agents, and stole equipment. On October 23, the CEI suspended the registration process for five days.

Despite these difficulties, more than two million voters were registered in Abidjan alone in less than three months.

Due to technical, logistical, and financial difficulties, the process remained ongoing at year's end.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption had the greatest impact on judicial proceedings, contract awards, customs and tax issues, and accountability of the security forces (see also section 1.e.).

In June the Government arrested 23 cocoa and coffee industry officials in connection with the alleged embezzlement of 100 billion CFA (approximately \$200 million) in state funds. From October 20 to 24, the public prosecutor conducted hearings with five ministers in connection with the case. The accused officials were being held in MACA at year's end, awaiting trial.

A criminal trial on the 2006 toxic waste spill which killed 16 persons and poisoned several thousand in Abidjan was held September 29 to October 22. Twelve persons were charged, but only nine were tried since three disappeared after being released on bail. Two persons were found guilty: the head of the transportation company that

dumped the waste throughout Abidjan and the head of the shipping company that contracted for the waste to be removed from the port. Under an agreement between the Government and the freight company, Probo Koala, which was responsible for treating the waste, no senior member of the freight company was required to stand trial.

The Ivoirian government also received a 100-billion-CFA (approximately \$200 million) settlement, which it distributed to victims through the Humanitarian Cell in the Office of the Presidency. The cell established a list of 100,000 victims entitled to compensation, based on lists provided by hospitals.

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

A number of domestic and international human rights groups, including the Ivoirian League for Human Rights (LIDHO) and the Ivoirian Movement for Human Rights (MIDH), generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Government occasionally met with some of these groups.

During the year UNOCI, LIDHO, MIDH, Action for the Defense of Human Rights (APDH), and other human rights groups gathered evidence and testimony on human rights cases, published information in independent local daily newspapers, and criticized government security forces.

On May 5 and July 16, a group of assailants ransacked LIDHO's headquarters, stealing computer equipment containing nearly all of the organization's files, documents, and information on cases. Although a formal complaint was filed, the police did not conduct an investigation. LIDHO filed a complaint with a judge; however, at year's end, the case was still pending.

FESCI continued to threaten and harass human rights groups; however, the Government took no action against the student group for the destruction of LIDHO and APDH headquarters in May 2007.

No investigations were conducted into threats and harassment of members of human rights organizations in previous years.

Progovernment militia, unhindered by government security forces, blocked UN and French peacekeeping forces from conducting activities in government-controlled areas, although there were fewer such reports than in the previous year. There were no developments in the 2007 case of Young Patriots attacking and vandalizing a UN vehicle or in the 2006 case of progovernment demonstrators attacking vehicles belonging to then-prime minister Banny, a French embassy official, and the UN.

During the year the Government regularly permitted the World Food Program, the ICRC, and other international organizations to conduct humanitarian operations. Eleven UN agencies, including the International Labor Organization (ILO) and the World Health Organization, were resident and active throughout the year. There were no reports that the Government restricted their access to certain areas deemed sensitive or denigrated their work.

On May 25–27, the deputy UN high commissioner for human rights visited the country and highlighted progress on respect for human rights.

After seven years of attempts to get a functional and independent human rights commission off the ground, the country launched its National Commission for Human Rights in July. The commission is made up of 44 members, 10 of whom are from political parties that were signatories to the 2003 Linas-Marcoussis Agreement. The commission received a small budget and had few resources.

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

The law prohibits discrimination based on race, ethnicity, national origin, sex, or religion; however, the Government did not effectively enforce the law.

Women.—The law prohibits rape and provides for prison terms of five to 10 years; however, the Government did not enforce this law in practice. Claims were most frequently brought against child rapists. A life sentence can be imposed in cases of gang rape if the rapists are related to or hold positions of authority over the victim or if the victim is under 15 years of age. The law does not specifically penalize spousal rape. Rape was a problem. Since January 2007, for example, the Court of Abidjan has received an average of 16 cases of child rape per month.

Women's advocacy groups continued to protest the indifference of authorities to female victims of violence. Women who reported rape or domestic violence to the police were often ignored. Many female victims were convinced by their relatives and police to seek an amicable resolution with the rapist rather than pursue a legal case. The Ministry of Family and Social Affairs sought justice on behalf of rape victims, but as of September 30, only nine persons had officially been convicted and

sentenced for rape. Twenty-one additional persons accused of rape were sentenced for "immoral offense."

There were increased reports of unidentified highway bandits raping and sexually assaulting women in the western part of the country, especially along the Duekoue-Bangola road.

On August 28, three unidentified individuals armed with Kalashnikovs raped a woman in the Zohode encampment in Binao village.

On September 18, four assailants armed with AK-47 machine guns broke into the home of a trader in Duekoue, shot him in the arm, and raped his two daughters.

The law does not specifically outlaw domestic violence, which continued to be a serious problem throughout the country. However, penalties for assault provided for prison terms of one to 20 years, depending on the extent of the offense. Government enforcement of domestic violence complaints remained minimal, however, partially because the courts and police viewed domestic violence as a problem to be addressed within the family. The exception was if serious bodily harm was inflicted or the victim lodged a complaint, in which case criminal proceedings could be initiated. Many victims' own parents often urged withdrawal of a complaint because of the effect of social stigma on the family. As of September, the National Committee to Fight Violence Against Women and Children (CNLV) had handled 19 cases of battered wives and 10 cases of forced and early marriage during the year.

During the year the Ministry of Family and Social Affairs continued to provide limited assistance to victims of domestic violence and rape. The ministry's support included providing government-operated counseling centers with computers, printers, and other equipment for record-keeping and visiting a few victims in their homes to attempt to reconcile troubled couples and to remove domestic servants from homes in which they had been sexually abused.

The CNLV did not operate a shelter or a hotline for abused women. Instead, committee members gave out their own cell phone numbers on weekly radio programs. The committee also monitored abusive situations through frequent home visits. Young girls who feared becoming victims of abuse, FGM, or forced marriage could appeal to the committee. The committee often stopped abuse by threatening legal action against offending parents or husbands.

In May, June, and July, the Government held awareness-raising seminars on sexual violence for more than 1,000 judges and security personnel. In August the Government conducted similar seminars for traditional kings, chiefs, and religious leaders. As a result of the seminars, some security forces reportedly modified their behavior to provide victims with greater privacy, and courts began recording the testimony of rape victims who are minors in private. Judges also increased the provision of statistics and information on cases to enable the CNLV to follow up with victims.

Other cases of societal violence against women included FGM, dowry deaths, levirat (forcing a widow to marry her dead husband's brother), and sororat (forcing a woman to marry her dead sister's husband).

Prostitution is legal between consenting adults in private, and the practice was reported to be increasing due to worsening economic conditions. Soliciting and pandering are illegal. There were credible reports that police demanded bribes or sexual favors for allowing prostitution.

The law prohibits sexual harassment; however, the Government rarely enforced the law and such harassment was widespread and routinely accepted as a cultural norm. The penalties for sexual harassment are between one and three years' imprisonment and a fine ranging between 360,000 and one million CFA (approximately \$720–2,000). During the year the Government initiated one case against a prospective employer who sexually harassed a runner-up in the 2008 Miss Cote d'Ivoire pageant. He was tried and sentenced to one month in prison.

The law prohibits discrimination on the basis of gender; however, women experienced economic discrimination in access to employment, credit, and owning or managing businesses. Women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable resistance among employers in the formal sector to hiring women, who were considered less dependable because of their potential for becoming pregnant. Some women also encountered difficulty in obtaining loans as they could not meet the lending criteria established by banks, such as a title to a house and production of a profitable cash crop.

NGOs supervised efforts to create economic cooperatives to provide poor women access to small loans from the Government or private microfinance banks. Women in the formal sector usually were paid at the same rate as men; however, because the tax code did not recognize women as heads of households, female workers were required to pay income tax at a higher rate than their male counterparts. Women's organizations continued to campaign for tax reform to enable single mothers whose

children have been recognized by their fathers to receive deductions for their children. Inheritance law also discriminated against women.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. Women's organizations also campaigned against legal provisions that discriminated against women. The Coalition of Women Leaders and the Ministry of Family and Social Affairs continued their efforts to promote greater participation of women in political decision-making and in presenting themselves as candidates in legislative and municipal elections.

Children.—The ministries of public health, public administration, and social security sought to safeguard the welfare of children, and the Government also encouraged the formation of NGOs to promote children's interests.

The law provides parents a three-month period to register their child's birth for a fee of approximately 500 CFA (approximately \$1.00). The Government registered all births, as long as parents submitted documentation from a health clinic or hospital attesting that a birth had occurred. People without proper identification documents, however, could not register births, as identification is required to do so.

Primary education was not compulsory and usually ended when children reached 13 years of age; however, it was tuition-free. In principle students did not have to pay for books or fees; however, some still did so or rented books from street stalls because the Government did not cover school fees and books for every student. Students who failed secondary school entrance exams did not qualify for free secondary education, and many families could not afford to pay for schooling.

Parental preference for educating boys rather than girls persisted, particularly in rural areas. According to a study published by the National Institute for Statistics in March 2007, the national schooling rate for primary school children in 2006 was 55 percent, with a 59 percent attendance rate for boys and a 51 percent rate for girls.

Teachers sometimes demanded sexual favors from students in exchange for money. The penalty for statutory rape or attempted rape of a child under the age of 16 was a prison sentence of one to three years and a fine of 100,000 to one million CFA (approximately \$200 to \$2,000), but there were no arrests or convictions under this law during the year.

FGM was a serious problem. The law specifically forbids FGM and provides penalties for practitioners of up to five years' imprisonment and fines of approximately 360,000 to two million CFA (approximately \$720 to \$4,000). Double penalties apply to medical practitioners. An estimated 60 percent of women had been subjected to the procedure. FGM was practiced most frequently among rural populations in the north and west and to a lesser extent in the center and south. FGM usually was performed on girls before or at puberty as a rite of passage. Local NGOs, such as the Djigui Foundation, Animation Rurale de Korhogo, and the National Organization for Child, Woman, and Family, continued public awareness programs to prevent FGM and worked to persuade FGM practitioners to stop the practice. No arrests related to FGM were made during the year.

There were no developments in the 2006 case in which the FN arrested and later released without charge a mother and the FGM "cutters" who had mutilated, or partially removed, the genitalia of the woman's three-year-old daughter, who later required medical attention.

The law prohibits the marriage of men under the age of 20, women under the age of 18, and persons under the age of 21 without the consent of their parents. However, in conservative communities-particularly those in the north-traditional marriages were commonly performed with girls as young as 14. The law specifically penalizes anyone who forces a minor under 18 years of age to enter a religious or customary matrimonial union.

Children engaged in prostitution for survival without third-party involvement. No nationwide study has been conducted on the phenomenon, and the extent of the problem was unknown.

There were no reports during the year that progovernment militias or rebel forces recruited and used children as soldiers on either a voluntary or a forced basis. In December 2007 the UN secretary-general's special representative on children in armed conflict removed the names of four progovernment militias and the FN from the annexes of the secretary-general's report on children in armed conflict.

There were many thousands of children living on the streets, including approximately 5,000 in Abidjan. NGOs dedicated to helping street children found it difficult to estimate the extent of the problem and whether or not these children had access to government services.

Trafficking in Persons.—The constitution and law do not prohibit trafficking in persons, and, despite government antitrafficking efforts, trafficking in persons remained a problem.

The country was a source and destination country for trafficking in women and children. Women and children were trafficked from Nigeria, Niger, Mali, Burkina Faso, Ghana, Togo, Benin, Guinea-Bissau, and Mauritania for the purposes of sexual exploitation and forced commercial, agricultural, and domestic servitude. Women and children were also trafficked from the country to other African, European, and Middle Eastern countries for sexual exploitation and agricultural and domestic labor. The full extent and nature of trafficking in persons in the country was unknown despite efforts to document the problem. There was no reliable estimate on the number of children intercepted or repatriated during the year.

The informal labor sectors were not regulated under existing labor laws; as a result, domestics, most nonindustrial farm laborers, and those who worked in the country's broad range of street shops and restaurants remained outside formal government protection. Internal trafficking of girls ages nine to 15 to work as household domestics in Abidjan and elsewhere in the more prosperous south remained a problem. Traffickers of local children often were relatives or friends of the victim's parents. Traffickers sometimes promised parents that the children would learn a trade, but they often ended up on the streets as vendors or working as domestic servants.

Due to the economic crisis, many parents allowed their children to be exploited to minimize the financial burden on the family. Because security forces were trained to search buses for trafficked children, traffickers continued to adapt their methods, such as by relocating a small number of children at a time by bicycle or train or on foot rather than moving large groups of children into the country by bus.

Organized trafficking rings promised Nigerian women and girls that they would have jobs in restaurants and beauty salons in Abidjan; however, many of these victims were forced to work in brothels.

Children were trafficked into the country from neighboring countries to work in the informal sector in exchange for finder's fees. They were also trafficked to or within the country to work full- or part time in the cocoa sector.

Traffickers can be prosecuted under laws prohibiting kidnapping, forced labor, and mistreatment; however, there was minimal law enforcement in government-held territories, and traffickers rarely were prosecuted.

The Government cooperated with international investigations of trafficking.

The National Committee for the Fight Against Trafficking and Child Exploitation was created in 2006 to coordinate the Government's implementation of the multilateral cooperative agreement signed in 2005 by 10 West African countries. The committee included representatives from numerous government ministries and representatives from several national and international organizations and NGOs, including the UN Children's Fund, the ILO, Save the Children, the International Cocoa Foundation, the German Cooperation Agency, the Network of African Women Ministers and Parliamentarians-Cote d'Ivoire, and the International Catholic Child Bureau. The national committee met at least three times during the year, and the Government continued to establish village level watch committees as part of the child trafficking monitoring system component of the 2005 agreement.

Persons With Disabilities.—The law requires the Government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by persons with disabilities; however, wheelchair-accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities. The law also prohibits acts of violence against persons with disabilities and the abandonment of such persons; however, there were no reports that the Government enforced these laws during the year.

No arrests were made in the September 2007 case of several members of the National Federation of the Handicapped of Cote d'Ivoire who were beaten for protesting the Government's failure to recruit more persons with disabilities in the civil service.

There were no reports during the year that adults with disabilities were specific targets of abuse, but they encountered serious discrimination in employment and education. During the year the Government recruited 300 persons with disabilities for civil service jobs and announced that it would continue to recruit 100 disabled persons every year thereafter. The Government financially supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial

zones for lack of other economic opportunities. Persons with mental disabilities often lived on the street.

The Ministry of Family and Social Affairs and the Federation of the Handicapped were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse, and ethnic groups sometimes practiced societal discrimination against others on the basis of ethnicity. At least one-quarter of the population was foreign. Outdated or inadequate land ownership laws resulted in conflicts with ethnic and xenophobic overtones. There were reported clashes, usually over land tenure, between the native Guere populations and other groups.

Police routinely abused and harassed noncitizen Africans residing in the country. Harassment by officials reflected the common belief that foreigners were responsible for high crime rates and instances of identity card fraud. Harassment of north-erners, which increased markedly after the 2002 rebellion, continued to decline from the previous year.

Resident French and Burkinabe nationals continued to minimize their public exposure to protect themselves from harassment by security forces at checkpoints. There were no reports of harassment of French citizens. There were reports during the year that some harassment shifted to Lebanese merchants.

Ethnic tensions in the west and southwest continued to lead to violence. In the west, and in Duekoue and Bangolo in particular, there continued to be violent clashes between the native We population and members of the foreign community, particularly Burkinabe farmers.

Several incidents of ethnic violence resulted in deaths.

On September 2, a land dispute between villagers from Abouabou and Gonzagueville turned violent, leaving seven dead and eight others with serious injuries, including one victim whose hand was hacked off with a machete. Abidjan police arrested three persons in relation to the incident.

On September 3 and 5, eight persons were killed, 21 wounded, and 400 displaced in two violent confrontations between the Lobi and Koulangou communities in the eastern part of the country. A group of 60 Lobi attacked the Koulangou with machetes, 12-caliber rifles, and knives, and then burned down their homes in retaliation for the death of a Lobi. No arrests were made. Village leaders from the two communities settled the dispute at a reconciliation meeting on September 13, in which the Lobis made a symbolic donation of 70,000 CFA (approximately \$140) and food items to the Koulangous.

There were no developments in the January 2007 killing of businessman Sangare Adama.

On July 31, the Government adopted a new law on xenophobia, racism, and tribalism, making these forms of intolerance punishable by imprisonment.

Other Societal Abuses and Discrimination.—The law did not provide for the protection of homosexuals from societal and other forms of discrimination. Societal stigmatization of homosexuals was widespread, and the Government did not act to counter it during the year.

The law did not provide for the protection of persons living with HIV/AIDS from societal and other forms of discrimination. Societal stigmatization of persons living with HIV/AIDS was widespread. The Ministry of Health provided nationwide access to free HIV testing and antiretroviral treatment, and the Ministry of Education incorporated lesson plans and classroom activities to reduce social stigma and vulnerability into the curriculum for all students, including students in the former FN-held zones.

Section 6. Worker Rights

a. The Right of Association.—The law allows all citizens, except members of the police and military services, to form or join unions of their choice without excessive requirements, and workers exercised these rights in practice.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector, which included small farms, small roadside and street-side shops, and urban workshops. However, large industrial farms and some trades were organized, and there was an agricultural workers union. Of the 15 percent of workers in the formal sector, approximately 60 percent were unionized.

The law allows unions in the formal sector, which comprised approximately 1.5 million workers or 15 percent of the workforce, to conduct their activities without interference, and the Government protected this right in practice.

The law provides for the right to strike, and workers generally exercised this right. However, the law requires a protracted series of negotiations and a six-day

notification period before a strike may take place, making legal strikes difficult to organize and maintain.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements were in effect in many major business enterprises and sectors of the civil service. The law does not prohibit antiunion discrimination by employers or others against union members or organizers. The Ministry of Labor did not report any complaints of antiunion discrimination and employer interference in union functions during the year. There were also no reports of workers fired for union activities who were not reinstated. Under the labor law, workers could not be fired for union activities, and this law was enforced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and the Government made efforts to enforce the law during the year. However, such practices occurred.

Instances of forced labor occurred in the informal labor sectors which were not regulated under existing labor laws. Thus, domestics, most nonindustrial farm laborers, and those who worked in street shops and restaurants remained outside formal government protection. Forced adult labor occurred in small-scale and commercial production of agricultural products. There were reports of forced adult labor practices in rubber production, primarily in the form of long hours and low-paid work for workers who lived in conditions of de facto indenture.

Forced child labor occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws against forced labor and the exploitation of children in the workplace; however, child labor remained a problem. In most instances the legal minimum working age is 14; however, the Ministry of Civil Service, Employment, and Administrative Reform enforced this provision effectively only in the civil service and in large multinational companies. The law limits the hours worked by young workers, defined as those younger than 18. However, children often worked on family farms, and some children routinely acted as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car watchers and washers in the informal sector in cities. Some girls as young as nine began work as domestics, often within their extended family networks. There were reliable reports of children laboring in sweatshop conditions in small workshops.

Children continued to work under hazardous conditions on cocoa farms. The national survey published during the year revealed that 89 percent of children in the test areas within the cocoa-growing regions were involved in cocoa production. The survey showed that a number of these children were involved or exposed to hazardous conditions, including cutting trees (5.5 percent), burning fields (16.2 percent), carrying heavy loads (53.2 percent), applying fertilizer (8.4 percent), applying pesticides (4.6 percent), and the chemical treatment of fields/plants (11.5 percent). While a small percentage of the children working on cocoa farms had no family ties to the farmers, most worked on family farms or with their parents.

There were no reports during the year that either government militias or the FN recruited new child soldiers. All Ivoirian groups were taken off the UN secretary-general's global list of child recruiters, according to the 2007 annual UN report on children and armed conflict issued during the year.

The Ministry of Labor is responsible for enforcing child labor laws and made progress during the year to address the worst forms of child labor. While enforcement of child labor laws continued to be hindered by financial constraints and other factors, there were indications that government efforts, along with those of its international partners, had a positive effect towards decreasing the worst forms of child labor.

The Ministry of Labor and the prime minister's Child Labor Task Force supported and collaborated with NGOs and international partners to combat the worst forms of child labor. The task force continued to implement a national action plan to combat child labor and trafficking. Nine government ministries were involved in the effort. The Ministry of Family and Social Affairs conducted awareness campaigns targeting children at risk and agricultural regions that employ child labor, working in coordination with several international NGOs.

During the year NGOs conducted ongoing campaigns to sensitize farm families about child labor based on the list developed by the Government of prohibited worst forms of child labor. The Association of Domestic Worker Placement in Cote d'Ivoire worked to prevent the exploitation of children in domestic work. Other NGOs campaigned against child trafficking, child labor, and the sexual abuse of children.

e. Acceptable Conditions of Work.—Minimum wages varied according to occupation, with the lowest set at approximately 36,607 CFA (\$73.21) per month for the industrial sector; this wage did not provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction workers. The Government enforced the minimum wage rates only for salaried workers employed by the Government or registered with the social security office.

Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated among classes of workers, such as local and foreign workers. For example, in 2006 the sanitary services company Ash International, which went out of business during the year, paid wages as low as 12,000 CFA (\$24) per month to female employees who swept the streets of Abidjan. According to their labor federation, labor inspectors ignored this violation of the law.

No government action was taken to rectify the large salary discrepancies between expatriate, non-African employees and their African colleagues who were employed by the same company.

The standard legal workweek was 40 hours. The law requires overtime pay for additional hours and provides for at least one 24-hour rest period per week. The law did not prohibit compulsory overtime. The Government did not actively enforce the law.

The law provides for occupational safety and health standards in the formal sector; however, in the large informal sector of the economy, the Government enforced occupational health and safety regulations erratically, if at all. Labor inspectors frequently accepted bribes. Workers in the formal sector have the right to remove themselves from dangerous work without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in both the formal and informal sectors could not absent themselves from such labor without risking the loss of their employment.

Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws were not enforced. Neither foreign migrant workers nor Ivoirian workers working in the informal labor sector are covered under current labor laws.

DJIBOUTI

Djibouti is a republic with a strong elected president and a weak legislature. It has an estimated population of 660,000. In February legislative elections, President Ismail Omar Guelleh's five-party coalition won all 65 National Assembly seats. A three-party opposition coalition boycotted the race, which international observers from the African Union and the Arab League considered generally free and fair. In June Eritrean troops exchanged fire with Djiboutian troops at Ras Doumeira peninsula, along the Djibouti-Eritrea border, and near the strategic Bab-al-Mandeb Strait between the Gulf of Aden and the Red Sea. At year's end Eritrean troops continued to occupy the country's territory, despite condemnations by the United Nations, the Arab League, and the African Union (AU). Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, although there were improvements. Serious problems included difficult but improving prison conditions; corruption; official impunity; arbitrary arrest and detention; prolonged pretrial detention; interference with privacy rights; restrictions on freedom of the press, assembly, and association; and restrictions on unions. Female genital mutilation (FGM) remained a serious problem, although nongovernmental organization (NGO) and government efforts led by the first lady began to have an effect, especially in Djibouti City.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and the law prohibit such practices; however, there continued to be occasional unspecified and unconfirmed allegations that police and gendarmes beat detainees.

Prison and Detention Center Conditions.—Prison conditions continued to improve, and prison authorities reported increased budget support. At Gabode Prison, prisoners had adequate access to water and sanitary facilities, although hygiene in prison kitchen facilities remained rudimentary. A full-time nurse and a doctor who visited twice a week provided medical care, although there were reportedly occasional staffing gaps in assigning a prison doctor. Sick prisoners were held separately, and prisoners with communicable diseases were segregated from prisoners with other health problems. Adequate medication was provided.

In September the Ministry of Justice began training a new specialized prison guard force to replace the existing National Police Force guards. Applicants for the new guard force were required to have at least a high school degree.

Men and women were held separately. Juveniles were held separately from adult prisoners, and small children were allowed to stay with their mothers. Convicted prisoners were held separately from those awaiting trial.

At Nagad detention center, where foreigners were held prior to deportation, detainees had access to water, food, and medical treatment. Most detainees were deported within 24 hours of arrest.

The Government granted prison access to the International Committee of the Red Cross (ICRC) for annual inspections, and prison officials reported that inspections occurred up to three times a year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government did not uniformly respect these prohibitions.

Role of the Police and Security Apparatus.—Security forces include the National Police Force (FNP) under the Ministry of Interior, the army, the National Gendarmerie under the Ministry of Defense, and an elite Republican Guard that protects the president. The FNP is responsible for internal security and border control. The National Gendarmerie is responsible for external security but also has some domestic responsibilities.

Police were generally effective; however, there were isolated reports of corruption, particularly in the lower ranks where wages were low. Official impunity was a problem.

Arrest and Detention.—The law requires arrest warrants and stipulates that the Government may not detain a person beyond 48 hours without an examining magistrate's formal charge; however, the law was not always enforced in practice. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within eight months of arraignment. The law also provides for bail and expeditious trial; however, police occasionally disregarded these procedures. Detainees have the right to prompt access to an attorney of their choice; in criminal cases the state provides attorneys for detainees without legal representation. The law provides that detainees be promptly notified of the charges against them, although in practice there were occasional delays. Detainees generally were allowed access to family members. Lengthy pretrial detentions due to inefficiencies and staff shortages within the judicial system were a problem; however, no statistics were available.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, in practice the judiciary was not always independent of the executive. Constitutional provisions for a fair trial were not universally respected. The judiciary was subject to inefficiency and corruption. In March 2007 a government audit of the judiciary resulted in the dismissal of two magistrates for corruption.

The judiciary is based on the French Napoleonic Code and is composed of a lower court, an Appeals Court, and a Supreme Court. The Supreme Court may overrule lower court decisions. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime is dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. The Family Code governs the majority of cases pertaining to family and personal matters, including marriage, divorce, child custody, and inheritance. Issues that fall under the Family Code are brought to civil court.

Trial Procedures.—Trials generally were public. Legal counsel was supposed to be available to the indigent in criminal and civil matters, but defendants often did not have legal representation. The law states the accused is innocent until proven

guilty. A presiding judge and two accompanying judges hear court cases. The latter receives assistance from two lay assessors who are not members of the bench but who are considered to possess sufficient legal knowledge to comprehend court proceedings. The Government chose lay assessors from the public. Defendants have the right to be present, confront witnesses, have access to government-held evidence, and have a right of appeal.

Traditional law often applied in conflict resolution and victim compensation. For example, traditional law often stipulated that a price be paid to the victim's clan for crimes such as murder and rape.

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

Civil Judicial Procedures and Remedies.—A civil court deals with all matters related to the Civil Code. Citizens have access to the courts in cases of civil rights violations. There is arbitration of civil disputes if the parties agree. In rural areas traditional courts resolve many civil disputes. There is an administrative law chamber which mediates disputes between citizens and government authorities. Court decisions were not always enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions; however, the Government did not respect these prohibitions in practice. The law requires that authorities obtain a warrant before conducting searches on private property, but the Government did not always respect the law in practice. According to government opponents, the Government monitored their communications and sometimes cut telephone or electricity service.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and of the press; however, the Government did not respect these rights in practice. There were few media outlets, and as a result of the application of media and slander laws, journalists practiced self-censorship. A May 2007 law sets out the rights and obligations of journalists and protects the right to organize and strike. Partly in reaction to the law, journalists founded the Associative Movement of Djiboutian Journalists in April. The East African Journalists Association (EAJA), a group dedicated to fostering press freedom, protecting journalists' safety, and promoting regional conflict resolution, had its headquarters within the country. In July and August EAJA held a series of capacity building workshops for local journalists, focusing on organization and planning for journalists' associations.

The law prohibits dissemination of false information and regulates the publication of newspapers. The Government owns the principal newspaper, *La Nation*, which is published four times a week. Each registered political party is permitted to publish a public journal or newspaper. Opposition political groups and civil society activists occasionally circulated materials critical of the Government, but there was no regular opposition newspaper.

The Government also owned the radio and television stations. The official media generally did not criticize government leaders and government policy. Radio-Television Djibouti (RTD), the official government station, broadcast 24 hours a day in four languages on the radio. Foreign media also broadcast throughout the country, and cable news and other programming were available.

In March RTD sought to terminate the employment contract of RTD and BBC Somali service correspondent Kaltoum Ali, who had previously been suspended for three months in 2006 for broadcasting a report that the ministry of health falsely claimed a case of avian flu to obtain foreign aid. Ali protested her termination, and RTD invited her to resume her position in October.

Internet Freedom.—There were few government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, the Government reportedly continued to block the Web site of the Association for Respect of Human Rights in Djibouti (ARDHD), an association that was often critical of the Government. ARDHD claimed access to its Web site was blocked by the local Internet provider, although those with satellite connections were able to enter the site.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events, and teachers could speak and conduct research without restriction provided that they did not violate sedition laws.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—Although the constitution and the law provide for freedom of assembly, the Govern-

ment limited this right in practice. The Ministry of Interior requires permits for peaceful assembly. Prior to the February legislative elections, the Government denied the three-party opposition coalition, which was boycotting the elections, permission to hold two protest meetings, citing a law that limits political party gatherings during campaign periods to those parties contesting the elections.

Police dispersed several demonstrations during the year, including protests against high food prices.

Freedom of Association.—The law provides for freedom of association provided that certain legal requirements are met; however, the Government restricted this right in practice, particularly for labor unions.

c. Freedom of Religion.—The constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respected this right in practice. The Government did not sanction those who ignored Islamic teachings or practiced other faiths. More than 99 percent of the population is Sunni Muslim.

There is no legal prohibition against proselytizing, and the Government did not discourage it; however, cultural norms effectively discouraged public proselytizing.

Societal Abuses and Discrimination.—There was no known Jewish community, and there were no reports of anti-Semitic acts.

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

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

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

Internally Displaced Persons (IDPs).—On June 10, an ongoing border dispute with Eritrea became hostile and is believed to have displaced at least 207 families living in the north of Djibouti near the border.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees under the National Eligibility Commission, first formed in 1978. In July the Government reactivated the National Eligibility Commission and began interviewing urban refugees who had been in country for several years. The country is also a party to the 1969 AU Refugee Convention.

The Government did not routinely grant refugee or asylum status, and the Government did not accept refugees for resettlement during the year. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year the Government also provided temporary protection to a limited number of individuals who may not qualify for refugee status under the 1951 Convention or the 1967 protocol.

Cooperation between the Government and the Office of the UN High Commissioner for Refugees (UNHCR) continued to improve in providing assistance to refugees and asylum seekers and in organizing the repatriation of refugees from Ethiopia, Eritrea, and Somalia. However, organizational difficulties and resource constraints prevented both entities from providing quality service to refugees, including the prompt processing of refugee claims. While the Government grants *prima facie* status to refugees from southern Somalia, all other nationalities, including Eritreans, must register with the National Assistance Office for Refugees and Disaster Stricken People (ONARS).

Refugees reported that while they could not obtain work permits, many, especially women, worked to obtain income. With the lack of work permits, however, they were unable to challenge poor working conditions or ensure fair payment for services rendered. There were reports that refugees were subject to arbitrary arrest and detention. To address this problem, the Government and UNHCR held a workshop in October to educate 28 immigration and border control officers on refugee rights and the proper procedures for dealing with refugees.

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

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. A multiparty system exists, and citizens are free to align themselves with the party of their choice.

Elections and Political Participation.—In February President Ismail Omar Guelleh's five-party coalition, the "Union for a Presidential Majority" (UMP), won all 65 seats in the winner-take-all national assembly contest. The UMP includes former opposition parties and leaders. International observers from the African Union and the Arab League considered the election generally free and fair.

A three-party opposition coalition, the "Union for Democratic Alternance" (UAD), boycotted the election after a list of demands regarding the electoral process was not met. On July 9, the Government banned the opposition political party Movement for Democratic Revival (MRD), a member of UAD, alleging that one of its leaders had invited Eritrea to invade.

During the year, in an effort to empower local elected officials, the Ministry of Interior transferred authority for issuing civil documents such as birth certificates to regional authorities, elected in the country's first regional elections in 2006. While opposition parties boycotted the 2006 elections, independent candidates took part and won in Djibouti City and in several regions.

February's legislative elections brought two more women into the National Assembly, raising the total number of female parliamentarians in the 65-seat body to nine. There were two women in cabinet posts and the president of the Supreme Court was a woman.

The 65-seat legislature included members of all clans, including approximately 45 percent Issas, 40 percent Afars, and 15 percent representatives of smaller minority groups. Elected as a single list, the legislature's composition reflected the governing coalition's intent to ensure balance. However, the president's own subclan, the Issa Mamassan, was represented disproportionately. The 21-member cabinet was similarly balanced; there were seven Afars, including the prime minister, the defense minister, and the foreign minister. However, some Afars continued to claim that they were not as well represented at lower levels. There were three representatives from Somali clans other than the Issa clan in the cabinet, and one of Yemeni origin.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, despite increased efforts, the Government did not implement such laws effectively, and officials sometimes engaged in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem.

The Government continued to take steps to combat corruption. In June 2007 two magistrates were dismissed for corruption following investigations by the Government's accounting office. In 2006 the head of the Office of Social Security was charged with corruption, detained in prison, and dismissed.

Privatization of port, airport, and customs operations continued to result in substantially increased transparency and rising government revenues in the most important sectors of the economy. The Chamber of Public Accounts and Fiscal Discipline and the State Inspectorate General conducted public expenditure audits in an effort to fight corruption and promote transparency. Public officials were not subject to financial disclosure laws. The State Inspectorate General and the Chamber of Public Accounts and Fiscal Discipline were agencies responsible for combating corruption.

There were no laws providing for public access to government information, although legislative texts were publicly available through the online official journal, and citizens could address requests for information or mediation to the Ombudsman's Office.

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

A few domestic human rights groups generally operated without government restriction, conducting limited investigations and sometimes publishing findings on human rights cases. Government officials generally disregarded their views.

Jean-Paul Abdi Noel, the leader of the local human rights group Djiboutian League for Human Rights (LDDH) was tried for libel in 2007 after writing reports on the alleged rape of a young girl by a member of the Republican Guard, and on what he called a mass grave for victims of extrajudicial killings during the 1992–2000 civil war. He was fined and imprisoned but released after one month due to poor health. In December 2007 Abdi Noel accused the Government of arresting him arbitrarily and holding him for questioning for over 12 hours after he distributed a LDDH press release critical of the Government. Abdi Noel appealed his 2007 sentence, and was awaiting a Supreme Court hearing at year's end.

The ICRC maintained a small office staffed with locally hired personnel. The ICRC regional representative based in Nairobi visited the country monthly.

In April the Government established a Human Rights Commission whose members included technical experts, representatives of civil society, labor, religious groups, the legal community, the Ombudsman's Office, and the National Assembly.

There was a government ombudsman who also served as a legislator in the parliament and whose specific responsibilities included mediation between the Government and NGOs.

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

The constitution and the law prohibit discrimination on the basis of language, race, or gender; however, government enforcement of such laws was ineffective. The Government took steps during the year to increase protection of women, including ongoing campaigns against FGM, but societal discrimination against women and ethnic minorities persisted.

Women.—The law includes sentences of up to 20 years for rapists. The number of rape cases reported or prosecuted during the year was unknown. There is no law against spousal rape. Domestic violence against women existed, but few cases were reported. The law prohibits “torture and barbaric acts” against a spouse. Violations are punishable by 20 years’ imprisonment. Violence against women generally was addressed within the family or clan structure rather than in the courts. Police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples, such as murder. The Union of Djiboutian Women, under the patronage of the first lady, operated a counseling center that helped women with a variety of problems, including domestic violence.

Prostitution is illegal, but it remained a problem. Unlike in previous years, there were no reports that police vice officers beat those engaged in prostitution found on the streets and raped them as a condition of their release. Refugees and girls from poor families were at greater risk of becoming street prostitutes.

The law does not prohibit sexual harassment, and it was a problem.

Women legally possess full civil rights; however, custom and traditional societal discrimination in education resulted in a secondary role for women in public life and fewer employment opportunities in the formal sector. Women owned and ran small-scale businesses, especially in the informal sector. The increased presence of women in the Government, the legislature, and business had a significant positive effect. The Family Code governs the majority of family and personal matters, but inequities still existed. In accordance with Shari’a law, male children inherited larger percentages of estates than did female children. Educated women increasingly turned to the regular courts to defend their interests.

Children.—While the Government continued to stress the importance of children’s rights, some problems remained. The Government continued to increase its spending on education and health, devoting almost a third of its budget to education, particularly primary education, and one tenth to increased spending on rural health care, particularly for mothers and infants. It relied on a few charitable organizations to support children and encouraged others to join the effort.

Primary education was compulsory and available to all. However, enrollment rates, while increasing, were not universal. The Government provided tuition-free public education, but extra expenses could be prohibitive to poor families. While the educational system did not discriminate against girls, societal attitudes sometimes resulted in differences in the attendance and treatment of girls in school. The Government worked with international donors to improve significantly girls’ school attendance rates, and in 2007 there were 98 girls enrolled for every 100 boys. The Government provided a satchel of essential school supplies to children in poor areas, paid salary arrears for teachers, and authorized a premium for teaching in rural areas. The Government also continued to support parent-teacher associations throughout the country.

Despite some difficulties in registering births of children in remote areas, most births in Djibouti City were registered early, and the Government continued to encourage immediate registration.

Child abuse existed but was not frequently reported or prosecuted. In an effort to reduce the demand for commercial sex acts, in April the Government issued international arrest warrants for five French nationals on allegations of child sexual abuse. Christian George, a French national re-arrested in 2006 for child abuse after an attempt to flee the jurisdiction, was in prison awaiting trial at year’s end.

FGM was widely performed on young girls. Although an estimated 93 percent of females in the country had undergone FGM, some studies indicated that recent government efforts to stop the practice had begun to reduce significantly the number of young girls undergoing FGM in Djibouti City.

During the year the Government increased efforts to end FGM with continued high-profile publicity campaigns in health centers around the country, ongoing public support from the first lady and other prominent women, and outreach to Muslim religious leaders. These actions built on efforts begun in 2005, when the Government ratified the Maputo Protocol outlawing FGM. The efforts of the Union of Djiboutian Women and other groups to educate women against the practice were having some effect in the capital, where reported rates of FGM among young women continued to decline. However, infibulation, the most extreme form of FGM, continued to be widely practiced, especially in rural areas, despite the Government's anti-FGM campaign efforts there. The law states that violence causing genital mutilation is punishable by five years' imprisonment and a fine of one million DF (approximately \$5,650); however, the Government had not convicted anyone under this statute.

Child marriage occurred in rural areas and among some tribal groups; however, it was not considered a significant problem. The Government worked together with several NGOs to increase school enrollment for girls, in part to reduce the likelihood that parents would force young girls into marriage. The Ministry for the Promotion of Women, Family, Welfare, and Social Affairs also worked actively with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry.

There were credible reports of child prostitution on the streets and in brothels, despite increased government efforts to stop it, including keeping children at risk off the streets and warning businesses against permitting children to enter bars and clubs.

Trafficking in Persons.—A new, comprehensive antitrafficking law, signed by the president in December 2007, prohibits all forms of trafficking in persons. Law 210 "Regarding the Fight against Human Trafficking" covers both internal and transnational trafficking and prohibits all forms of trafficking in persons. It outlaws discrimination among victims based on ethnicity, gender, or nationality, and prescribes penalties of up to 30 years' imprisonment for traffickers.

Despite the prohibition there were credible reports of trafficked children engaging in prostitution or domestic servitude during the year (*See* Section 6.c).

In connection with the new antitrafficking law, the Government initiated a public awareness campaign, and government officials, police, and NGOs met to consider means to improve protection for victims.

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

Persons With Disabilities.—Persons with disabilities had access to education and public health facilities, and the Labor Code prohibits employment-based discrimination against persons with disabilities. NGOs continued to organize seminars and other events that drew attention to the need for enhanced legal protections and better workplace conditions for persons with disabilities. There was societal discrimination against persons with disabilities. The Government did not mandate accessibility to buildings or government services for persons with disabilities. No government agency was charged specifically with protecting the rights of persons with disabilities, although the Ministry of Justice was charged with general responsibilities for human rights.

National/Racial/Ethnic Minorities.—The governing coalition included all of the country's major clan and ethnic groups, with minority groups represented in senior positions. Nonetheless, there continued to be discrimination on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group; they controlled the ruling party and dominated the civil service and security services. Discrimination based on ethnicity and clan affiliation declined, but affiliation remained a factor in business, government, and politics.

Other Societal Abuses and Discrimination.—There was no known societal violence or discrimination based on sexual orientation.

There was no known societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law and the constitution provide for the right to form and join unions; however, the Government restricted these rights in practice. The law confers upon the president broad powers to requisition public servants who are considered indispensable to the operation of essential public services. Under the Labor Code, a union must have the approval of the Ministries of Labor and Interior as well as the Labor Inspectorate and the public prosecutor to exist. Union leaders continued to allege that the Government suppressed independent representative

unions by tacitly discouraging labor meetings, and accused the Government of allowing what union leaders called a government-sponsored “shadow union” representative to attend the 2008 International Labor Conference as the country’s labor representative.

The law provides for the right to strike and requires representatives of employees who plan to strike to provide 15 days’ advance notification to the Labor Inspectorate, which uses this time period to attempt to mediate an alternate resolution of the dispute. Workers exercised this right in practice.

There were no updates in the 2006 case of labor representatives Mohamed Ahmed Mohamed and Djibril Ismail Egueh, who were charged with sharing classified information with Israel. Aden Mohamed Abdou and Hassan Cher Hared, president and vice-president respectively of the Djiboutian Workers Union, were arrested also for facilitating the departure to Israel of their colleagues. At year’s end Mohamed, Egueh, and Hared reportedly were living outside the country, while Abdou remained in Djibouti.

b. The Right to Organize and Bargain Collectively.—Although the law allows unions to conduct activities without interference, the Government did not protect this right in practice. Collective bargaining did not occur.

Relations between employers and workers were informal and paternalistic. Employers generally established wage rates based on Labor Ministry guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives who could be and were chosen by the Government and employers. Workers or employers could request formal administrative hearings before the Labor Inspectorate. However, in practice the Inspectorate did not have sufficient resources to conduct regular preventive inspections, or to follow up on the enforcement of previous cases.

The law prohibits antiunion discrimination, and employers found guilty of discrimination were required to reinstate workers fired for union activities; however, the Government neither enforced nor complied with the law.

The 2004 Djibouti Free Zone code, which is more flexible, applies to labor matters in the Duty Free Zone, an export processing area.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, a small number of women and children transiting the country from Somalia or Ethiopia fell victim to domestic servitude or commercial sexual exploitation after reaching Djibouti City or the Ethiopia-Djibouti trucking corridor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits all labor by children under the age of 16, but the Government did not always enforce this prohibition effectively, and child labor existed. Children were involved in the sale of the mild narcotic Khat, legal under local law, and engaged in prostitution. Family-owned businesses such as restaurants and small shops employed children at all hours. Children were involved also in activities such as shining shoes, washing and guarding cars, selling items, working as domestic servants, working in agriculture and with livestock, and other activities in the informal sector.

The Ministry of Labor is responsible for monitoring work places and preventing child labor, but a shortage of labor inspectors reduced the likelihood that reports of child labor would be investigated, and no inspections were conducted during the year. There was no program undertaken by the Government to enforce the work of inspectors.

e. Acceptable Conditions of Work.—Only a small minority of the population was employed formally and earned a wage salary. The 2006 Labor Code canceled minimum wage rates for occupational categories and provided that wages be set after common agreement between employers and employees. The former national minimum wage did not provide a decent standard of living for a worker and family, and it was unlikely that such common agreements would provide a minimum standard of living.

By law the workweek is augmented to 48 hours, normally spread over six days. This limit applies to workers regardless of gender or nationality. The law mandates a weekly rest period of 24 consecutive hours and the provision of overtime pay, and limits compulsory overtime to a maximum of five hours a week.

The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions. Workers rarely protested due to fear that others willing to accept the risks would replace them. There were no laws or

regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

EQUATORIAL GUINEA

Equatorial Guinea, with an estimated population of between 500,000 and one million, is nominally a multiparty constitutional republic. All branches of government were dominated by President Teodoro Obiang Nguema Mbasogo, who has ruled since seizing power in a military coup in 1979, and his clan from the majority Fang ethnic group. International election observers judged the May 4 legislative elections to be peaceful, orderly, and an improvement compared to the seriously flawed 2004 legislative and 2002 presidential elections; however, there were credible reports and evidence of electoral irregularities, and allegations by the opposition of fraud and harassment of opposition supporters. While civilian authorities generally maintained effective control of security forces, there were instances in which elements of the security forces acted independently.

The Government's human rights record remained poor, although there were some notable governmental efforts to improve respect for human rights. The following human rights problems were reported: limited ability of citizens to change their government; increased reports of unlawful killings by security forces; government-sanctioned kidnappings; systematic torture of prisoners and detainees by security forces; life threatening conditions in prisons and detention facilities; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents with limited due process; judicial corruption and lack of due process; restrictions on the right to privacy; restrictions on freedom of speech and of the press; restrictions on the rights of assembly, association, and movement; government corruption; violence and discrimination against women; suspected trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

The Government reduced the number of political prisoners; allowed international monitors to assess conditions in detention facilities; took steps to professionalize security forces; and conducted public awareness campaigns on women's rights and domestic violence in conjunction with international organizations.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of government agents committing politically motivated killings; however, security forces committed some arbitrary or unlawful killings during the year. For example, in January a police officer in Malabo shot and killed an alleged illegal immigrant. The officer was arrested and investigated for excessive use of force. At year's end the case was ongoing.

On the night of March 12–13, Saturnino Ncogo Mbomio, a member of a banned political party, died at Black Beach Prison in Malabo while in police custody for possession of illegal weapons, which authorities stated were intended for use in a planned coup attempt. Police stated that Ncogo died as a result of a fractured skull after falling from the top of the bunk bed in his cell, in an apparent suicide attempt. The prime minister invited several foreign diplomats to watch prison surveillance video of the incident, which showed Ncogo leap headfirst from his bed while alone in his cell and showed him walking earlier without difficulty. Amnesty International (AI) questioned the official account of his death and alleged that, after Malabo police arrested Ncogo on the morning of March 12, they interrogated him for several hours in Malabo Central Police Station and tortured him to the point he was unable to stand on his own. AI called for a thorough and impartial investigation into Ncogo's death. By year's end, no investigation had been conducted.

In May a police officer investigating immigration violations in Malabo shot and killed a resident alien (a Malian citizen). Authorities subsequently arrested and detained the officer and suspended him from duty, pending the outcome of a military trial for excessive use of force. At year's end, the Government reported that the trial was underway.

According to regional media reports, on December 12, security force members reportedly killed a Cameroonian fisherman in what were believed to be Cameroonian territorial waters and abducted two Cameroonian immigrants while attempting to prevent a boat of Cameroonian immigrants from reaching the country. Following protests in Cameroon, both governments closed their mutual border. At year's end, the whereabouts of the two abducted Cameroonians remained unknown.

Following the October 2007 death of Salvador Ndong Nguema, which, according to parliamentary testimony by members of the opposition party Convergence for Social Democracy (CPDS), was a result of injuries inflicted during torture by officials in a jail in Evinayong, authorities temporarily detained two members of the security forces for misconduct. However, according to an international organization that followed the case closely, authorities later released the two suspects and reassigned them to security duties at another location. Officials did not provide any information on this case.

During the year AI reported that authorities released from detention and reinstated at least three police officers and soldiers who they had arrested in November 2007 for involvement in the torture of several detainees, three of whom died as a result of injuries inflicted from torture.

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

According to AI, on or around October 8, former army colonel Cipriano Nguema Mba was arrested illegally by two Cameroonian police officers and transferred to security personnel in the country's embassy in Yaounde, before being secretly transported to Black Beach Prison in Malabo. In a 2004 military trial, Nguema was convicted in absentia and sentenced to 30 years' imprisonment for allegedly plotting a coup and leaving the country with government funds. Many members of his family were also tried and sentenced to long prison terms and were tortured during pre-trial detention, according to AI. Immediately following the Nguema's abduction, authorities allegedly held him incommunicado at the prison and would not confirm his whereabouts or whether they were holding him. However, by year's end, authorities had allowed family members and UN officials to visit Nguema, who reportedly showed no signs of torture.

On June 5, as part of a general amnesty granted by presidential decree, the Government released Juan Ondo Abaga, who had disappeared in 2005 with three other citizens—Florencio Ela Bibang, Antimo Edu Nchama, and Felipe Esono Ntutumu—all of whom remained missing. They reportedly had been forcibly repatriated from Benin and Nigeria, incarcerated without charge in Black Beach Prison, severely tortured, and denied access to a lawyer and their families. There was no government confirmation of their presence in the prison.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, security officials abused and tortured persons during the year. Based on his November 9–18 mission to the country to assess the use of torture in the penal system, UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment Manfred Nowak stated that police employed the “systematic use of torture” on detainees, including political prisoners and suspects of common crimes. In his public statement, Nowak detailed specific techniques used to extract confessions or information from those in police custody, to punish detainees, or to extort money. Nowak underscored the Government's role in such practices and provided preliminary recommendations to reform the security forces and judiciary (*See* Section 4).

Nowak, who observed a fully equipped torture room in the basement of the Bata Central Police Station, documented police abuse, corroborated by a medical expert, including beatings to the soles of the feet and buttocks with batons, solid rubberized cables, and wooden bars; electric shocks with starter cables attached to different parts of the body with alligator clips; and various forms of suspension with hands and feet tied together for prolonged periods while security officials beat victims as they swung back and forth.

Nowak underlined the inhuman treatment of political prisoners in Black Beach Prison, where he stated they had been held in solitary confinement for up to four years, without being allowed the one hour of exercise per day required by international minimum standards. He found that they were held in leg irons for almost the entire duration of their imprisonment. The UN mission led by Nowak also found that immigrants ran an increased risk of physical abuse in police cells. Nowak added that he was concerned about possible reprisals against detainees who provided testimony to the UN mission, in particular at the central police stations in Malabo and Bata. By year's end, there were no reports of reprisals.

According to AI, officials at the Malabo Central Police Station reportedly beat at least two former members of the banned opposition party Progress Party of Equatorial Guinea (PPGE) to force confessions during the year (*See* Section 1.e.).

On April 24, a bodyguard of the Secretary of State for national security allegedly assaulted Brigida Asongsua Ela, who had been arbitrarily detained in the Malabo Central Police Station since December 2007 for refusing to sweep the floor in the Secretary of State's office, according to AI. Following a complaint from Asongsua's

attorney, the Secretary of State ordered the arrest of the bodyguard, subsequently relieved him of duty, and apologized for the bodyguard's actions. Authorities released Asongsua without charge on April 25.

In September a government official told a foreign diplomat that, despite efforts by a government human rights center to monitor detention facilities, beatings in jails across the country were a common occurrence due to a lack of training and political will to address the problem.

According to government officials and a private foreign firm working closely with the military on training programs, during the year a military court convicted at least one member of the security forces in connection with the torture of Jaime Ndong Edu, a CPDS member, by Deputy Police Commissioner Donato Abogo Menden in October 2007. However, military tribunals remained closed to the public and it was not possible to independently verify whether any action had been taken in this case.

During the year a parliamentary committee charged with handling complaints from citizens involving police abuses reviewed complaints regarding the actions of four police officers from the Bomudi precinct in Bata, including precinct captain Juan Engonga. Engonga had allegedly tortured Emilio Mbana Moyong and Alberto Mbira in the Bomudi police station during their five-day detention in August 2007. By September authorities had fired at least one of the officers involved and had enforced a September 2007 parliamentary order requiring the officers to compensate the victims. One torture victim reportedly received one million CFA francs (\$2,078). The parliamentary committee fined Captain Engonga 4.8 million CFA francs (\$10,000) for dereliction of duty.

Foreigners, primarily illegal immigrants from other African countries, continued to experience harassment, intimidation, and arbitrary arrest and detention.

Police periodically raided immigrant ghettos, local stores, and restaurants, arbitrarily detained immigrants and extorted them for money, and used excessive force.

In mid-December 2007 there were international media reports of citizens, including members of the security forces, looting the possessions of and beating up to 8,000 Cameroonian immigrants in Malabo and Bata following a bank robbery in Bata by foreigners. Several hundred Cameroonian immigrants sought refuge over several days in the Cameroonian embassy in Malabo and the consulate in Bata, and the Cameroonian government was forced to airlift several immigrants out of the country, according to reports. Government officials and Cameroonian officials stated that the security forces attempted to protect Cameroonians from civilian mobs. Officials reportedly suspended 12 members of the security forces for using excessive force against immigrants and citizens who attacked immigrants.

Prison and Detention Center Conditions.—UN Special Rapporteur on Torture Nowak's monitoring mission in November, which the Government had originally requested in January but postponed, included visits to prisons as well as short-term detention facilities such as jails. Nowak observed that prison conditions did not meet international standards, and at least one prisoner died from an apparent suicide in Malabo's Black Beach Prison during the year (See Section 1.a.). The UN mission led by Nowak cited some improvements in prison conditions, such as improved hygienic conditions in the prison in Bata, as a result of renovations to the country's three prisons in previous years. However, the use of prolonged solitary confinement, leg irons, and insufficient food and sanitary conditions posed risks to prisoners' health.

Conditions in police station jails and other detention centers (apart from prisons) were harsher and life threatening. Many detainees were held in these conditions well beyond the maximum 72 hours stipulated by law, sometimes up to several months. Allegations of violence among detainees were frequently ignored or even tolerated by authorities. Holding cells were overcrowded and dirty, and detainees very rarely had access to medical care, exercise, mattresses, or sleeping facilities. Diseases such as malaria and HIV/AIDS were serious problems. Food was usually provided by detainees' families or fellow detainees, and access to potable water was severely restricted. Most detainees had no access to toilets and resorted to plastic bottles or plastic bags instead.

During the year the Government continued efforts to upgrade jails associated with local police precinct offices.

According to Nowak, detained illegal immigrants pending deportation were held in police cells for long periods in poor conditions with no food or water since they had no family nearby. Detained illegal immigrants were also at increased risk of physical abuse and discrimination from other detainees with the approval of the police. In February the UN Working Group on Arbitrary Detention, which visited the country in June 2007, expressed concern over the lengthy arbitrary detentions of il-

legal immigrants and recommended that the Government make significant efforts to ensure that foreigners receive access to consular officials and that reasonable periods of maximum detention be established.

Female prisoners and juveniles were not separated from male prisoners. Pretrial detainees were held together with convicted prisoners. Neither the judicial system nor the police had an adequate, effective system to register cases or track prisoners; however, an official registry existed and officials were systematically upgrading it. Some detention facilities restricted visitation.

The Government sometimes permitted independent monitoring of conditions in the country's three prisons and approximately 12 jails and numerous holding cells in smaller localities, including monitoring by the UN, the International Committee of the Red Cross (ICRC), and foreign media. However, authorities regularly prevented monitoring of certain parts of prisons and other detention facilities, and they denied some international monitoring requests during the year (*See* Section 4). In March the ICRC suspended visits to jails and prisons because, despite the ICRC's repeated requests, authorities did not meet the organization's minimum modalities and conditions required for international monitoring. Despite a prior agreement, during the year government authorities denied the team of the UN Special Rapporteur on Torture access to military detention facilities at the Cogo and Ela military camps, effectively preventing investigation into allegations of torture and secret detentions; follow-up access to the central police stations in Malabo and Bata was also denied. According to Nowak, during the UN monitoring mission, members of security forces threatened and intimidated UN monitoring officials, both verbally and by pointing guns at them as they tried, sometimes unsuccessfully, to gain access to detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, security forces frequently ignored these safeguards and arrested or detained persons arbitrarily and without due legal process.

Role of the Police and Security Apparatus.—The police were generally responsible for security in the cities, while gendarmes were responsible for security outside the cities and for special events. Both report to the minister of national security. Military officials also fulfilled police functions in border and high-traffic areas, and near sensitive sites. These officials reported to the minister of defense. In addition, there are police elements within the ministries of interior (border and traffic police), finance (customs police), and justice (investigative/prosecuting police) which fulfilled particular functions. Presidential security officials also exercise police functions in the vicinity of the president and presidential facilities. Foreign contractors continued to work with the Government to consolidate and organize security structures within the country.

Though improving, police remained underfunded, poorly trained, and corrupt. Security forces continued the practice of extorting small bribes from citizens and immigrants, and impunity remained a problem. There was no internal investigation unit within the police, and mechanisms to investigate allegations of abuse were poorly developed.

In February a report by the UN Working Group on Arbitrary Detention expressed concern that both the police and gendarmes frequently ordered arrests and detentions with no legal authorization.

The Government recognized the need for professional improvement of the police and continued to support a broad training program. A contracted private foreign group has trained over 600 police officers and their leaders on subjects including human rights, prevention of trafficking in persons, rule of law, appropriate use of force, tactics and code of ethics. Evidence and feedback from expatriates, citizens, and community leaders indicated improvement in performance, particularly among younger officers receiving training.

Arrest and Detention.—According to the constitution, arrest warrants are required, except in cases of flagrate delicto or cases established by law, and some persons were taken into custody on the verbal orders of officials. A detainee has the right to a judicial determination of the legality of the detention within 72 hours after arrest, excluding weekends and holidays. In practice the length of such detentions was often longer, occasionally several months. Although a bail system and public defenders—supplied by the bar association, which receives funding from the Government—were available upon request, the public was largely unaware of either, and neither system operated effectively. According to the report released in February by the UN Working Group on Arbitrary Detention, lawyers did not have access to police stations and could not contact detainees while they were held there; police superintendents interviewed by the working group stated they did not see the need for or advisability of such access. Many detainees were not promptly informed

of charges against them. Authorities' use of incommunicado detention and torture were serious problems (*See* Section 1.c.). In November a UN assessment mission expressed concern at the prohibition of family visits in detention facilities.

Arbitrary arrest and detention were serious problems. Employing large roundups periodically, local authorities singled out West African illegal immigrants for document checks, arbitrary detention, and deportation; however, local authorities released immigrants if they paid a fine (bribe) of approximately 20,000 CFA francs (\$400 dollars).

According to AI, in late February or early March, police failed to comply with a judicial order to bring Brigida Asongsua Ela, the wife of political prisoner Guillermo Nguema Ela, before the court to determine whether her arrest and detention were legal; Asongsua had been arbitrarily detained in Malabo Central Police Station since 2006. On April 25, Asongsua was released without charge as a result of a formal complaint filed after she was assaulted (*See* Section 1.c.).

In October a judge investigating the status of detainees in Black Beach Prison determined that 23 prisoners were being held without completion of due process. These prisoners were subsequently released.

Lengthy pretrial detention remained a problem, and a significant number of those incarcerated were pretrial detainees. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

The UN Working Group on Arbitrary Detention recommended that the Government adopt necessary measures to put an immediate end to the practice of secret detentions. The group cited the secret detentions in Black Beach Prison of Juan Ondo Abaga (who was later released in June), Florencio Ela Bibang, Felipe Esono Ntumu, and Antimo Edu Nchama, all of whom were kidnapped in foreign countries where they had international refugee status, according to the working group.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the Government did not respect this provision in practice, and the judiciary was not independent, according to UN officials and local and international human rights advocates. Judges serve at the pleasure of the president, and were appointed, transferred, and dismissed for political as well as competency reasons. Judicial corruption was widely reported, and cases were sometimes decided on political grounds.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and the Supreme Court. The president appoints members of the Supreme Court, who reportedly took instructions from him. The Supreme Council of the Judicial Power appoints and controls judges. President Obiang is president of the Supreme Council, and the president of the Supreme Court is the vice president of the Supreme Council.

The military justice system did not provide defendants with the same rights as the civil criminal court system. The code of military justice states that persons who disobey a military authority, or are alleged to have committed an offense considered to be a "crime against the state," should be judged by a military tribunal, with limited due process and procedural safeguards, regardless of whether the defendant is civilian or military. In the past, some military cases were essentially political in nature. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public, and the defendants do not have a right of appeal to a higher court. According to the UN Working Group on Arbitrary Detention, judges and defenders in military courts were not lawyers or jurists, but military officials with no legal training.

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside. These adjudications were conducted according to tradition and did not afford the same rights and privileges as the formal system. Those dissatisfied with traditional judgments could appeal to the civil court system.

Trial Procedures.—By law a defendant enjoys the presumption of innocence until proven guilty. Many trials for ordinary crimes are public, but in accordance with the continental law model upon which the judicial system is based, juries are seldom used. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys, unless they could afford private counsel. An accused person who cannot afford a lawyer is entitled to ask the Government to provide one, but only if the accused is summoned to appear in court, and defendants were not routinely advised of this right. The country's bar association was available to defend indigent clients; however, there remained a serious shortage of lawyers in the country, and there continued to be no effective system of court-appointed representation, according to the UN Working Group on Arbitrary Detention. Defendants may confront and question witnesses and may present their own witnesses and evidence, although in practice this was seldom done. There was limited access to

evidence. By law the accused has the right to appeal; however, legal appeals were not common.

Political Prisoners and Detainees.—While it was difficult to estimate the number of persons detained or imprisoned for exercising their political rights—in part because authorities did not maintain reliable registration lists for prisons and jails or allow comprehensive independent monitoring of detention facilities—in February a report by the UN Working Group on Arbitrary Detention, which visited the country in June 2007, cited 100 cases of “persons detained for merely exercising their political rights.” After the Government released political prisoners, credible reports indicated that approximately 39 individuals remained incarcerated at year’s end for offenses relating to the exercise of political rights. Of those convicted, most were charged with “crimes against the state”; some were convicted by military courts without respect for due process, and some were tried summarily without the right to appeal their sentences, according to the working group. They were all members of opposition parties, mainly banned parties, or persons the Government accused of involvement in alleged coup attempts. The Government did not allow international humanitarian access to at least three of these prisoners and detainees during the year.

On June 4, a presidential decree granted pardons to 37 prisoners and pretrial detainees, although nine of these individuals had in fact already been released in previous years. AI determined that at least 11 of the released prisoners had in no way advocated or participated in acts of violence. Among the prisoners of conscience who were pardoned and released in June were Reverend Bienvenido Samba Momesori; a critic of the Government’s treatment of minorities, who had been held without charge or trial since 2003; Felipe Ondo Obiang, Guillermo Nguema Ela, and 11 other members of the banned political party Democratic and Republican Force, all of whom had been convicted in an unfair trial in 2002 for an attempted coup; and Juan Ondo Abaga, whose secret detention and whereabouts the Government did not acknowledge until the pardon.

On July 7, a court convicted and sentenced to six years’ imprisonment five former members of a banned political party, the PPGE—Cruz Obiang Ebele, Emiliano Esono Micha, Gerardo Angue Mangue, Gumersindo Ramirez Faustino, and Juan Ecomo Ndong—on charges of belonging to a banned party, holding illegal meetings, attempting to overthrow the Government, and arms smuggling.

Police arbitrarily arrested the five individuals in March, along with another former PPGE member, Bonifacio Nguema Ndong, who the court absolved, after the discovery of weapons in the trunk of a car being imported to the country from Spain. The five men were found guilty in the same trial as Simon Mann, a British citizen who pled guilty to plotting a 2004 coup attempt; however, the charges against them were unrelated to the events for which Mann was tried, and according to AI no attempt was made in court to link the six men to Mann’s case. The weapons were alleged to be associated with the coup attempt.

The pretrial detention and the trial of the six former PPGE members failed to meet due process norms. Authorities arbitrarily held the men for more than two months without charge or trial. According to AI, authorities arrested the six men without a warrant, forced them to sign under duress statements they had not made, beat at least two of the men (including one with a baton), held them incommunicado without access to a lawyer until five days before the trial, and failed to produce evidence that they had been in possession of the weapons. At year’s end it was unknown whether authorities had undertaken any investigation into the alleged beatings.

There were a few concerns about whether Mann’s trial complied with international fair trial standards. Mann’s first defense attorney (Ponciano Mbomio) was replaced prior to the trial when the bar association suspended his license; the suspension occurred after Mbomio attempted to block the trial’s commencement by arguing that correct legal procedures had not been observed. Mann, who pled guilty to the charges against him, was sentenced to 34 years’ imprisonment.

In February the UN Working Group on Arbitrary Detention issued several fundamental recommendations for the Government concerning the judiciary, penal system, and criminal legal system. The working group recommended that the Government do the following: urgently revise the national criminal law framework; eliminate inconsistencies with the constitution and international instruments; consider drafting a new criminal code, one providing the possibility of community service; establish by law and in practice an independent judiciary; prompt judges and law officers to make periodic visits to prisons and police detention centers; exclusively limit the jurisdiction of military courts to military offenses committed by armed forces personnel, and end their jurisdiction to try civilians; extend human rights training to judges, law officers of all grades, security forces members, and the Office of the

Attorney General; revise the current application procedures for habeas corpus, with a view to making it easier to use and more effective to remedy arbitrary detention; guarantee lawyers free access to police stations and prisons so they may be able to interview detainees from the beginning of their detention; and employ the national budget to guarantee the resources required to ensure the effective functioning of the justice administration system as well as the prison and police detention system, in part to ensure the provision of sufficient and adequate food and medical care.

Civil Judicial Procedures and Remedies.—Civil matters can be settled out of court, and in some cases tribal elders adjudicated local disputes. Courts were increasingly engaged in ruling on civil cases brought before them, some of which involved human rights complaints. Many international companies doing business in the country operated with mediation clauses that were occasionally activated. Resulting resolutions were generally respected.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, but the Government often did not respect these prohibitions in practice. Security forces violated homes and arrested suspected dissidents, criminals, foreign nationals, and others—often without judicial orders, which are not required for certain officials to enter and search homes—and confiscated their property with impunity.

Government informers reportedly monitored opposition members, nongovernmental organizations (NGOs), and journalists. Most residents and journalists believed that the Government monitored telephone calls.

Indirect pressure for public employees to join the ruling Democratic Party of Equatorial Guinea (PDGE) continued. Opposition party members were reported to have been discriminated against in hiring, job retention, scholarships, and obtaining business licenses. Businesses found to have hired employees with direct links to families, individuals, parties, or groups that were out of favor with the Government were often forced to dismiss employees or face recrimination.

The law provides for restitution or compensation for the taking of private property; however, in practice when the Government forced persons from their homes or land, it sometimes did not provide equitable compensation. Individuals may hold property title to pieces of land, but the state has full power of eminent domain, which it often exercised as development continued. The Government offered payment to those who proved title.

As in previous years, the Government continued to exercise right of eminent domain in pursuit of development goals, which include construction of thousands of low-cost housing units. In cases of neighborhood demolition during the reporting period, officials held community meetings to discuss proposed actions and means of restitution. Many of the residents affected were squatters. With regard to restitution, those who could prove title generally received fair payment. For others who had built on land they did not own, the Government paid restitution equal to the amount of documented investment.

However, the Red Cross, the Catholic Church, human rights lawyers, and the political opposition expressed concerns about the displacement of poor communities during the increased construction of new roads and buildings in recent years; one opposition party claimed the selection of slums for displacement was sometimes motivated by political reasons, although there was no evidence to support this allegation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press; however, the Law on the Press, Publishing, and Audiovisual Media grants extensive powers to authorities to restrict the activities of the media, and the Government limited these rights in practice.

While criticism of government policies was allowed, individuals could not criticize the president, his family, other high-ranking officials, or the security forces without fear of reprisal, and the Government reportedly attempted to impede criticism by continuing to monitor the activities of the political opposition, journalists, and others. Since 2007 some journalists have covered topics previously considered to be off limits, including mild criticism of institutions for lack of progress on economic development issues and government inefficiency, but the country's tiny media remained weak and under government influence or control, and journalists practiced self-censorship.

There were virtually no domestic independent media. There was one state-run organ that published news regularly. There were three privately-owned domestic publications, including *La Gaceta de Guinea Ecuatorial*, which published news and commentary monthly; however, their readership remained very limited. The CPDS

published an opinion newspaper semi-regularly but struggled to fund it adequately. News kiosks did not exist. There were only three libraries in the country, all supported by foreign governments or the Catholic Church, and there were only two bookstores, both affiliated with religious organizations.

Starting a new periodical requires a complicated process governed by an ambiguous law and was often inhibited by government bureaucracy. In addition, accreditation is cumbersome for both local and foreign journalists, who must register with the Ministry of Information.

Only one international news agency had a regular stringer present in the country, and government agents reportedly followed and surveilled stringers for foreign media. Some international media were not able to operate freely in the country during the year; the Government refused to issue visas to Spanish journalists from major media organizations prior to the May elections (See Section 3). International newspapers or news magazines were generally not available in rural markets due, at least in part, to their high price and low rates of literacy in rural areas; however, international magazines and newspapers were increasingly being sold in a number of grocery stores in Malabo and Bata.

The Government owned a national radio and television broadcast medium. The president's eldest son owned the only private broadcast media. Satellite broadcasts increasingly were available. Foreign channels were not censored.

The Catholic Church had applied to establish a radio station in 2007, but the Government had not granted authorization by year's end.

International electronic media were available and include Radio France International, which broadcast from Malabo, BBC, and Radio Exterior, the international short-wave service from Spain.

The Law on the Press, Publishing and Audiovisual Media allows the Government considerable authority to restrict press activities through official prepublication censorship. The law also establishes criminal, civil and administrative penalties for violation of its provisions, in particular when it comes to violations of the 19 "publishing principles" in Article 2, which are vague and open to subjective and restrictive interpretations.

In September the Government raided the headquarters of the opposition CPDS in an attempt to confiscate an unlicensed radio transmitter and forcibly confiscated editions of a semi-regular CPDS publication (See Section 3).

Many of the legal and administrative obstacles emphasized by the international press freedom advocacy groups continued to pose significant problems for the country's media during the year. For example, there continued to be a lack of adequate government investment in infrastructure necessary for the development of strong independent media, including printing presses and newspaper retailers, and there was little evidence that the Government encouraged on a non-discriminatory basis public advertising in locally printed media. During the year one journalist, a member of the national press association, equated this lack of investment by the Government to "economic censorship" and expressed deep concern over the lack of training opportunities for local journalists, despite the country's recent exceptional economic growth.

Internet Freedom.—There were no government restrictions on access to the Internet. Most overt criticism of the Government came from the country's community in exile, and the Internet had replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked. Internet use grew significantly, and dozens of Internet cafes in the cities of Bata and Malabo continued to do a thriving business.

Academic Freedom and Cultural Events.—There were no official restrictions on academic freedom or cultural events; however, in past years some qualified professionals were moved out of teaching positions because of their political affiliation or critical statements reported to government officials by students in their classes. Therefore, most professors reportedly practiced self-censorship to avoid problems. Cultural events required coordination with the Ministry of Information, Culture, and Tourism.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for the right of assembly; however, the Government restricted this right, largely through limits on freedom of association, which made it difficult for organizations that had not gained legal authorization to operate and hold meetings legally. According to foreign donors and members of local civil society groups, in light of coup attempts in recent years, the Government continued to view some informal meetings by associations as security threats. Although the Government formally abolished permit requirements for political party meetings within party buildings, opposition parties were expected to inform authorities if they

wished to hold gatherings outside of their headquarters. The Government required notification for public events such as meetings or marches.

Freedom of Association.—The constitution and law provide for freedom of association, but the Government significantly restricted this right in practice. All political parties, labor unions, and other associations must register with the Government. To date only one labor organization had been registered. The law prohibits the formation of political parties along ethnic lines, and several political parties remained banned (See Section 3). The registration process for NGOs was costly, burdensome, opaque, and sometimes took years to complete (See Section 4). During the year foreign donors continued to urge the Government to review and reform the legal regime governing the establishment of NGOs. Many associations, including several women's groups focused on economic development, were unable to gain authorization or registration status from the Government.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right. There were no reports that government officials monitored religious services.

The law gives official preference to the Catholic Church and the Reform Church of Equatorial Guinea, because of their traditional roots and historical influence in social and cultural life. A Roman Catholic Mass was normally part of any major ceremonial function or holiday. Long-established Catholic schools received the same benefits from the state as public schools.

A religious organization must be formally registered with the Ministry of Justice, Religion, and Penal Institutions to operate. Approval could take several years, due primarily to bureaucratic slowness rather than policy; however, the lack of clearly defined registration procedures remained an issue. Traditional African religions were practiced, even by many who belonged to other religious groups.

Religious study was optional in public schools but required in parochial schools and was usually, but not exclusively, Catholic.

Societal Abuses and Discrimination.—The Jewish community was extremely small; there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, the Government restricted these rights in practice.

Police at roadblocks routinely checked passing travelers and occasionally engaged in petty extortion, including during quarterly roundups of illegal immigrants. The Government justified roadblocks as means of control to prevent illegal immigration, mercenary activities, or attempted coups. These checkpoints restricted freedom of movement for all travelers.

The law prohibits forced internal or external exile; however, the Government did not respect this in practice. Following the granting of pardons to political prisoners in June, the Government required several of them to return to and remain in their villages of origin. Several members of banned political parties remained in self-imposed exile.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened.

However, in October Cameroonian police officers reportedly illegally arrested former Equatoguinean army colonel Cipriano Nguema Mba in Cameroon, where he was recognized as a refugee, and handed him over to the country's embassy in Cameroon. Equatoguinean officials reportedly transported Nguema Mba clandestinely to Malabo to face criminal charges of a political nature (See Section 1.b.). The incident resulted in protests in Cameroon and extensive diplomatic discussions between both governments. In addition, the Government continued to detain other political prisoners who government agents had kidnapped from neighboring countries in recent years, according to the UN Working Group on Arbitrary Detention.

The Government provided temporary humanitarian protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

There were no recent cases of the Government cooperating with the UN High Commissioner for Refugees (UNHCR), which had no local office, or other humani-

tarian organizations in assisting refugees and asylum seekers. The Government did however cooperate with the UN Children's Fund in cases involving children.

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

The constitution and law provide citizens the right to change their government peacefully; however, despite improvements in the electoral process during the year, this right continued to be limited, partly as a result of the dominance of the ruling PDGE party.

Elections and Political Participation.—On May 4, the country held parliamentary and municipal elections, which resulted in the continuing political dominance of the ruling PDGE. The ruling coalition, which included the PDGE and nine other parties, increased its number of seats in the 100-member parliament to 99 (the PDGE itself won 89 seats); the opposition CPDS lost a seat, leaving it with one representative in the parliament. The ruling coalition also won 319 municipal councillorships, including 305 for the PDGE, out of a total of 331 municipal posts.

A small, mixed contingent of international observers characterized the elections as an improvement over the last legislative and presidential elections, which were severely marred by irregularities and were not free and fair. The contingent noted the voting process was peaceful and orderly and highlighted the increased use of transparent ballot boxes at polling stations. In addition, prior to the election the Government established a public campaign financing system; as a result, the country's three main legal opposition parties received more than 505 million CFA francs (\$1 million) in campaign funds.

Despite these improvements over past elections, there were reports of notable electoral irregularities, including harassment of opposition supporters and voters at polling stations and during the campaign, some of which was captured on video by the opposition CPDS, and several reports by international media of the failure by local election authorities to ensure voting by secret ballot. A respected humanitarian organization with personnel working in different parts of the country characterized the election as "not very transparent." The national electoral commission, which was charged with ensuring the fairness of the elections and handling formal post-election complaints, was not independent; while its membership included a representative of each political party that fielded candidates, it also included representatives from the Government, lacked civil society representation, and a majority of its members were officials who belonged the ruling party. Several peaceful political parties that were banned in recent years were not allowed to participate in the elections, and members of one banned party were arbitrarily arrested and detained for an alleged coup attempt and according to AI-tortured shortly before the beginning of the campaign season (See Sections 1.a. and 1.c.). Shortly before election day, the Government refused to grant visas to Spanish journalists from international media organizations who had intended to observe and report on the elections, forcing these organs to rely on a few local stringers for election coverage.

The opposition CPDS submitted to a tribunal a formal complaint concerning electoral irregularities. The complaint focused on the method by which authorities calculated votes for the proportional distribution of legislative seats to political parties; however, after reviewing the complaint, the electoral commission dismissed it as invalid.

The ruling PDGE party rules through a complex arrangement built around family, clan, and ethnic loyalties. There is no presidential term limit.

Opposition political parties were not able to operate without restrictions. Several parties remained banned, and the three legal opposition parties faced restrictions on freedoms of speech, association, and assembly (See Sections 2.a. and 2.b.). The number of abuses, such as arbitrary arrest and detention, against the legal opposition parties has decreased in recent years; however, these parties continued to claim that they were monitored by government agents and practiced self-censorship.

In August, after informing the Government in writing of its intention to set up a radio station, the opposition CPDS party began testing its equipment. In September the Government ordered the CPDS to cease transmitting, which it did, and alleged that the CPDS illegally introduced radio broadcast equipment into Malabo without passing through customs and paying requisite taxes and attempted to begin transmissions without obtaining a broadcast license. The CPDS refused to surrender the broadcast equipment and countered that laws on political parties and the press explicitly provide for individuals and collective bodies, including political parties, to set up media outlets, and that the law does not specify the conditions for broadcasting authorization. On September 13, 20 members of the security forces raided the CPDS headquarters in Malabo in an attempt to confiscate the equipment; the security agents did not find the equipment, but confiscated party propaganda and

editions of a CPDS publication. The Government prohibited the activity but otherwise took no further actions. Negotiations regarding the incident were ongoing at year's end.

Opposition party members and candidates operated at a significant disadvantage when attempting to gain favor among the voters. On the whole, opposition parties and party candidates were poorly organized, poorly financed, and lacked public support. The Government allowed opposition parties limited access to domestic media, and during the year the opposition participated in legislative debates, talk shows, and meetings with the president. Most state events were publicized in connection with the ruling PDGE party. Because of quasi-mandatory collection of dues and other contributions, the ruling party had greatly disproportionate funding available, including for gifts to potential voters.

The president exercised strong powers as head of state, commander of the armed forces, head of the judiciary, and founder and head of the ruling party. In general leadership positions within government were restricted to the president's party or the coalition of "loyal opposition" parties. Because the ruling party overwhelmingly dominated the commissions established to review electoral practices and recommend reforms, few changes were made. The minister of the interior was elected to act as president of the national electoral commission.

Some political parties that had been popular prior to the 1992 law that established procedures for political parties to become legal, remained banned, generally under the pretext that they were "supporting terrorism" or had been linked to attempts to overthrow the Government.

The Government did not overtly limit participation of minorities in politics; however, the predominant Fang ethnic group, estimated at over 85 percent of the population, continued to exercise strong political and economic power. There were 20 ethnically-mixed or minority members in the 100-seat parliament; five of the total were women. Of 27 appointed cabinet ministers, 22 were Fang, one of whom was a woman.

Government Corruption and Transparency.—Laws provide severe criminal penalties for official corruption; however, the Government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. Corruption continued to be a severe problem.

Officials by law must declare their assets, although the declarations were not published publicly. There was no requirement that officials divest themselves of business interests that were in potential conflict with official responsibilities, and no law prohibiting conflict of interest. The presidency and prime minister's office were the lead agencies for anticorruption efforts. A number of ministers were reportedly replaced following the May elections as a result of corrupt practices.

During the year the Government made additional progress toward meeting objectives required to join the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries, developing an approved work plan and achieving candidate status. However, there remained significant challenges in meeting EITI requirements concerning the development of civil society (See Section 4), and there continued to be a lack of transparency in the extractive industries.

In October the Government began disbursing funds for social projects under the social development fund, a mechanism developed jointly with a foreign donor that was designed to enhance the transparency of social spending in line with international development norms.

On December 2, anticorruption activist groups, including the French chapter of AI, filed a lawsuit in Paris against President Obiang and two other African heads of state, accusing them of acquiring luxury homes in France with embezzled public funds. The plaintiffs stated that there was "no doubt that these assets could not have been acquired with the sole salaries and benefits of these heads of state."

In December a Spanish human rights group filed a formal complaint with anticorruption public prosecutors in Spain, claiming that members of President Obiang's family and high-ranking political officials close to the president had illegally embezzled 12.7 billion CFA francs (\$26 million) from a state petrol company to buy homes in Spain, and had laundered these public funds between 2000 and 2003 in American and Spanish banks. According to media reports, Spain's anticorruption prosecutor had begun investigating allegations against these individuals by year's end.

The law did not provide for public access to government information, and citizens and noncitizens, including foreign media, were generally unable to access government information. A lack of organized record keeping, archiving, and public libraries

also limited access. Government officials were more forthcoming with information during the year.

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

There were very few domestic human rights NGOs; they focused on development-related issues involving social and economic rights, such as health and elderly care, and none reported publicly on the abuse of civil or political rights by the Government or official corruption. The law restricts NGOs and identifies specific areas in which they may operate; human rights was added in 2005 to those types of NGOs that may organize. During the year the Government met with domestic NGO representatives to enhance cooperation on efforts to adhere to the transparency principles of EITI. Despite this increased cooperation, the Government's attitude toward domestic and international NGOs that worked in or reported on the country generally remained "not friendly," according to a foreign diplomat charged with evaluating the status of civil society in the country. The Government's relationship with NGOs was reported to be mistrustful due to concerns about state security, particularly in light of coup attempts in recent years. Government restrictions, including burdensome registration requirements and lack of capacity to manage and provide the public with information, continued to impede the activities and development of domestic civil society (See Sections 2.a. and 2.b.). There were few international human rights NGOs resident in the country, and they generally focused on the rights of the poor (social and economic rights), not civil and political rights.

The Government cooperated to varying degrees with international organizations such as the ICRC and the UN. During the year the Government continued to allow the ICRC to monitor detention facilities, although the ICRC suspended its monitoring activities early in the year for lack of cooperation and had not resumed monitoring by year's end.

The Government also invited and permitted UN Special Rapporteur on Torture Novak to visit the country to assess some but not all of the country's detention facilities. Novak expressed that examples of torture in the country appeared to reflect a state-endorsed method of obtaining evidence and confessions (See Section 1.c.). Explaining that a culture of total impunity "allows torture to continue unabated," Nowak noted that not one conviction for torture could be found in court records, and that officers known for resorting to torture were able to establish successful careers in the security forces. He also cited "the non-functioning of the administration of justice and, therefore, the absence of the rule of law." Nowak recommended that the Government undertake "profound reform" of its laws, penal system, and judicial and law enforcement institutions. He also recommended that the Government establish effective monitoring and accountability mechanisms to combat torture, and that foreign diplomats in Malabo conduct regular monitoring visits to detention facilities. UN officials also recommended that the international community, including transnational corporations, ensure that they were not complicit in human rights abuses in their business practices and development activities.

The primary organization with some responsibility for human rights, the National Commission for Human Rights (CNDH), was dependent on and heavily influenced by the Government and suffered serious funding, staff, and institutional limitations. It did not investigate human rights complaints or keep statistics on them. The president appointed the members of the CNDH.

The Center for Human Rights and Democracy, although organized as a quasi-independent body, had no independent source of funding or authority other than that provided by the Government. It received minimal financial and administrative support. Nonetheless, the center showed greater independence during the reporting period. Previously its role had been primarily advocacy and public sensitization; however, during the year it began conducting investigations, including into detention center conditions, and reporting violations or complaints to the parliament.

The parliamentary committee for complaints and petitions provided a forum for the public to address concerns, and was increasingly active during the year. The committee accepted complaints and cases whenever the parliament was in session.

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

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively. Nonetheless, numerous public outreach efforts were undertaken to improve public awareness of the issues associated with violence and discrimination against women and children, discrimination against ethnic minorities, and discrimination against those with HIV/AIDS.

Women.—Rape is illegal, but spousal rape is not specified in the law. The Government did not enforce the law effectively. Reporting rape was considered shameful to families involved. Several prosecutions came before the courts during the year, but the exact number was not known.

Domestic violence was a problem. Violence against women, including spousal abuse, is illegal, but the Government did not enforce the law effectively. In conjunction with international organizations, the Government conducted public awareness campaigns on women's rights and domestic violence. The police and judiciary were reluctant to prosecute domestic violence cases.

Prostitution is illegal, and the Government continued to enforce the law against businesses and pimps. Nonetheless, freelance prostitution was evident in the two major cities of Malabo and Bata.

Sexual harassment is illegal; its extent was unknown. There were no known cases brought before the courts.

The law provides for equal rights for women and men, including rights under family law, property law, and in the judicial system; however, rights of women were limited in practice.

A foreign development fund, as part of its program to support civil society, dedicated one of its forums to the rights of women. The dominant topics were polygyny and traditional attitudes that make women vulnerable. Polygyny, which was widespread, contributed to women's secondary status, as did limited educational opportunities.

In rural areas, women largely were confined by custom to traditional roles, particularly in agriculture. In urban settings, women with equal qualifications rarely suffered overt discrimination. However, the country remained a conservative culture in which societal bias against women persisted. Women sometimes experienced discrimination in access to employment, credit, pay for substantially similar work, and business ownership or management.

Children.—The Government's commitment to children's rights and welfare improved during the year. The Government continued a national vaccination campaign and conducted numerous public outreach campaigns to raise awareness of the importance of education, health, and the rights of children.

The overwhelming majority of children attended school at least through primary grades. Boys were generally expected by their families either to complete an additional seven years of secondary school or to finish a program of vocational study after primary education. For many girls in rural settings, however, early pregnancy or the need to assist at home limited educational opportunities, and women generally attained lower educational levels than men. During the year the Government partnered with a foreign oil company to undertake a multi-million dollar school renovation program, and continued bilateral efforts with a foreign country to reform outdated curriculum materials.

Abuse of minors is illegal; however, the Government did not enforce the law effectively, and child abuse occurred. Physical punishment was the culturally accepted method of discipline. During the year a small number of cases in which child abuse was alleged came before the courts.

There were no statistics on child prostitution, and there was little evidence it occurred.

Trafficking in Persons.—The law prohibits trafficking in persons; however, some trafficking through and to the country was suspected. There were no reliable figures on the number of trafficking victims due to lack of any recent reliable studies. The country was a destination point for children primarily from Benin, Nigeria, and Cameroon trafficked to Malabo and Bata for the purpose of forced labor (such as domestic servitude), and possibly a transit and destination for women and children trafficked for sexual exploitation.

In the past traffickers generally crossed the border with false documents and children they falsely claimed were their own. However, removal of economic incentives for such activity apparently reduced trafficking to a small number of cases.

The Government cooperated with other governments and with international organizations and NGOs to aid trafficking victims and assist in their repatriation.

The Ministry of Justice was responsible for combating trafficking in persons, and the minister of justice was president of the interinstitutional commission on illegal trafficking of migrants and trafficking of persons. The Ministry of Women's Promotion was responsible for addressing issues related to protection of trafficking victims. However, the country lacked shelters for providing victim assistance.

The penalties for trafficking in persons for sexual exploitation or other exploitation are imprisonment for 10 to 15 years and a fine of not less than approximately

50 million CFA francs (approximately \$100,000). There were no reported prosecutions for trafficking during the year.

The Government provided limited protection or assistance to victims or witnesses. Embassies of victims' countries of origin, if present, were invited to assume care of victims until they were returned to their home countries. There were few NGOs in the country to assist victims. The only victims identified were repatriated.

The Government, through the National Action Plan to Fight Against Trafficking in Persons and Child Labor, continued to fund a program to educate the public against these practices, assist victims and punish offenders.

Law enforcement officials, often stationed in market places, enforced laws prohibiting minors from working in markets or other sectors. Vendors who violate these laws were forced to close down their stalls, were heavily fined, or were deported. Children found to be working in markets were not provided with social services.

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

Persons With Disabilities.—The law does not provide protection for persons with disabilities from discrimination in employment, education, or the provision of other state services, nor does the law mandate access to buildings for persons with disabilities.

Educational services for the mentally or physically handicapped were limited. The local Red Cross, with financial support from the Government, managed the country's school for deaf children. The country also provided care for the mentally handicapped in the Virgin Madre Maria Africa facility.

The ministries of education and health had primary responsibility for protecting the rights of persons with disabilities. Public service announcements regarding rights of persons with disabilities continued to be broadcast.

National/Racial/Ethnic Minorities.—Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, security force harassment, and political marginalization of minorities were problems. The number of illegal residents from Nigeria, Ghana, Cameroon, Mali, Togo, and other African countries represented an estimated one-third of the population and continued to grow, despite police attempts to enforce immigration laws. Foreign workers from West Africa and elsewhere were attracted to the country by its growing oil-based economy.

In October the Ministry of the Interior requested the assistance of all embassies and consulates to help control the country's growing illegal immigration problems. Foreign diplomats requested ministry assistance in minimizing the harassment of legal immigrants and the tendency of officials to misplace or lose passports, work permits, and other official documents essential to immigrants.

Other Societal Abuses and Discrimination.—Societal stigmatization and discrimination against homosexuals was strong, and the Government made little effort to combat it.

Despite frequent public statements and radio campaigns advocating non-discrimination toward them, persons with HIV/AIDS continued to be victims of societal stigmatization, which led them to keep their illness hidden. The Government provided for free HIV/AIDS testing and treatment, and supported public information campaigns to increase awareness.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to establish unions and affiliate with unions of their choice, without previous authorization or excessive requirements; however, the Government placed practical obstacles before groups wishing to organize. Most often, those seeking to organize were co-opted into existing party structures by means of pressure and incentives. The Union Organization of Small Farmers continued to be the only legal operational labor union. According to the International Trade Union Confederation, authorities continued to refuse to register the Equatorial Guinea Trade Union. The law stipulates that a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation. Authorities refused to legalize the Independent Syndicated Services, a public sector union, despite its having met the requirements of the law.

Workers rarely exercised their right to strike in part because they feared losing their jobs and possible harm to themselves or their families. On rare occasions workers engaged in temporary protests or "go slows" (work slowdowns and planned absences).

In March pay issues reportedly led Chinese construction workers to strike against their Chinese employer in the town of Mongomo, which led to a violent confronta-

tion with police and resulted in the deaths of at least three of the workers. No other information was available.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct activities without interference, but the Government did not protect this right in practice.

The Government and employers set wages with little or no participation by workers, though booming market conditions have driven wages to some of the highest levels in the region. There were few reports of organized, collective bargaining by any group; however, the Ministry of Labor sometimes mediated labor disputes. Dismissed workers, for example, could appeal to the ministry, first through their regional delegate; however, there was little trust in the fairness of the system. Citizens had a right to appeal Labor Ministry decisions to a special standing committee of the parliament established to hear citizen complaints regarding decisions by any government agency.

There is no law prohibiting antiunion discrimination, but there were no reports that it occurred.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor and slavery, including by children. There were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—While no comprehensive child labor law has been passed, in practice a series of decrees and resolutions forms the basis for government action. The law against trafficking provides that persons found guilty of illegally forcing a minor to work may be punished with a fine from approximately 50,000 to 250,000 CFA francs (\$100 to \$500); however, child labor sometimes occurred, generally the selling of small items on the street or in markets.

The legal minimum age for employment is 14 years. In most cases children also went to school, girls through primary school and boys through middle school. The employment of children is prohibited in street vending and car washing, though individuals continued to freelance in such activities.

The Ministry of Labor is responsible for enforcing child labor laws.

e. Acceptable Conditions of Work.—Enforcement of labor laws and ratified international labor agreements was not effective, resulting in poor working conditions. While the Government paid more attention to related issues in during the year, safety codes, for example, were not generally enforced. Most petroleum companies, on the other hand, exceeded minimum international safety standards.

By law employers must pay the minimum wage set by the Government. Minimum wage in the country is set by statute and varies from sector to sector. Minimum wages were set for all sectors of the formal economy; however, the minimum wage did not provide a decent standard of living for a worker and family in Malabo or Bata. In the rest of the country, the minimum wage would provide a minimally adequate income. Many formal sector companies paid more than this, but many workers (e.g. farmers) were not covered under the minimum wage law. By law, hydrocarbon industry workers received salaries many times higher than those in other sectors, creating disparities within society and fueling inflation for some goods and services. The Ministry of Labor is responsible for enforcing minimum wage rules.

The law prescribes a standard 35-hour workweek and a 48-hour weekly rest period, requirements that generally were observed in practice in the formal economy. Exceptions were made for some jobs, such as those in offshore oil industry work. Premium pay for overtime was required, but the requirement was not effectively enforced.

The law provides for protection for workers from occupational hazards, but the Government did not effectively enforce this provision. The Government had an insufficient number of labor inspectors to oversee industry. The law does not provide workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment.

ERITREA

Eritrea, with a population of approximately 5.5 million, is a one-party state that became independent in 1993 when citizens voted for independence from Ethiopia. The People's Front for Democracy and Justice (PFDJ), previously known as the Eritrean People's Liberation Front, is the sole political party and has controlled the

country since 1991. The country's president, Isaias Afwerki, who heads the PFDJ and the armed forces, dominated the country, and the Government continued to postpone presidential and legislative elections; the latter have never been held. The border dispute with Ethiopia continued, despite international efforts at demarcation. The situation was used by the Government to justify severe restrictions on civil liberties. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, and authorities continued to commit numerous, serious abuses, including: abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders, some of whom reportedly died of their injuries while in detention; harsh and life threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement on privacy rights, including roundups of young men and women for national service and the arrest and detention of the family members of service evaders. The Government severely restricted freedoms of speech, press, assembly, association, and religion. The Government also limited freedom of movement and travel for expatriates, personnel of humanitarian and development agencies, and employees of the UN Mission to Eritrea and Ethiopia (UNMEE). Restrictions continued on the activities of nongovernmental organizations (NGOs). Female genital mutilation (FGM) was widespread, and there was societal abuse and discrimination against women, members of the Kunama ethnic group, homosexuals, and persons with HIV/AIDS. There were limitations on worker rights.

The Government acted as a principal source and conduit for arms to antigovernment, extremist, and insurgent groups in Somalia, according to a June report issued by the UN Munitions Monitoring Group.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government or its agents committed arbitrary or unlawful killings, including at least one politically motivated killing. The Government was allegedly complicit in the death of a prominent businessman.

The Government continued to authorize the use of lethal force against individuals resisting or attempting to flee during military searches for deserters and draft evaders, and the practice reportedly resulted in deaths during the year. Several persons detained for evading national service died after harsh treatment by security forces. There were reports that individuals were severely beaten and killed during roundups of young men and women for national service.

In May there were reports of summary executions and of individuals shot on sight near the Djibouti border, allegedly for attempting to flee military service. In June international news reports maintained that the Eritrean military shot at their own defecting soldiers who broke rank along the Djibouti border, instigating the Djibouti-Eritrea border conflict. In subsequent interviews with human rights groups, soldiers who broke rank claimed that the Government issued a "shoot to kill" proclamation for deserters and escapees.

There were reports that some persons who were detained because of their religious affiliation died from security force abuse. The Government did not investigate or prosecute any report of security force abuse.

According to the Government Commission for Coordination with the UN Peacekeeping Mission, an estimated three million landmines and unexploded ordnance remained from the 30-year war of independence and the 1998–2000 conflict with Ethiopia. Opposition groups reportedly laid new mines during the year. The Eritrean Demining Authority, in cooperation with the UN Mine Action Committee, continued demining activities in the Temporary Security Zone (TSZ) between Eritrea and Ethiopia.

b. Disappearance.—Eritrean refugees and asylum seekers who were repatriated from other countries during the year reportedly disappeared. In June the Government of Egypt repatriated several hundred Eritrean refugees and asylum seekers, all of whom were returned to their families, according to the Government. Nevertheless, there were numerous reports from family members of missing individuals, mostly young men and women who had not completed national service. In May German immigration authorities returned two Eritrean nationals, neither of whom had been seen since their arrival in Asmara.

At year's end the whereabouts of 11 senior PFDJ and National Assembly members, at least 15 journalists, and several employees of diplomatic missions arrested by the Government in 2001 remained unknown. In 2007 there were allegations that one of the 11 PFDJ officials had died in detention and that the rest were being held in solitary confinement.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law and ratified but unimplemented constitution prohibits torture; however, there were numerous reports that security forces resorted to torture and beatings of prisoners, particularly during interrogations. There were credible reports that several military conscripts died following such treatment. Security forces severely mistreated and beat army deserters, draft evaders, persons attempting to flee the country without travel documents and exit permits, and members of certain religious groups. Security forces subjected deserters and draft evaders to such disciplinary actions as prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit and the binding of hands, elbows, and feet for extended periods. No known action was taken during the year to punish perpetrators of torture and abuse.

There were reliable reports that torture was widespread in an unknown number of detention facilities, corroborated by prison escapees. For example, authorities suspended prisoners from trees with their arms tied behind their backs, a technique known as "almaz" (diamond). Authorities also placed prisoners face down with their hands tied to their feet, a technique known as the "helicopter."

There were reliable reports that military officials tortured foreign fishermen captured in Eritrean waters.

Prison and Detention Center Conditions.—Conditions for the general prison population were harsh and life-threatening. There were reports that prisoners were held in underground cells or in shipping containers with little or no ventilation in extreme temperatures. The shipping containers were reportedly not large enough to allow all of those incarcerated together to lie down at the same time.

There were credible reports that detention center conditions for persons temporarily held for evading military service were also harsh and life-threatening. Allegations from various sources suggested there may be hundreds of such detainees. Draft evaders were reportedly sent to the Wi'a military camp, where typically they were beaten. Some were held as long as two years before being reassigned to their units. At one detention facility outside Asmara, authorities continued to hold detainees in an underground hall with no access to light or ventilation and sometimes in very crowded conditions. Some detainees reportedly suffered from severe mental and physical stress due to these conditions. There were also reports of multiple deaths at the Wi'a military camp due to widespread disease and lack of medical care.

Although there is a juvenile detention center in Asmara, juveniles frequently were held with adults in prisons and detention centers. Pretrial detainees were not always separated from convicted prisoners.

During the year the Government did not permit the International Committee of the Red Cross (ICRC) or any local human rights organizations to monitor federal, regional, or local prison conditions; however, the Government granted the ICRC access to Ethiopian prisoners of war being detained in the country.

Authorities generally permitted convicted criminals in federal, regional, and local prisons three visits per week by family members; however, persons detained, arrested, or convicted for reasons of national security or for evading national service were denied family visits.

d. Arbitrary Arrest or Detention.—The law and unimplemented constitution prohibit arbitrary arrest and detention; however, arbitrary arrest and detention remained chronic problems.

Role of the Police and Security Apparatus.—Police are officially responsible for maintaining internal security, and the army is responsible for external security; however, the Government can call on the armed forces, the reserves, and demobilized soldiers to meet either domestic or external security requirements. Agents of the National Security Office, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The military has the authority to arrest and detain civilians. Generally police did not have a role in cases involving national security, but they were heavily involved in rounding up individuals evading national service.

Police, who often were conscripted, were poorly paid, and corruption was a problem. During the year there were reports of police and other security forces committing crimes to supplement their income. Police typically used their influence as government officials to assist friends and family. There were reports that police demanded bribes to release detainees and that military forces accepted money to

smuggle citizens out of the country. There were no mechanisms to address allegations of official abuse, and impunity was a problem.

During the year the police, military, and internal security arrested and detained persons without due process and often used violence. Police forcibly arrested individuals on the street who were unable to present identification documents. Those in government national service were required to present "movement papers" issued by their offices or departments authorizing their presence in a particular location. Those persons who did not present "movement papers" were arrested.

Arrest and Detention.—The law stipulates that detainees must be brought before a judge within 48 hours of their arrest and may not be held more than 28 days without being charged with a crime. In practice authorities often detained suspects for much longer periods. The law stipulates that unless there is a "crime in progress," police must conduct an investigation and obtain a warrant prior to making an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. Authorities did not promptly inform detainees of charges against them and often changed the charges during the course of detainment. Detainees in prisons often did not have access to counsel or appear before a judge, and incommunicado detention was widespread, although detainees in police stations generally had access to legal representation and family members. Authorities provided indigent detainees with counsel on an irregular basis. There was a functioning bail system, except for persons charged with national security crimes or crimes that could carry the death penalty.

Security force personnel detained individuals for evading national service, generally for fewer than three days, and on other unspecified national security charges. Numerous detainees were arrested even if they had valid papers showing that they had completed, or were exempt from, national service.

Security forces also continued to detain and arrest the parents and spouses of individuals who evaded national service or fled the country (*See* Section 1.f.).

No information was available on the numerous family members arrested and during 2006 security force operations.

The Government does not recognize dual nationality, and during the year security forces arbitrarily arrested citizens holding other nationalities on national security charges. There were reports that plainclothes agents of the National Security Office entered homes without warrants and arrested occupants.

Reports also indicated that persons with connections to high-level officials instigated the arrest of individuals with whom they had personal vendettas.

The Government continued to arbitrarily arrest persons who spoke out against the Government and members of nonregistered religious groups (*See* Section 2.c.).

There were reports that the Government continued to hold without charge numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence.

There were no developments in the 2002 arrests of individuals associated with the 11 PFDJ National Assembly members who were detained in 2001 or of Eritrean diplomats who were recalled from their posts. At least four Eritrean diplomats arrested in previous years, including former ambassador to China Ermias Debassai Papayo, remained in detention, as did Aster Yohannes, wife of former foreign minister Petros Solomon. Two citizens who worked for a foreign embassy have remained in detention without charge since 2001. One of the two citizens who worked for a foreign embassy and were arrested in 2005 and 2006 remained in detention. Ten citizens employed with international and local NGOs remained in detention.

The Government held numerous other detainees; however, there were widespread reports that it released many of them without bringing them to trial. The detainees included an unknown number of persons suspected of antigovernment speech or of association with the 11 former PFDJ members arrested in 2001. Suspected Islamic radicals or suspected terrorists also remained in detention without charge. Some have been detained for more than 10 years. These detainees reportedly did not have access to legal counsel and were not brought before a judge.

In August the Government conducted a widespread round-up of citizens employed by local and international NGOs. Soldiers reportedly invaded NGO compounds, rounding up dozens of local employees. Many of these employees were later released; 10 remained in custody and were reportedly transferred to the Adi Abieto prison. At year's end they remained in detention.

e. Denial of Fair Public Trial.—The law and unimplemented constitution provide for an independent judiciary; however, the judiciary was weak and subject to executive control. Judicial corruption remained a problem. The judicial process was influenced by patronage of former fighters who in many cases were judges themselves. Executive control of the judiciary continued; the Office of the President served as

a clearinghouse for citizens' petitions to the courts or acted for the courts as arbitrators or facilitators in civil matters. The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that limited the Government's ability to grant accused persons a speedy and fair trial. Public trials were held, but no cases involving individuals detained for national security or political reasons were brought to trial. The drafting into national service of many civilian court administrators, defendants, judges, lawyers, and others involved in the legal system continued to have a significant negative impact on the judiciary. The Government has not issued licenses to lawyers wishing to enter private practice for nine years.

The text of the constitution was completed and ratified by the National Assembly in 1997. It contains provisions intended to promote fair trials; however, the constitution has not been implemented. The judicial system consists of civilian courts and "special courts." The civilian court system includes community courts, regional courts, and the High Court, which also serves as an appellate court. Appeals can be made in the civilian courts up to the High Court. Minor infractions involving sums of less than approximately 110,000 nakfa (\$7,300) are brought to community courts. More serious offenses are argued before regional courts, but the High Court is the court of first instance for a significant proportion of cases involving murder, rape, and other felonies. A single judge hears all cases except those argued before the High Court, where panels of three judges hear cases. A panel of five judges hears cases in which the High Court serves as the court of final appeal.

The executive-controlled special courts issue directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors and may request that individuals involved in the cases present their positions. The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without regard for due process. Most trials in special courts were not open to the public.

Many civilian and special court judges are former senior military officers with no formal legal training. They generally based their decisions on "conscience" without reference to the law. There was no limitation on punishment, although the special courts did not hand down capital punishment sentences during the year. The attorney general allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy. In rare instances appeals made to the Office of the President reportedly resulted in special courts rehearing certain cases.

Most citizens' only contact with the legal system was with the traditional community courts. In these courts judges heard civil cases, while magistrates versed in criminal law heard criminal cases. Customary tribunals were sometimes used to adjudicate local civil and criminal cases. The Ministry of Justice offered training in alternative dispute resolution to handle some civil and criminal cases.

Shari'a law for family and succession cases could be applied when both litigants in civil cases were Muslims. In these cases, the sentences imposed could not involve physical punishment.

Trial Procedures.—The law and unimplemented constitution provide specific rights to defendants in the regular court system. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer, and government legal aid was limited to defendants accused of serious crimes punishable by more than 10 years in prison. Only in the High Court do the defendants have the right to confront and question witnesses, present evidence, gain access to government-held evidence, appeal a decision, and enjoy the presumption of innocence; these rights were upheld in practice. Rural courts followed customary law rather than constitutional law and were headed by rural elders or elected officials. Smaller cases in rural areas were encouraged to be reconciled outside the court system, while more substantial cases were reserved for the courts. These safeguards do not apply in the special courts. Trials were open to the public but were not heard by a jury; they were heard by a panel of judges.

Political Prisoners and Detainees.—There were no confirmed reports of political prisoners; however, several hundred individuals were detained beginning in 2001 for political reasons. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. Most of these detainees had not been tried and did not have access to legal counsel. The ICRC was not authorized to visit these detainees, and no information was available of their condition or circumstances of detention.

Civil Judicial Procedures and Remedies.—There are no civil judicial procedures for individuals claiming human rights violations by the Government. For the majority of citizens there were few remedies available for enforcing domestic court orders; however, persons affiliated with the executive branch, former fighters, and persons with wealth could use their influence with the court to secure civil remedies before the law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law and unimplemented constitution prohibit such actions; however, the Government did not respect these rights in practice.

The Government deployed military and police throughout the country, using road-blocks, street sweeps, and house-to-house searches to find deserters and draft evaders. Security forces continued to detain and arrest parents of individuals who evaded national service duties or fled the country, along with their family members; however, unlike in previous years, there were no reports that such parents were fined or forced to turn their children in to the Government. Government officials entered households and confiscated the property and livestock of draft evaders.

Additionally, there were reports of security forces arresting persons whose expatriate family members did not pay their extraterritorial income tax.

There were reports that security forces targeted gatherings of unregistered religious groups, regularly searched their homes, and detained their members. There were also reports the Government sometimes seized the property of registered religious groups (See Section 2.c.).

The Government monitored mail, e-mail, and telephone calls without obtaining warrants as required by law. Government informers were believed to be present throughout the country.

There were reports that military and government officials seized residences and businesses belonging to private citizens and religious organizations and subsequently housed the families of senior military officers or government officials in the properties, used them for government or military functions, or reassigned ownership to government and military officials.

During the year the Government demanded that departing NGOs hand over paperwork and documents to government officials. After the forced closure of several NGOs in 2005 and 2006, the Government required that all NGO property be turned over to it, including such items as computers, printers, and vehicles.

In September 2007 government agents forcibly removed residents from their property in the Um Hajer and Goloj areas and the Gash Barka region; the property was then transferred to other settlers. The Government failed to compensate foreigners for property taken by preindependence governments or to restore their property to them.

In 2006 the Government reportedly forcibly resettled individuals residing in Massawa based on professed concerns for the security of the president. Individual houses and businesses were demolished without adequate compensation.

During the year the Government denied parents permission to visit their minor children in Sawa Academy, an isolated and remote government-run school for all 12th grade students.

While membership in the PFDJ, the Government's only sanctioned political party, was not mandatory for all citizens, the Government coerced membership for certain categories of individuals, particularly those occupying government positions or assigned through national service to serve in government institutions. All citizens were forced to attend PFDJ indoctrination meetings irrespective of membership, and there were reports of threats to withhold the ration cards of those who did not attend. There were reports that similar meetings were mandatory for Eritrean communities abroad, with names of those not in attendance being reported to government officials. There were also reports that the Government oppressed individuals who previously belonged to parties that were pro-Ethiopian prior to independence.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law and unimplemented constitution provide for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Citizens did not have the right to criticize their government in public or in private, and some who did so were arrested or detained. The private press remained banned, and most independent journalists remained in detention or had fled the country, which effectively prevented any public and media criticism of the Government. The Government intimidated the remaining journalists into self-censorship.

The Government controlled all media, which included three newspapers, three radio stations, and two television stations. The law does not allow private ownership of broadcast or other media. The Government banned the import of foreign publica-

tions; however, individuals were permitted to purchase satellite dishes and subscribe to international media. The Government had to approve publications distributed by religious or international organizations before their release, and the Government continued to restrict the right of religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications. The Government also required diplomatic missions to submit all press releases for approval before their publication in the Government media.

The Government permitted three reporters representing foreign news organizations (AFP, Reuters, Al-Jazeera) to operate in the country; however, it frequently prevented them from filing stories with their news organizations.

The Government created administrative obstacles one international journalist in February for not revealing his sources. The journalist was eventually forced to leave.

The Swedish reporter who was held by the Government for nearly four years, released for medical treatment in 2005 and detained again a few days later, remained in detention without charge at year's end.

At least 15 local journalists who were arrested in 2001 remained in government custody at year's end. According to the NGO Reporters Without Borders on January 11, former journalist Fessehaye "Joshua" Yohannes, who had been detained since 2001 for publishing an open letter critical of the president, died as a result of life-threatening conditions in the Eiraeiro prison.

According to Reporters Without Borders, journalists who remained in detention at year's end included: Eri-TV journalists Ahmed "Bahja" Idris, Johnny Hisabu, Senait Tesfay, Fathia Khaled, and Amir Ibrahim; Radio Dimtsi Hafash employees Daniel Mussie and Temesghen Abay; and Yemane Haile of the Eritrean News Agency. All those detained, except Hisabu, who was held in a detention center in Barentu, were reportedly held in a police-run complex in Asmara known as Agip.

Some of the nine Ministry of Information journalists arrested in 2006 were released in 2007, and others remained in detention at year's end.

Internet Freedom.—There were no official restrictions on the use of the Internet; however, all Internet service providers were required to use government-controlled Internet infrastructure to provide service. The Government owned, either directly or through high-ranking PFDJ party members, the three Internet service providers. In urban areas, individuals were able to access the Internet through Internet cafes for a fee or through an at-home service provider. There were reports that the Government monitored Internet communications.

Academic Freedom and Cultural Events.—The Government restricted academic freedom. In the academic context it did not respect freedom of speech, students' freedom of movement, or the right to assemble.

The Government issued a directive in 2002 that reorganized the University of Asmara, which effectively shut down the university's undergraduate programs. As a result, prospective students have not been allowed to enroll in the university and instead were directed by the Government to attend the Mai Nafhi Technical Institute. Students finishing high school were not permitted to choose their next course of study and were assigned to specific vocational programs based on their performance on the matriculation exam, but only those students completing military training at Sawa or receiving a medical waiver were allowed to sit for the exam. A few graduate-level programs remained at the university; however, the law school was effectively closed, as new students were not permitted to enroll.

In 2007, 78 graduates of Asmara University issued a statement of concern regarding the Government's efforts to blackmail students and graduates.

The Government denied exit visas to many students who wanted to study abroad. University academics who wished to travel abroad for further study or training were required to seek permission in advance from the university president and the Government.

The Government monitored and controlled which films were shown at the cinema. International film festivals were closely monitored, and all films had to be approved by the Government.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Peaceful Assembly.*—The law and unimplemented constitution provide for freedom of assembly and association; however, the Government did not permit freedom of assembly or association. For gatherings of more than three persons, the Government required those assembling to obtain a permit, although this requirement was enforced sporadically. No information was available on the 40 women and elders who were arrested in 2006 when they gathered at the presidential palace in Asmara to ask for information about their husbands and family members, who had been detained in retribu-

tion for their children fleeing the country to evade national service; security forces arrested the women and elders for not having a permit to assemble.

Freedom of Association.—The law and unimplemented constitution provide for freedom of association; however, in practice the Government did not respect these rights.

The Government did not allow the formation of any political parties other than the PFDJ.

c. Freedom of Religion.—The law and unimplemented constitution provide for freedom of religion; however, the Government restricted this right in practice. Only the four religious groups whose registrations had been approved by the Government (Orthodox Christian, Muslims, Catholics, and Lutherans) were allowed to meet legally during the year. Security forces continued to abuse, arrest, detain, and torture members of nonregistered churches; at times such abuse resulted in death.

During the year there continued to be reports that security forces used extreme physical abuse such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. Numerous detainees were reportedly required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. There also continued to be reports that relatives were asked to sign for detainees who refused to sign such documents. During the year a woman died from lack of medical attention while in the Wi'a military camp.

In October there were allegations that government authorities confiscated and burned more than 1,500 Bibles from incoming military trainees. Those who protested the burning were allegedly locked in metal shipping containers.

In November a member of the Full Gospel Church died at the Wi'a Military Training Center when refused malaria medications. This is reportedly the second death of the year due to withholding of malaria medications, a practice security forces have allegedly used to force trainees to recant their faith.

In December the Government arrested more than 17 leaders of "noncompliant" religious groups, including a prominent doctor.

In November credible reports stated that the Government arrested more than 110 evangelical Christians, including members of the Kalet Hiwot Church, the Full Gospel Church, and the Church of the Living God.

During the year the Government seized the property of registered religious groups. For example, in June the Government seized property belonging to the Catholic Church and ordered employees to vacate the building.

During the year there were reliable reports that Eritrean government officials in Kenya sanctioned the intimidation and harassment of an Eritrean religious official in Kenya.

The Government arrested 19 Jehovah's Witnesses during the year. The Government is actively seeking the arrest of additional members.

During the year there were credible reports of government officials being complicit in the physical abuse and torture of an Eritrean religious official in Nairobi. The same government officials were also reportedly responsible for threatening church members and seizing church funds. There were additional reports of the Government being responsible for the deposing and the unknown whereabouts of three former Orthodox priests in Nairobi.

There were no developments in the September 2007 report that government officials tortured to death a woman who had been detained for more than 18 months at Wi'a Military Training Center because of her refusal to sign a letter renouncing her faith.

During the year there were reports that hundreds of followers of various unregistered churches (mostly Protestant) were detained, harassed, and abused. Many of those detained were held in military prisons for not having performed required national military service. Several pastors and dozens of women were among the imprisoned. Several were released after recanting their faith; however, many refused to recant and continued to be detained in civilian and military detention facilities across the country. While some were detained for short periods of time and released, approximately 3,000 individuals remained in detention at year's end because of their religious affiliation, according to the NGO Compass Direct.

In May the Government issued religious officials from the four recognized religious groups a set number of identification cards and exempted them from military service requirements. Officials who were not awarded a card were told to report immediately for military training.

In November 2007 the Government refused to renew residence and work permits for 12 foreign Catholic sisters and priests and ordered them to leave the country. An official characterized the order as a routine immigration issue not related to the freedom and independence of the Catholic Church. Foreign Catholic sisters contin-

ued to face difficulty in obtaining entry visas. As of December the last foreign Catholic sister had left the country. There were also reports of Catholic Church property being confiscated by the Government (*See* Section 1.e.).

The Government effectively remained in charge of the Eritrean Orthodox Church. In 2006 the Holy Synod, under government pressure, deposed Patriarch Abune Antonios of the Eritrean Orthodox Church on charges that he had committed heresy and was no longer following church doctrine. The synod selected a new patriarch, Dioscoros. Deposed Patriarch Antonios remained under house arrest and at year's end continued to challenge the circumstances of Patriarch Dioscoros selection. The lay administrator appointed by the Government in 2005 remained the de facto head of the church; the administrator was neither a member of the clergy nor an appointee of the patriarch, as required by the constitution of the Eritrean Orthodox Church.

In 2006 the Government established the practice of taking possession of the weekly offerings given by parishioners to the Orthodox Church. The Government-appointed lay administrator of the Orthodox Church claimed that the Government used the money from the offerings to pay priests and provide alms for the poor.

In 2006 two men died from injuries and severe dehydration in a military camp outside the town of Adi Quala, where they were held for conducting a religious service in a private home.

The Government also continued to monitor, harass, threaten, and arrest members of the Orthodox Medhane Alem group, whose religious services it had not approved.

There were reports that the Government in 2006 ordered the Kale Hiwot church to surrender all of its property to the Government.

The Government prohibited political activity by religious groups and faith-based NGOs. The Government's Office of Religious Affairs monitored compliance with this proscription.

The Government continued to harass, detain, and discriminate against Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum and the refusal of some to perform national service. Although members of several religious groups, including Muslims, reportedly have been imprisoned in past years for failure to participate in national military service, the Government singled out Jehovah's Witnesses for harsher treatment than that received by followers of other faiths for similar actions. In the past the Government dismissed members of Jehovah's Witnesses from the civil service, and many were evicted from, or not allowed to occupy, government housing. Members of Jehovah's Witnesses frequently were denied passports and exit visas, and some had their identity cards revoked or did not receive them at all.

Societal Abuses and Discrimination.—There were negative societal attitudes toward members of nonregistered religious organizations. Some citizens approved of the strict official measures levied against unsanctioned churches, especially Pentecostal groups and Jehovah's Witnesses.

There was a very small Jewish population; there were no reports of anti-Semitic acts.

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

Freedom of Movement, Internally Displaced Persons, Protection or Refugees, and Stateless Persons.—The law and unimplemented constitution provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government restricted some of these rights in practice. While citizens could generally travel freely within the country and change their place of residence, the Government restricted travel to some areas within the country, particularly along the borders with Sudan and Ethiopia. In August the Government suspended exit visas and passport services to its citizens. By year's end the Government provided document and travel service only to known government loyalists. The Government did not accept applications from persons requiring judgments from an adjudicator. Many persons who previously were issued passports were not allowed to renew them, nor were they granted exit visas. Military police periodically set up roadblocks in Asmara and on roads between cities to find draft evaders and deserters. Police also stopped persons on the street and forcibly detained those who were unable to present identification documents or movement papers showing they had permission to be in that area.

Travel restrictions imposed in 2006 on noncitizens remained in effect. All diplomats, humanitarian organizations and UN staff, and foreign tourists were required to obtain advance permission from the Government to leave Asmara. Travel restrictions were enforced by military checkpoints. Travel permission was not a transparent process. While some foreign nationals obtained permission to travel to certain locations, the Government refused to issue travel permits to others traveling

to the same place. The Government often failed to respond to requests for travel authorization.

In May the Government cut off fuel supplies for international NGOs. Similar restrictions were placed on UN agencies in April. These restrictions have prevented the NGOs from visiting project sites, implementing new projects, or carrying out resettlements.

Citizens and some foreign nationals were required to obtain exit visas to depart the country. There were numerous cases where foreign nationals were delayed in leaving for up to two months when they applied for an exit visa. Persons routinely denied exit visas included men up to the age of 54, regardless of whether they had completed national service; women under the age of 47; members of Jehovah's Witnesses; and other persons out of favor with, or seen as critical of, the Government. In 2006 the Government began refusing to issue exit visas to children 11 years and older. The Government also refused to issue exit visas to children, some as young as five years of age, either on the grounds that they were approaching the age of eligibility for national service or because their expatriate parents had not paid the two percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately 150,000 nakfa (\$10,000).

The law has no provisions concerning exile, and the Government generally did not use it.

The Government does not recognize dual citizenship; therefore, all persons of Eritrean descent are citizens. In general citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on foreign earned income to be eligible for some government services, including exit visas upon their departure from the country. Applications to return to the country filed by 'citizens' living abroad were considered on a case-by-case basis if the applicant had broken the law, contracted a serious contagious disease, or was declared ineligible for political asylum by other governments.

During the year, in conjunction with the ICRC, the Government repatriated approximately 1,023 Ethiopians; and 27 citizens were repatriated from Ethiopia.

Internally Displaced Persons (IDPs).—Approximately 19,000 IDPs from the conflict with Ethiopia were permanently resettled during the previous year. Approximately 6,625 IDPs remained in two camps in the Debub zone, and approximately 1,250 refugees remained in an IDP camp in the Southern Red Sea Zone. There also was a large but unknown number of IDPs residing outside camps during the year. The Government allowed UN organizations to provide assistance to IDPs. During the year all remaining IDPs were resettled, although some remained living in tents.

Protection of Refugees.—The law and unimplemented constitution do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government did not establish a system for providing protection to refugees. As a result the Government cannot provide legal refugee or asylum status; however, in practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened and provided temporary protection to approximately 135 persons from Sudan and 4,789 persons from Somalia on a prima facie basis. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in assisting refugees who were not from Ethiopia. Credible reports indicated that the Government provided resources to Ethiopian refugees only if the refugees joined Ethiopian opposition groups. Ethiopian refugees who did not join opposition groups were reportedly harassed by government officials.

The Government required noncitizens to pay an annual fee for a residency card; there was no discrimination regarding nationality. The fee was 500 nakfa (\$34), which was used to demonstrate that a foreigner was not indigent. If the foreigner could not pay the fee he was first referred to the ICRC for repatriation, but if he refused repatriation, he was incarcerated for 60 days, at which point the cycle began again.

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

The law and unimplemented constitution provide citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right in practice.

Elections and Political Participation.—The Government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government; however the transitional government has not permitted the formation of a democratic system. The Government twice scheduled elec-

tions in accordance with the constitution but cancelled them without explanation. An official declaration in 2003 claimed that “in accordance with the prevailing wish of the people it is not the time to establish political parties, and discussion of the establishment has been postponed.” Government officials also state that implementation of the constitution is not possible until the border demarcation with Ethiopia is finalized. During the year the president claimed in an Al-Jazeera interview that elections might not take place for another 30 or 40 years. The country is a one-party state. Power rests with the PFDJ and its institutions. At times the Government coerced membership in the PFDJ.

Women held three ministerial positions in the Government: Minister of Justice, Minister of Labor and Human Welfare, and Minister of Tourism. Women also served in other senior government positions such as mayors and regional administrators.

There was no information on whether members of ethnic minorities were on the PFDJs Executive Council or served on the Central Council. Some senior government and party officials were members of minority groups such as the Tigre.

Government Corruption and Transparency.—The World Bank’s 2008 governance indicators reflected that corruption was a problem. There were reports of petty corruption within the executive branch, largely based on family connections. There were allegations of corruption among military leaders involving illicit trade and the appropriation of houses. There were reports that individuals requesting exit visas or passports had to pay bribes.

In the past the Government has seized successful private companies and turned them over to the party or to the Government. Individuals were not compensated for these seizures. During the year the Government also seized crops and other food-stuffs from individuals and turned them over to the party.

Although the law and unimplemented constitution provide for public access to government information, the Government did not provide information to either citizens or noncitizens.

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

A few domestic rights groups and international humanitarian groups operated throughout the country, but with government interference and restriction. All NGOs, regardless of their scope of work, were required to register with the Ministry of Labor and Human Welfare. In 2005 the Government issued a law requiring NGOs to reregister under new guidelines to continue operating. The new guidelines require international NGOs to maintain two million dollars in the local bank. Many failed to receive government approval under the registration process and were required to leave the country. In 2006 the Government asked five NGOs—Mercy Corps, ACCORD, Samaritans Purse, International Rescue Committee, and Concern—to close operations and depart the country, which they did.

During the year the Government allowed three ruling party-aligned domestic rights NGOs—Citizens for Peace in Eritrea, Eritrean War Disabled Fighters Association, and Vision Eritrea, Inc.—to operate.

At the beginning of the year nine international humanitarian organizations were operational; however, during the year CARE and Dutch Interchurch Aid departed the country citing obstruction and harassment from the Government. The Government permitted only one international humanitarian organization, the ICRC, to operate effectively, and limited it strictly to operations such as repatriation, providing shelter to approximately 500 families displaced by the conflict with Ethiopia, visiting prisons and detention centers where Ethiopians were held, and providing assistance to Internally Displaced Persons. At year’s end there were seven registered international NGOs.

In 2006 authorities announced that all food assistance would henceforth be provided through a cash-for-work program. Simultaneously, the Government redirected over eighty thousand metric tons of food belonging to the World Food Program (WFP) and other donors to its own programs. An accounting of the distribution of this food was not provided by year’s end. In keeping with the new policy, the Government did not permit general humanitarian food distribution by NGOs or by the WFP, although it allowed the UN Children’s Fund (UNICEF) to continue its supplemental feeding programs, and supplemental feeding and hospital feeding programs continued under the supervision of the Ministry of Health. By requiring NGOs and UN organizations to obtain permission to travel outside the capital, the Government effectively controlled access by relief organizations to the rural areas. The status of school feeding programs was unknown at year’s end.

The Government allowed UN organizations to provide assistance to IDPs. By year’s end the Government had not returned the 45 vehicles it had seized in 2005 from the UNHCR.

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

The law and unimplemented constitution prohibits discrimination against women, persons with disabilities, and discrimination based on race, language, and social status, and the Government generally enforced these provisions; however, during the year the Government provided privilege to former “revolutionary fighters” and granted them access to business opportunities, trade imports, and expropriated property from non-fighters.

Women.—Rape is a crime; however, it is unclear whether spousal rape is illegal. There was no information available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim.

Violence against women was pervasive. Domestic violence is a crime; however, domestic violence cases were rarely brought to trial, and there were no legal penalties enshrined into law. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by clergy. The authorities’ response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes.

Prostitution is illegal but was a serious problem. Security forces occasionally followed women engaged in prostitution and arrested those who had spent the night with a foreigner.

Sexual harassment is illegal; however, cultural norms prevented women from reporting these types of incidents, and no one was charged or prosecuted for sexual harassment.

Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, particularly in rural areas. Women generally did not enjoy a social status equal to men.

The law requires that women from 18 to 47 years of age participate in national service. During the year the Government continued efforts to detain female draft evaders and deserters. According to reports, some women drafted for national service were subject to sexual harassment and abuse.

The National Union of Eritrean Women (NUEW), Ministry of Labor and Human Welfare, and Ministry of Health are the primary government offices responsible for ensuring legal rights of women. Economic discrimination against women was not a problem, despite the social discrepancies.

Children.—The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children’s Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation.

Education through grade seven is compulsory and tuition free; however, students were responsible for uniforms, supplies, and transportation, which was prohibitively expensive for many families. Education above grade seven requires a nominal fee and is not compulsory. There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. According to estimates by the Ministry of Education, the net enrollment rate of school-age children in the 2003–04 school year was approximately 43 percent; the gross elementary (grades one to five) enrollment rate was 71.7 percent. Approximately 75 percent of the population was illiterate. In rural areas young girls usually left school early to work at home.

The Government required all students who reached the final year of secondary school to attend school at a location adjacent to the Sawa military training facility in the western section of the country. Students who did not attend this final year did not graduate and could not sit for examinations that determined eligibility for advanced education. The remote location of this boarding school, security concerns, and societal attitudes reportedly resulted in many female students not enrolling for their final year; however, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades or dropped out of high school after the 11th grade to avoid forced conscription into the Sawa military education.

During the year 10th and 11th graders from a technical high school were not allowed to finish their school terms. Instead, they were mandated to become instructors at Sawa.

There are no laws against child abuse and no government programs to combat the problem. Physical punishment was widespread and socially accepted.

An estimated 89 percent of girls had undergone FGM. Almost all ethnic and religious groups in the country practiced FGM, despite extensive government efforts to curb the practice. In the lowlands, infibulation—the most severe form of FGM—was practiced. In March 2007 the Government issued a proclamation declaring FGM a

crime and prohibited its practice. The Government and other organizations, including the NUEW and the National Union of Eritrean Youth and Students, sponsored a variety of education programs during the year that discouraged the practice.

The legal minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UNICEF reported that child marriage occurred in the west and in coastal areas.

Child Soldiers.—All students spend their last year of high school at the military training camp in Sawa. Attendance at Sawa is compulsory and those who do not attend remain at risk of arrest. Students at Sawa are typically 18 or older, although a fair percentage are as young as 16. The initial three months of June through August are spent undergoing military training. Students who receive poor grades in high school have in the past been sent to the Wi'a military training camp in lieu of being allowed to complete the academic year. It is not known if rebel groups within the country recruit soldiers under the age of 18.

The law criminalizes child prostitution, pornography, and sexual exploitation; however, there were reports that children participated in prostitution.

During the year humanitarian groups and interlocutors anecdotally noted an increase from previous years in the amount of street children due in part to an increase in economic hardship. The Government did not provide services to abate the increase. Further, there were no known reports of security forces abusing the children.

Trafficking in Persons.—The law and unimplemented constitution prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

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

Persons With Disabilities.—The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services, and there were no reports of discrimination in practice. The Government dedicated substantial resources to support and train the thousands of men and women with physical disabilities that resulted from the war for independence and the conflict with Ethiopia. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings, but many newly constructed buildings provided such access. The Ministry of Labor and Human Welfare was responsible for the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the west. Societal abuse of Ethiopians occurred, but there were fewer reports of such abuse than in the previous year.

Other Societal Abuses and Discrimination.—Homosexuality is illegal, and homosexuals faced severe societal discrimination. The Government openly expressed a severe paranoia against homosexuals, accusing foreign governments of promoting the practice in order to undermine the Government. There were no known official discriminatory practices against civilians, although there were uncorroborated reports that known homosexuals in the military were subjected to severe abuse.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the legal right to form and join unions to protect their interests; however, some government policies restricted free association or prevented the formation of some unions, including within the civil service, military, police, and other organizations providing essential services. All unions, including the Teacher's Union, Women's Union, Youth's Union, and Worker's Union, were run by the Government. Membership in these unions was required. The Government did not encourage the formation of independent unions by employees of private businesses. Union leaders were typically government employees, and union activities were generally government sanctioned. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of labor associations during the year; however, the Government did not approve the formation of any unions.

The law allows strikes; however, all unions were closely aligned with the Government and thus did not exercise or promote the right to strike.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and collective bargaining is allowed. In practice all unions are subservient to the Government, which sets wages for union workers, employees of PFDJ-owned enterprises, and government employees. Wages

are set independently in the small private sector, although workers are not allowed to organize independently.

Since most businesses were government-owned, unions did not experience antiunion discrimination.

The Export Processing Zone, authorized in 2006 to attract foreign and local investors, was not operational by year's end.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that some citizens between the ages of 18 and 54 performed compulsory labor during the year. Nearly all persons between the ages of 18 and 54 by law were subjected to national service; however, during the year many were demobilized after they completed their requirement, or were found medically unfit. The criteria for demobilization was unclear and allowed the Government to arbitrarily recall citizens or deny them key rights as freedom of movement.

The Government required all men between the ages of 18 and 50 and women between the ages of 18 and 47 to participate in the national service program, which included military training and civilian work programs. Increasing reports indicate citizens were enlisted in the national service for many years below minimum-wage rates with no prospective end date. The Government justifies its open-ended draft on the basis of the undemarcated border with Ethiopia. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the Government or the economy. These individuals continued to receive only their national service salary; the Government required them to forfeit to the Government any money they earned above and beyond that salary. Government employees generally were unable to leave their jobs or take new employment. Draft evaders often were used as laborers on government development projects.

During the year there were no reports of forced child labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although the Government has a national plan of action to protect children from exploitation in the workplace, it was not enforced effectively, and child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law prohibits children, young workers, and apprentices under age 18 from performing certain dangerous or unhealthy labor, including working in transport industries, working in jobs involving toxic chemicals or dangerous machines, and working underground, such as in mines and sewers. It was common for rural children who did not attend school to work on family farms, fetching firewood and water, and herding livestock, among other activities. In urban areas children could be seen in auto mechanic outfits working in car repair shops. Some children worked as street vendors of cigarettes, newspapers, or chewing gum to either supplement household income or at the behest of older children. There were no known instances of forced child labor.

There were no known reports of children engaged in the worst forms of child labor; however in urban areas children were engaged in auto and bicycle repair or transport of grain/goods via donkey carts. In rural areas children assisted with farming corn, wheat, sorghum, and other grains.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent and enforcement of child labor laws was ineffective.

Some of the major programs implemented to prevent child labor include government preschool services in rural and urban areas and academic and vocational training.

e. Acceptable Conditions of Work.—The minimum wage in the civil service sector of 360 nakfa (\$24) per month did not provide a decent standard of living for a worker and family. Most persons in national service and the service industry made less than the minimum wage. For instance, police officers earn between 50 and 400 nakfa per month (between \$3.33 and \$26.67). The Government did not enforce the minimum wage law. There is no legally mandated minimum wage in the private sector.

The standard workweek is 44.5 hours, but many persons worked fewer hours. Workers are entitled to one rest day per week; most workers were allowed one to one and one-half days off per week. There are no prohibitions against excessive overtime. Citizens are legally entitled to overtime, except for those employed under national service; however, citizens were rarely forced to work more than the 44.—hour work week.

The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. In practice some workers were permitted to remove themselves from dangerous work sites without retaliation.

During the year there was no known discrimination against foreign or migrant workers.

ETHIOPIA

Ethiopia is a federal republic led by Prime Minister Meles Zenawi and the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition. The population was approximately 77 million. In the 2005 parliamentary elections, the EPRDF won a third consecutive five-year term. In local and by-elections held in April the EPRDF and allied parties won virtually all of the more than three million seats contested, severely diminishing opportunities for mainstream political opposition. Prior to the vote, ruling coalition agents and supporters used coercive tactics and manipulation of the electoral process, including intimidation of opposition candidates and supporters. Political parties were predominantly ethnically based, and opposition parties remained fractured. During the year fighting between government forces, including local militias, and the Ogaden National Liberation Front (ONLF), an ethnically based, nationalist, insurgent movement operating in the Somali Region, resulted in continued allegations of human rights abuses by all parties, particularly diversion of food aid from intended beneficiaries suffering from a severe drought. Although there were fewer reports of extrajudicial killings and other similar human rights violations in the Ogaden than the previous year, nongovernmental organizations (NGOs) and others reported persistent abuses. While civilian authorities generally maintained effective control of the security forces, there were numerous instances in which elements within those forces acted independently of government authority.

Human rights abuses reported during the year included limitations on citizens' right to change their government in local and by-elections; unlawful killings, torture, beating, abuse, and mistreatment of detainees and opposition supporters by security forces, usually with impunity; poor prison conditions; arbitrary arrest and detention, particularly of suspected sympathizers or members of opposition or insurgent groups; police and judicial corruption; detention without charge and lengthy pretrial detention; infringement on citizens' privacy rights including illegal searches; use of excessive force by security services in an internal conflict and counterinsurgency operations; restrictions on freedom of the press; arrest, detention, and harassment of journalists; restrictions on freedom of assembly and association; violence and societal discrimination against women and abuse of children; female genital mutilation (FGM); exploitation of children for economic and sexual purposes; trafficking in persons; societal discrimination against persons with disabilities and religious and ethnic minorities; and government interference in union activities, including harassment of union leaders.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Government forces, including militias, and armed elements of the ONLF were responsible for targeted killings in the Somali Region during the year (See Section 1.g.).

Security forces committed arbitrary and politically motivated killings during the year.

In December 2007 three government militiamen abducted Welelaw Muche, a supporter of the former Coalition for Unity and Democracy in Enamrit town (West Gojjam Zone, Mecha Woreda, Amhara Region) from his home and arrested him. One of the militiamen shot him to death in a nearby forest. No arrests were made by year's end.

On July 8, local police in Wonago town (Oromiya Region) shot and killed Aschalew Taye, a supporter of the All Ethiopia Unity Party (AEUP). Officials arrested the police officers involved; at year's end the trial was in session.

Land mines planted as a result of the 1998–2000 conflict with Eritrea and unresolved border dispute killed at least four civilians in the Tigray Region along the border with Eritrea. In addition, there were unconfirmed reports from a credible source of at least 12 killed and 50 injured in landmine blasts. The Government's demining unit, the Ethiopian Mine Action Office, continued to make progress in its survey and demining of border areas. The office defused 5,274 of an estimated two

million landmines in the country, most of which were located along the border with Eritrea in the regions of Tigray and Afar. Two people were also wounded by landmines in the Ogaden Region.

Addis Ababa and other areas experienced several bombings that killed civilians and military personnel during the year. Although no one claimed responsibility, the Government charged the bombings were the work of insurgent groups and or agents of Eritrea.

On March 13, a bomb exploded on a public bus in Humera (near the Eritrean border), killing eight persons and wounding at least 27. The Government captured the alleged perpetrators, who testified in court to working for dissident groups supported by Eritrea. Their trial was ongoing at year's end.

The UN Mission in Ethiopia and Eritrea and the Mine Action Coordination Centre reported 10 casualties when unexploded ordinance exploded while persons were burning paper at a school in Humera on the Ethiopian side of the Temporary Security Zone. Among the casualties were a 16-year-old girl, a 50-year-old woman, and eight men.

On April 14, bombs exploded at two commercial gas stations in Addis Ababa, killing four persons and wounding at least 16. The perpetrators remained unknown at year's end.

On May 20, a bomb exploded on a public minibus, killing six persons and wounding at least five. The police apprehended suspects they claimed were affiliated with the insurgent Oromo Liberation Front (OLF).

On May 26, bombs exploded in two hotels in Negele Borena, Oromiya Region, killing three persons and wounding five. Ethiopian soldiers were among the casualties. Investigation was ongoing at year's end.

On September 3, a bomb exploded in the Merkato market in Addis Ababa, killing six persons and wounding 26.

On September 27, a bomb exploded outside a hotel in Jijiga, Somali Region, killing four and wounding 20. Police apprehended a suspect whom they identified as a member of Al-Ittihad al-Islamiya, an insurgent group. No trial date had been set by year's end.

There were no developments in the following 2007 killings: Tesfaye Taddese, Degaga Gebissa, Tsegaye Ayele Yigzaw, Belachew Endale Bitew, Manaye Alamrew, Alemu Tesfaye, Tariku Yakiso, Mensur Musema, and the two students at Gue Secondary School (Gue town, Oromiya Region).

Police officer Alemu Deriba, sentenced to death for a 2006 shooting of four youths, remained on death row at year's end.

There were no developments in any of the 2006 bombings.

Clashes between ethnic clans during the year resulted in hundreds of deaths (*See Section 5*).

There were no developments in the following 2006 attacks: the bus attack near Bonga town (Gambela Region) by armed men; the hand grenade incident in the town of Jijiga; and the explosion in Addis Ababa.

The Federal High Court in Addis Ababa convicted and sentenced to death in absentia Mengistu Hailemariam and eight of his aides, who were charged with committing genocide and other war crimes, including extrajudicial killings, under the 1975–91 Derg regime (*See Section 1.e.*).

b. Disappearance.—There were reports of politically motivated disappearances.

According to the Ethiopian Teacher's Association (ETA), two active members of their organization (*See Section 2.b.*) disappeared this year. Tilahun Ayalew, chairman of the Dangila town ETA and coordinator of the program Education for All, was detained from December 2007 to March 2008. He reported that Bahir Dar regional police detained and tortured him for three to four days before transferring him to Maikalawi police station in Addis Ababa, where police reportedly tortured him also. The Federal First Instance Court then released him on a habeas corpus petition, citing the lack of formal charges against him. Shortly after seeing his family upon release, Tilahun disappeared, and his whereabouts remained unknown at year's end.

Also, Addis Ababa police arrested Anteneh Getnet, chairman of the original ETA in Addis Ababa and an ETA coordinator, in 2006 on charges of participating in the Ethiopian Patriotic Front (EPF) an outlawed, allegedly armed group operating in the Amhara Region. The Federal High Court denied his release, but the Federal Supreme Court released him on bail. After a few additional trial appearances, he disappeared in March, and his whereabouts remained unknown at year's end. Anteneh was first detained in 2006 for more than two months on charges of instigating violence in the 2005 elections. He alleged that he was tortured during his 2006 detention.

There were no developments in the following reported 2007 disappearances: Yohannes Woldu Girma Tesfaye Ayana, Befekadu Bulti Merri, Mulatu Gebremichel, Ismail Blatta, Daniel Worku, and Amha Yirga.

A few of the thousands of civilian protestors who were detained and held incommunicado in 2005 remained in prison at year's end; however, most had been released by the end of 2006, and an additional 31 were released in August 2007, reportedly following an elders negotiations process in July 2007 (See Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit the use of torture and mistreatment, there were numerous credible reports that security officials tortured, beat, or mistreated detainees. Opposition political party leaders reported frequent and systematic abuse and intimidation of their supporters by police and regional militias, particularly in the months leading up to the local and by-elections held during the year (See Section 3). In Makelawi, the central police investigation headquarters in Addis Ababa, police investigators reportedly commonly used physical abuse to extract confessions.

In December 2007 student Ayena Cheri was arrested in Nekempt on suspicion of being a member of the OLF. The lower court dismissed his case and ordered his release, but he remained in prison until the High Court ordered his release on February 11 following a 1,000-birr (\$98) bail. He alleged repeated severe beatings while in detention. On January 11, police and security forces arrested Coalition for Unity and Democracy (CUD) member Alemayehu Seifu while he was on his way home from work in Addis Ababa. He was conveyed to Makalawi where he was allegedly tortured for eight days while his captors sought to force a confession that he was part of a plot to overthrow the Government. He was released on January 21 without appearing in court.

On February 9, police and militia broke into the home of Gelaye Tadele, a resident of Arba Minch town in the Southern Nations, Nationalities, and Peoples' Region (SNNPR), and beat him. They then took him to a detention facility in Kofele where they fractured his right leg and beat him unconscious. He was eventually taken to the local police station and later admitted to Arba Minch hospital. His mother filed a complaint but local authorities took no action by year's end.

Of the 37 CUD members arrested and tortured in May 2006, the courts released 26 on a 5,000-birr (\$488) bail in October 2007 while denying bail to nine others who remained in jail at year's end. The other two individuals died in prison.

There were no developments in the September 2007 beating of regional parliamentarian Wegayehu Dejene (Me-ea District, Oromiya Region) and his family members.

There were no developments in the 2006 beatings of one regional parliamentarian of the Oromo Federal Democratic Movement (OFDM) and five of the Oromo National Congress (ONC).

Prison and Detention Center Conditions.—The country has three federal prisons, 117 regional prisons, and many unofficial prisons. Prison and pretrial detention center conditions remained harsh and life threatening. Severe overcrowding was a problem. In September 2007 it was reported that there were 52,000 persons in prison. Earlier in the year, prison populations decreased by 10,000 due to pardons but reportedly again increased due to increases in ethnic conflict and economic crimes. Prisoners often had less than 22 square feet of sleeping space in a room that could contain up to 200 persons, and sleeping in rotations was not uncommon in regional prisons. The daily meal budget was approximately 5 birr (50 cents) per prisoner. Many prisoners supplemented this with daily food deliveries from family members or by purchasing food from local vendors. Prison conditions were unsanitary and there was no budget for prison maintenance. Medical care was unreliable in federal prisons and almost nonexistent in regional prisons.

In detention centers, police often physically abused detainees. Authorities generally permitted visitors but sometimes arbitrarily denied them access to detainees. In some cases, family visits to political prisoners were restricted to a few per year.

While statistics were unavailable, there were some deaths in prison due to illness and poor health care. Prison officials were not forthcoming with reports of such deaths. Several pardoned political prisoners had serious health problems in detention but received little treatment at the time.

Authorities sometimes incarcerated juveniles with adults if they could not be accommodated at the juvenile remand home. Men and women prisoners were largely, but not always, segregated.

During the year the International Committee of the Red Cross (ICRC) visited regional prisons only. The Government continued to prevent ICRC representatives from visiting police stations and federal prisons throughout the country including

those where opposition, civil society, and media leaders were held. Regional authorities allowed the ICRC to meet regularly with prisoners without third parties being present. The ICRC also continued to visit civilian Eritrean nationals and local citizens of Eritrean origin detained on alleged national security grounds. The local NGO Prison Fellowship Ethiopia (JFA-PFE) was granted access to various prison and detention facilities, including federal prisons. The Government also periodically granted diplomatic missions access to regional prisons and prison officials, subject to advance notification.

d. Arbitrary Arrest or Detention.—Although the constitution and law prohibit arbitrary arrest and detention, the Government frequently did not observe these provisions in practice.

Role of the Police and Security Apparatus.—The Federal Police Commission reports to the Ministry of Federal Affairs, which is subordinate to the parliament; however, this subordination is loose in practice. Local militias also operated as local security forces largely independent of the police and military. Corruption remained a problem, particularly among traffic police who solicited bribes. Impunity also remained a serious problem. According to contacts at government agencies, the Government rarely publicly disclosed the results of investigations into abuses by local security forces, such as arbitrary detentions and beatings of civilians. The federal police acknowledged that many of its members as well as regional police lacked professionalism.

The Government continued its efforts to train police and army recruits in human rights. During the year the Government continued to seek assistance from the ICRC, JFA-PFE, and the Ethiopian Human Rights Commission (EHRC) to improve and professionalize its human rights training and curriculum by including more material on the constitution and international human rights treaties and conventions. JFA-PFE conducted human rights training for police commissioners and members of the militia.

Arrest and Detention.—Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in outlying regions. Although the law requires detainees to be brought to court and charged within 48 hours, this generally was not respected in practice. While there was a functioning bail system, it was not available in murder, treason, and corruption cases. In most cases authorities set bail between 500 and 10,000 birr (\$494–975), which was too costly for most citizens. Police officials did not always respect court orders to release suspects on bail. With court approval, persons suspected of serious offenses can be detained for 14 days and for additional 14-day periods if an investigation continues. The law prohibits detention in any facilities other than an official detention center; however, there were dozens of unofficial local detention centers used by local government militia and other formal and informal law enforcement entities. The Government provided public defenders for detainees unable to afford private legal counsel but only when their cases went to court. While in pretrial detention, authorities allowed such detainees little or no contact with legal counsel.

Opposition party members consistently reported that in small towns, authorities detained persons in police stations for long periods without charge or access to a judge, and that sometimes these persons' whereabouts were unknown for several months. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge in the run-up to the local and by-elections held earlier in the year. For example, at a May wedding in Chendiba town in Chilga District, Amhara Region, officials arrested nine AEUP supporters: Wagnew Tadesse, Mekuanent Seneshaw, Alehegne Mekuanent, Kifle Tadege, Demissie Yehualla, Kolagie Jegne, Teffera Akemu, Setegne Tadege, and Endale Tadege. Officials accused them of holding an illegal political gathering. At year's end, all nine remained in jail, held without bail, formal charges, or communication with their families.

On October 4, the Government released eight of 10 Kenyans suspected of being foreign fighters in Somalia and detained clandestinely in the country since early 2007. Human Rights Watch (HRW) reported that Kenya originally arrested at least 150 suspected fighters of several nationalities and then rendered dozens to the Ethiopian National Defense Forces (ENDF) for questioning. Most were eventually released but these last 10 remained in ENDF custody where they reported beatings and torture. The whereabouts of the remaining two were unknown at year's end.

In late October, officials arrested at least 53 ethnic Oromos (some reported as high as 200), including university lecturers, businessmen, and housewives, many with no apparent political affiliation, for alleged support to the banned OLF. Many supporters of the mainstream political opposition OFDM were also arrested during the same time period for the same charges.

On December 23 and 24, hundreds of Somalis were arrested in Addis Ababa. A Somali embassy spokesperson reported that following the initial round-up, police checked records, fingerprinted, and then released detainees.

Just before the Ethiopian New Year in September 2007, security forces arrested individuals suspected of supporting the OLF or terrorist activity. Many were members of the opposition United Ethiopian Democratic Forces (UEDF) or OFDM parties. Approximately 450 arrests were reported to opposition party offices in Addis Ababa. At year's end, 148 detainees remained in jail.

In the case of Yosef Abera and nine others who were arrested in 2006 on accusations of providing food and arms to the OLF, police transferred them from Ayra Guliso town in Oromiya to Senkelle Police Training Center, also in Oromiya. They were released on March 16 after signing a letter stating they would not participate in any future illegal activities.

Police continued to enter private residences and arrest individuals without warrants (*See* Section 1.f.).

Most of the 180 persons arrested in Nazret, Oromiya Region, in 2006 were released in 2006, but there was no information available on the remaining three detained at year's end.

Amnesty.—On March 28, the federal government pardoned two human rights activists, Daniel Bekele and Netsanat Demissie, after they signed an admission of guilt and served 28 months in detention. These two were the last of the high-profile political detainees arrested after the 2005 national elections. Both originally declined to admit guilt, instead defending their case before the Federal High Court. The court ultimately convicted them of incitement, a charge that had never been alleged or raised until the day of the court's verdict, and sentenced both to 30 months imprisonment.

On September 28, the federal government granted amnesty to 4,500 prisoners, excluding convicted murderers, rapists, and those found guilty of corruption.

On November 16, the Tigray regional government granted amnesty to 2,167 prisoners, excluding those who committed crimes in connection with corruption, and causing fire and destruction of infrastructures or forests.

On November 25, the Ministry of Justice (MOJ) Pardon Board pardoned 44 OLF members who were convicted of serious crimes after serving 16 years in prison.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. Although the civil courts operated with independence, the criminal courts remained weak, overburdened, and subject to significant political intervention and influence. Constitutional interpretation remains solely with the upper house of parliament, exclusively comprised of ruling party members, which also handles judicial appointments and reviews judicial conduct. Judicial practice allows the court unilaterally to convict defendants on charges not raised by the prosecution at any point preceding the court's decision on guilt. This practice effectively impedes defendants from presenting an adequate defense as they may not be aware of the potential charges they face.

The Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal, and regional levels. The Federal High Court and the Federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary was increasingly autonomous and often heard regional cases.

Regional offices of the federal MOJ monitored local judicial developments. Some regional courts had jurisdiction over both local and federal matters, as the federal courts in those jurisdictions had not begun operation; overall, the federal judicial presence in the regions was limited. Because of this, many citizens residing in rural areas did not have reasonable access to the federal judicial system and were forced to rely on traditional conflict resolution mechanisms like the Elders' Councils. Anecdotal evidence suggested that women did not always have access to free and fair hearings in the traditional justice system because they were excluded from participation in the Elders' Councils and because there was strong gender discrimination in rural areas.

Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority.

The judicial system severely lacked experienced staff, sometimes making the application of the law unpredictable. The Government continued to train lower court judges and prosecutors and made effective judicial administration its primary focus.

Judicial corruption was a significant issue. During the year, the federal MOJ brought corruption cases against 17 judges; however, 15 of those cases were dis-

missed without sanction against the judges involved. The remaining two cases were pending at year's end.

Trial Procedures.—According to the law, accused persons have the right to a fair public trial by a court of law within a “reasonable time,” a presumption of innocence, the right to be represented by legal counsel of their choice, and the right to appeal. However, closed proceedings occurred, at times authorities allowed detainees little or no contact with legal counsel, and detainees usually were not presumed innocent. Judicial inefficiency, lengthy trial delays, and lack of qualified staff often resulted in serious delays in trial proceedings.

The Public Defender's Office provides legal counsel to indigent defendants, although its scope and quality of service remained limited due to the shortage of attorneys available. Although the law explicitly stipulates that persons charged with corruption are to be shown the evidence against them prior to their trials, authorities routinely denied defense counsel pretrial access to such evidence.

In the country's judicial system, there are federal and regional criminal courts. There are federal first instance courts, high courts, and the Supreme Court. There are also regional first instance courts and high courts. The Supreme Court maintains appellate authority over all courts.

The law provides legal standing to some preexisting religious and customary courts and allows federal and regional legislatures to recognize other courts. By law all parties to a dispute must agree to use a customary or religious court before such a court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition other traditional systems of justice, such as Councils of Elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas and generally had little access to formal judicial systems.

The federal first instance court's seventh criminal branch, headed by three judges, handled cases involving juvenile offenses and cases of sexual abuse of women and children. There was a large backlog of juvenile cases, and accused children often remained in detention with adults until officials heard their cases.

Criminal matters related to the military are handled by military tribunals. Military tribunals may not try civilians except in cases of national security. The military justice system lacked adequately trained staff to handle the growing caseload.

In January and February 2007, Ethiopian forces serving in Somalia arrested and detained civilians suspected of being affiliated with foreign fighters in Somalia. Some of the civilians were released after questioning; however, two international NGOs reported that some were transferred from Somalia through Kenya to Ethiopia, where they were tried by a military tribunal. Others were held without charge or due process. While most of these foreign fighters were returned to their home countries in 2007, the country returned eight Kenyans to Kenya on October 4. These are believed to be the last remaining such detainees.

In 2006 the 57 top officials from the former Derg (Mengistu) regime, including former communist dictator Colonel Mengistu Hailemariam, were found guilty of genocide, treason, and murder for crimes committed during their 17 years of rule. On January 11, they were given sentences ranging from 23 years to life in prison. However, the prosecutor appealed many of these sentences, and on May 26, the court sentenced Colonel Mengistu and 18 of his associates to death. All but Colonel Mengistu, who was in exile in Zimbabwe, sat on death row at year's end; the Government had not established an execution date.

Political Prisoners and Detainees.—The number of political prisoners and detainees during the year was estimated to be in the hundreds. There were numerous reports of unlawful detention of opposition candidates and their supporters, mostly in the months before April's local and by-elections (See Section 3).

In one example, Chaka Robi, a 20-year-old CUD supporter, was arrested without a warrant from his Addis Ababa residence on March 5. Officials held him in Maekelawi where, family members reported to the Ethiopian Human Rights Council (EHRCO), police denied them visitation rights accorded by law. It is common practice for police to deny visitation rights without cause while detainees are under investigation.

Political prisoner Assefa Abraha, former head of the Office of Government Development Organizations in the Prime Minister's Office, was paroled on July 31 after serving more than seven years in detention. Police arrested Assefa and four of his siblings, including former defense minister Seeye Abraha, on corruption charges in May 2001 following a contentious rift within the ruling party but released his siblings in 2007. Assefa was eventually convicted in July 2007 and sentenced to nine years' imprisonment before being paroled.

In mid-October about 20 people were arrested and put under the custody of the Federal Army at the Army Camp in Dembe Dollo. Among them was Ato Makonnin Dheressa, a prominent member of the OFDM. He was released one week later.

In late October/early November, police, local authorities, and ruling party cadres arrested more than a dozen second-tier leaders from various opposition parties engaged in community outreach or opening new offices throughout the country. OFDM secretary general Bekele Jirata was arrested on October 30 and charged on December 16 with recruiting and organizing OLF members, promoting OLF terrorist activities, and financially supporting the OLF. The case was pending at year's end.

On December 5, a popular singer known as Teddy Afro (Tewodros Kassahun) was sentenced to six years in prison and fined 18,000 birr (\$1,755) for the hit-and-run death of a homeless man in 2006. Some of Teddy Afro's songs were seen as opposition anthems during the violent aftermath of the 2005 elections. While it is unclear whether the conviction was politically motivated, the expeditious incarceration and prosecution of Afro's case 18 months after the alleged incident suggest political interference rather than solely delays in pursuing the case.

On December 29, Unity for Democracy and Justice Party president Birtukan Mideksa was rearrested for accurately telling European media organizations that she had not requested from the Government a pardon leading to her release from jail in July 2007. President Girma Wolde-Giorgis revoked her pardon and reinstated her life sentence.

At year's end, many other political detainees, including CUD, ONLF, and OLF members, remained in prison.

In July and August 2007, the Government pardoned 71 individuals arrested following demonstrations in 2005. The pardons permitted the defendants' future political participation, but in practice the Government continued to limit that right.

The trial continued for most of the 52 individuals arrested in 2006–07 for alleged membership in the EPF, although two prominent ETA members reportedly disappeared (*See* Section 2.b.).

Civil Judicial Procedures and Remedies.—Civil courts, which provided judicial remedy for alleged wrongs, were generally viewed as independent and impartial. The law provides citizens the right to appeal human rights violations in civil court; however, no such cases were filed during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires authorities to obtain judicial warrants to search private property; however, in practice, particularly outside Addis Ababa, police often ignored this law. Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including extorting money. This occurred primarily in the months preceding April's local and by-elections. There were reports that members of local militias robbed persons during the year in locations throughout Oromiya.

There continued to be reports of police forcibly entering civilian homes throughout the year.

All but three electronic communications facilities were state-owned. Political party leaders reported incidents of telephone tapping and other electronic eavesdropping. There were also reports of the Government jamming radio stations (*See* Section 2.a.).

The Government used a widespread system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in the Somali Region (*See* Section 1.g.).

Security forces continued to detain family members of persons sought for questioning by the Government.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year fighting continued between government forces, including government-backed and affiliated militia, and the ONLF, an ethnically based, nationalist, insurgent movement operating in the Somali Region, triggering widespread criticism of human rights abuses. While NGO reports of burnt villages and population displacement significantly declined during the year, unsubstantiated, but largely credible, reports of human rights abuses continued, including extrajudicial killings, torture, rape, abductions, and arbitrary arrest. Deliveries of food and medicine were restricted as a result of insecurity, lack of capacity, and Ethiopian military restrictions. Since the ONLF was outlawed in 1994, the organization has engaged in low-intensity armed conflict with the Government. The regional conflict in Somalia that began in late 2006 spread to the Somali Region and, allegedly fueled by support from the Eritrean government, resulted in greatly increased armed activity by the ONLF, whose members share ethnic ties with Somalis. Civilians, international NGOs, and other aid

organizations operating in the region have reported that both the ENDF and the ONLF were responsible for abuses and harsh techniques used to intimidate the civilian population.

Since the Ethiopian military began significant counterinsurgency operations in the Ogaden in response to the April 2007 slaying of oil exploration workers, the Government has limited the access of diplomats, NGOs, and journalists to the Somali Region, allegedly due to serious security concerns. However, human rights groups and others have accused the Government of denying access to the region in order to prevent potential critics and observers from monitoring ENDF operations. The Government has allowed some humanitarian access, but the ability to investigate human rights abuses has been restricted. Reports of human rights violations largely have come from interviews with second-hand sources or alleged victims who have fled the Somali Region.

In June HRW issued a report alleging that the ENDF committed war crimes and crimes against humanity in the Ogaden area of the Somali Region. The report claimed a “brutal counter-insurgency” campaign was conducted in the Ogaden involving systematic forced relocation, burning of villages, arbitrary killings, mass detentions, torture, rape and assault, livestock confiscations, and restrictions on civilian movements. In response to the allegations the Government conducted its own investigation into the alleged abuses and found that there were no systematic human rights abuses but rather “evidence of one or two cases of abuse, and one of torture.” The selection of former ruling party insider Lisan Yohannes to lead the investigation, however, opens questions about the independence of the investigation. The Government stated that the officer responsible for the said abuses was summoned to court.

Killings.—On March 30, the Government reported that security forces arrested eight men suspected of involvement in the April 2007 ONLF attack on a Chinese-run oil facility in the Degehabur zone of the Somali Region. The attack killed 65 civilians and nine Chinese nationals and resulted in a dramatic escalation in the conflict, which triggered widespread criticism of human rights abuses perpetrated by government forces. The Government also reported that the same eight individuals were implicated in a May 2007 Jijiga grenade attack on a crowd during an official holiday celebration. All suspects remained on trial at year’s end.

On September 27, a bomb exploded in a hotel in Jijiga, killing four and wounding 10. Police apprehended three suspects who reportedly acknowledged being ONLF members.

On October 16, Prime Minister Zenawi told parliament that the Government had confirmed that all bombings this year in Addis Ababa were the work of the OLF and all bombings in the Somali Region were confirmed to be the work of the ONLF. Apart from the cases noted above, no credible evidence has been presented to verify these claims.

On November 22, police forces attempted to force villagers from Laare and Puldeng villages (Gambella Region) to move to a new area. When villagers refused, violence ensued, killing nine civilians and wounding 23 others. Two policemen were killed and six others were wounded. Police also reportedly set fire to homes and killed numerous livestock.

The ONLF issued a report stating that the ENDF killed 48 civilians and wounded 50 on December 17 in Mooyaha village (23 miles northwest of Dagabur, Ogaden). They also accused the ENDF of killing six civilians in Galashe (near Fik) on the same day. The Government had not responded to the allegation by year’s end.

Abductions.—On September 23, an unknown armed group kidnapped two foreign staff members of the French NGO Medecins du Monde (MDM) near Shilabo town in the Somali Region. The kidnappers transported both hostages into Somalia where they were sold to another group that demanded ransoms. At year’s end ransom had not been paid and the two MDM staff members remained hostages.

Physical Abuse, Punishment, and Torture.—International rights groups and NGOs reported that alleged unlawful killings, torture, rape, abductions, and arbitrary arrests continued in the conflict zone. While there were numerous reports of human rights violations in the conflict-affected areas, there were no successful attempts at substantiating the reports due to lack of access to the region (See Section 1.g.).

Other Conflict-Related Abuses.—During the year the Government loosened restrictions on the delivery of food aid from donor organizations into the five zones of the Somali Region in which military activity was the most intense. Nevertheless, only 12 percent of food aid reached beneficiaries. Improvements in food aid deliveries allowed relief to reach primary destination points, but distribution to secondary

towns, rural areas, and final beneficiaries remained limited. Commercial traffic into these zones somewhat increased.

The Government restricted access of NGO workers and journalists to affected areas. International journalists who entered the Somali Region without permission of the Government were arrested or obliged to leave the country. The Government continued to ban the ICRC from the region, alleging it cooperated with the ONLF. Bureaucratic impediments to Medicins Sans Frontieres-Switzerland (MSF-CH) operations in the Somali Region and government accusations it cooperated with the ONLF prompted MSF-CH to terminate operations in the country on August 26.

During the year, some humanitarian groups reported roadblocks manned by insurgent groups who occasionally briefly detained them. These same humanitarian groups reportedly were interrogated by the ENDF on their encounters at the roadblocks with the insurgents.

On January 26, the ENDF placed Medicins Sans Frontieres-Holland (MSF-NL) staff members under house arrest in Warder for allegedly providing medical support to the ONLF and confiscated MSF-CH property and vehicle keys in Kebri Dehar, limiting its staff members' movement to the town for three weeks. These restrictions originally covered all UN and NGO groups operating in the Somali Region; however, they were lifted on January 31 for all groups except MSF. On June 18, ENDF again detained five MSF-CH Fik-based staff for 19 days. The Government previously suspended MSF-NL operations between July and November 2007. There was no judicial process or charges filed in any of the cases.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—While the constitution and law provide for freedom of speech and press, the Government did not respect these rights in practice. The Government continued to arrest, harass, and prosecute journalists, publishers, and editors. The Government continued to control all broadcast media except three private FM radio stations. Private sector and government journalists routinely practiced self-censorship.

Government-controlled media mostly reflected the views of the Government and the ruling EPRDF coalition. However, live radio and television broadcasts at times included televised parliamentary debates and broadcast the views of opposition parliamentarians, as did government newspapers.

Although some new, small-circulation newspapers were published during the year, the number of private newspapers remained low. Approximately 20 private Amharic-language and English-language newspapers with political and business focuses were published, with a combined weekly circulation of more than 150,000.

The Government operated the sole television station and tightly controlled news broadcasts. The broadcasting law prohibits political and religious organizations or foreigners from owning broadcast stations.

Foreign journalists and local stringers working for foreign publications at times published articles critical of the Government but were subjected to government pressure to self-censor. During the year some reporters for foreign media were subjected to intimidation and harassment or threatened with expulsion from the country for publishing articles critical of the Government.

During the year the Government convicted and sentenced journalists for articles and reports in their publications. Journalists were intimidated, harassed, arrested, and detained on charges of defamation, threatening public order, and contempt of court.

For example, on February 16, police arrested Al-Quds publisher Maria Kadi Abafita and editor-in-chief Ezeddin Mohammed, along with Sheikh Ibrahim Mohammed Ali, the publisher and editor-in-chief of the Islamic Amharic weekly newspaper Salafia. The arrests followed their publishing of articles critical of an education ministry directive on religious worship in schools, including the reprint of a letter allegedly written by the vice president of the Ethiopian Islamic Affairs Supreme Council. The vice president denied writing the letter and filed criminal defamation charges. Police searched the newspapers' offices and confiscated computers and printers. The journalists were detained for 26 days and released on February 29 on a bail of 12,000 birr (\$1,200). The case was pending at year's end.

On March 6, Dawit Kebede, editor-in-chief of the weekly Awramba Times, was detained and released. The National Electoral Board (NEB) accused him of posting an advertisement for his newspaper on a poster promoting EPRDF candidates for local elections. He appeared in court and was released on 200 birr (\$20) bail the same day. No further action was taken before year's end.

There were multiple incidents of harassment and arrest surrounding journalists' coverage of the ongoing 2006 hit-and-run trial of pop singer Tewodros Kassahun, commonly known as Teddy Afro.

For example, on May 2, police detained editor/owner Alemayehu Mahtemework and three staff members of the private Amharic monthly entertainment magazine Enku and confiscated 10,000 magazine copies after Enku ran a cover story on Afro's controversial arrest and trial. The Government accused them of publishing "stirring articles that could incite people" and held them for five days before release. Alemayehu was also charged with threatening public order, and his case remained pending at year's end. The magazine continued operating and police released the confiscated copies on July 31.

Also on July 29, Mesenazeria reported that its editor-in-chief and deputy editor-in-chief were detained for 32 hours and released on July 26 for printing photos without permission of the two police officers escorting Afro to trial. The journalists were not formally charged.

On August 4, the judge presiding over Afro's trial charged Mesfin Negash, editor-in-chief of the independent Amharic weekly Addis Neger, with contempt of court after he published an interview with the singer's lawyer, Million Assefa, in the July 26 edition. The newspaper accurately quoted the lawyer as saying he would file a complaint against high court judge Leul Gebremariam over alleged bias in his handling of the singer's case. On August 6, the judge sentenced Mesfin to a one-month sentence suspended for two years. The lawyer, Million Assefa, was also found guilty of contempt of court and sentenced to one month and 20 days at Kaliti prison.

Police summoned and questioned Addis Neger journalists regarding four separate stories involving investigative reports.

Following Awramba Times' extensive coverage of the Movement for Freedom, Democracy, and Justice (Ginbot 7), an opposition group advocating a change in the Government by "any means," the newspaper reported receiving threats on August 4 and 5 that it would be banned and "held accountable." In addition there were allegations that an internal MOJ memo advocated the same. On August 7, the Addis Ababa Police Commission charged editor-in-chief Dawit Kebede with "inciting the public through false rumors" but released him on bail the same day. Harambe editor-in-chief Wossenseged Gebrekidan was also charged and released on bail following similar coverage of Ginbot 7. There were no further developments in the cases by year's end.

On August 22, two police officers, one from Addis Ababa and the other from Gondar, arrested Amare Aregawi, editor-in-chief of the Amharic- and English-language newspaper The Reporter, at his office. Police held him overnight in an Addis Ababa police station and then transferred him in a brewery vehicle to a station in Gondar, approximately 470 miles north of Addis Ababa. On arrival, he was transferred to Gondar police custody. The arrest was in connection with a libel case brought by the Gondar-based, ruling-party-owned Dashen Brewery in response to a July 20 story on a labor dispute at the brewery. Amare appeared in court in Gondar on August 27 and was released after posting bail of 300 birr (\$29) and spending six days in detention. He again appeared in court on September 1 but learned there were no charges against him, and the bail money was returned to him. The article's author, Teshome Niku, was taken to Gondar on July 30 to appear in court but was released on bail of 300 birr (\$29) on August 1. The rendering of both journalists to Gondar raised concerns about the legality of the action; the press law adopted on July 1 stipulates that defamation cases are to be tried in the locality where the claimed offense allegedly took place, and The Reporter's registered headquarters is in Addis Ababa. Following his release, Teshome reportedly received anonymous, threatening phone calls.

On November 4, private newspaper Enbilta editor-in-chief Tsion Girma, deputy editor Habte Tadesse, and reporter Atenafu Alemayehu were arrested in connection with an article published October 3 that mistakenly identified the judge in the Teddy Afro hit-and-run case. Tsion was released on October 22 on 2,000 birr bail (\$200). Her two colleagues were released October 24 with no charges. Tsion was convicted November 4 on criminal charges of inciting the public through false rumors and fined an additional 2000 birr (\$200).

On October 31, The Reporter editor-in-chief Amare Aregawi was violently attacked in front of his son's school. School staff found him unconscious and rushed him to the intensive care unit at the hospital. He later recovered and returned to work. The media reported that police arrested one of the assailants and the driver of a taxi planned as a getaway car. The Addis Ababa Police Commission continued to investigate the case at year's end.

Several journalists remained in exile, including journalists detained following the 2005 elections but released in 2007.

On July 1, the parliament passed The Mass Media and Freedom of Information Proclamation, published in the official Negarit Gazette on December 4. The law prohibits pretrial detention of journalists and censorship of private media, and it recog-

nizes the right of journalists to form professional associations. However, the law allows only incorporated companies to publish print media; requires all previously licensed press to reregister; bars foreign and crossmedia ownership; grants the Government unlimited rights to prosecute the media; criminalizes defamation of public officials and increases defamation fines to 100,000 birr (\$9,751); establishes “national security” as grounds for impounding materials prior to publication; provides government information officials exclusive discretion to withhold “sensitive” information without judicial review; and maintains the MOI’s absolute authority to regulate the media.

The Ministry of Information was dissolved on October 30. Media reported that the Government planned to replace the ministry with a new communications office that would be directly accountable to the prime minister. Although reports indicated the new entity would not be responsible for press licensing, that responsibility had not been reassigned by year’s end.

Regional governments censored the media during the year by prohibiting NGOs and health centers from providing information to, or allowing photography by, foreigners or journalists about malnutrition caused by the mid-year drought.

The Government indirectly censored the media by controlling licensing. In the first week of January, the Ministry of Information denied press licenses to Eskinder Nega, Serkalem Fasil, and Sisay Agena, the former editors of banned private newspapers Menelik, Asqual, Satenaw, Ethop, and Abay, who had been detained for 17 months after the 2005 elections and were pardoned and released in April 2007.

On July 2, the same three publishers were fined a combined amount of 300,000 birr (\$29,252) in connection with their papers’ coverage of the 2005 elections. The court ordered them to appear before the First Criminal Bench of the Federal High Court in December if they failed to pay. They appeared in court on December 24 and delivered a written petition citing pardon law 395/2004, article 231/2, which stipulates that pardons granted to persons automatically pertain to monetary penalties against them. The court adjourned and is scheduled to reconvene in January 2009.

During the year the Government granted licenses to Dawit Kebede and Wosonseged Gebrekidan, two other journalists detained after the 2005 elections and released in August 2007, for two new Amharic-language weeklies, Awramba Times and Harambe.

The Government owned the only newspaper printing press.

In June, Ayele Chamisso, member of parliament (MP) and chairman of the Coalition for Unity and Democracy Party (CUDP), filed charges against three private newspapers: Addis Neger, Awramba Times, and now-defunct Soressa. Ayele claimed that the papers used his party’s name for other groups. The editor of Awramba Times appeared in court in November on defamation charges and was released on 2000 birr (\$190) bail. He appeared in court again in December. His case and the cases against the other two newspapers were pending at year’s end.

The sustained jamming of Voice of America’s Amharic and Afan Oromo Services, which started in December 2007, largely ended in March.

Internet Freedom.—The Government restricted access to the Internet and blocked opposition Web sites, including the sites of the OLF, ONLF, Ginbot 7, and several news blogs and sites run by opposition diaspora groups, such as the Ethiopian Review, CyberEthiopia.com, Quatero Amharic Magazine, Tensae Ethiopia, and the Ethiopian Media Forum.

On August 29, a statement by the New York-based NGO Center Committee to Protect Journalists (CPJ) stated that reliable sources reported that its servers were inaccessible to users, and that emails were not coming through to CPJ. These reports emerged at the same time CPJ was investigating the detention of The Reporter editor Amare Aregawi. The Reporter also alleged blocking of its Web site for four days during this time. CPJ’s Web site was also inaccessible at other times during the year.

The Ethiopian Telecommunications Corporation (ETC), the state-run monopoly telecom and Internet provider, had approximately 30,000 Internet subscribers. Citizens in urban areas had ready access to Internet cafes; however, rural access remained extremely limited. Mobile telephone text messaging, which restarted in September 2007, was available. The number of mobile telephone subscribers reached 1.9 million.

Academic Freedom and Cultural Events.—The Government restricted academic freedom during the year, maintaining that professors could not espouse political sentiments. Authorities did not permit teachers at any level to deviate from official lesson plans and discouraged political activity and association of any kind on university campuses. Reports continued of uniformed and plainclothes police officers on

and around university and high school campuses. Professors and students were discouraged from taking positions not in accordance with government positions or practices. College students were reportedly pressured to pledge allegiance to the EPRDF to secure enrollment in universities or post-graduation government jobs. There was a lack of transparency in academic staffing decisions, with numerous complaints from individuals in the academic community of bias based on ethnicity or religion. Speech, expression, and assembly were frequently restricted on university and high school campuses.

In June the Government banned the first exhibition of nude photography scheduled to open on June 27 in Addis Ababa. The private photographer who organized the exhibition, Biniam Mengesha, told the media that culture ministry officials wanted to preview the photos, did so, then banned them for being pornography, not art.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, the Government restricted this right. Organizers of large public meetings or demonstrations must notify the Government 72 hours in advance and obtain a permit. The Government issued permits to political parties to assemble in halls but has barred street demonstrations since 2005.

Opposition political parties reported that during the year their supporters were targets of frequent and systematic harassment and violence by government security forces, particularly in the lead up to the local elections (See Section 3). Regional governments, including the Addis Ababa regional administration, are reluctant to grant permits or provide security for large meetings. For example, police refused to permit Unity for Democracy and Justice's (UDJ) general assembly to meet in a hotel in Addis Ababa, despite a letter from the NEB stating no license was needed.

There were few attacks by police and militia against demonstrators since no public assembly permits were issued and illegal demonstrations were infrequent.

On August 21, residents of Dejen town, Amhara Region, gathered to protest local officials' stalling on the residents' application for use of nearby farmland. Local police and militia surrounded the demonstrators, beating dozens. A few protestors required hospitalization. No legal action was taken against the perpetrators.

There were no developments in the April 2007 police shooting of two demonstrators in Damot Weyde District and none in the 2006 killing of 15 demonstrators by police in the East Wallega zone, Guduru District.

The Independent Inquiry Commission, established in late 2006 by the Government to investigate the use of excessive force by security forces in violent 2005 antigovernment demonstrations, found that security forces did not use excessive force, given demonstration violence; however, prior to the release of the report, the chairman and deputy chairman of the commission fled the country, allegedly in response to threats made against them by government forces. After fleeing, both stated publicly and showed video evidence that, at an official meeting in 2006, the commission had originally decided, by a vote of eight to two, that excessive force was used and that the total number of killed and injured was the same as eventually reported. Following this vote, government officials allegedly urged commission members to change their votes to indicate that excessive force was not used. At year's end, the Government had taken no action to investigate or prosecute perpetrators of the excessive force.

Freedom of Association.—Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the Government in practice limited this right. Opposition parties reported receiving no government subsidies for their political activities despite laws providing for them. The MOJ technically registers and licenses NGOs, but the Ministry of Foreign Affairs (MFA) screens applications for international NGOs and submits a recommendation to the MOJ whether to approve or deny registration. The MFA recommended that some international NGOs' registration be denied absent a deposit of two million birr (\$195,000), effectively preventing them from registering.

As provided by law, the Government required political parties to register with the NEB, which continued to limit political activity by the CUDP. For example, on January 3, the NEB awarded the CUDP name to a renegade member and the CUDP party symbol to another breakaway group, the United Ethiopian Democratic Party (UEDP)-Medhin, forcing the bulk of the CUDP's leaders to establish new parties.

During the year the UEDF, UDJ, OFDM, and Oromo People's Congress (OPC) reported arrests of members and the forced closure of political party offices throughout the country and intimidation of landlords to force them to evict the political groups (See Sections 1.d. and 3).

During the year some political leaders, including federal and regional MPs, were discouraged from traveling to their constituencies to meet with supporters, although others visited constituents without incident. For example, OFDM chairman Bulcha Demeksa was persuaded not to visit his constituency in Wellega district, Oromiya Region, because the Government told him his security could not be guaranteed. Some local officials blocked some opposition MPs access to their constituencies, arguing that as federal MPs they had no reason to visit.

The ETA has operated since 1967, but in 1993, after the EPRDF took power, an alternate, pro-EPRDF ETA was established. In 1993 the original ETA and the Government-supported ETA began prolonged legal battles over the organization's name and property rights. On June 26, the Court of Cassation ruled against ETA and awarded its name and property to the pro-EPRDF ETA (*See* Section 6.a.).

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice; however, local authorities and members of society occasionally infringed on this right. The Ethiopian Orthodox Church (EOC) and Sufi Islam are the dominant religions; nearly 90 percent of the population adhered to one or the other faith.

While the Government required that religious institutions annually register with the MOJ, there were no reports of government action against institutions that chose not to register. Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. The Government did not issue work visas to foreign religious workers unless they were associated with the development wing of a religious organization.

Some religious property confiscated under the Mengistu (Derg) regime had not been returned by year's end.

Minority religious groups reported discrimination in the allocation of government land for religious sites. Authorities continued to ban Waka-Feta, a traditional animist Oromo religious group, because it suspected that the group's leaders had close links to the OLF. Protestant groups occasionally reported that local officials discriminated against them when they sought land for churches and cemeteries. Evangelical leaders stated that because authorities perceived them as "newcomers," they were at a disadvantage compared with the EOC and the Ethiopian Islamic Affairs Supreme Council (EIASC) in the allocation of land. The EIASC claimed it had more difficulty obtaining land from the Government than did the EOC; others charged that the Government favored the EIASC.

On May 6, the MFA hosted a conference for religious, regional, and NGO leaders to promote religious tolerance. Also, an interfaith dialogue involving leaders from the Orthodox Church, EIASC, and other religious institutions meets regularly to discuss such issues as interfaith cooperation, religious tolerance, health, and community development.

On December 1, police opened fire at a public gathering near a church in Arba-Minch (Gamo Gofa Zone), wounding three individuals. Police were reportedly attempting to disperse a crowd following a disagreement between Orthodox priests.

Societal Abuses and Discrimination.—The Jewish community numbered approximately 2,000, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Although the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the Government restricted some of these rights in practice.

Throughout the year the Government severely restricted the movement of persons into and within the Ogaden areas of Somali Region, arguing that the counterinsurgency operation against the ONLF posed a security threat (*See* Section 1.g.).

The law prohibits forced exile; and the Government did not employ it. A steadily increasing number of citizens sought political asylum or remained abroad in self-imposed exile, including more than 55 journalists (*See* Section 2.a.).

During the year the ICRC repatriated 1,023 citizens from Eritrea and repatriated 27 Eritreans. Most Eritreans and Ethiopians of Eritrean origin registered with the Government and received identity cards and six-month renewable residence permits that allowed them to gain access to hospitals and other public services.

Internally Displaced Persons (IDPs).—The conflict between government and insurgent forces in the Ogaden area of the Somali Region resulted in the displacement of thousands of persons (*See* Section 1.g.). During the year violent clashes between different clans, often over competition for scarce resources or resulting from disputes over territorial boundaries, displaced persons and resulted in deaths and injuries.

UNHCR estimated there were approximately 200,000 IDPs in the country, including an estimated 62,000 in the Tigray Region, 44,700 in the Gambella Region, 30,000 in the Borena area of the Oromiya Region, and 50,000 on the border of the Oromiya and Somali regions.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees, its 1967 protocol, and the 1969 Organization of African Unity (OAU) Convention. The Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the expulsion or return of refugees to countries where their lives or freedom would be threatened, and it granted refugee status and asylum. The Government generally cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens. There were anecdotal reports that deported Ethiopian asylum seekers from Yemen were detained upon return.

During the year the Government, in cooperation with UNHCR, opened two new refugee camps: Sheder, northeast of the town of Jijiga, to accommodate a steady influx of Somali refugees, and My Ayni, in Tigray National Regional State, to accommodate up to 10,000 new Eritrean refugees. An average of 400 to 500 new Eritrean refugees arrived monthly during the year. However, approximately 200 to 300 Eritrean refugees departed monthly on secondary migration through Egypt and Sudan to go to Europe and other final destinations. UNHCR assisted in the reception and transportation back to My Ayni of over 150 Eritrean refugees who had been detained in Egypt and deported by the Egyptian authorities.

The Government required that all refugees reside and remain in designated camps, most of which were located near the Eritrean, Somaliland, and Sudanese borders, unless granted permission to live elsewhere in the country. Such permission was given primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps. During the year, the Government expanded its policy to provide greater freedom of movement to some Eritrean refugees with family members living outside of the camps. Almost 1,500 urban refugees are currently registered with the UNHCR and the Government, the majority of them from Somalia, Eritrea, and the Democratic Republic of Congo.

Unlike in the previous year, conflict between ethnic groups in the Gambella Region did not directly interfere with UNHCR’s refugee protection activities.

The Government, in cooperation with UNHCR, continued to provide temporary protection to individuals from Sudan, Eritrea, and Somalia who may not qualify as refugees under the 1951 convention and the 1967 protocol.

During the year UNHCR processed 334 refugees who departed for resettlement abroad. UNHCR and the Government also assisted the safe, voluntary return of more than 10,215 Sudanese refugees to their homes during the year, allowing UNHCR to close two Sudanese refugee camps in May.

Unlike in the previous year, there were no allegations of government cooperation with the Government of Sudan in the forcible repatriation of Ethiopian refugees.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through partially free and fair elections held on the basis of universal suffrage. In practice the ruling EPRDF and its allies dominated the Government. In local and by-elections held in April, the ruling EPRDF and allied parties won virtually all of the more than three million seats contested, severely diminishing opportunities for mainstream political opposition. Prior to the vote, ruling party agents and supporters engaged in coercive tactics and manipulation of the electoral process, including intimidation of opposition candidates and supporters during the run-up to the vote. Citing these obstacles, two leading opposition parties withdrew from the elections shortly beforehand.

The Government policy of ethnic federalism led to the creation of individual constituencies to ensure representation of all major ethnic groups in the House of Peoples’ Representatives. Nevertheless, small ethnic groups lacked representation in the legislature. There were 23 nationality groups in six regional states that did not have a sufficient population to qualify for constituency seats; however, in the 2005 elections, individuals from these nationality groups competed for 23 special seats in the 547-seat House of Peoples’ Representatives. Additionally, these 23 nationality groups have one seat each in the 112-seat House of Federation, the upper house of parliament.

Elections and Political Participation.—The constitution provides citizens the right to change their government peacefully and to freely join a political organization of their choice; however, in practice these rights were restricted through bureaucratic obstacles and government and ruling party intimidation and arrests.

The local and by-elections on April 13 and April 20, respectively, were the first nationwide elections since the historic 2005 national elections, which ended in heavy postelection violence and large-scale arrests. According to domestic and international observers, the 2005 elections, in which the EPRDF coalition won 372 of 547 seats, generally reflected the will of the people and were an important step forward in the country's democratization efforts. However, irregularities in 2005 marred polling in many areas. For instance, observers reported vote count fraud, improper handling of ballot boxes, and barring of party agents from polling stations and ballot counts. Observers also reported killings, disappearances, voter intimidation and harassment, unlawful detentions of opposition party supporters, and bribery. Opposition parties accused the NEB of ruling party bias and of failing to address the complaints it received. Following an ad hoc complaints resolution process, the NEB decided to hold new elections in 31 constituencies in 2005; however, opposition parties boycotted due to perceived flaws in the review process.

Opposition parties made an unexpectedly strong showing in the 2005 elections, increasing their parliamentary representation from 12 to 172 seats and earning 137 of 138 Addis Ababa City Council seats. Despite this, some opposition members refused to take their seats and instead boycotted. Violent antigovernment protests then erupted in November 2005 and led to a government crackdown including arrests of several dozen opposition leaders, journalists, and civil society group members, as well as between 30,000 and 50,000 demonstrators. Most prisoners were released in three months, but many prominent individuals spent almost two years in prison, with an unknown number of individuals still in custody. Military intervention also led to widespread abuses such as arbitrary detention and killings.

These events in 2005 formed the backdrop for this year's local and by-elections held on April 13 and 20, as the first nationwide elections since 2005. Unlike in 2005, polling went smoothly and peacefully and there were no postelection mass arrests or violence. However, the prepolling weeks and months were marred by reports of harassment, intimidation, arrests, and killings of opposition party candidates and their supporters, and incomplete compliance by the NEB with the Electoral Law, prompting some of the major opposition parties such as UEDF and OFDM to boycott the election. Ruling party, regional, federal, and NEB officials mostly denied these incidents and, with few exceptions, neither investigated such allegations nor held perpetrators responsible. Other opposition parties remained in disarray and did not have enough time to take part in the elections.

This climate, along with a dearth of opposition candidates, contributed to starkly different election results from those in 2005. Of the 3.6 million local and by-election seats contested, opposition parties won three: a federal parliament seat, an Addis Ababa city council seat, and a Gambella town council seat. According to the NEB, the EPRDF coalition won more than 3.5 million seats with the remainder going to noncoalition but EPRDF-allied parties. For instance, EPRDF won 38 of 39 contested federal parliament seats and 137 of 138 Addis city council seats; this latter result was an exact reversal of 2005.

The EPRDF, its affiliates, and its supporters controlled 408 seats in the 547-member House of People's Representatives and all seats in the 112-member House of Federation, whose members were appointed by regional governments and by the federal government. Membership in the EPRDF conferred advantages upon its members; the party owned many businesses and was broadly perceived to award jobs and business contracts to loyal supporters.

The NEB reported a 93 percent voter turnout, approximately 24.5 million of 26.3 million registered voters. However, the Government refused to allow foreign election observers, and this turnout rate was inconsistent with observed voter presence levels and posted polling station tallies.

Opposition parties fielded very few candidates in some regions. This was due in part to widespread harassment of opposition candidates and supporters as well as the delayed reopening of party offices in November 2007, following forced closures after the 2005 elections. Together opposition parties were able to register only an estimated 16,000 candidates countrywide. For example, in one area of Oromiya where the opposition won overwhelmingly in 2005, there were 60,955 EPRDF candidates running against seven opposition candidates. Given a lack of capacity, some opposition groups chose not to contest town seats and instead focus on district and zonal seats.

On April 10, the UEDF, a coalition of opposition parties from SNNP and Oromiya regions, announced their withdrawal from the elections. This followed their delivery

to the NEB of a list of seven preconditions to their electoral participation based on incomplete implementation of the Electoral Law, including proper elections of poll observers, an end to candidate harassment, and registration of all denied UEDF candidates.

The 2007 Electoral Law requires each polling station to have five nonpartisan observers elected from the community, or approximately 200,000 election observers for the more than 42,000 polling stations. There were, however, widespread reports that many of these poll observers were instead appointed directly by the NEB from EPRDF affiliates. The Electoral Law also allows NGOs to conduct either voter education or election observation, but not both. While the Electoral Law stipulates that election observers shall monitor the electoral process, the NEB finally released its election observation guidelines on February 29, three months after voter registration commenced and weeks after the conclusion of candidate registration. This came too late for some NGO monitors, and others did not even request permission to observe, due to a lack of confidence in the process. Still others, like EHRCO, simply didn't receive an NEB response. In the end, the NEB approved 11 domestic NGOs as observers.

There were again reports that local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. There were many reports of ruling-party or government harassment intended to prevent individuals from joining opposition parties, registering their candidacies for elected office, or renting property. There were numerous reports of intimidation and violence directed against opposition party members and supporters, primarily in the months before the local and by-elections, including threats, beatings, arrests, and killings.

Registered political parties must receive permission from regional governments to open and occupy local offices. There were, however, widespread reports of opposition parties closing offices due to intimidation and coercion by local officials. A common tactic reported was to intimidate landlords into evicting their political party tenants. For example, ONC had only two remaining offices, down from more than 100 in 2005, and AEUP had only 25 offices, down from 280 in 2005.

On October 12, Bekele Girma, AEUP political organizer, left AEUP's head office in Addis Ababa to open an office in Dilla town in the SNNPR. Despite possessing an NEB letter requesting every regional government to assist the bearer in opening a political office, Dilla town police chief Obsa Hundessa detained Bekele and refused to allow an AEUP office. Bekele was released in November.

Authorities often disrupted or unlawfully banned opposition party meetings. For instance, authorities banned as illegal a preplanned March 29 UEDF rally in a local constituency.

There were reports that authorities told opposition members to renounce their party membership and vote for EPRDF if they wanted access to fertilizer, agricultural services, food relief, continued employment, and other benefits controlled by the Government.

There were reports of closed voter registration stations in pro-opposition rural areas and of prospective voters advised to return the following day after walking two or more miles. Opposition candidates also reported registration office closures and fraudulent dropping of opposition names from NEB candidate registration lists.

There were numerous reports of intimidation, harassment, abuse, and detention of opposition candidates and their supporters, particularly in the months leading up to the April elections. For example, in early April the OPC assembled a list of 189 willing candidates for zonal and district seats and sent a party officer to deliver it from Nekempt to the OPC chairman in Addis Ababa. Regional police stopped the bus he was riding on, confiscated the candidate list, detained each individual named on the list, and held most until after candidate registration closed.

On February 3, OPC member Terefe Tolossa, was assisting candidate registration in Bekke town, Oromiya Region. Police detained him for five days without charge and without trial at the Bekke police station, where he suffered leg and back injuries from their beatings. After his release, police and local militia rearrested him on February 14 at his home and again released him on February 23 without trial. He was rearrested twice more, on March 7 and March 9, never charged, and eventually released.

In February ruling party cadres detained an opposition candidate seven times in the 15 days after he registered as a district candidate in Western Oromiya. They alternately threatened to fire him from his teaching job, relocate him to a rural site, and kill him and his children.

On March 9, police and local officials beat federal parliamentarian Gutu Mulisa while he campaigned for the UEDF in Elfeta District, Oromiya Region. Gutu filed a complaint with Elfeta District Police. At year's end the case was pending.

On March 24, police and plainclothes officers stopped Bilisuma Shuge, a resident of Bole Sub-City, Addis Ababa, at gunpoint on his way home from playing sports and beat him severely as a suspected CUD supporter.

There were credible reports that teachers and other government workers had their employment terminated if they belonged to opposition political parties. According to opposition groups OFDM and ONC, the Oromiya regional government continued to dismiss their members—particularly teachers—from their jobs.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively. The World Bank's worldwide governance indicators reflected that corruption remained a serious problem.

The MOJ has primary responsibility for combating corruption, largely through the Federal Ethics and Anti-Corruption Commission (Ethics Commission). A combination of social pressure, cultural norms, and legal restrictions limited corruption. However, government officials appeared to manipulate the privatization process, and state and party-owned businesses received preferential access to land leases and credit.

During the year, there were numerous arrests of senior and junior officials on corruption charges. For instance, on February 18, the Ethics Commission arrested Tesfaye Birru, former ETC managing director, and 12 other senior management staff and accused them of approving an equipment and technology contract outside of government bid regulations, costing 1.52 billion birr (\$148.2 million). The case was before the Federal High Court by year's end.

Also early in the year, the Ethics Commission accused eight high-ranking National Bank officials for involvement in a gold scandal worth 158 million birr (\$15.4 million). The trial began in July before the Federal High Court and continued at year's end.

The law provides for public access to government information, but access was largely restricted in practice. The Press Law passed in July included freedom-of-information provisions but will not take effect for two years.

The Government publishes its laws and regulations in the national gazette prior to their taking effect. The Ministry of Information managed contacts between the Government, the press, and the public; however, the Government routinely refused to respond to queries from the private press (See Section 2.a.).

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

A number of domestic and international human rights groups generally operated with limited government restriction, investigating and publishing their findings on human rights cases. The Government generally was distrustful and wary of domestic human rights groups and international observers.

Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women Lawyers Association (EWLA). The Government routinely discounted EHRCO's reports and labeled it a political organization.

EWLA's primary function was to provide legal representation for women. These and numerous other groups mainly engaged in civic and human rights education, advocacy, legal assistance, and trial monitoring. However, the Government neither shared information nor acknowledged the existence of human rights abuses.

During the year the Government introduced restrictive legislation that would affect numerous civil society organizations. The Charities and Societies Proclamation seeks to prohibit civil society organizations that receive more than 10 percent of their funding from foreign sources from engaging in activities that promote human rights and democracy; the rights of children and the disabled; equality among nations, nationalities, people, gender and religion; or conflict resolution or reconciliation. Since nearly all civil society organizations that work in these areas rely on foreign funding, it is likely that many will be unable to continue their activities. Among the civil society organizations likely to be affected are the two most prominent human rights organizations, EHRCO and EWLA.

The Government sometimes cooperated with international organizations such as the UN. However, the Government continued to restrict the ICRC, MSF, and other NGOs from working in the Somali Region. Both the ICRC and MSF had expressed concern about the Government's counterinsurgency campaign against the ONLF (See Section 1.g.).

Two NGO members detained in 2005 were pardoned (See Section 1.d.).

The Government denied the ICRC access to federal prisons, police stations, and political prisoners.

Security officials continued to intimidate or detain local individuals to prevent them from meeting with NGOs and foreign government officials investigating abuse allegations.

The Government-established Ethiopian Human Rights Commission (EHRC) investigates human rights complaints and produces both annual and thematic reports; however, their reports were not public. This year, the EHRC received 300 complaints but determined that most fell outside of its jurisdiction and, at year's end, had eight to 10 cases pending.

Early in the year, an EHRC team investigating human rights abuses in the Somali Region was prohibited from traveling outside of the regional capital and was permitted access to only one detention facility.

The Office of the Ombudsman has the authority to receive and investigate complaints with respect to misadministration by executive branch offices. The office received hundreds of complaints this year, mainly focused on delays or denials in services, improper institutional decisions, promotions or demotions, and pension issues. It is not known which complaints were investigated or acted upon.

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

The constitution (Article 25) provides all persons equal protection without discrimination based on race, nation, nationality, or other social origin, color, gender, language, religion, political or other opinion, property, birth, or status; however, in practice the Government did not fully promote and protect these rights.

Women.—The constitution (Article 35) provides women the same rights and protections as men. Harmful Traditional Practices (HTPs) such as female genital cutting, abduction, and rape have been explicitly criminalized. Enforcement of these laws lags. To address this, the Government established a National Commission for Children's and Women's Affairs in 2005, as part of the EHRC, to investigate alleged human rights violations against women and children.

Women and girls experience gender-based violence daily, but it is underreported due to shame, fear, or a victim's ignorance of legal protections. The National Committee for Traditional Practices in Ethiopia identified 120 HTPs. The 2005 Ethiopian Demographic and Health Survey found that more than 74 percent of women and girls were subjected to FGM, although this was declining. In the context of gender-based violence, significant gender gaps in the justice system remained due to poor documentation, inadequate investigation, and lack of special handling of cases involving women and children.

The law criminalizes rape, calling for five to 20 years of imprisonment depending on the severity of the case. The law does not include spousal rape. The Government did not fully enforce the law, partially due to widespread underreporting. The Addis Ababa 2006 annual police report listed 736 rape cases out of an estimated population of five million persons. Statistics on the number of abusers prosecuted, convicted, or punished were not available at year's end.

Domestic violence, including spousal abuse, was a pervasive social problem. The 2005 Health Survey found that 81 percent of women believed a husband had a right to beat his wife. A 2005 World Health Organization (WHO) study found that in two rural districts, Meskan and Mareko, 71 percent of women were subject to physical or sexual violence, or both, by an intimate partner during their lifetime. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The Government prosecuted offenders on a limited scale.

Limited access to family planning services, high fertility, low reproductive health and emergency obstetric services, and poor nutritional status and infections all contributed to high maternal mortality ratio (673/100,000 mothers), according to the 2005 Health Survey. Maternal health care services did not reach the majority of women; skilled birth attendants aided only 10 percent of births. The national average for antenatal care (ANC) is 28 percent.

Prostitution was legal for persons over age 18 and was commonly practiced around the country; however, the law prohibits pimping and benefiting from prostitution. Persons exploited in prostitution routinely reported that poverty was the principal reason. Article 634 of the Ethiopian Penal Code (revised May 2005) stipulates "whoever, for gain makes a profession of or lives by procuring on the prostitution or immorality of another, or maintains, as a landlord or keeper, a brothel, is punishable with simple imprisonment and fine."

Sexual harassment was widespread. The penal code prescribes 18 to 24 months' imprisonment; however, harassment-related laws were not enforced.

The law sets the legal marriage age for girls and boys at 18; however, this law is not enforced. For example, a 2006 Pathfinder International study found that in

the Amhara Region, 48 percent of women are married before the age of 15—the highest early marriage rate in the country.

Discrimination against women was most acute in rural areas, where 85 percent of the population was located. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over five years old. Authorities did not consider domestic violence a serious justification for granting a divorce. There was limited legal recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the law entitled women to only three months' financial support if a common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes faced abandonment. Even with recent stronger formal laws, most rural residents continued to apply customary law in economic and social relationships.

All land belongs to the Government. Although women could obtain government leases to land, and the Government had an explicit policy to provide equal access for women to land, rural communities rarely enforced this policy. In nearly all regions women did not have access to land, except through marriage. The law states that any property owned before marriage belongs to the spouse that previously owned it, while any property gained during marriage belongs to the husband upon divorce. In practice, when a husband died, other family members often took the land from his widow. In pastoralist areas where poverty is higher, women do not own property without a male guardian, which increases their marginalization and vulnerability. A widow must marry her brother-in-law or have an adult son in order to keep her deceased husband's land.

In urban areas, women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work. Women's access to gainful employment, credit, and owning and/or managing a business was limited by their low level of education and training, traditional attitudes, and limited access to information.

Children.—The constitution (Article 36) provides a comprehensive list of rights for children. The Government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care, basic education, or child protection.

As a policy, primary education was universal and tuition-free, but not compulsory; however, there were not enough schools to accommodate the country's youth, particularly in rural areas, and the cost of school supplies was prohibitive for many families. In 2005, primary school attendance rates were 81.7 percent for male children and 73.2 percent for female children; in Addis Ababa, girls' attendance was significantly higher. Government reports indicated that 20.6 percent of the children who attended school left the system before they reached the second grade, and only 41.7 percent who began first grade completed eighth grade.

Child abuse was widespread. Members of an NGO staffed 10 child protection units in Addis Ababa's police stations to protect the rights of juvenile delinquents and juvenile victims of crime. Some police officers received training during the year on procedures for handling cases of child abuse.

Societal abuse of young girls continued to be a problem. HTPs included FGM, early marriage, marriage by abduction, and food and work prohibitions.

In the Afar Region older men continued to marry young girls, but this traditional practice continued to face greater scrutiny and criticism. Local NGOs, such as the Kembatta Women's Self-Help Center and the Tigray Women's Association, also influenced societal attitudes toward harmful traditional practices and early marriage in their areas. Regional governments in Amhara and Tigray ran programs to educate young women on the issues of early marriage.

The majority of girls and women in the country had undergone some form of FGM. Girls typically experienced clitorectomies seven days after birth (consisting of an excision of the clitoris, often with partial labial excision) and faced infibulations (the most extreme and dangerous form of FGM) at the onset of puberty. The 2005 Health Survey reported that the practice of FGM among all women had decreased from 80 to 74 percent, while support for the practice among women had dropped from 60 to 29 percent. Additionally, a February study funded by Save the Children Norway reported a 24 percent national reduction in FGM cases over the past 10 years due in part to a strong anti-FGM campaign. The penal code criminalizes practitioners of clitorrectomy by imprisonment of at least three months or a fine of at least 500 birr (\$49). Likewise, infibulation of the genitals is punishable with imprisonment of five to 10 years. No criminal prosecutions have ever been brought for

FGM. The Government discouraged the practice of FGM through education in public schools and broader mass media campaigns.

Although illegal, the abduction of women and girls as a form of marriage continued to be widespread in several regions, including the Amhara, Oromiya, and SNNP regions, despite the Government's attempts to combat the practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator did not face punishment if the victim agreed to marry the perpetrator. Authorities often commuted the sentence of the convicted perpetrator if the victim married the perpetrator.

Child marriage was also a problem, particularly in the Amhara and Tigray regions, where girls were routinely married as early as age seven, despite the legal minimum age of 18 for marriage. There were some signs of growing public awareness in communities of the problem of abuse of women and girls, including early marriage.

The UN Children's Fund (UNICEF) estimated there were between 150,000 and 200,000 street children nationally, with a further one million vulnerable or at risk of ending up on the streets. UNICEF stated the problem was exacerbated because of families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector. Government- and privately run orphanages were unable to handle the number of street children, and older children often abused younger ones. Due to severe resource constraints, hospitals and orphanages often overlooked or neglected abandoned infants. "Handlers" sometimes maimed or blinded children to raise their earnings from begging.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and within the country. The law prescribes five to 20 years imprisonment for such crimes. The Ministry of Labor and Social Affairs (MOLSA), in collaboration with the police, is responsible for monitoring trafficking in persons, while the MOJ is responsible for enforcing laws related to trafficking. During the year, the MOLSA revised Proclamation 104/98 to improve coordination, supervision, and control over international employment agencies and better protect migrant workers from fraudulent recruitment and debt bondage situations.

The country is a source country for men, women, and children trafficked primarily for the purpose of forced labor and, to a lesser extent, for commercial sexual exploitation. High unemployment, extreme poverty, and the chance at better opportunities abroad drive migration. Local NGOs estimated 30,000 to 35,000 persons were trafficked internationally between March 2007 and March 2008. More females than males were trafficked. Young women, particularly those ages 16–30, were the most commonly trafficked group, while a small number of children were also reportedly trafficked internationally.

Rural children and adults are trafficked to urban areas for domestic servitude and, less frequently, commercial sexual exploitation and other forced labor, such as street vending, begging, traditional weaving, or agriculture; situations of debt bondage were reported. Women are trafficked transnationally for domestic servitude, primarily to Lebanon, Saudi Arabia, and the United Arab Emirates, but also to Bahrain, Djibouti, Kuwait, Sudan, Syria, and Yemen. Some of these women are trafficked into the sex trade after arriving at their destinations, while others have been trafficked onward from Lebanon to Turkey, Italy, and Greece. Small numbers of men are trafficked to Saudi Arabia and the Gulf States for low-skilled forced labor.

Addis Ababa's police Child Protection Unit (CPU) reported that traffic broker networks grew increasingly sophisticated and collaborative. Traffickers now approached vulnerable individuals at bus terminals seven to nine miles outside of Addis Ababa to avoid police presence. Traffickers sometimes used agents and brokers to lure victims with jobs, food, guidance, or shelter.

Crosscountry bus and truck drivers are involved in trafficking of children, while brokers, pimps, and brothel owners finalize the deal at the receiving end.

Local brokers operate and recruit at the community level, and many knew the victim or victim's family. To avoid police detection and identification, local brokers did not advertise, often worked from rented houses, cafes, or hotel rooms, and changed places often. Some brokers used commission-based facilitators who were trusted by a potential victim's family to recruit victims.

The Government helped address trafficking through awareness raising about risks of seeking employment overseas. It employed two predeparture counselors to brief persons intending to work overseas, worked with NGOs and the International Orga-

nization for Migration (IOM) to monitor immigration and emigration patterns for evidence of trafficking, and supervised and trained international labor migration firms.

The Government and its embassies and consulates provided little assistance to victims of trafficking: limited legal advice, infrequent temporary shelter, and no repatriation loans. Returning victims relied on psychological services provided by public health institutions and NGOs.

The Government accords no special protections, restitution, and has very limited shelter provisions or other special services benefits for victim returnees. In 2007 there were anecdotal reports of returned trafficking victims being detained, jailed, or prosecuted for violations of laws, such as those governing prostitution or immigration.

While antitrafficking investigations continued, there were only three convictions reported in the last year. In addition, law enforcement entities lacked the institutional capacity to separate data on trafficking cases from broader fraud cases. In 2007, the CPU at the central bus terminal reported 694 cases of child trafficking to the police, a decrease over the previous year. Of these, 50 cases were referred to the prosecutor's office; 30 were closed for lack of evidence or a suspect; and the remaining 20 cases were pending prosecution. Of the remaining 594, 103 were referred for shelter services in Addis Ababa. No follow up information was available regarding the remaining 491. Law enforcement data was not reported for areas outside of the capital.

In March the Federal High Court sentenced a man to five years' imprisonment for trafficking more than 40 men to work for a Saudi Arabian construction company, where they were forced to provide unpaid manual labor and experienced physical abuse.

Another trafficker was sentenced in January to one year's imprisonment and fined 26,000 birr (\$2,535) for trafficking a female domestic worker to Dubai. A small number of local police and border control agents are believed to accept bribes to overlook trafficking.

Persons With Disabilities.—The law does not mandate equal rights for persons with disabilities, and the Government devoted few resources to rehabilitate or assist such persons. The Government did not mandate access to buildings, such as schools, for persons with disabilities or provide services for them.

Persons with disabilities sometimes complained of job and wage discrimination.

Women with disabilities are more disadvantaged than men in education and employment. For instance, an Addis Ababa University study showed that female students with disabilities are subjected to a heavier burden of domestic work than their male peers. The enrollment rate for girls with disabilities is lower than males at the primary school level, and this gap increases at higher levels of education. Girls with disabilities are also much more likely to suffer physical and sexual abuse than able-bodied girls.

There were approximately seven million persons with disabilities, according to the Ethiopian Federation of Persons with Disabilities. There was one mental hospital and an estimated 10 psychiatrists in the country. There is one school for the blind in Addis Ababa. MOLSA, which was responsible for protecting the rights of persons with disabilities, funded prosthetic and orthopedic centers in five of the nine regional states over the past three years as part of its "National Program of Action for Rehabilitation of Persons with Disabilities."

National/Racial/Ethnic Minorities.—There are more than 80 ethnic groups, of which the Oromo, at 40 percent of the population, was the largest. Although many groups influenced political and cultural life, Amharas and Tigrayans from the northern highlands played a dominant role. The federal system drew boundaries roughly along major ethnic group lines, and regional states had much greater control over their affairs than previously. Most political parties remained primarily ethnically based.

The military remained an ethnically diverse organization; however, Tigrayans increasingly dominated the senior officer corps both through preferential promotions and heightened attrition among non-Tigrayans.

There were occasional reports that officials terminated the employment of teachers and other government workers if they were not of the dominant ethnic group in the region.

Government and ONLF forces were responsible for widespread human rights abuses in the Somali Region (See Section 1.g.).

EHRCO reported that ethnic conflict made up the majority of its human rights reporting this year. Ethnic conflict in the western, southern, and eastern areas resulted in killings and injuries above levels in 2007 and resulted in the death of hun-

dreds and displacement of tens of thousands of persons. There were also clashes among ethnic groups in the Oromiya, Benishangul-Gumuz, and SNNP regions.

For example, on February 22, an Oromo student stabbed to death Zewdu Abate, an ethnic Amhara and fellow classmate at Dilla University in the SNNPR, allegedly due to ethnic tension. The suspect was in custody.

From February 3 to 7, clashes between Konso and Derashe ethnic groups left 33 dead and 17 injured in the SNNPR.

From February 21 to 26, Koiria and Guji ethnic groups fought over scarce resources along the Oromiya-SNNPR border, resulting in 10 dead and 27 injured.

From May 17 to 21, a conflict over land rights between the Oromo and Gumuz ethnic groups in the Sasiga, Diga, Bumto Gida, and Limu districts in the Oromiya Region resulted in approximately 130 deaths and an unknown number of injuries. Federal and local police restored some order and arrested approximately 120 suspects, including the Benishangul-Gumuz regional vice president. At year's end trials were reportedly underway for some suspects.

During the year, the Government, led by the EHRC, completed its first implementation report for the Convention on the Elimination of Racial Discrimination. The EHRC solicited input from NGOs and encouraged them to do a shadow report.

Other Societal Abuses and Discrimination.—Homosexuality is illegal and punishable by imprisonment. Instances of homosexual activity involving coercion or involving a minor (age 13 to 16) are punishable by three months' to five years' imprisonment. Where children under 13 years of age are involved, the law provides for imprisonment of five to 25 years. While society did not widely accept homosexuality, there were no reports of violence against lesbian, gay, bisexual, and transgender individuals; however, the lack of reporting may be due to fears of retribution, discrimination, or stigmatization.

The AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay and lesbian callers—75 percent of whom were male—requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracizing, religious conflict, and suicide attempts.

In December nearly a dozen religious figures adopted a resolution against homosexuality, urging lawmakers to endorse a ban on homosexual activity in the constitution. The group also encouraged the Government to place strict controls on the distribution of pornographic materials.

Societal stigma and discrimination against persons living with or affected by HIV/AIDS continued in the areas of education, employment, and community integration. Despite the abundance of anecdotal information, there is no data or statistical information on the scale of this problem.

Section 6. Worker Rights

a. The Right of Association.—The law provides most workers with the right to form and join unions, and the Government allowed this in practice. However, the law specifically excludes teachers and civil servants (including judges, prosecutors, and security service workers) from organizing unions. There was government interference in trade union activities during the year. Under a new regulation passed by the Council of Ministers on August 14, the Ethiopian Revenue and Customs Authority's director general has the sole power to dismiss workers suspected of corruption. Courts have no authority to reinstate workers cleared of such charges.

A minimum of 10 workers was required to form a union. While the law provides all unions with the right to register, the Government may refuse to register trade unions that do not meet its registration requirements. The Government retained the authority to cancel the registration of a union after consulting the appropriate courts. There were no reports that the Government used this authority during the year. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300,000 workers were union members.

Seasonal and part-time agricultural workers did not organize into labor unions. Compensation, benefits, and working conditions of seasonal agricultural workers were far below those of unionized permanent agricultural employees.

On February 7, the Supreme Court ruled that the independent ETA be shut down and forfeit its name, property, and bank assets to the Government-controlled ETA. This decision capped 15 years of lengthy legal proceedings and appeals. The independent ETA ultimately appealed this decision to the Court of Cassation, a component of the Supreme Court limited to fundamental errors in law, but again lost on June 26. The independent ETA relinquished its property on August 8.

On July 23, employees of Shell Ethiopia demonstrated at the gate of their head office, expressing disappointment with Shell's decision to sell its interests in the country to Oil-Libya and demanding better treatment. In November 2007 Shell

Ethiopia's labor union filed a lawsuit in the Federal First Instance Court alleging that Shell Ethiopia illegally changed its retirement and severance packages to save money on unemployment payments prior to a possible closure of operations. At year's end the case remained pending.

During the year, top management of the state-owned Bole Printing Enterprise disagreed with its trade union on worker compensation and unlawful termination. In late December a labor advisory board composed of state ministers, representatives of the employees, the Confederation of Ethiopian Trade Unions, and the management of the enterprise found that both sides were at fault and decided to reinstate the unlawful terminations of employees. The employees were expected to resume their duties.

Although the constitution and law provide workers with the right to strike to protect their interests, it contains detailed provisions that make legal strike actions difficult to carry out, such as a minimum of 30 days' advance notice before striking. The law requires aggrieved workers to attempt reconciliation with employers before striking and includes a lengthy dispute settlement process. These applied equally to an employer's right to lock workers out. A majority of the workers involved must support a strike for it to occur.

Workers nonetheless retained the right to strike without resorting to either of these options, provided they give at least 10 days' notice to the other party and to the MOLSA, make efforts at reconciliation, and provide at least a 30-day warning in cases already before a court or labor relations board.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus service workers, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers.

The law prohibits retribution against strikers, but labor leaders stated that most workers were not convinced that the Government would enforce this protection. Labor officials reported that, due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

b. The Right to Organize and Bargain Collectively.—The law protects the right of collective bargaining for most workers, and in practice the Government allowed citizens to exercise this right freely. Labor experts estimated that collective bargaining agreements covered more than 90 percent of unionized workers. Representatives negotiated wages at the plant level. Unions in the formal industrial sector made some efforts to enforce labor regulations.

Although the law prohibits antiunion discrimination by employers against union members and organizers, unions reported that employers frequently fired union activists. Lawsuits alleging unlawful dismissal often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after four or five years. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities and generally did so in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—While the law prohibits forced or compulsory labor, including by children, such practices occurred (See Sections 5 and 6.d.). Courts could order forced labor as a punitive measure. Both adults and children were forced to engage in street vending, begging, traditional weaving, or agriculture work. Situations of debt bondage also occurred in traditional weaving, pottery, cattle-herding and other agricultural activities, mostly in rural areas. Forced child labor occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws against child labor; however, the Government did not effectively implement these laws in practice, and child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years; however, the minimum age for employment was not effectively enforced. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. By law, children between the ages of 14 and 18 were not permitted to work more than seven hours per day, between the hours of 10 p.m. and 6 a.m., on public holidays or rest days, or overtime; however, children ages 15 to 18 are allowed to work, so long as it is not hazardous to their health, education, development, or well-being. The Government defined hazardous work as work in factories or involving machinery with moving parts or any work that could jeopardize a child's health. Prohibited work sectors include transporting passengers, electric generation plants, underground work, street cleaning, and many other sectors.

In a 2001 survey conducted by the Central Statistics Authority, approximately 58 percent of boys and 42 percent of girls ages 5 to 14 were working. These figures were supported by a 2006 UNHCR study on the worst forms of child labor. The majority of working children were found in the agricultural sector (95 percent), followed by services, manufacturing, and other sectors. The number of working children is higher in the Amhara, Oromiya, SNNP, and Tigray regions compared with other regions. During the year the Government increased investments in modernizing agricultural practices as well as in the construction of schools in efforts to combat the problem of children in agricultural sectors.

According to MOLSA, many children work for their families without pay. In both rural and urban areas, children often begin working at young ages. The MOLSA reported that two out of five working children are below the age of six. In rural areas, children work in agriculture on commercial and family farms and in domestic service. Children in rural areas, especially boys, engage in activities such as cattle-herding, petty trading, plowing, harvesting, and weeding, while other children, mostly girls, collect firewood and fetch water. In urban areas, many children, including orphans, work in domestic services, often working long hours which may prevent them from attending school regularly. Children in urban areas also work in construction, manufacturing, shining shoes, making clothes, portering, directing customers into taxis, petty trading, and herding animals. Many children believe they are unable to quit their jobs and fear physical, verbal, and sexual abuse from their employers while performing their work. According to social welfare activists and civic organizers, who cite anecdotal evidence, forced child labor is poorly documented, and child laborers often face physical, sexual, and emotional abuse at the hands of their employers.

Estimates of the population of street children vary, with government estimates between 150,000 and 200,000 and the UNICEF estimate, 600,000. In the capital city of Addis Ababa alone, there are an estimated 50,000 to 60,000 street children according to the Government and 100,000 according to UNICEF. Some of these children work in the informal sector in order to survive.

The commercial sexual exploitation of children continued during the year, particularly in urban areas. Girls as young as 11 reportedly were recruited to work in brothels, often sought by customers who believed them to be free of sexually transmitted diseases. Girls were also exploited as prostitutes in hotels, bars, resort towns, and rural truck stops. Reports indicated that some young girls were forced into prostitution by their family members. The Government's definition of worst forms of child labor included prostitution and bonded labor. Within the country, children are trafficked from rural to urban areas for domestic service, commercial sexual exploitation, and forced labor in street vending and other activities. Reports indicate that children have been trafficked from the Oromiya and the SNNP regions to other regions of the country for forced or bonded labor in domestic service.

Child labor issues are currently covered by the MOLSA, with limited support from the Ministry of Women's Affairs and the Ministry of Youth and Sports. Cooperation, information-sharing, and coordination between and among the ministries were poor. Courts are responsible for enforcing childrens' rights, and criminal and civil penalties may be levied in child rights violation cases. In the absence of a national strategy, investigation and disposition of child rights violation cases is minimal.

To prevent child trafficking, a joint police-NGO child victim identification and referral mechanism operates in the capital. The Child Protection Units (CPUs) in each Addis Ababa police station rescued and collected information on trafficked children that facilitated their return to their families; the CPUs referred 240 trafficked children to IOM and local NGOs for care in 2006. The CPUs also collect data on rescued children to facilitate their reunification with their families.

Internationally funded centers in Addis Ababa provided shelter, medical care, counseling, and reintegration assistance to girls victimized by trafficking. Other international NGOs provided assistance to children engaged in commercial sexual exploitation, including such services as a drop-in center, shelter, educational services, skills training, guidance, assistance with income-generating and employment activities, and family reunification services.

e. Acceptable Conditions of Work.—There is no national minimum wage. Some government institutions and public enterprises, however, set their own minimum wages. Public sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately 320 birr (\$31); employees in the banking and insurance sector had a minimum monthly wage of 336 birr (\$33). According to the Office for the Study of Wages and Other Remuneration, these wages did not provide a decent standard of living for a worker and family. Consequently, most families in the wage sector required at least two wage earners to survive, which forced many

children to leave school early. Only a small percentage of the population was involved in wage labor employment, which is concentrated in urban areas. Many young girls have migrated illegally to the Gulf States in search of housekeeping work in order to assist families back home. Many of these girls have been subjected to inhumane living and working conditions, and some have lost their lives. In an effort to prevent these situations, the MOLSA continued to encourage illegal employment agencies to register as legal organizations.

The Ethiopian labor law provides for a 48-hour maximum legal workweek with a 24-hour rest period, premium pay for overtime, and prohibition of excessive compulsory overtime. Although the Government did little to enforce the law, in practice most employees in the formal sector worked a 40-hour workweek. However, many foreign, migrant, and informal sector workers worked more than 48 hours per week.

The Government, industries, and unions negotiated occupational health and safety standards; however, the MOLSA inspection department did not effectively enforce these standards, due to lack of resources. Lack of detailed, sector-specific health and safety guidelines also prohibited enforcement. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

GABON

Gabon is a republic dominated by a strong presidency and the Gabonese Democratic Party (PDG), which has held power since 1968. The population is approximately 1.4 million. Legislative elections in 2006 resulted in continued dominance by President El Hadj Omar Bongo Ondimba's PDG, which won more than two-thirds of the seats in a generally free and fair election. All parties participated in the election after the Government met several opposition electoral reform demands. In 2005 PDG leader Bongo, president since 1967, was reelected for a seven year term in an election marred by irregularities. Civilian authorities generally maintained effective control of the security forces.

The country's human rights record remained poor. The following human rights problems were reported: limited ability of citizens to change their government; use of excessive force, including torture toward prisoners and detainees; harsh prison conditions; arbitrary arrest and detention; an inefficient judiciary susceptible to government influence; restrictions on the right to privacy; restrictions on freedom of speech, press, association, and movement; harassment of refugees; widespread government corruption; violence and societal discrimination against women, persons with HIV/AIDS, and noncitizen Africans; trafficking in persons, particularly children; and forced labor and child labor.

RESPECT FOR HUMAN RIGHTS

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

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

Ritualistic killings occurred. In February the mutilated body of a 30-year-old male was found in Tchibanga. In March the mutilated body of a high school-aged female was found on a Libreville beach not far from her school. The markings on both bodies suggested the murders were committed for ritualistic purposes. Authorities condemned the killings, but no one was arrested for the crimes.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, credible reports persisted of security forces beating prisoners and detainees to extract confessions.

In April police beat a local nongovernmental organization (NGO) leader and a cameraman from a local television station during a protest march against cost of living increases.

In May several agriculture ministry civil servants on strike for better working conditions were beaten by police in front of their offices. The police claimed they had information, later proved false, that the striking employees were holding the minister hostage. Authorities reportedly took no action against the police involved in either case.

There were reports of police officers beating, robbing, and raping prostitutes.

Unconfirmed reports from the African immigrant community asserted that police and soldiers occasionally beat noncitizen Africans during operations to round up and

deport illegal immigrants. Refugees continued to complain of harassment and extortion by security forces.

There were isolated reports that practitioners of certain indigenous religions inflicted bodily harm and sometimes killed other persons.

Prison and Detention Center Conditions.—Prisons were overcrowded, and conditions were harsh. Food, sanitation, and ventilation were poor, and medical care was almost nonexistent. NGOs and private citizens occasionally made contributions to augment prisoners' food rations. Juveniles were held with adults, and pretrial detainees were held with convicted prisoners.

There were no known visits by human rights monitors to prisons; however, there also were no reports that the Government impeded such visits.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, but the Government did not always observe these prohibitions.

On December 31, authorities arrested at least five individuals without immediately disclosing the reason for their arrest. Among the arrested were Marc Ona, coordinator of the NGO "Publish What You Pay" coalition (See Section 2.d.); Georges Mpaga, president of the Gabonese Civil Society Network for Good Governance; and Gregory Ngbwa Mintsa, a civil plaintiff in a case filed in France denouncing the alleged embezzlement of public funds by President Bongo. Sources close to the detainees claim that they were initially denied access to their attorneys and families. They remained in detention at year's end.

Role of the Police and Security Apparatus.—The national police, under the Ministry of Interior, and the gendarmerie, under the Ministry of Defense, were responsible for domestic law enforcement and public security; the gendarmerie was also responsible for manning checkpoints. Elements of the armed forces and the Republican Guard, an elite unit that protects the president, sometimes performed internal security functions. The police were inefficient and corruption was a serious problem. Security forces often sought bribes at checkpoints to supplement their salaries. The Inspector General's Office was responsible for investigating police abuse; however, impunity was a problem.

Arrest and Detention.—The law requires arrest warrants based on sufficient evidence and issued by a duly authorized official; however, security forces frequently disregarded this provision. The law allows up to 72 hours for initial detention, during which police must charge a detainee before a judge, but police often failed to respect this timetable. Charges often were not filed expeditiously, and persons were detained arbitrarily, sometimes for long periods. Conditional release was possible after charges had been announced if further investigation was required. Detainees were allowed prompt access to family members and a lawyer and, if indigent, to one provided by the state. Detainees were usually promptly informed of charges against them.

Members of the security forces continued to detain individuals at roadblocks under the guise of checking vehicle registration and identity papers. Security forces frequently used such operations to extort money.

Pretrial detention, limited to six months for a misdemeanor and one year for a felony charge, may be extended for six months by the examining magistrate. Pretrial detainees have the right of free access to their attorneys, and this right was generally respected. Detainees also have the right to an expeditious trial, but overburdened dockets resulted in prolonged pretrial detention. In 2006 approximately 40 percent of persons in custody were pretrial detainees, and authorities had not taken steps to correct this issue.

A 2006 census of Libreville's prison population, conducted by the country's justice ministry, revealed that 277 of 1,100 prisoners in pretrial detention had been held more than two years. Also in 2006 journalists uncovered 16 cases of prisoners held more than five years without trial, including one who had been in prison for 11 years because the magistrate lost his file. Following public disclosure of the situation, the lower court in Libreville reviewed the cases of long-stay detainees and released 40 prisoners. Most of them had been held for as long as their potential terms would have been if they had been tried and convicted.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, the judiciary was inefficient and remained susceptible to government influence. The president appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. Corruption was a problem.

The judicial system includes regular courts, a military tribunal, and a civilian High Court of Justice. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. The

High Court of Justice is constituted by the Government as required to consider matters of security.

Trial Procedures.—The constitution provides the right to a public trial and to legal counsel, and the Government generally respected these rights. Nevertheless, a judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial if the Government presents sufficient evidence. Defendants are presumed innocent and have the right to be present, have access to a lawyer (if indigent, to one provided by the state), to confront witnesses against them, to present witnesses or evidence on their behalf, and to appeal; the Government generally respected these rights.

A criminal tribunal is composed of one judge, two deputy judges, and two jurors. Defendants have access to government-held evidence against them through their lawyer. These rights extend to all citizens.

Minor disputes may be taken to a local chief, particularly in rural areas, but the Government did not always recognize such decisions.

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

Civil Judicial Procedures and Remedies.—There was an independent civil judiciary, but it was susceptible to government influence and corruption. Corruption was also a problem in the enforcement of domestic court orders. Administrative remedies were not generally available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, the Government did not respect these prohibitions in practice. As part of criminal investigations, police may request search warrants from judges, which they obtained easily, sometimes after the fact.

Security forces conducted warrantless searches for illegal immigrants and criminals, using street stops and identity checks.

Authorities reportedly routinely monitored private telephone conversations, personal mail, and the movement of citizens.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government generally did not respect these rights in practice. Many citizens hesitated to criticize the Government for fear of losing their jobs. However, the few opposition legislators in the National Assembly openly criticized the Government. Local journalists generally practiced self-censorship. Virtually no citizen, journalist, or politician directly criticized President Bongo.

In January the minister of interior temporarily suspended four NGO coalitions comprising 20 local NGOs for allegedly engaging in political activities, a violation of their legal mandate. The sanction was ordered after the NGOs released a public statement condemning the lack of good governance in the country. President Bongo reportedly reinstated the NGOs following domestic and international pressure.

In November police assaulted a reporter of Gabonpage, an Internet-based daily news Web site, while he was taking pictures of a sidewalk cleanup operation.

In December members of the Republican Guard beat up a reporter of the weekly newspaper *Le Nganga* after he published an article implicating the president's daughter and chief of staff, Pascaline Bongo, in an embezzlement scandal.

The only daily newspaper was the Government affiliated *L'Union*. Approximately nine privately owned weekly or monthly newspapers represented independent views and those of various political parties, but most appeared irregularly due to financial constraints, or in some cases, government suspension of their publication licenses. All newspapers, including *L'Union*, criticized the Government and political leaders of all parties, but not the president. There is a fine line between what the Government considers acceptable and unacceptable criticism. Most journalists understand this limitation and publish accordingly but occasionally cross the line as in the case of the monthly newspaper *Tendance*. The National Communication Council (CNC) ordered a three-month suspension for *Tendance* in March after it reprinted an article featured in the French newspaper *Le Monde*, detailing many of the houses owned by President Bongo and his immediate family members in France.

Foreign newspapers and magazines were widely available.

The Government owned and operated two radio stations that broadcast throughout the country. Much of their news coverage concerned the activities of government officials, although editorials sometimes criticized specific government policies or ministers. Seven privately owned radio stations were operating at year's end; most were apolitical. International radio stations broadcast locally.

The Government owned and operated two television stations. Four privately owned television stations transmitted 24 hours a day. Satellite television reception was available.

Although the reasons for the 2007 ban remain in effect, L'Espoir resumed publication in June. The Gri-Gri International ban remained in effect at year's end.

The law stipulates that penalties for libel and other offenses include a one- to three-month publishing suspension for a first offense and a three- to six-month suspension for repeat offenses. Editors and authors of libelous articles can be jailed for two to six months and fined 500,000 to five million CFA francs (\$1,000 to \$11,000).

Libel can be either a criminal offense or a civil matter. The law authorizes the Government to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the state to criminalize civil libel suits.

In March the CNC suspended the newspaper Croissance Saine Environnement for allegedly making false allegations against the manager of the local office of the Government body in charge of social security and pensions, la Caisse Nationale de la Securite Sociale. The CNC said that the suspension would be lifted if the newspaper could prove its claims. The publication resumed printing in August although it is not clear if the newspaper was able to prove its claims.

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

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

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Ministry of Interior maintained an official registry of religious groups and refused to register approximately 10 small indigenous groups. Nevertheless, in practice the Government allows members of these groups to assemble, practice their religion, and to proselytize.

In recent years, some Protestant denominations have alleged that the Government television station accorded free broadcast time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favored Roman Catholics and Muslims in hiring and promotion.

Societal Abuses and Discrimination.—There was no significant Jewish community in the country, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Although the constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, the Government frequently restricted these rights in practice. The Government granted refugee status or asylum and cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

There were no legally mandated restrictions on internal movement, but police and gendarmes continued to stop travelers frequently to check identity, residence, or registration documents, or to demand bribes. Members of the security forces harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. Some members of the security forces extorted bribes with threats of confiscation of residency documents or imprisonment. Residency permits cost 100,000 CFA francs (\$215) per year, and first time applicants were required to provide the cost of a one way air ticket to their country of origin. In principle, but usually not in practice, the Government refunded the cost of the air ticket when the individual departed the country permanently.

There were reports that, without explanation, authorities denied passport applications for travel abroad. There also were reports of unreasonable delays in obtaining passports, despite a government commitment to process passport applications within three days. The Government intermittently enforced a regulation requiring married women to obtain their husbands' permission to travel abroad.

In June, September, and November, airport authorities prevented Marc Ona, coordinator of the NGO "Publish What You Pay," from traveling out of the country (See

Section 1.d.). Ona was told that airport officials were acting under instructions from the Ministry of Interior, but that the ministry would not state a legal basis for its actions. On a previous trip to France, Ona, a staunch critic of the Bongo administration, symbolically seized one of Bongo's residences on behalf of the Gabonese people, announcing to the press that the property was purchased with funds obtained from corruption.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, refugees complained about widespread harassment, extortion, and detentions by security forces.

To reduce mistreatment of refugees, the Government started replacing UNHCR-issued identity cards with those issued by the Government. By year's end almost 37 percent of refugees in the country who qualified had been issued new cards. This, in conjunction with a UNHCR-led information campaign, helped reduce discrimination against refugees.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens partially exercised this right in practice through periodic and generally fair elections.

Elections and Political Participation.—In April local elections were held to fill 1,190 municipal and departmental seats throughout the country. The ruling PDG won overwhelmingly, taking 96 percent of the seats. The independent electoral commission reported that only 25–30 percent of voters participated in the election, and independent observers estimated that the actual abstention rate was likely even higher. Polls did not open or close on time at several polling places, and elections in a handful of constituencies had to be rescheduled because of logistical and other problems. About 70 candidates brought electoral challenges before the Constitutional Court following the elections, and the court reviewed and ruled on all of the contested seats by year's end.

In 2006 elections were held to fill the 120 seats in the National Assembly. President Bongo's party, the PDG, and other parties in the ruling coalition won the majority of seats. Results of several seats were contested and nullified by the Constitutional Court; however, in the runoff elections, the PDG still held a majority with 83 seats. Other parties allied with the PDG won 19 seats. Opposition parties won 10 seats, while the remaining seats went to independents or unaligned parties.

In 2005 President Bongo was reelected for another seven year term in an election marred by irregularities including incomplete and inaccurate electoral lists, abuse of government resources, and unequal access to the media. There were also charges of vote buying, multiple voting, and ballot stuffing.

The Government was dominated by a strong presidency. When the legislature is not in session the president can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law. The legislature generally approved legislation presented to it by the president. The president appoints ministers of government and heads of parastatals.

A single party, the PDG, has remained in power since its creation by President Bongo in 1968.

Political parties could operate without restriction or outside interference.

There were 18 women in the 120-member National Assembly and 13 women in the 49-member cabinet.

Members of all major ethnic groups continued to occupy prominent government positions; however, members of the president's Bateke ethnic group and other southerners held a disproportionately large number of key positions in the security forces. The minister of defense and the chief of the Republican Guard were from the same region or ethnic group as the president.

Indigenous Pygmies rarely participated in the political process, and the Government made only limited efforts to include them.

Government Corruption and Transparency.—Official corruption was widespread, and there was extensive media coverage of police abuses, particularly at checkpoints. Although the Commission against Illegal Enrichment carried out an investigation, they took no other action against corrupt officials during the year.

The Anticorruption Commission required civil servants to disclose their financial assets before assuming office; however, this requirement was not always followed in practice.

The World Bank Worldwide Governance Indicators reflected that corruption was a severe problem.

The law does not provide for public access to government information, and the Government did not allow such access in practice.

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

Some local human rights NGOs and activists operated without government restriction, investigating and publishing their findings. Government officials took no known actions on their recommendations.

There were no reports of the Government restricting the work of international human rights and humanitarian NGOs, and it worked closely and effectively with representatives from the UN, including the UN Children's Fund (UNICEF) and UNHCR.

There was no human rights ombudsman or commission.

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

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the Government did not enforce these provisions uniformly.

Women.—Rape is against the law and carries a penalty of between five and 10 years' imprisonment; however, rape cases were seldom prosecuted and were sometimes perpetrated by law enforcement officials on female noncitizens and prostitutes. The problem was widespread. Only limited medical and legal assistance for rape victims was available.

The law prohibits domestic violence; however, it was believed to be common, especially in rural areas. Penalties for domestic violence range from two months to 15 years in prison. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities.

Although illegal, female genital mutilation (FGM) was believed to occur among the resident population of noncitizen Africans; however, there were no specific reports of such practices during the year.

Although the law prohibits prostitution, it was a problem. There were reports of police officers beating, robbing, and raping prostitutes.

There is no law that prohibits sexual harassment, and it was a problem. The Government and NGOs reported cases of female domestic workers (often victims of child trafficking) who were sexually molested by employers.

The law provides that women have rights to equal access in education, business, investment, employment, credit, and pay for similar work; however, women continued to face considerable societal and legal discrimination, especially in rural areas. While poor women frequently suffered discrimination, women among the educated urban population were treated more equally. Women owned businesses and property, participated in politics, and worked throughout the Government and in the private sector.

By law, couples must stipulate at the time of marriage whether they intend to adhere to a monogamous or a polygamous relationship; polygamous marriages were more common. For monogamous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygamous marriage, a husband is obligated to give all wives the same level of financial support, although he may marry additional wives without permission from his existing wives. Wives who leave polygamous husbands receive a one time payment.

In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property. Common law marriage, which was accepted socially and practiced widely, afforded women no property rights.

Regulation requires that a woman obtain her husband's permission to travel abroad; however, this requirement was not enforced consistently.

Children.—In general, the Government showed a commitment to children's rights and welfare. It publicly expressed its commitment to youth, provided 13,000 academic scholarships during the year, and used oil revenues to build schools, pay teacher salaries, and promote education, including in rural areas. However, there were numerous reports of shortages of classrooms and teachers in public schools. Education is compulsory until age 16 and was generally available through sixth grade.

There was some evidence of physical abuse of children. There were occasional reports that family members sexually abused girls who had passed puberty. When such reports surfaced, the accused abusers were arrested and tried.

FGM was believed to occur among the resident population of noncitizen Africans. Child marriage was a problem and there was no government effort to combat the practice.

Concerns about the problems faced by the large community of children of noncitizen Africans persisted. Some were victims of child trafficking and abuses.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons, particularly women and children, were trafficked to the country.

The police and an interministerial committee composed of representatives from the labor, justice, foreign affairs, and family ministries, were responsible for combating trafficking. The Government also cooperated with UNICEF, the International Labor Organization, and diplomatic missions in the country.

Children (especially girls), primarily from Benin and Togo, worked as domestic servants or in the informal commercial sector. Boys were trafficked for street hawking and forced labor in small workshops. Nigerian children, also victims of trafficking, worked in the informal commercial sector as mechanics. Trafficked children generally worked long hours, were subjected to physical abuse, received inadequate food, and received no wages or schooling. No accurate statistics were available on the number of trafficking victims in the country.

There continued to be unconfirmed reports that some government officials employed trafficked foreign children as domestic workers, and that individual police and immigration officers were involved in facilitating child trafficking.

The law provides for prison sentences for traffickers of five to 15 years' imprisonment and fines from 10 million to 20 million CFA francs (\$22,000 to \$43,000). However, the Government's antitrafficking law enforcement efforts were mixed. There were several arrests for trafficking offenses, and in some cases prolonged detention of suspects. However, prosecution was infrequent and the Government did not report any trafficking convictions during the year. Authorities did require some suspected traffickers to pay the cost of repatriating trafficked victims to their countries of origin; however, the consequent absence of victims made successful prosecution of traffickers more difficult.

There were reports that frustration over lack of prosecutorial action led police to conduct fewer raids this year.

Government agencies, in cooperation with UNICEF, provided care for victims, in some cases through NGOs.

UNICEF and the Government sponsored a toll-free assistance hotline for child trafficking victims that provided 24-hour response assistance and arranged free transport to a victims' shelter. A government-funded reception center offered protection for trafficking victims, including food, education, medical care, and repatriation assistance. A second center, run by Carmelite nuns, provided similar services for older girls and young women.

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

Persons With Disabilities.—There are no laws that prohibit discrimination against persons with disabilities or provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was some societal discrimination against persons with disabilities, and employment opportunities and treatment facilities were limited.

Indigenous People.—Pygmies were the earliest known inhabitants of the country. Small numbers of Pygmies continue to live in large tracts of rain forest in the northeast. Most Pygmies, however, were relocated to communities along the major roads during the late colonial and early post-independence period, together with other residents of remote communities. The law grants them the same civil rights as other citizens, but Pygmies remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision making structures. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. Their Bantu neighbors often exploited their labor by paying them much less than the minimum wage. Despite their equal status under the law, Pygmies generally felt they had little recourse if mistreated by Bantu. There were no specific government programs or policies to assist Pygmies.

Other Societal Abuses and Discrimination.—There was considerable discrimination against persons with HIV/AIDS. One local NGO worked closely with the minister of health to combat both the associated stigma and the spread of the disease.

The same organization also worked to combat the stigma associated with homosexuality, but did not receive any assistance from the Government for these activities.

Section 6. Worker Rights

a. The Right of Association.—The law places no restrictions on the right of association and recognizes the right of citizens to form and join trade and labor unions; workers exercised these rights in practice. The small private sector industrial workforce was generally unionized. Unions must register with the Government to be recognized officially, and registration was granted routinely.

The law provides workers the right to strike; however, they may do so only after eight days' advance notification and also only after arbitration fails. Public sector employees' right to strike is limited if a strike could jeopardize public safety. The law prohibits government action against individual strikers who abide by the notification and arbitration provisions.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without government interference, and the Government protected this right. The law provides for collective bargaining by industry, not by firm, and collectively bargained agreements set wages for whole industries. Labor and management met to negotiate differences, with observers from the Ministry of Labor. Agreements negotiated by unions also applied to nonunion workers.

Discrimination on the basis of union membership is illegal. Employers who are found guilty by civil courts of having engaged in such discrimination may be required to compensate employees. Trade unions in both the public and private sectors were often discriminated against. Their demands and/or requests for negotiations were sometimes ignored or denied.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although children below the age of 16 may not work without the express consent of the ministries of labor, education, and public health, child labor was a serious problem. The law stipulates fines and prison sentences for violations of the minimum age for work. The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector; however, child labor occurred in rural areas, where the law was seldom enforced.

An unknown number of children, primarily foreign, worked in marketplaces or performed domestic duties; many of these children were reportedly the victims of child trafficking. Such children generally did not attend school, received only limited medical attention, and often were exploited by employers or foster families. Laws forbidding child labor extended protection to these children, but abuses often were not reported.

The constitution and labor code protect children against exploitation. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints. However, violations were not systematically addressed because the inspection force was inadequate, and complaints were not investigated routinely. The Government viewed child labor and child trafficking as closely linked; the only available survey of children in the informal urban labor force found that 97 percent were noncitizens.

e. Acceptable Conditions of Work.—In 2006 the president announced an increase in the monthly minimum wage from 44,000 to 80,000 CFA francs (\$94 to \$172); government workers received an additional monthly allowance of 20,000 CFA francs (\$43) per child. Government workers also received transportation, housing, and family benefits. The law does not mandate housing or family benefits for private sector workers. The minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage standards and, in general, it did so effectively.

The labor code governs working conditions and benefits for all formal sectors and provides a broad range of protection to workers; however, the Government sometimes did not respect these protections. According to the law, representatives of labor, management, and the Government are required to meet annually to examine economic and labor conditions and to recommend a minimum wage rate to the president, who then issues an annual decree. This procedure has not been followed since 1994, in part because the Government was following a policy of wage austerity recommended by international financial institutions.

The labor code stipulates a 40 hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work.

According to the labor code and related decrees, the daily limit can be extended to perform specified preparatory or complementary work, including work necessary to start machines in a factory and by supervisors whose presence at the workplace is indispensable. The additional hours range from 30 minutes to two hours, depending on the type of work.

The daily limit does not apply to establishments in which work is performed on a continuous basis and those providing services that cannot be subject to a daily limit, including in retail, transport, dock work, hotels and catering, housekeeping, guarding, security, medical establishments, domestic work, and the press.

The daily limit can be extended for urgent work to prevent or repair accidents. The additional hours are without limit on the first day and two hours on following days. The general limit for overtime is 20 hours per week.

Overtime compensation varies as it is determined by collective agreements or government regulations.

Companies in the formal sector generally paid competitive wages and granted the fringe benefits required by law, including maternity leave and six weeks of annual paid vacation.

The Ministry of Health established occupational health and safety standards but did not enforce or regulate them. The application of labor standards varied from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The Government reportedly did not enforce labor code provisions in sectors where the majority of the labor force was foreign. Foreign workers, both documented and undocumented, were obliged to work under substandard conditions; were dismissed without notice or recourse; or were mistreated physically, especially in the case of illegal immigrants. Employers frequently paid noncitizens less and required them to work longer hours, often hiring them on a short term, casual basis to avoid paying taxes, social security contributions, and other benefits.

GAMBIA, THE

The Gambia is a multiparty, democratic republic with a population of 1.5 million. In 2006 President Alhaji Yahya Jammeh was reelected for a third five-year term in an election considered partially free and fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate after the National Assembly elections held in January 2007, which were also considered partially free and fair. In the local government elections held in January, the ruling APRC won the two contested mayoral seats as well as an overwhelming majority of the local council seats. The elections were considered free and fair but observers expressed concern over the low voter turnout. In 2006 a coup attempt was uncovered, and approximately 50 suspects were detained, one of whom remained in detention undergoing trial on charges of treason at year's end. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

The Government's respect for the human rights of its citizens did not improve during the year. Amnesty International (AI) reported in November that "fear rules" in The Gambia and the human rights situation has worsened since a foiled coup attempt against President Jammeh in 2006. Although the constitution and law provide for protection of most human rights, there were problems in many areas. Prison conditions remained poor, resulting in deaths. Arbitrary arrests and detentions, often without warrants, continued. Security forces harassed and mistreated detainees, prisoners, opposition members, and journalists with impunity. Prisoners were held incommunicado, faced prolonged pretrial detention, held without charge, denied access to families and lawyers, and were tortured and denied due process. The Government restricted freedom of speech and press through intimidation, detention, and restrictive legislation. Women experienced violence and discrimination, and female genital mutilation (FGM) remained a problem. Child labor and trafficking in persons also were problems.

RESPECT FOR HUMAN RIGHTS

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

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

On November 25, Dodou Janneh, a police volunteer attached to the National Drug Enforcement Agency, was convicted of the May 2007 killing of Sheriff Minteh during a police raid in Serrekunda.

There were no developments in the case of five detainees accused of involvement in the 2006 coup plot and who the Government claimed had escaped during a prison transfer.

On August 15, the United Nations announced that a joint fact-finding team from the UN and the Economic Community of West African States (ECOWAS) would look into the deaths of a number of Ghanaian nationals, some of whom were found buried in The Gambia in 2005. Media reported that more than 50 Ghanaians and other West African nationals were killed. The team was established at the request of both governments and includes representatives appointed by The Gambia and Ghana.

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

The Government denied holding journalist “Chief” Ebrima Manneh who disappeared in 2006. However, on June 5, the ECOWAS Community Court of Justice ordered the Gambian authorities to release Manneh, who was reportedly arrested by state security agents. The court declared his continued detention illegal and ordered the Government to pay compensation of \$100,000 (dalasi 2,700,000) to Manneh’s family (the fine was specified in dollars). The ruling followed a lawsuit filed in June 2007 by the Media Foundation for West Africa (MFWA) based in Ghana. The Government did not send representatives to the trial despite numerous subpoenas. In July 2007 Manneh was reportedly sighted seeking medical treatment under police supervision at a hospital in Banjul, but his whereabouts remained unknown at year’s end.

On March 19, Foroyaa newspaper reported that United Democratic Party (UDP) supporter Kanyiba Kanyi, who was arrested at his home in Bonto village in 2006 by men believed to be state security agents, was reportedly sighted at the Royal Victoria Hospital on March 14 under the escort of wardens from Mile 2 Central Prison. A family member told Foroyaa that one of their relatives saw Kanyi at the out-patients unit, where he went for a medical check up. Kanyi appeared weak and was being assisted by his guards.

On May 21, Kanyi’s lawyer filed a fresh application to force the state to comply with the October and December 2006 high court rulings to free Kanyi. This application was supported by an affidavit from a former political detainee, elected local councilor Ousman Rambo Jatta, who stated he was held with Kanyi in one of his places of detention. The judge expressed disappointment that the previous high court ruling had been flouted and stated that it was clear Kanyi was in the hands of state security. The prosecutor stated that his office had written to the security agencies asking them to comply with the court order but had not received a response. The lawyer maintained that Kanyi is being held by the National Intelligence Agency (NIA).

The whereabouts of former chief of defense Colonel Ndure Cham, the alleged mastermind of the 2006 coup plot, remained unknown at year’s end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that security forces beat, tortured, and mistreated persons in custody.

During the trial that concluded in April of nine separatist rebels from the Senegalese province of Casamance, four of the accused told the court that they were severely tortured during detention and stated their statements presented as evidence were obtained under duress. Similar claims of torture were made by detainees held in connection with the 2006 coup plot. The Government did not respond to these allegations.

On March 1, Amadou Sanyang of Latrikunda Picadilly alleged that he was stabbed by an officer of the Police Intervention Unit (PIU). Sanyang told a local newspaper that the incident happened when four PIU officers arrested several young men after accusing them of smoking cannabis. He identified two of his assailants as Abubacarr Sidi Mass and Lamin Ceesay. The officer-in-charge of the police human rights unit confirmed the report and stated the matter had been brought to the attention of the relevant authorities. There were no further developments at year’s end.

On June 24, five residents of Lamin Daranka, who were evicted from their homes and arrested, stated they were severely beaten with batons and tortured by officers of the PIU. Musa Manneh, Lamin Sarjo, Abdoulie Jatta, Numo Sarjo, and Ebrima Jatta showed a local journalist bruises and other injuries which they alleged were inflicted by the PIU officers during their arrest and transfer to Yundum Police Station. They were held for four days before being granted bail.

On September 29, Abdoulie Faye, who was convicted of stealing a ram, told a magistrate court that seven agents of the Criminal Investigation Division of The Gambia Police Force tortured him during his detention at the Banjul Police Station. Faye stated he was arrested on September 11, detained for 18 days, and repeatedly denied bail despite several attempts to obtain it by his relatives.

The Indemnity Act continued to prevent victims from seeking redress in torture cases related to official actions taken by military personnel during military rule from 1994–96. The army requires victims to file formal complaints with the courts regarding alleged torture that occurred outside the official military rule period. However, there were no known prosecutions in civil or military courts of security force members accused of mistreating individuals during the year. At the closing ceremony of a civil-military relations seminar in August 2007, the chief of defense staff publicly announced a zero-tolerance policy for military abuse of civilians, and some reports indicated such abuse may have declined.

In November 2007 the MFWA filed a lawsuit against the Government at the ECOWAS court over the 2006 illegal detention and torture of journalist Musa Saidykhan, editor in chief of The Independent newspaper. Saidykhan claimed electric shocks were administered to his naked body during his 22-day detention before he was released without being charged. No government representative appeared at the ECOWAS hearing and the Government did not respond to the torture allegations by year's end.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards, although detention center conditions generally did. The Government permitted some visits by independent human rights observers, but they were not allowed to visit detainees and prisoners connected to matters considered politically sensitive.

Local jails were overcrowded, and inmates, including detainees awaiting trial, occasionally slept on the floor. Inmates complained of mistreatment by guards, poor sanitation, and inadequate nutrition, and often relied upon outside sources of food, which was allowed prior to conviction. Prison guards were reluctant to intervene in fights between prisoners, which resulted in injuries.

Although prison officials made attempts to improve prisoners' nutrition and well-being during the year, there were unconfirmed reports of deaths of prisoners at the Mile 2 Prison due to poor diet, health, and living conditions. AI reported it was aware of at least 19 persons who have died while in Mile 2 Prison since 2005. Prison officials maintained that prisoners had access to round-the-clock medical care.

There were reports that women occasionally were held with men. During her trial in 2007, convicted murderer Tabara Samba stated in court that she was held in the same cell with male prisoners.

Pretrial detainees were held together with convicted prisoners.

The Government permitted restricted independent monitoring of prison conditions by some local and international human rights groups; however, neither the media nor the International Committee of the Red Cross was granted access to detainees or prisoners during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, there were numerous instances of police and security forces arbitrarily arresting and detaining citizens.

Role of the Police and Security Apparatus.—The armed forces are responsible for external defense and report to the Secretary of State (minister) for defense, a position held by the president. The police, under the Secretary of State for the interior, are responsible for public security. The NIA is responsible for protecting state security, collecting intelligence, and conducting covert investigations, and reports directly to the president. The NIA is not authorized to investigate police abuses, but during the year the NIA often assumed police functions such as detaining and questioning criminal suspects. Security forces frequently were corrupt and ineffective. On occasion security forces acted with impunity and defied court orders.

The police's human rights and complaints unit receives and addresses complaints of human rights abuses committed by police officers from both civilians and other police officers. During the year the unit received several complaints, and some police officers faced disciplinary actions as a result.

There were no developments in the case of two women who claimed to have been raped in April 2007 by three men they alleged were police officers.

Arrest and Detention.—The law requires that authorities obtain a warrant before arresting a person; however, in practice individuals often were arrested without a warrant. Periods of detention generally ranged from a few hours to 72 hours, the

legal limit after which detainees must be charged or released; however, there were numerous instances of detentions surpassing the limit.

On April 28, a prominent businessman, Alhaji Banta Kaira, and a business consultant, Dodou Jobe, were arrested by state security agents and held at Mile 2 Central Prison. There was no official information about the reasons for their detention. Kaira was released on bail on May 26 and Jobe was released on June 28.

In May the Financial Director of the NIA, Bakary Gassama, was arrested and held for several months before being charged and brought to court on September 26 on one count of abuse of office. On December 3, the court discharged him but he was immediately rearrested and was in detention at year's end.

On December 12, a local newspaper reported that two brothers, Lamin Marong and Ebrima Marong, had been in detention for three months without charge and remained in detention at year's end.

On December 16, a Nigerian pastor, Gideon A. Adeoye was arrested for allegedly "spreading false information" about the country's military. At year's end he was still in detention.

There was a functioning bail system; however, on occasion, the courts released accused offenders on bail, while the police or other law enforcement agencies rearrested offenders upon their leaving the court. Detainees generally were not promptly informed of charges against them, nor were they allowed prompt access to a lawyer or family members. However, convicted prisoners were generally permitted to meet privately with their attorneys. Persons accused of murder or manslaughter, and who are indigent, are provided a lawyer at public expense.

Military decrees enacted prior to the adoption of the constitution give the NIA and the Secretary of State for the interior broad powers to detain individuals indefinitely without charge "in the interest of national security." These detention decrees are inconsistent with the constitution, but they have not been subject to judicial challenge. The Government claimed that it no longer enforced the decrees; however, there were several cases during the year of detentions that exceeded the 72-hour limit. There were also reports that some government employed detainees held at length without conviction were not paid their salaries, although the law provides that civil servants, including military officers, in detention or on trial for criminal offenses be paid half of their salary. The second half is paid to them in the case of acquittal.

There were no reports of arbitrary arrests of political opponents during the year. However, the whereabouts of some political detainees, including a journalist and an opposition supporter detained in 2006, remained unknown at year's end.

During the year some detainees were held incommunicado for extended periods.

One suspect in connection with the 2006 coup attempt remained in detention at year's end. Hamadi Sowe was charged with concealment of treason and his trial, which began in December 2007, was ongoing at year's end. On April 16, security force member Yaya Bajinka, who was arrested in connection with the 2006 coup plot, was released unconditionally.

On May 14, Foroyaa newspaper reported that former National Intelligence Agency operative Kebba Secka had been detained for a year at Mile 2 Prison. He had not been charged or brought to court by year's end.

Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. Approximately 30 inmates in the prison system were in pretrial detention, and some had been incarcerated for several years while awaiting trial. Several long-term detainees were released without charge or pardoned during the year.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the courts demonstrated independence on several occasions. However, in practice the courts, particularly at the lower levels, were corrupt and at times subject to executive pressure. AI noted that the presidential power to remove a judge in consultation with the Judicial Service Commission (JSC) impedes judicial independence. In practice, during the year the president removed three High Court judges without consulting the JSC.

Judges presiding over "sensitive" cases and who made decisions not considered favorable to the Government risked being fired. On July 10, newly appointed High Court Judge B.Y. Camara was dismissed, but later reinstated, without explanation, but unconfirmed reports stated his firing was linked to his handling of the trial of foreign fugitive Christopher Badjie. Also on July 10, Justice Haddy Roche, who in previous years made decisions not favorable to the Government, was dismissed from her job without explanation. She was later reinstated as the presiding judge at the Commercial Division of the High Court. On September 11, Justice Naa-Ceesay Sallah-Wadda of the High Court in Banjul, was dismissed without explanation. Her firing was reportedly related to her decision to grant bail to British mining engineer Charles Northfield, who was arrested on February 12 when the mining license of

his employer, Carnegie Minerals, was withdrawn. In late August Northfield jumped bail and fled to the United Kingdom. Justice Sallah-Wadda was also reinstated in her job.

There were instances of the Government and security forces disregarding court orders when suspects were rearrested so that the prosecution could have more time to prepare its case.

On February 14, two suspects in a government vehicle theft case, former presidential bodyguard Bakary Camara and the managing director of Boto Construction Company, Modou Lamin Sonko, were granted bail by the Banjul Magistrate's Court, but rearrested and detained for more than 72 hours. Sonko was later released but Camara was retried and sentenced to one year in prison.

On June 10, former Police Superintendent Manlafi Sanyang, who was standing trial on charges of theft of a government vehicle, was acquitted by a court in Banjul but was immediately rearrested by the police who pressed fresh charges against him. Sanyang, who served seven months in detention during the trial, was convicted on August 14 and sentenced to 13 months in prison. He died in prison six days later.

On August 6, police rearrested Kenyan-born Dida Halake, the former managing director of the Daily Observer, who was standing trial for providing false information, after the Kanifing Magistrates Court dismissed the case against him for lack of evidence. Halake, who has British nationality, was detained briefly at Serrekunda Police Station but was later released unconditionally and has returned to the UK.

The judicial system is composed of the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts. Cadi courts have jurisdiction over Islamic matters of marriage, divorce, land disputes, and inheritance where Muslim parties are involved. District chiefs preside over local tribunals that administer customary law at the district level. Cadi courts and district tribunals do not offer standard legal representation to the parties involved, since lawyers are not trained in Islamic or customary law. Military tribunals cannot try civilians.

In June 2007 a judicial complaints board was established in the Office of the Chief Justice. The board is chaired by the chief justice and includes the attorney general and Secretary of State for justice, the Secretary of State for the interior, the inspector general of police, the director general of the NIA, the master of the high court, and the judicial secretary. The board reportedly was fully operational and heard several complaints during the year.

Trial Procedures.—The constitution and law provide for a fair and public trial, and the judiciary generally enforced this right, although frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded the process. Many cases were also delayed because of adjournments designed to allow the police or NIA time to continue their investigations. Both civilian trials and courts martial are held in public, but occasionally closed-court sessions were held to protect the identity of a witness. No juries are used in the civilian courts, but courts martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers.

Indigent defendants charged with murder or manslaughter have a right to an attorney provided at public expense. The prosecution prepares a case file, including testimonies and evidence, and provides a copy for the defense. Defendants are presumed innocent, have the right to confront witnesses and evidence against them, present witnesses on their own behalf, have the right to an attorney, and appeal judgment to a higher court. The law extends the above rights to all citizens, and there were no groups that were denied these rights. According to AI, detainees were rarely informed of their rights and/or reason for their arrest or detention.

The judicial system suffered from inefficiency at all levels. Cases continued to be delayed because the court system was overburdened. To alleviate the backlog, the Government continued to recruit judges and magistrates from other Commonwealth countries that have a similar legal system. The attorney general oversees the hiring of foreign judges on contract. The Government reserves the right not to renew a judge's contract.

The judicial system recognizes customary, Shari'a (Islamic law), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari'a was observed primarily in Muslim marriage and divorce matters; it favored men in its provisions. General law, following the British model, applied to felonies and misdemeanors in urban areas and to the formal business sector.

Political Prisoners and Detainees.—During the year there were credible reports that the Government held civilians based on their political views or associations and that some were held incommunicado for prolonged periods. Unlike the previous year, there were no reports that the Government arrested and detained opposition

members who publicly criticized or who expressed views in disagreement with the Government.

Civil Judicial Procedures and Remedies.—The High Court has jurisdiction to hear cases for civil and human rights violations, although it may decline to exercise its powers if it is satisfied that adequate means of redress are available under other laws. The Indemnity Act continued to prevent victims from seeking redress in some cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, but the Government did not always respect these prohibitions in practice. Decree 45, which provides constitutional safeguards against arbitrary searches and the seizure of property without due process, remained in effect, and the Government generally enforced it.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government limited these rights by intimidation, detention, and restrictive legislation. Although the independent press practiced a degree of self-censorship, opposition views regularly appeared in the independent press, and there was frequent criticism of the Government in the private media.

The Government published one newspaper, The Gambia Daily. The privately owned Daily Observer favored the Government in its coverage. There were seven other independent newspapers, including one published by an opposition political party that remained highly critical of the Government. There was one independent biweekly magazine.

One government-owned and nine private radio stations broadcast throughout the country. During most of the year the Government-owned Gambia Radio and Television Services (GRTS) gave limited coverage to opposition activities. GRTS television rebroadcasts CNN while local radio stations rebroadcast the BBC, Radio France Internationale, the Voice of America, and other foreign news reports, and all were available via shortwave radio. GRTS television, foreign cable, and satellite television channels broadcasting independent news coverage were available in many parts of the country, and the Government allowed unrestricted access to such networks.

The deterioration of the country's media environment continued during the year. The Government harassed journalists who wrote articles it considered inaccurate or investigated cases it considered sensitive. Several journalists reportedly went into hiding out of fear of government retaliation.

On May 19, a magistrate in Banjul acquitted Mamsait Ceesay, former press officer at the Office of the President of the charge of false publication. The charges against fellow journalist Malik Jones were dropped after he agreed to serve as a prosecution witness in the trial of Ceesay. He was later reinstated in his job.

On July 17, the proprietor and managing editor of Today, Abdul Hamid Adiamoh, was arrested following the publication of a story about school children who skipped classes to salvage scrap metal to sell. On August 20, he was charged with publication with seditious intent and was ordered to cease publication. Adiamoh pled guilty to the charge of failure to renew his business license, and on September 17 was sentenced to a fine of 10,000 dalasi (approximately \$370) or six months in prison. The fine was paid and the business license renewed which allowed the newspaper to resume publication. The trial on the charge of publication with seditious intent was ongoing at year's end.

On August 18, U.S.-based Gambian journalist and political activist Fatou Jaw Manneh was convicted on charges of sedition and fined 250,000 dalasi (approximately \$9,260) or four years in prison. Her family and friends paid the fine. Manneh was arrested at Banjul airport in March 2007. She was held for six days (beyond the 72-hour legal limit) before being charged with four sedition-related offenses based on remarks she made during a 2005 interview with an online newspaper.

Security officials arbitrarily harassed and arrested journalists during the year. On September 9 and 10, journalist Fabakary Ceesay of Foroyaa newspaper claimed that he was asked by the inspector general of police to report to police headquarters or face severe consequences. Ceesay stated the police chief was displeased with a report published in Foroyaa on September 8 about the detention of a suspect for one month without charge.

Following his release in October 2007, journalist Yaya Dampha and members of his family were granted asylum in Sweden.

On December 30, a British missionary couple, David and Rachel Fulton, pled guilty and were sentenced to a one-year mandatory jail-term with hard labor by a magistrate court in Banjul on charges of seditious publication stemming from e-mails they sent to supporters in the UK and Canada. They were also fined 250,000 dalasi (approximately \$9,260) each or in default to serve a further 18 months in prison. The couple was arrested on November 29 for publishing "negative articles" and sending "negative letters" about the country and its government to individuals and organizations. They were in prison for the duration of the trial because they could not meet the bond set at 10 million dalasi (approximately \$370,000).

Journalist Lamin Fatty of The Independent newspaper, who in June 2007 was convicted for publishing "false news" and fined 50,000 dalasi (approximately \$1,850), went into exile early in the year. He appealed his conviction and the appeal was pending in the courts at year's end.

In some cases journalists from certain independent newspapers were denied access to state-sponsored events and press conferences due to official disapproval of their editorial stance.

During the three-week campaign period before the January local government elections, opposition parties were allotted television time slots, but coverage of opposition rallies was limited. Contrary to the code of conduct adopted by the media for election coverage, the ruling APRC party received more coverage than the opposition, including on the "no campaigning" day prior to the election.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. The Freedom newspaper Web site again became accessible. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. Although many citizens are illiterate and most did not have computers or Internet connections at home, Internet cafes were popular in urban areas.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, on July 28, the Inspector General of Police banned the holding of a local mask dance called "zimba" and a musical event called "fural" until further notice. The order followed the death of a seven-year-old boy during a stampede at a "zimba" performance. The four dancers were charged with murder but on October 7, the prosecution withdrew the charges against three of them. The trial of the fourth dancer, Alieu Faal, was ongoing at year's end. The eight organizers of the "zimba" were fined 1,300 dalasi (approximately \$48) each after they pled guilty to holding the event without a police permit.

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

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. However, in what was widely seen as an attack on the "Shia" doctrine of Islam, President Jammeh on July 24 called on the Supreme Islamic Council, the umbrella organization for all Muslim groups, to "put its house in order" and gave it a week to "regulate" what he stated were the apparent Islamic differences in the country. On July 28, the Supreme Islamic Council issued a press release calling on media houses to halt any programs or publications that are seen to propagate the "Shia" doctrine.

Societal Abuses and Discrimination.—There were no reports of societal abuse or discrimination based on religious affiliation, belief, or practice. Prominent societal leaders took positive steps to promote religious freedom.

There was no known Jewish community, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, but allow for "reasonable restrictions." Restrictions were imposed on foreign travel for many persons released from detention, often because their travel documents were temporarily confiscated at the time of their arrest or soon afterwards. As a rule, all government employees were required to obtain permission from the office of the president before travelling abroad.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the World Food Program, and other humanitarian organizations in assisting refugees and asylum seekers with integration efforts. UNHCR coordinated government efforts with the International Organization for Migration, the

Gambia Red Cross Society and other agencies to provide protection and assistance to refugees, returning refugees, and asylum seekers.

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

Protection of Refugees.—Neither the constitution nor the law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing such protection to refugees. The Government granted refugee status during the year. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Approximately 6,200 Senegalese refugees remained in the country during the year.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—On January 24, local government elections were held. The ruling APRC won the two contested mayoral seats plus 101 local council seats out of a total of 114. The opposition UDP won three seats, the National Alliance for Democracy and Development (NADD) won one seat; the National Reconciliation Party (NRP) won one seat, while the remaining eight wards were won by independent candidates. In the National Assembly elections held in January 2007, two separate opposition alliances contested with the ruling APRC, which won 42 of the 48 elected seats, and President Jammeh appointed five nominated members, including the speaker. On December 18, the APRC won a by-election for the National Assembly seat of Nianija constituency. The contest was between the APRC and the NRP.

In 2006 Alhaji Yahya Jammeh was reelected for a third term as president, winning approximately 67 percent of the vote. The main opposition political party, the UDP, challenged the election results; however, the courts upheld them.

Individuals representing political parties or running as independents could freely declare their candidacy if their nominations were approved according to the rules of the Independent Electoral Commission.

Political parties operated without restriction or government interference.

International and local observers declared the local government elections free and fair but expressed concern at low voter turnout. The presidential and National Assembly elections were declared partially free and fair with shortcomings, including underage voting, voting by non-nationals, and biased media coverage in favor of President Jammeh. There were reports of security officers demonstrating partisan support while on duty in the days before both the presidential and National Assembly elections. Opposition parties criticized these irregularities and stated that the APRC did not adhere to the code of conduct in the political memorandum of understanding brokered by the British Commonwealth in 2005.

UDP candidate in the National Assembly election Nfamara Bojang, who was arrested in January 2007, was acquitted on March 18 because of the prosecution's repeated failure to bring forward any witnesses.

There were four women in the 53-seat National Assembly; two were elected and two were nominated by the president. At year's end there were six women in the 18-member cabinet, including the vice president.

There were no statistics available on the percentage of minorities included in the legislature or the cabinet. However, President Jammeh and many members of his administration were from the previously marginalized minority Jola ethnic group.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively although some officials accused of corruption were prosecuted.

The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem, although there were some government efforts to curb it during the year. The president often spoke against corruption, and leading political and administrative figures faced harsh sentences on charges of corruption and wrongdoing. In March 2007 the National Assembly adopted a code of conduct in an effort to allow for greater accountability and transparency in the legislature.

On August 7, the Managing Director of Gambia International Airlines (GIA), Lamin Sanyang, was arrested over allegations of mismanagement of funds of the state-owned company. He was detained until August 15 and then released unconditionally.

Public officials were not subject to financial disclosure laws, and no specific government agency was responsible for combating corruption.

The constitution and law do not provide for public access to government information. Under the Official Secrets Act, civil servants are not allowed to divulge information about their departments or to speak to the press without prior clearance from their department heads.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Some members of domestic human rights groups reportedly practiced self-censorship in matters related to the Government. Several groups expressed concern over the situation of detainees held incommunicado, but the Government did not respond.

The Government allowed visits during the year by the UN and other international governmental organizations, such as ECOWAS and the Commonwealth Secretariat, but offered no response to reports issued after the visits.

The Office of the Ombudsman operated a National Human Rights Unit (NHRU) to promote and protect human rights and to support vulnerable groups. The office was established by the Government and receives government funding. During the year the unit's reports focused on social and economic issues, such as gender, welfare, and child labor; however, the reports were not critical of the Government.

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

The constitution prohibits discrimination based on race, religion, gender, disability, language, or social status, and the Government generally enforced these prohibitions.

Women.—The law prohibits rape, and the Government enforced the law effectively, although rape remained a widespread problem. The penalty for rape of an adult is life in prison, and the maximum penalty for attempted rape is seven years' imprisonment. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it.

Domestic violence, including spousal abuse, was a widespread problem; however, it was underreported due to the stigma surrounding such violence. Police considered reported incidents to be domestic issues outside of their jurisdiction. There was no law prohibiting domestic violence; however, cases of domestic violence could be prosecuted under laws prohibiting rape, spousal rape, and assault.

Prostitution is illegal; however, it was a problem particularly in the tourist areas. Unlike in the previous year, there were no reports that the Government expelled foreigners engaged in prostitution. Suspected prostitutes were arrested in periodic raids; those who pled guilty to charges of being "rogues and vagabonds" were sentenced to fines or imprisonment for seven to 30 days. The Tourism Offences Act deals with tourism-related offenses, including sex tourism, which was reportedly increasing. The act prohibits child prostitution, trafficking, and pornography.

There are no laws against sexual harassment, although it was reportedly widespread.

Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment, access to credit, or owning and/or managing a business; however, women generally were employed in such pursuits as food vending or subsistence farming.

Shari'a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than males. The concerned church and the Office of the Attorney General settled Christian and civil marriage and divorce matters.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions had property and other rights arising from the marriage. They also had the option to divorce, but no legal right to disapprove or be notified in advance of subsequent marriages. The Women's Bureau, under the Office of the Vice President, oversees programs to ensure the legal rights of women. Active women's rights groups existed.

During the year the National Reproductive and Child Health Unit of the Department of State for Health and Social Welfare continued to implement a reproductive health campaign launched in 2007. The campaign, which was funded by the World

Health Organization, was designed to encourage men to become involved with sexual and reproductive health issues. In July 2007 the president declared that all maternal health care services would be provided free of charge in government-run hospitals, a practice that is in effect.

Children.—The Government was committed to children's welfare; however, budgetary constraints limited resources available to support education, health, and social services.

Not all births were registered. However, in order to have access to health care and treatment at public health centers, children must possess a clinic card, which is routinely obtainable.

The constitution and law mandate free, compulsory primary education from age six to 12, but the inadequate infrastructure prevented effective compulsory education, and children paid fees to attend school. During the year the Government estimated that 75 percent of children were enrolled in primary schools. Another 15 percent were enrolled in the Islamic schools called "madrassas." Girls constituted approximately 51 percent of primary school students and an estimated one-third of high school students. The enrollment of girls was low in rural areas, however, where a combination of poverty and cultural factors influenced parents' decisions not to send girls to school. As part of the Government's ongoing initiative to get girls in school, the Government continued a countrywide program to pay basic school fees for all girls. Nevertheless, in two urban regions, girls still were required to pay for books, school fund contributions, and exam fees.

The law protects and promotes the welfare of children, and curbs abuses against children, including trafficking in persons. In 2006 the first of five regional children's courts was established. The court has jurisdiction to hear all adoption, custody, maintenance, parentage, special, and most criminal cases affecting children.

The authorities generally enforced laws when cases of child abuse or mistreatment were brought to their attention. There was no societal pattern of abuse against children. Carnal knowledge of a girl under the age of 16 is a felony except in the case of marriage, which can be as early as 12 years of age. Incest also is illegal. Serious cases of abuse and violence against children were subject to criminal penalties.

On August 17, a 61-year-old New Zealand national, Anthony Michael Dobson, was arrested and charged with child pornography and defilement of a girl under the age of 16. A Gambian man, Mustapha Drammeh, named as Dobson's accomplice, was charged with procuring a young girl for him. Both pleaded not guilty. Their application for bail was turned down by the magistrate and they were remanded in custody. The trial was ongoing at year's end.

On November 20, a German national, Peter Paul Hornberger, was arrested for "indecent assault of a minor" of an 11-year-old boy in the tourism development area. He pled guilty and could face up to 14 years in prison. He was awaiting sentence at year's end.

The law does not prohibit female genital mutilation (FGM) and the practice remained widespread. Between 60 and 90 percent of women have undergone FGM, and seven of the nine major ethnic groups reportedly practiced it at ages varying from shortly after birth until age 16. FGM was less frequent among the educated and urban groups. Some religious leaders publicly defended the practice. There were unconfirmed reports of incidences of health-related complications, including deaths, associated with FGM; however, no accurate statistics were available. Several NGOs conducted public education programs to discourage the practice and spoke out against FGM in the media.

During the year at least 44 FGM practitioners abandoned the practice following a series of community sensitization campaigns which also provide entrepreneurial projects for the practitioners. The Government supported efforts to eradicate FGM and discouraged it through health education. During the year the National Assembly Select Committee on Women and Children continued its campaign against FGM and other harmful traditional practices affecting women and children.

Child prostitution (children under 18 years of age) exists in some of the brothels. Some child prostitution victims stated they worked to support their families or because they were orphans. Some NGOs also believe that tourists living in remote guesthouses and motels may be involved in the sexual exploitation of children. Security forces in the tourism development area are required to turn away all minors who approach the main resort areas without a genuine reason.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, persons were trafficked to, from, through, and within the country. The Government considered trafficking to be a serious problem. The Children's Act prohibits

trafficking in children and the 2007 Trafficking in Persons Act prohibits all forms of trafficking.

The penalty for trafficking in children under the age of 18 is life in prison and a substantial monetary fine. Enforcement of the Children's Act is the responsibility of the various security services. The Tourism Security Unit, a unit of the national army created specifically to enhance security in the tourism sector, is responsible for enforcement of the Tourism Offences Act which calls for keeping minors out of resort areas. The minimum prison term for trafficking an adult is 15 years and a substantial monetary fine may also be imposed.

On July 1, the magistrate's court in Banjul convicted Sheikh Jobe of child trafficking and sentenced him to two years imprisonment with hard labor. Jobe allegedly kidnapped two children, Telma Bangura and Mariama Jallow, by enticing them with biscuits and then took custody of them.

There were reports during the year that children were trafficked for commercial sexual exploitation. In October a Nigerian girl approximately 16 years old told representatives of the NGO Child Protection Alliance (CPA) and the Child Welfare Unit of the Gambia Police Force that she was a victim of trafficking. She stated that her uncle brought her and her sister from Nigeria on the pretext of sending them to school. Instead, he asked them to run his video shop and they fled when he attempted to rape them. The girl later disappeared while the police were preparing their case to arrest and prosecute the suspected trafficker.

There was no evidence of government involvement at any level in trafficking in persons.

While the Government had no established victim care and health facilities for trafficked persons, it provided temporary shelter and access to medical and psychological services to reported victims of trafficking.

The Government's multi-agency trafficking in persons taskforce, which also included representatives from the UN Children's Fund, the National Assembly, and the CPA, met twice during the year and on December 22 finalized the National Action Plan for Combating Trafficking in Persons.

The Trafficking in Persons Act provides for a national agency against trafficking to be established; however, it was not formed by year's end. A dedicated officer for trafficking issues continued to operate at the Department of State for Justice. NGOs were active in raising awareness about trafficking.

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

Persons With Disabilities.—Although the constitution protects persons with disabilities against exploitation and discrimination, no government agency is directly responsible for protecting persons with disabilities. The Department of State for Health and Social Welfare dealt mainly with supplying some persons with disabilities with wheelchairs received from international donors. There is no legal discrimination against persons with physical disabilities in employment, education, or other state services; however, there was some societal discrimination. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered little discrimination in employment for which they were physically capable. There were no laws to ensure access to buildings for persons with disabilities, and very few buildings in the country were accessible to them.

During the year the Government removed many beggars with disabilities from the streets in an effort to end the problem of street begging, which it viewed as a public nuisance. On September 26, police in Banjul arrested 24 Gambian and Senegalese beggars and charged them with "common nuisance and obstruction on public highways." The issue of the rights of persons with disabilities attracted press coverage throughout the year, and several NGOs sought to improve awareness of these rights, including encouraging the participation of persons with disabilities in sports and physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on voting day.

Other Societal Abuses and Discrimination.—There was evidence of societal discrimination against persons infected with HIV/AIDS. Stigma and discrimination hindered disclosure and led to rejection from partners and relatives. The Government took a multisectoral approach to fighting HIV/AIDS through its national strategic plan, which provides for care, treatment, and support to persons living with, or affected by HIV/AIDS, and the protection of the rights of those at risk of infection. In April 2007 the National AIDS Secretariat collaborated with The Gambia Chamber of Commerce and Industry to develop a business coalition response to HIV/AIDS using workplace policies to destigmatize it and allow workers to feel com-

fortable seeking information. Public discourse about HIV/AIDS was ongoing during the year as President Jammeh continued his controversial herbal treatment program for the virus. Throughout the year the Secretary of State for health urged persons to undergo voluntary HIV/AIDS counseling and testing.

There are no laws banning sexual relations between men, but there is societal discrimination against homosexuality, which remained a social taboo.

On March 28, President Yahya Jammeh, speaking at the National Assembly, strongly condemned homosexual marriages and stated they would never be allowed. On May 15, Jammeh ordered all homosexuals to leave the country within 24 hours. He described homosexuality as a criminal practice and told the security services to arrest homosexuals and close down motels and hotels hosting them.

On May 30, two Spanish men were arrested and detained at Kotu Police Station over allegations that they tried to procure underage boys for sex. The men were not charged, were released on June 3, and left the country immediately. However, the Government announced that they had been arrested on charges of homosexuality rather than pedophilia.

Section 6. Worker Rights

a. The Right of Association.—In September 2007 the National Assembly passed a revised Labor Act, which incorporates principles set out in various International Labor Organization (ILO) Conventions that deal with the abolition of forced labor, the minimum age for employment, the elimination of the worst forms of child labor, the right to organize and collective bargaining, and discrimination in employment and occupation. The act applies to all workers, including foreign or migrant workers, and specifies that workers are free to form associations, including trade unions. Workers exercised this right in practice. However, the act specifically prohibits military personnel and police officers, as well as other civil service employees, from forming unions. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active.

The law allows for the right to strike but places restrictions by requiring unions to give the commissioner of labor 14 days' written notice before beginning an industrial action (28 days for essential services); no strikes occurred during the year. In practice the Government interfered with unions' right to strike. The law specifically prohibits military personnel, police officers, and other civil service employees, from striking. Police and military personnel had access to a complaints unit, and civil servants could take their complaints to the Public Service Commission or the Personnel Management Office.

b. The Right to Organize and Bargain Collectively.—The law permits unions to conduct their activities without interference. Unions were able to negotiate without government interference; however, in practice the unions lacked experience, organization, and professionalism and often turned to the Government for assistance in negotiations. The law allows workers to organize and bargain collectively, and although trade unions were small and fragmented, collective bargaining took place. Union members' wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management. Most collective agreements are registered with the Department of Labor and remain valid for a period of three years before being renewed. The Labor Act also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership.

An employer may apply to a court for an injunction to prohibit industrial action that is deemed to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. The law prohibits retribution against strikers who comply with the law regulating strikes.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the Government intervened to assist workers whose employers fired them or discriminated against them.

There is a government-established export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. There are no special laws or exemption from regular labor laws in the EPZ.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for forced commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor was a problem, although the constitution prohibits economic exploitation of children

less than 16 years of age, and the Children's Act prohibits exploitative labor or hazardous employment of children under the age of 18. The act also sets the minimum age of 16 years for light work and 12 years for apprenticeships in the informal sector. Most children completed formal education by the age of 14 and then began work. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading, as child labor in informal sectors is difficult to regulate and laws implicitly apply only to the formal sector. In urban areas many children worked as street vendors or taxi and bus assistants. There were a few instances of children begging on the street. The tourist industry stimulated a low level of child prostitution. Other sectors where children between the ages of 14 and 17 were known to work include carpentry, sewing, masonry, plumbing, tailoring, and auto mechanics. In the rural areas, children were engaged in light work on family farms during the rainy season.

The Department of Labor was responsible for enforcing child labor laws and conventions on the worst forms of child labor. Employee labor cards, which include a person's age, were registered with the labor commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took place. The Tourism Offences Act incorporates the ILO provisions outlawing child prostitution and pornography.

e. Acceptable Conditions of Work.—Minimum wages and working hours are established by law through six joint industrial councils, composed of representatives from labor, management, and the Government. The lowest minimum wage according to law was 19.55 dalasi (approximately \$0.72) per day for unskilled labor, but in practice the minimum wage was 50 dalasi (approximately \$1.85) per day. The national minimum wage did not provide a decent standard of living for a worker and family. The minimum wage law covered only 20 percent of the labor force, essentially those in the formal economic sector, although most such laborers were paid above the minimum wage. Minimum wage laws covered foreign and migrant workers. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families. The Department of Labor is responsible for enforcing the minimum wage and it did so when cases of underpayment were brought to its attention.

The basic legal workweek is 48 hours within a period not to exceed six consecutive days. Nationwide, the workweek included four eight-hour workdays and two four-hour workdays (Friday and Saturday). There are no limits on hours worked per week and no prohibition on excessive compulsory overtime. A 30-minute lunch break is mandated. Government employees are entitled to one month of paid annual leave after one year of service. Most government employees were not paid overtime. However, government workers holding temporary positions and private sector workers received overtime calculated per hour. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service. There was no exception for foreign or migrant workers.

The law specifies safety equipment that an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the labor department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice authorities did not effectively enforce this right.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a currently valid work permit. On April 3, the National Assembly passed an amendment to the Payroll Tax Act, which requires employers not to hire non-Gambians in excess of 20 percent of their workforce except in the specialized professional category. The move was designed to encourage employers to train and employ more local citizens.

GHANA

Ghana is a constitutional democracy with a strong presidency and a unicameral 230-seat parliament. The population is approximately 22 million. In the December election the opposition National Democratic Congress (NDC) won both the presidency and control of Parliament, marking Ghana's second successful peaceful transi-

tion of power between political parties. The election was judged by domestic and international observers to be free and fair. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities.

The Government generally respected human rights, but human rights problems continued, including: deaths resulting from the excessive use of force by police; vigilante violence; harsh and life-threatening prison conditions; police corruption and impunity; prolonged pretrial detention; forcible dispersal of demonstrations; corruption in all branches of government; violence against women and children; female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; and child labor, including forced child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed political killings; however, the use of excessive force by security forces resulted in the deaths of several criminal suspects and other persons during the year. On June 3, police fired on commercial transport drivers following a confrontation in Ashaiman, near Accra, killing two persons, including a student, and injuring several others. The drivers had gathered to protest alleged police harassment. In September a government-appointed committee chaired by a court of appeals justice investigating the shooting recommended the dismissal of the divisional commander of the Motor Traffic and Transport Unit (MTTU) and the transfer of MTTU personnel. The report recommended reprimands for two police officials. The committee determined that eight police officers who accompanied the divisional commander did no wrong and recommended the lifting of interdiction against three police inspectors. At year's end the officer responsible had been tried by a police court, found not culpable, and reinstated. Funeral expenses were paid to the family of the deceased youth, and the Attorney General's office was negotiating a compensation package for the victims.

In August 2007 agents of the Bureau of National Investigations who were searching for a car thief mistakenly shot and killed a 26-year-old man. The president ordered security agencies to conduct a thorough investigation of the case. In December 2007 the case was forwarded to the attorney general's office for review. At year's end there was no new information on the case.

In August 2007 a joint police-military patrol reportedly beat and killed a minibus driver in Suhum following his arrest. The Ministry of Interior set up a committee to investigate the death. The committee recommended compensation for the victim's family and disciplinary action against the leader of the patrol team. In May a trial began for three security personnel involved in the incident. The trial was ongoing at year's end.

In May a man was killed after he apparently entered the official compound of the Volta Region regional minister in Ho. The man, whose motives are unknown, was killed by security personnel after a struggle in which a police officer was also killed, apparently with his own weapon. Investigations remained inconclusive at year's end despite public demand for an independent enquiry.

As in previous years, chieftaincy disputes resulted in deaths, injuries, and destruction of property.

In Bawku, in the Upper East Region, an ongoing chieftaincy dispute led to violent outbreaks in January, May, and July. The violence caused an estimated 18 deaths and the destruction of property. The military and police were deployed to the region and the municipality was placed under curfew following the outbreaks. The curfew, which runs daily from 10:00 pm to 4:00 a.m., was extended at the end of the year. In May communal violence led to eight deaths and the burning of a village in Burkprugu-Yunyoo District, Northern Region. The violence followed a dispute over land. Police investigated the incident and a case is pending. Those arrested were out on bail at year's end.

In November 2007 a chieftaincy conflict erupted in Anloga in the Volta Region, resulting in at least five deaths, including one police officer and two persons who died in police custody. Rooted in a decade-long chieftaincy dispute, the disturbances arose from opposition to the installation of a new chief in the Anlo traditional area. Media and nongovernmental organization (NGO) sources reported that police used excessive force, intimidation, and beatings in order to control the violence and to extract information. Police reportedly arrested more than 75 suspects, including chil-

dren and at least one elderly woman, immediately after the conflict erupted. There have been no further developments since the court adjourned the case in May.

In November 2007 at least three persons were reportedly killed, and over 20 houses set ablaze, as a result of a chieftaincy dispute in Princes Town in the Western Region. A number of individuals were arrested and charged with rioting, fighting with offensive weapons, and causing damage. There was no change in the status of the case at year's end. Numerous deaths resulted during the year from vigilante-style violence against suspected criminals by angry citizens. Security forces sometimes intervened to save the lives of the intended victims.

In October 2007 Amasaman District police arrested nine persons for allegedly killing a suspected thief in Pokuase by beating him and dragging him along the ground with his hands tied. The nine suspects remained in detention awaiting trial at year's end.

In April 2007 a group of young men beat and killed the administrator of Goaso Government Hospital whom they suspected of participating in a gang responsible for multiple killings. Police charged 15 persons in connection with the killing. In December 2007 four of the suspects were granted bail while the remaining 11 were remanded in custody. Those remanded were facing murder charges before the High Court in Sunyani. At year's end the 11 suspects were still facing murder charges at the Sunyani High Court.

There were no new developments involving a May 2007 incident where a mob on the Kumasi-Techiman highway captured and set on fire a man suspected of having robbed a gas station. Police investigations remained inconclusive and no arrests were made by the end of the year.

In August 2007 three suspected armed robbers were lynched in Accra as they were allegedly attempting to escape after snatching a woman's bag. No suspects were arrested, and investigations remained inconclusive at year's end.

In December 2007 two alleged gang members suspected of burglary were beaten to death by neighbors of the homeowner. Police investigations remained inconclusive at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were credible reports that police beat and abused suspects, prisoners, demonstrators, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but largely went unreported in official channels. In many cases, police denied allegations or claimed that force was justified by the circumstances.

The many cases of police brutality leading to deaths during the year led several NGOs, lawyers, and civil society organizations to publicly denounce the tendency of police to use excessive force and to call for the Inspector General of Police (IGP) to take action against those responsible.

In June military personnel illegally detained 13 commercial drivers at 37 Military Hospital in Accra. The drivers, who were allegedly involved in "chaotic" acts near the entrance of the hospital (which also serves the general public), were taken by military personnel into the hospital's morgue. There the drivers were made to handle corpses, including, according to the drivers, touching female cadavers in a sexually explicit manner. President Kufuor called for an investigation of the incident. Following the investigation, the Military High Command called for disciplinary actions (yet to be determined) against an officer, two enlisted soldiers, and five mortuary attendants. The military offered the drivers financial compensation of 100 cedis (approximately \$85) and a year's free medical care, an amount the drivers say is inadequate.

In May police fired teargas and rubber bullets to disperse supporters of a defeated parliamentary candidate. The leader of the Bekwai traditional area demanded an apology after several people were allegedly harmed by the police action. A police investigation determined that the police used appropriate and proportional force.

"Land guards" (private security enforcers hired by citizens to settle private disputes) caused injury and property damage during the year. There were some allegations of police complicity with these extralegal security agents, although police denied involvement.

Vigilante-style justice conducted by angry citizens and mobs against suspected criminals and witches resulted in deaths and injuries.

Prison and Detention Center Conditions.—Prison conditions generally were harsh and sometimes life threatening. Much of the prison population was held in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, sub-standard construction, and limited space.

In July the Government completed the closure of the Jamestown prison in Accra. The prison, which dated from the colonial era slave trade, did not meet modern standards for a penitentiary. The closure, however, led to higher levels of congestion in other prisons. The construction of a new maximum security prison continues at Ankaful in Central Region. According to the 2007 Prisons Service Annual Report, 13,335 prisoners (average daily lockup) were held in prisons designed to hold approximately one-third of that number. It was common for as many as 55 inmates to share a cell intended for 12. Overcrowding contributed to the prevalence of communicable diseases, medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. Shortages of food, bedding, clean water, and clothing for prisoners persisted.

In July 2007 the Parliamentary Select Committee on the Judiciary visited the Nsawam Medium Security Prison to determine whether inmates' rights were being respected. Prisoners reportedly informed the delegation that some inmates had been incarcerated for years without a trial. As a result of the committee's findings and other reports compiled by the prison service, the Government made some efforts to address the lengthy detention periods. In September 2007 the Attorney General's office launched its "Justice for All" initiative under which a special court sat at the James Fort Prisons in Accra. The initiative was intended to accelerate the judicial process and ease overcrowding in s prisons. The Attorney General's Office began a process to review the cases of remand prisoners at Nsawam Prison, resulting in the release of some remand prisoners. Since the inception of the program, approximately 40 persons on remand have been discharged, while others have been granted bail. There were no known reported cases of deaths or abuses of prisoners during the year.

Some juveniles inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute, a juvenile detention center that the Government operated like a prison. In response, the Department of Social Welfare and the Prison Service collaborated to transfer younger juveniles in adult prisons to juvenile correction centers and older juveniles back to the Borstal Institute.

Pretrial detainees were held with convicted prisoners.

d. Arbitrary Arrest or Detention.—The constitution and law provide for protection against arbitrary arrest and detention; however, the Government did not always observe these prohibitions.

Role of the Police and Security Apparatus.—The police, under the jurisdiction of a 10-member Police Council, are responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. The Ghana Police Service is within the Ministry of Interior. A separate entity, the Bureau of National Investigations, handled cases considered critical to state security and answered directly to the Ministry of National Security. The police maintained specialized units in Accra for homicide, forensics, domestic violence, visa fraud, narcotics, and cyber-crimes. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of Accra.

The police service received repeated criticism due to incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumors of police collaboration with criminals, and the widespread perception of police ineptitude contributed to an increase in vigilante violence during the year. There were also credible reports that police extorted money by acting as private debt collectors, by setting up illegal checkpoints, and by arresting citizens in exchange for bribes from detainees' disgruntled business associates.

The constitution and law provide for protection against arbitrary arrest and detention; however, the Government did not always observe these prohibitions.

Government officials stated that the policy of zero tolerance for corruption applied to police and other security officials; however, low salaries, which were sometimes not paid on time, contributed to the tendency of individual law enforcement officials to demand bribes.

The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 491 complaints and petitions, compared with a total of 693 in 2007. There were 134 complaints in the period related to harassment, unlawful arrest, and detention with human rights violations, compared with 149 in 2007 and 70 in 2006. There were 62 complaints of misconduct, compared with 225 in 2007. Investigation of 397 cases was completed, of which reports for 305 had been forwarded to the inspector-general of police. A total of 94 cases remained under investigation. Some cases forwarded to the IGP resulted in dismissals, reduction of rank, and transfers.

Arrest and Detention.—The constitution provides that a detained individual should be informed immediately, in a language that the detainee understands, of the reasons for the detention and of his or her right to a lawyer and an interpreter at state expense. The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a “reasonable time” as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person will appear in court at a later date. The law also provides for bail. In practice, however, many abuses of these rights occurred, including detention without charge for periods longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into custody for indefinite periods while an investigation is conducted by renewing warrants or by simply allowing them to lapse.

The Government continued to conduct arbitrary arrests and detentions during the year. From October to December the police conducted anticrime patrols in parts of Accra, arresting individuals suspected of being criminals. Approximately 100 individuals were held for prosecution on charges of criminal activity.

Authorities routinely failed to notify prisoners’ families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail, which was often prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Lengthy pretrial detention remained a serious problem. According to the Prisons Service’s 2007 Annual Report, 31.5 percent of the prison population was in pretrial status-up from 29.5 percent in 2006. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required.

The Ghanaian Times reported a man was released on bail in Brong Ahafo Region after eight months awaiting trial. No further information was available on the case at year’s end.

On December 7, the date of the general election, armed forces personnel detained approximately 210 individuals in Central Region. The individuals, known locally as “machomen,” were believed to be affiliated with one or more political parties and were congregating near polling stations for the alleged purpose of intimidating voters. The soldiers turned the men over to the police, who reportedly released them after the polls closed.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption.

The law establishes two basic levels of courts: the lower courts and the superior courts. The lower courts consist of the circuit and District Courts, which serve as juvenile courts and family tribunals. These courts try civil cases involving 5,000 cedis (approximately \$5,750) or less; and criminal cases for offenses punishable by a fine not exceeding \$1,000 cedis (approximately \$1,150), imprisonment for a term not exceeding two years, or both. The superior courts consist of the Supreme Court, the Appeals court, the High court, the Commercial court, regional tribunals, and fast-track courts. Fast-track courts hear cases to conclusion within six months. The majority of cases filed before the fast track courts involved banking and commercial matters, human rights, and defamation.

Members of the military are tried under the criminal code in a military court.

The Judicial Service has made efforts to mainstream alternate dispute resolution (ADR) procedures in order to decongest the courts and to address judicial inefficiency. Mediators have been trained throughout the country to implement ADR and mediation desks have been established in some District Courts. An ADR secretariat was established within the Judicial Service.

The Chieftaincy Act gives village and other traditional chiefs the power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies.

A judicial complaints unit, headed by a retired supreme court judge, addressed public complaints. During 2006 the unit received 632 complaints, of which 107 were resolved, 186 were under investigation, and 339 were pending. There were no more recent figures available at year’s end.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. De-

defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Defendants have the right also to present witnesses and evidence. Juries are used in murder trials. In practice, authorities generally respected these safeguards. Chapter 5 of the constitution provides for the right to a fair trial, and the judiciary generally enforced this right.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

Fast-track courts and automated commercial courts continued to try to improve access to justice and to streamline resolution of disputes. A growing number of automated courts, whose proceedings were expedited through electronic data management, were established across the country.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, in practice the Government sometimes infringed on privacy rights. Although the law requires judicial search warrants, police seldom obtained them in practice. There are no records of any suits against the police.

Opposition party activists claimed the Government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party. Some civil society organizations expressed concerns that the Government used surveillance, free of any oversight or regulation. However, there were no credible reports of such activities and the Government has denied any involvement.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals criticized the Government publicly without reprisal. The independent media were active and expressed a wide variety of views without restriction.

In August police officers entered an opposition National Democratic Congress (NDC) radio station, Radio Gold, ostensibly in response to reports of an armed robbery in progress. Radio Gold managers maintained that the police, who beat workers and arrested the financial comptroller, were interfering with plans by the station to air the “confession” of an NPP supporter accused of electoral fraud. The supporter had been brought to the radio station by a crowd of agitated citizens. The comptroller was released from police custody later in the day.

Journalists were occasionally subjected to physical and verbal harassment as a result of their reporting. For example, members of the two major political parties, NPP and the NDC, verbally harassed journalists throughout the year for negative reporting on their respective parties. Prior to the December election editors and reporters of pro-NDC newspapers reported receiving threatening text messages, however no legal action was taken.

No action was taken in the 2006 case of a photojournalist who was covering a narcotics smuggling trial, and who was attacked by a group supporting the defendants.

Government officials, including the president, called upon media to be more disciplined in their reporting but did not censor or abridge media output. Smaller parties, such as the Convention People’s Party (CPP) and the People’s National Convention (PNC) accused the media and the larger parties of colluding to monopolize coverage. However, both smaller parties received regular coverage in the state-owned media. Journalists reported that self-censorship did occur around topics of particular sensitivity, such as the narcotics trade.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. The Internet was accessible in Accra and other large cities, but there was limited access in other parts of the country.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of peaceful assembly; however, at times the Government restricted this right. The Government does not require permits for demonstrations, but police can deny use of a particular route.

As in previous years, police arbitrarily and forcibly dispersed demonstrations. On December 8, the day following the general election, members of the armed forces

dispersed a crowd outside the Electoral Commission District Office in Bawku, in the Upper East Region. Persons were frustrated with what they believed to be delayed returns for the local parliamentary race. There were no observed injuries.

On December 28, during the presidential runoff election, police fired warning shots to disperse a crowd that had gathered outside a hotel in Ashiman. The crowd-basing its actions on rumors-believed that stolen ballot boxes were inside the hotel. On December 29, authorities fired warning shots to disperse a crowd of party supporters gathered outside the offices of the electoral commission. The crowd moved away from the building but did not disperse.

In June 2007 police forcibly dispersed students at Takoradi Polytechnic Institute who had declared an indefinite boycott of academic work on May 31 to protest the principal's alleged incompetence. Sixty-four students were arrested in connection with the clashes and charged with rioting with weapons and engaging police in a confrontation. At the end of the year, there had been no progress on the case. The ban on campus demonstrations remained in effect, although it was not further challenged by students.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice. Members of security forces are prohibited from joining political assemblies or groups within the security services, but they are allowed to participate in political activities outside police or military compounds.

In September seven retired senior military and police officers were prohibited by government order from entering military or police installations, following a meeting they held with former President Rawlings.

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

Some Muslims continued to claim political and social exclusion because of the pervasiveness of Christianity in many aspects of society. Factors such as the frequency of Christian-oriented prayers in public settings and the ubiquity of Christian slogans contributed to this perception of marginalization and discrimination.

Muslim students generally enjoyed religious freedom in public schools. However, despite official policies promoting free religious practices, Muslim and Seventh-day Adventist students continued to complain that school administrators occasionally failed to accommodate students' religious obligations when regulating school attire or scheduling examinations on holy days.

Trokosi, a practice indigenous to the southern Volta region, involves pledging family members, most commonly female teenagers, to a period of service from a few months to three years at a local shrine to atone for another family member's sins. Trokosis helped with the upkeep of these shrines and poured libations during prayers. Government agencies, such as the Governmental Commission on Human Rights and Justice (CHRAJ), and some NGOs have at times actively campaigned against Trokosi, although local officials portrayed it as a traditional practice that was not abusive. Supporters of traditional African religions, such as the Afrikania Renaissance Mission regarded these campaigns against Trokosi as religious persecution.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination based on religious belief or practice; however, there were occasional reports of interreligious and intra-religious friction during the year.

The Jewish community had a few hundred members. There were no reports of anti-Semitic acts.

The Government often took steps to promote interfaith understanding during the year.

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

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

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol and the 1969 Organization of African Unity Convention on Refugees. The Government has established a refugee board to adjudicate claims for refugee status and to ensure that refugees receive all appropriate protections. The Office of the UN High Commissioner for Refugees (UNHCR) participated as an observer on the refugee board. Ghana cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The Government has

a generally liberal policy toward accepting refugees from other West African countries, although this does not generally extend to granting work or residence permits. The law allows rejected asylum seekers to appeal and remain until the appeal is adjudicated. The law also accords the right of protection to refugees who entered the country illegally without documentation.

In practice, the Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, there were some instances of deportation and expulsion during the year. In February protestors at the Buduburam refugee settlement disrupted humanitarian operations. On March 17, police arrested approximately 630 Liberians engaged in the illegal protest. UNHCR was given access to this group on March 19 and negotiated the release of 90 vulnerable individuals. On March 22, police arrested an additional 70 Liberians suspected of organizing the protests. UNHCR had requested access to this group, which was still pending on March 23, when 16 members of this group were deported to Liberia, 13 of whom had been formally registered as refugees. No involuntary return of registered refugees occurred after that date. On March 31, all but 23 of the arrested Liberians were released. The Director of Immigration issued an order for their repatriation. The Liberians challenged the order, but the courts upheld it and they were returned to Liberia. On March 29, the Governments of Liberia and Ghana and the UNHCR formed a tripartite committee to facilitate the safe and voluntary return of Liberians. During the year a total of 8,795 Liberians returned to Liberia.

On February 23, the Government deported an Iraqi family to Syria. The family expressed fear of returning to Syria or Iraq and filed an asylum application with the Ghana Refugee Board (GRB). However, the GRB had not heard the case prior to the deportation.

Sexual and gender-based violence remained a problem among refugee populations. The physical insecurity of refugees living in camps contributed to their vulnerability. In the Buduburam refugee camp, approximately 17 sexual violence cases involving defilement, rape, and sodomy were reported to the Women's Initiative for Self-Empowerment (WISE), UNHCR and to the police during the year. Of the six cases in court at the end of 2007, one alleged perpetrator was acquitted, one was on remand, and the four cases that were pending at the end of 2007 are still under investigation and no prosecutions have been brought. In the Krisan refugee camp there were four cases reported to WISE and UNHCR involving defilement and rape during the year. One of the defilement cases has been referred to the District Court and was still pending at the end of the year. In the Volta Region, the number of cases reported to WISE, UNHCR, and other agencies during the year included one case of defilement, two cases of rape and one case of incest. WISE, UNHCR and other actors worked to educate refugee populations about sex and gender-based violence, provide counseling, and refer refugees to the appropriate services.

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

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

Elections and Political Participation.—The country continued its transition from a one-party state to a multiparty constitutional system. On December 7, Ghana held its election for president and for the 230 members of parliament. Domestic and international observers reported that the elections were generally free, fair and peaceful. None of the eight presidential candidates received a majority of votes, forcing, per the constitution, a run-off election. The run-off was held on December 28, and resulted in a narrow victory for Professor John Atta Mills, the candidate of the opposition NDC.

The December 7 parliamentary elections also gave the NDC 114 seats, the New Patriotic Party 107, minor parties three, and independents four seats. Two seats are subject to court challenges; in one, six ballot boxes were stolen by supporters of one party in an effort to disrupt the parliamentary voting.

The elections were generally peaceful and transparent. Activities at polling stations were observed by party agents and thousands of domestic and international observers. There were reports in some areas of voter intimidation and election irregularities, particularly in the regions of the country where the two main parties have their base of support. However, the consensus of observers and the independent Electoral Commission was that these irregularities were insufficient to have altered the outcome of the election.

The political system includes recognized opposition parties, which expressed their views freely. Registered political parties operated freely; however, opposition parties

and persons in private business continued to allege that government contracts were often awarded on the basis of ruling party membership.

During the run-up to the election there were some incidents that involved violence. On September 1, there were violent clashes in Gushiegu District in the Northern Region between NPP and NDC supporters when they attempted to erect campaign flags in the same location. The clashes resulted in six deaths and the burning of houses and vehicles. An NPP rally in Tamale was disrupted by gunfire, forcing the party's vice presidential candidate to flee, also in early September. The incident led to attacks on NDC supporters returning from their own rally, and in the destruction of houses and vehicles.

In August the Electoral Commission conducted an exercise to update the voter registry, generally for persons who had turned 18 since the last update in 2006. The exercise was marked by long lines and shortages of registration materials. Media reports and accusations by political party representatives described efforts to register underage persons and to transport persons into areas to facilitate multiple registrations. In October, the Electoral Commission (EC) published revised voter lists with duplicate names removed, and allowed public review in each constituency of the revised list.

Government Corruption and Transparency.—Corruption in the executive and legislative branches continued to be a problem. The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices. CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. The Attorney General (Ministry of Justice) and the Public Prosecutors Office are responsible for combating corruption. Parliament's Public Accounts Committee is also responsible for auditing government spending. An Auditor General reviews public sector accounts. The Serious Fraud Unit is an independent government body that investigates corruption. Officials are subject to a financial disclosure process, but their responses are not available for public review. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a problem.

The NDC accused the Government of using anticorruption investigations to intimidate and harass its members. Opposition parties charged that corruption continued unabated and that the Government failed to use the institutions and mechanisms at its disposal to address the problem. There were reports that government officials pressured businesses to steer contracts toward favored companies and individuals.

The case of Nana Konadu Rawlings, wife of former president Jerry Rawlings, who was accused in 2006 of "willfully causing financial loss to the state" in connection with the purchase of a Ghana Industrial Holding Corporation cannery," was pending at year's end. In this case prosecutors failed to appear in court on November 1, 2007 and January 22. A new judge was appointed on July 9. Just prior to leaving office, President Kufuor announced that the case against Rawlings was to be discontinued.

On June 18, a court sentenced Tsatsu Tsikata, the former head of the National Petroleum Corporation, to a five-year prison term for willfully causing financial loss to the state and to misappropriating public property. At the time, some aspects of the case were also pending before the Supreme Court. Opposition parties, the Ghana Bar Association and some citizens have criticized the judiciary and made claims of political manipulation, as the individual was not allowed to exhaust all legal avenues prior to his incarceration. On December 18, the Court of Appeals ruled that the High Court was in error in dismissing Tsikata's application for bail. A date has yet to be set for the new bail hearing. As one of his last acts in office, President Kufuor announced a pardon for Tsikata, who promptly rejected it, saying that he intended to clear his name in court.

In November an Accra court convicted four persons of involvement in a 2006 narcotics trafficking scandal. However, by year's end the Government had not followed the trial judge's recommendation to prosecute a leading police official for his alleged complicity.

There were no developments in a separate 2006 case in which the Government declined to censure the IGP following allegations that a different senior police official requested a 234,000 cedi (approximately \$200,000) bribe to drop a case against a foreign cocaine trafficker. The police council and the Government, in separate statements in 2007, disagreed with the committee's recommendation that the IGP be censured.

During 2007 CHRAJ received a number of cases following its issuance of conflict of interest guidelines in 2006. The public and official response to the guidelines was generally positive.

Although the constitution provides for public access to government information, parliament did not pass the freedom of information bill, drafted in 2002, by year's end.

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

CHRAJ mediated and settled cases brought by individuals with grievances against government agencies or private companies.

CHRAJ operated with no overt interference from the Government; however, some critics questioned its ability to independently investigate high-level corruption within the Kufuor administration. Its biggest obstacle was a lack of adequate resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernmental agencies. However, public confidence in CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues. In 2006 the Government began compensating victims of human rights abuses that occurred during the various periods of military rule between 1957 and 1993. The victims were identified by the National Reconciliation Commission, which was set up by the 2001 National Reconciliation Act to investigate and document cases of human rights violations during this specific period. The Government set aside 1.3 million cedis (approximately \$1.4 million) to compensate 2,177 victims. By June 2008 the Government had compensated 1,268 persons over 700,000 cedis (\$730,000). An additional 500,000 cedis (\$520,000) was approved, from which 387 victims were paid by year's end, leaving 522 victims who had not yet been compensated 100,000 cedis (\$105,000). There were no new developments during the year.

The United Nations Development Program (UNDP) has an office in Accra and implements programs involving governance. The European Union also operates programs involving governance and justice, as do other international donors. During the 2008 election the Electoral Commission accredited observers from the African Union, ECOWAS, the Commonwealth, European Union, the Carter Center, and several diplomatic missions.

Human rights issues are addressed in Parliament by the Committee on the Constitution, Legal Issues and Parliamentary Affairs.

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

The constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, enforcement by authorities was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. The courts were empowered to specifically order enforcement of these prohibitions.

Women.—The law criminalizes rape but not marital rape; however, rape remained a significant and underreported problem. When cases of rape were reported, perpetrators generally were arrested and prosecuted. During the year the Domestic Violence and Victim Support Unit (DOVVSU) of the police noted 227 reports of rape, with 110 reported arrests and seven convictions.

Violence against women, including domestic violence, remained a significant problem. In February 2007 parliament passed a bill outlawing domestic violence. In November 2007 the Ministry of Women and Children's Affairs (MOWAC) held a review meeting for stakeholders on the draft policy document and national plan on the Domestic Violence Act.

The police service's Domestic Violence Victim Support Unit (DOVVSU) handled cases of domestic violence and child abuse, as well as juvenile offenses. During the year DOVVSU investigated 14,799 cases, of which 7,044 involved nonpayment of maintenance. There were also 1,080 defilement cases and 320 rape cases. DOVVSU worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers (FIDA), the Legal Aid Board, and several other human rights NGOs to combat domestic violence.

Prosecution of domestic violence cases remained difficult. Despite growing public awareness that domestic violence is a crime, government officials and NGOs did not have evidence that the new law had increased victims' willingness to report abuse or affected the number of arrests. Inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the law during the year. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms. Although the law waived these medical fees, doctors continued to require them in exchange for signing

medical reports. There were credible reports that doctors sometimes charged more than the rate set by hospital administration to sign medical forms.

Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelter, and other resources to assist victims.

In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remained strong, rural women continued to be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. The banished women went to live in “witch camps,” villages in the north of the country populated by suspected witches, some of whom were accompanied by their families. Catholic Relief Services and other NGOs provided food, medical care, and other support to residents of the camps. Government officials and the regional office of CHRAJ claimed that the number of women in the witch camps in the Northern Region had slightly decreased in recent years.

Although there were no confirmed reports of assaults on witches during the year, experts believed that discrimination and intolerance towards witches continued.

The Government, under the auspices of the DOVVSU, continued to charge and investigate persons who committed acts of violence against suspected witches. Police refrained from pursuing charges against persons based solely on allegations of witchcraft.

Prostitution is illegal and is subject to criminal prosecution. The police occasionally stage actions to arrest prostitutes. On December 19, the Ghana Times reported that, based on an interview survey of 251 police officers done by the Police Hospital, 15 percent of police personnel involved in arrests of sex workers demanded sex in return for not turning those arrested over for prosecution. Prostitution is prevalent in the major towns and transportation centers.

There were no laws to specifically protect women from sexual harassment; however, some sexual harassment cases were prosecuted under the existing criminal code. Ghana also has a Domestic Violence Act. Women’s advocacy groups reported that sexual harassment was a problem.

Under Chapter 5, Article 17 of the constitution, all persons are to be treated equally under the law. Women continued to experience discrimination in access to employment. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage with the associated legal rights, and the maintenance and custody of children. There were female entrepreneurs, but poor access to credit remained a serious barrier for women who wanted to start or expand a business.

Women’s rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was involved in educational programs, and many officials were advocates of women’s rights.

Children.—The Government was committed to protecting the rights and welfare of children, although its efforts were constrained by limited financial and logistical resources.

Not all births are registered with the Government. Although a birth certificate is not a legal precondition to attend school, in practice some children were reportedly denied education because their births were not registered.

Education is compulsory from preprimary through junior secondary school. Despite the constitutional provision for “free compulsory and universal basic education,” parents were required to purchase uniforms and writing materials. The Government provided textbooks.

According to the Ministry of Education, Science, and Sports, the gross enrollment rate during the 2007–08 school year (the gross enrollment rate was 95 percent at the primary level, with 92.8 percent for girls and 97.1 percent for boys. At the junior secondary school (JSS) level, 78.8 percent of eligible children were enrolled, with 75.2 percent enrollment for girls and 82.2 percent for boys. Some children did not attend school because they worked to supplement their family’s income or lived far from the closest school. Many schools, particularly in rural areas, had insufficient teachers and were under-resourced. The indirect economic cost associated with enrollment, including lost wages from children not in the labor force, was a significant obstacle for many children’s families. In addition, authorities did not regularly en-

force children's attendance, and parents were rarely sanctioned for keeping their children out of school.

The Government continued its Capitation Grant program, paying schools approximately three cedis (approximately \$3.35) per school year per child to cover cultural, sports, and other school fees. The National School Feeding Programme also helped alleviate the incidental costs associated with school attendance.

The Government strongly supported the UN's Education for All goals. During the year the Ghana Education Service (GES) actively campaigned to expand education for girls by providing scholarships at the JSS and Senior Secondary School levels and by offering financial incentives and free housing to female teachers to work in some rural areas. The GES placed girls' education officers at regional and district levels, and there were community participation coordinators in every district office to mobilize communities to increase school enrollments for girls.

The law prohibits defilement, incest, and sexual abuse of minors, but such abuse remained a serious problem. There were frequent reports that male teachers sexually assaulted and harassed female students. Girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. During the year there continued to be press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

During the year DOVVSU received 1,080 cases of suspected child defilement and thirteen cases of attempted defilement.

The law prohibits female genital mutilation (FGM), but it remained a serious problem in the northern regions of the country. Type II FGM-defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora-was more commonly performed than any other type. The typical age at which a girl was excised was 15, although it was often performed on younger girls. According to a 2005 study conducted by the Ministry of Health, approximately 15 percent of women and girls between 12 and 19 in the three northern regions had undergone FGM, although some observers believed that NGO- and government-sponsored awareness campaigns regarding the illegality of FGM had driven the practice underground, and that the actual rate in these regions was as high as 30 percent. One NGO stated that girls are also taken to Burkina Faso to undergo FGM.

Sylvester Kyei-Gyundi, Head of the Information Research Advocacy Division of the Department of Children, says that national efforts focused on negative cultural practices (including FGM) have yielded positive results. Intervention programs were somewhat successful in reducing the prevalence of FGM. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income. There were no prosecutions of practitioners during the year.

Forced child marriage, which is illegal, remained a problem. CHRAJ and NGOs reported that the problem had not improved during the year.

The migration of children to urban areas increased due to economic hardship in rural areas. Children were often forced to support themselves to survive, increasing both the occurrence of child labor and the school dropout rate. Girls under 18 were among the most vulnerable child laborers, as many also engaged in prostitution or were sexually exploited in exchange for protection while living on the streets.

Local and international NGOs worked with the Government to promote children's rights and were somewhat successful in sensitizing communities about protecting the welfare of children.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons and provides for a minimum prison sentence of five years for convicted traffickers. The country is a source, transit, and destination country for women and children trafficked for the purpose of forced domestic and commercial labor and sexual exploitation.

The number of trafficked victims was unknown, although NGOs estimated the number to be in the thousands annually. During the year DOVVSU received reports of twenty cases of child trafficking. Numbers reported in the media and obtained from police sources indicate that the actual figure is higher.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved children, mostly boys from the Northern Region, going to work in the fishing communities along Lake Volta or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. Local and international NGOs reported these children were often subjected to dangerous working

conditions and were sometimes injured or killed as a result of the labor they performed. Local authorities supported projects sponsored by the International Organization of Migration (IOM) and other organizations to decrease the incidence of such trafficking. IOM and various NGOs offered microcredit assistance and education to families who agreed not to provide their children to traffickers and to those whose children had been trafficked.

Children between the ages of seven and 17 also were trafficked to and from the neighboring countries of Côte d'Ivoire, Togo, The Gambia, Nigeria, and Equatorial Guinea to work as farm workers, laborers, divers, street hawkers, or domestics. Benin and Burkina Faso were also destination countries for trafficked children.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas. In other cases, children were given to professional recruiters, usually women, who placed the children with employers in cities. In many cases the children never received the education or vocational training the recruiters promised.

Women also were trafficked to Western Europe, mostly to Italy, Germany, and the Netherlands. International traffickers promised the women legitimate jobs; however, the women often were forced into prostitution once they reached their destination. Women were sometimes sent directly to Europe while others were trafficked through third countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There were also reports that women from Nigeria, Benin, Togo, and Burkina Faso were trafficked through the country in transit to Western Europe or the Middle East to work in the commercial sex industry. Traffickers sometimes operate under the guise of being employment agents, promising work as domestics or in other fields.

Under the anti-trafficking law, DOVVSU has responsibility for enforcement, and the Department of Social Welfare within the Ministry of Manpower, Youth and Employment (MMYE) has responsibility for victim assistance, including locating family members and providing temporary shelter, counseling, and job skills training. Local police and social welfare officials reported insufficient resources to implement the law, particularly in rural areas without police stations.

In Tarkwa, on May 15, two men were convicted and sentenced to 20 years each for conspiracy and slave dealing after attempting to sell a 16-year-old carpenter.

The Human Trafficking Act of 2005 (Act 694) established the Human Trafficking Board. In 2007 the Government established a 17-member Human Trafficking Board composed of all concerned ministries, the security services, the private sector, and other stakeholders.

The Government, the International Labor Organization (ILO), and NGOs continued to train security forces, immigration authorities, customs officials, and police on the new trafficking law. The Border Patrol Unit, part of the Immigration Service, is responsible for monitoring the flow of travelers in and out of the country, particularly along unapproved routes. By year's end officials of the Immigration Service, including the Border Patrol Unit, identified 26 traffickers who were transferred to the police. Various ministries worked with the ILO's International Program on the Elimination of Child Labor (ILO/IPEC), the IOM, and NGOs to address trafficking. The MMYE, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor. International and local NGOs and MOWAC worked to identify and return children trafficked to fishing villages, and to support the fishermen's transition to alternate forms of income generation.

Authorities made ad hoc efforts to shelter and reintegrate trafficking victims from the country and other West African countries. However, the Government devoted little attention to rehabilitating child trafficking victims. The Trafficking Victims fund, established by the Government in 2006 was not funded. In December the MOWCA hosted an event for NGO and foreign donors and asked for contributions to the trafficking fund.

During the year the Government continued to conduct community meetings and workshops for media and police to raise awareness of the trafficking law.

In January the police raided an area of brothels in Accra known as Soldier Bar, rescuing 160 women and children. Due to a lack of adequate facilities to care for and protect the victims, most of the women rescued left the facility where they were being sheltered within a day or two of being rescued.

During the year the police made a number of rescues of children being trafficked. In July 155 children being transported in four minibuses were rescued while being transported to Côte d'Ivoire (CDI). In August police rescued 12 children in a vehicle, also heading to CDI. In the same month, 10 girls, ages five to 15, were rescued from

a vehicle near Accra. In July 15 children were rescued from a Koranic teacher in Bimbilla, Northern Region. The teacher was forcing the children to beg. The teacher was arrested on child welfare charges, although the police planned to also charge him with trafficking. The teacher was released on bail and reportedly sought the protection of a local chief. At year's end the court case continued, and the children remained in protective custody.

Persons With Disabilities.—In 2006 parliament passed legislation that specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. While the Government did not systematically or overtly discriminate against persons with disabilities, such persons often experienced societal discrimination. The law provides persons with disabilities access to public buildings as far as is practical. The national council for the disabled, mandated by law, was not established by year's end. Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments to implement the new law. Despite the legal protection provided in the law, discrimination against disabled persons in employment and the inaccessibility of public buildings continued to be problems.

According to the Ghanaian Times of July 28, Yakubu Busanga, a hunchback, was killed and his hump removed. The attack may have been motivated by an effort to obtain body parts for use in ritual practices. In September there were reports from Bibiani District of three hunchbacks being murdered for body parts which apparently were to be used in rituals. Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Some religious groups believed that persons with mental disabilities were afflicted by demons which should be exorcised. The abuse of children with disabilities was common. In previous years there were reports that children with disabilities were tied to trees or under market stalls and caned regularly and of family members killing children with disabilities.

Human rights activists expressed concerns about camps in which individuals believed to be possessed by evil spirits were chained up for weeks, physically assaulted, and denied food and water. The camps targeted persons with mental illnesses. Camp supervisors diagnosed mental illness as a "demonic affliction" and prevented patients from consuming food or water, often for seven consecutive days, to cleanse victims of their evil spirits. Some victims were estimated to be as young as six years old. Families sent these victims to be exorcised of evil spirits or cured of their physical or mental illnesses. Victims were held at the camps until they were considered to be healed. Reports indicate that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. During 2006 visits to prayer camps, foreign embassy observers witnessed more than 100 persons who were forcibly chained to beds or posts and one windowless cell designed for persons with mental illness. The Commonwealth Human Rights Initiative released a report during the year on prayer camps based on interviews with current and former inmates. The report found that insufficient financial resources was a burden faced by many families caring for mentally ill members, and that prayer camps were an available option. The CHRI called for regulation of prayer camps. There are several government agencies and NGOs involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the MMYE, the Ministry of Education, and the Center for Democratic Development.

National/Racial/Ethnic Minorities.—Although the Government deemphasized the relevance of ethnic differences, its opponents complained that appointed senior government positions were dominated by Ashantis and other Akans at the expense of Ewes and northerners. President Kufuor and some of his ministers and close advisors were Ashanti, but the vice president and many ministers were of other ethnic origins. President Mills will name a new cabinet and senior administration in early 2009.

There were numerous small-scale conflicts within ethnic groups during the year, most of which related to chieftaincy and land use issues. Efforts by NGOs to encourage reconciliation continued during the year.

Other Societal Abuses and Discrimination.—The law criminalizes homosexuality, and lesbians and gays faced widespread discrimination, as well as police harassment and extortion attempts. There is a minimum misdemeanor charge for homosexual activity, and homosexual men in prison often were subjected to sexual and other physical abuse.

Discrimination against persons with HIV/AIDS was a problem, and the fear of being stigmatized continued to discourage persons from being tested for HIV infection.

The Government and NGOs subsidized many centers that provided free HIV testing to citizens, although there were reports that confidentiality was not consistently respected.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except for the armed forces, police, the prison service, and some other security and intelligence agency personnel, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. While unions no longer must seek government approval before registering, the 2003 Labor Act requires that trade unions or employers' organizations must register and be authorized by the chief labor officer to obtain a certificate of registration and be considered legal. The percentage of workers belonging to unions decreased in recent years, in part because of a relative lack of employment opportunities in the formal, unionized sectors that led many new entrants to the workforce to enter the informal sector. Moreover, some workers previously employed in the formal sector lost their jobs.

The law recognizes the right to strike but restricts that right for workers who provide essential services, including "areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the minister may by legislative instrument determine." During the year the Minister of Manpower, Youth and Employment formally designated the list of essential services. The list included services carried out by utility companies (water, electricity, etc.), ports and harbors, medical centers, and the Bank of Ghana. In the case of these essential services, the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline was meant to put pressure on employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprise whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike if the parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. No union had ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. There had been no legal strikes since independence.

In February workers of the state-owned Ghana Railway Company went on a seven-week strike demanding payment of four months outstanding salaries, a 150 percent salary increase, and the removal of their management. The workers called off the strike following a meeting with government officials and an agreement to establish a committee to review the union's collective bargaining agreement, which had lapsed in 2000.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. However, the armed forces, police, prison service, security and intelligence personnel, and workers with policy making and managerial functions do not have any possibility of bargaining. The law provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. However, only unions that represented the majority of workers in a given company can obtain a Collective Bargaining Certificate, which is required to engage in collective bargaining.

The labor law prohibits antiunion discrimination by employers; however, some employers continued to fire employees for union activity contrary to the law.

Attempts by some workers to form unions have allegedly led to unfair treatment by employers. In July the chairman and secretary of the Senior Staff Association of the Bank of Ghana (the nation's central bank) were dismissed following a protracted dispute over unionizing of senior staff. In July the union vice-chairman of a micro-finance company was dismissed for soliciting union membership on the firm's premises.

In January a high court judge ruled that an employer is not required to provide a reason for the termination of employment, providing appropriate notice is served in accordance with the contract of employment. The Ghana Trade Union Congress is urging the Government to ratify ILO Convention 158 to provide for worker rights. Existing labor law applies in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

The law provides for employers found guilty of using forced labor to be fined no more than 250 penalty units (each unit is assigned a monetary value adjusted for

the fluctuating exchange rate); however, limited resources inhibited the Government's implementation of the law, and no fines were levied during the year. During the year the ILO continued to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum employment age at 15 years and 13 years for employment that is not likely to be harmful to the child and does not affect the child's attendance or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18, and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector. The law allows for children age 15 and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws were not always enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, were sometimes unfamiliar with the provisions of the law that protected children. During the year the MOWAC continued to conduct seminars on child labor to educate the media, police, civil servants, and the general public. Local custom and poverty encouraged children to work to help support their families and eroded societal observance of minimum-age laws.

Children as young as seven worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. The fishing industry on Lake Volta had a particularly high number of child laborers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. Child laborers were poorly paid and physically abused; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems were infrequent in the formal labor sector.

The law prohibits forced and compulsory labor by children; however, during the year children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarries and mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced.

There were newspaper reports of children being sold into involuntary servitude for either sexual exploitation or labor, such as 10-to-12-year-old boys working for fisherman in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents. The media runs regular stories about children being used in involuntary servitude. In July police stopped four vans in Western Ghana, carrying 155 children toward Cote d'Ivoire. The children were believed to be going to work in agricultural areas.

The extent of child labor in the cocoa industry was better known following the June release of the Ministry of Manpower, Youth and Employment's "Cocoa Labour Survey in Ghana," part of its National Plan for the Elimination of the Worst Forms of Child Labor. The survey found that children involved in cocoa work were generally the children of cocoa farmers, that an estimated 90 percent of the children working in the cocoa sector were attending school (although often schools of poor quality), and no evidence of forced child labor or instances of the trafficking of children in the sector. The survey also found that 47 percent of the children interviewed had participated in at least one hazardous cocoa activity during the previous farming season. Some of the more common hazardous activities included working without protective clothing, using a cutlass to clear weeds, or being in the vicinity of the spraying of agro-chemicals. Only 1.5 percent of the children interviewed reported working with agrochemicals.

Inspectors from the Labor Department of the MMYE are responsible for enforcement of child labor regulations, and district labor officers and the social services subcommittees of district assemblies are charged with seeing that the relevant provisions of the law are observed by annually visiting each workplace and making spot checks whenever they receive allegations of violations. Inspectors are required to provide employers with information about child labor violations and effective means to comply with provisions of the Labor Act. However, the Government did not provide sufficient resources to law enforcement and judicial authorities to conduct these efforts.

The MMYE has been involved in sensitizing district assemblies on child labor issues in the cocoa sector. The MMYE chairs a National Steering Committee for the elimination of child labor and a national subcommittee on child labor in the cocoa sector.

During the year the MOWAC carried out awareness-raising initiatives disseminating results of a 2005 study of child labor practices in cocoa farming. The Ministry of Employment also worked closely with NGOs and the cocoa industry to better un-

derstand the role of children in the cocoa sector and to encourage changes, though the program to eliminate the worst forms of child labor in the cocoa industry.

ILO/IPEC, government representatives, the Trade Union Congress, the media, international organizations, and NGOs continued to build upon the National Plan of Action for the Elimination of Child Labor in Ghana by increasing institutional capacity to combat child labor. With the support of the Government, NGOs and foreign governments funded more recent programs to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities. Forums were held throughout the country to develop and implement an ILO/IPEC Time-Bound Program, which aimed to eliminate all forms of child labor under specified time periods and benchmarks.

e. Acceptable Conditions of Work.—A National Tripartite Committee composed of representatives of the Government, labor, and employers set daily minimum wages. The daily minimum wage of 1.60 cedis (approximately \$1.65) during the year did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector and there was no official minimum wage for the growing informal labor force. In most cases households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. The MMYE was unable to credibly enforce this law.

In June 2007 the president signed legislation creating a Fair Wages and Salaries Commission charged with ensuring fair, transparent, and systematic implementation of the Government public service pay policy; advising government on matters related to salaries, wages, grading, classification, job analysis and job evaluation; and ensuring that decisions on those issues are implemented. By the end of the year the commission was not fully operational.

The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every seven days. Workers were entitled to at least 15 working days' leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. However, such provisions do not apply to task workers or domestic workers in private homes, nor elsewhere in the informal section.

Occupational safety and health regulations exist, and the Factories Department within the MMYE was responsible for imposing sanctions on violators; employers who failed to comply were liable to a fine not exceeding one thousand penalty units, to imprisonment for a term not exceeding three years, or to both. The law requires that employers report, no later than seven days from the date of occurrence, occupational accidents and diseases. In practice, safety inspectors were few and poorly trained, and they lacked the resources to effectively respond to violations. Inspectors did not impose sanctions or otherwise respond to violations during the year.

In September CHRAJ issued a report, "The State of Human Rights in Mining Communities in Ghana." The report found evidence of widespread violations of human rights in mining areas of the country. The report documents abuses by the security services in mining areas, particularly of *galamseys*, or independent, artisanal miners whose operations sometimes conflict with larger, concessionary miners. The report also notes that environmental damage from mining, especially to water resources, has impacts on both public health and on the loss of livelihoods. Blasting in mine sites also caused damage to private property.

The report cites examples of private and GOG security forces abusing small scale miners. In the Obuasi area of Western Ghana independent miners suspected of stealing equipment from a nearby mine were arrested and beaten by undisclosed security service members. The report cited a 2006 incident in Wassa West area where members of the Ghana military covered pits where independent miners were known to be digging. The miners were able to extract themselves.

GUINEA

Guinea's constitution was suspended by a military junta that seized power in a coup on December 23, hours after the death of former President Lansana Conte. Before the coup, Guinea was a constitutional republic in which effective power was concentrated in a strong presidency. President Lansana Conte and his Party for Unity and Progress (PUP) ruled this country of approximately 9.9 million persons from 1984 to 2008, first as head of a military junta and, after 1994, as a civilian president. President Conte won reelection in 2003 in an election that the opposition boycotted and international observers criticized as neither free nor fair. Following

a nationwide labor strike in January and February 2007 and a negotiated agreement, President Conte accepted the installation of a consensus government under Prime Minister Lansana Kouyate, whom he later dismissed and replaced with Ahmed Tidiane Souare on May 20. Following the December 23 coup, the Council for Democracy and Development (CNDD) assumed power and proclaimed Captain Moussa Dadis Camara as the country's new head of state. The CNDD dismissed the National Assembly leaving the country without a legislative institution. The CNDD later named a civilian prime minister, Kabine Komara. Technically, the prime minister serves as head of government while the president serves as head of state, although the divisions of power are unclear. The civilian authorities generally did not maintain effective control of the security forces.

Serious human rights abuses occurred during the year. Security forces tortured and abused detainees to extract confessions, and killed, beat, and abused civilians. Prison conditions were inhumane and life threatening. Perpetrators of killings and abuse acted with impunity. There were arbitrary arrests, prolonged pretrial detention, and incommunicado detention. The judiciary was subject to corruption and outside influence. The Government infringed on citizens' privacy rights and restricted freedoms of speech, press, assembly, association, and freedom of movement although these restrictions were less evident than in previous years. Violence and societal discrimination against women, prostitution of young girls, and female genital mutilation (FGM) were problems. Trafficking in persons, ethnic discrimination, forced labor, including by children occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed a number of citizens. The Government did not investigate any of these cases and took no legal or disciplinary action against security force members responsible for the killings.

From May 27–29 a military mutiny in Conakry took place in which armed soldiers killed at least four persons and injured approximately 100 others. On May 29, soldiers in Kindia fired into the air in support of the military mutineers in Conakry. A falling bullet killed a petty officer who was on duty. During the mutiny uniformed security personnel shot and killed a 22-year-old man while they were robbing him even though the victim reportedly did not resist the attack. In response to mutineers' demands, the Government released approximately 200 military and police officers who had been detained, but never charged, due to the strike-related violence in early 2007.

On June 17, soldiers in Conakry killed 14 police officers after surrounding police headquarters in response to a police labor strike.

There were no developments in the investigations of the deaths and injuries that occurred in 2007 during the nationwide labor strike and subsequent period of civil unrest, during which security forces killed between 137 and 186 people, and injured approximately 1,700 others. In addition, there were no developments in the February 2007 cases in which security forces killed Mamadou Salam Bah and Aissatou Bah.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then president Sekou Toure.

Mob violence at times led to killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, both civilian and military forces beat and otherwise abused civilians. There also were reports that security forces tortured and beat citizens to extract confessions and employed other forms of brutality. NGOs reported ongoing torture in Conakry's main prison and police detention facilities. The Government did not investigate any of these cases and took no legal or disciplinary action against security force members responsible for the abuses.

In late February the former government released Lansana Komara, a university professor and member of the opposition political party Rally for the Guinean People (RPG). Komara had been arbitrarily arrested and imprisoned in December 2007. A foreign observer reported seeing physical evidence of severe beatings and torture on Komara, including marks around his neck. Komara claimed that military personnel

had nearly strangled him to death with a tightened wire in order to extract a confession of treason.

On May 6, a foreign observer spoke with a recent torture victim at the Conakry Central Prison who was still recovering from large abrasions all over his body. The victim claimed that Conakry police officers had tortured him a few days before transferring him to the prison.

The local NGO Terres des Hommes released a study in May on conditions for minors at Conakry's Central Prison. The NGO reported observing two cases of severe torture by police reportedly inflicted prior to the minors' incarceration.

Local press reported with photographic evidence that, on November 21, Army Lieutenant Claude Pivi authorized the torture of six Cameroonian citizens accused of stealing from his vehicle. Soldiers reportedly beat and tortured the victims for four hours, including forcing them to crawl naked over burning coals and tossing burning plastic bags on their bodies. The Government had not investigated the incident by year's end, and after the December coup, Claude Pivi was named as a member of the CNDD, and then subsequently appointed as the new minister of presidential security.

Unlike the previous year, there were no reports of security force beatings of demonstrators or rapes of civilians.

No action was taken against security forces responsible for torture and related abuses reported in 2006 and 2007.

NGOs reported that vigilante violence was common since many victims of crime feared they would not receive justice due to judicial corruption or they believed that sentences served were inadequate. According to one NGO, citizens in N'Zerekore sometimes waited outside the local prison to attack and sometimes burn released convicts to death. On November 12, civilians in Siguiri stoned Fanta Camara to death after a local radio station publicly identified her as a child trafficker. The next day, the radio station retracted its report, acknowledging that it had misidentified the woman. There were no investigations or arrests made regarding the case by year's end.

Prison and Detention Center Conditions.—There are at least three types of prisons under three separate authorities: the Ministry of Justice, the Ministry of Defense, and the gendarmerie. As access to the military and gendarmerie prisons is strictly controlled with little or no international access permitted, very little is known about conditions in these facilities. NGOs estimate that there are between 2300 and 3500 prisoners (including between 100 and 175 females) incarcerated in 32 civilian prison facilities nationwide.

Although the Ministry of Justice administers the prisons, the facilities were managed and staffed by military officers and guards. There were reports that some prison administrators followed directives from their military superiors, even when they were in conflict with orders from the Ministry of Justice. Due to limited funds and personnel shortages, prisons were largely staffed by untrained and unpaid "volunteers" who hoped for permanent entry into the military. This system was difficult to manage and particularly vulnerable to corruption and abuse.

During the year most of the country's prisons were restored after having been destroyed during the 2007 civil unrest. An international NGO helped renovate 10 prisons and some communities, in coordination with local government authorities, converted vacant government buildings into prison facilities.

Prisons were overcrowded, and conditions remained inhumane and life threatening. Neglect, mismanagement, and lack of resources were prevalent. Some Conakry prisoners reported sleeping on their knees because their cells were so small. The Conakry Prison was originally built to hold 200 prisoners, but held 1,055 prisoners at year's end.

NGOs reported that the N'Zerekore prison was in extremely poor physical condition, and severely overcrowded with approximately 60 prisoners squeezed into two small cells with no access to fresh air or daylight.

Although the law condemns torture and other abuse, the Government took no action against alleged torturers. Prisoners, including children, bore similar wounds and shared common stories. According to NGOs, prisoners claimed that guards routinely threatened, beat, and otherwise harassed them. According to a local prisoner advocacy NGO, 52 percent of the prisoners at the Conakry Central Prison displayed evidence of torture, including scars from cigarette and plastic burns, head injuries, burned hands, and skin lacerations. Prisoners were reportedly routinely tortured to extract confessions or to extort money.

Reports from NGOs indicate prison guards routinely harassed and sexually assaulted female inmates. One NGO reported that girls under the age of 18 were regularly subjected to sexual exploitation and harassment by prison guards in exchange

for favors, especially provision of additional food or water. According to a prisoner advocacy NGO, a prison administrator in Kankan routinely sexually abused a female prisoner serving out a life sentence, and she subsequently gave birth to a child during the year. No action was taken against the administrator by year's end.

NGOs reported endemic malnutrition throughout the prison system. On a routine visit to a small prison in Telimele, a medical doctor working for an NGO estimated that 10 of the prison's 12 inmates suffered from life-threatening levels of malnutrition. Prisoners reported eating one meal a day consisting primarily of white rice and occasionally dried fish. Most inmates relied on assistance from families or friends to maintain their health, or benefited from NGO-sponsored nutrition programs. Guards often demanded bribes in exchange for delivering food to those incarcerated, and routinely confiscated food, which was seldom delivered to the intended beneficiary.

Toilets did not function, and prisoners slept and ate in the same space used for sanitation purposes. Poor sanitation, malnutrition, disease, lack of medical attention, and poor conditions resulted in dozens of deaths. No estimates were available as to the nationwide mortality rate of prisoners, although a local prisoner advocacy NGO reported 92 deaths in Conakry's main prison during the year.

During the year a prison administrator arrested in Mamou in 2006 for raping a female inmate was found innocent because he claimed that he and the prisoner were in love.

There were no further developments in the 2006 case of a prison administrator raping a female inmate in Kindia. Unlike in previous years, there were no reports of female prisoners being sent to work at private homes of government officials.

Some prisoners exercised more power than the guards by controlling conditions and cell assignments, giving better conditions to prisoners who were able to pay.

In most prisons, men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. Local NGOs reported that male juveniles were held separately from adult males at Conakry's Central Prison. However, juvenile and adult females were confined together, and were not given the same freedoms as their male counterparts, such as access to fresh air. In 2006 an international NGO reported the prevalence rate of HIV/AIDS among incarcerated male minors was as high as 50 percent, suggesting sexual abuse. A 2008 study by a local NGO reported skin lesions on 41 percent of juvenile inmates, which it attributed to sexual abuse.

Nationwide figures regarding incarcerated minors were unavailable, but a local NGO reported that 149 children were incarcerated at Conakry Central Prison. Approximately 85 percent of them had not been formally charged or tried. Several had been imprisoned for more than six years. Unlike in previous years, there was no information available as to numbers of children incarcerated with their mothers.

In July local media reported that a two-year-old girl died in a detention center in Fria where she was being held with her mother. The NGO Terre des Hommes reported that only five of 117 juvenile inmates had obtained access to legal representation during the year. The Government did not make provisions for children's food, clothing, education, or medical care in prison.

First-time offenders were not separated from repeat offenders, pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. Political prisoners were reportedly held either at the gendarmerie prison PM3 or at the main prison in Conakry, but housed in separate cells from the general population.

The Government permitted prison visits by the International Committee for the Red Cross (ICRC) and other local humanitarian and religious organizations which offered medical care and food for those in severe need. The ICRC was allowed regular access to all official civilian detention facilities; however, no international organization was permitted access to the military detention facilities. The ICRC continued partnership programs with prison and security authorities to improve prison conditions. During the year a local NGO attempted to visit a major military prison on Kosa Island, but government officials claimed that the facility was not a prison.

The Government generally provided open access to prisoners and allowed interviews to be conducted outside the presence of prison guards or other government authorities, but only in civilian-run prisons.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, security forces did not observe these prohibitions.

Role of the Police and Security Apparatus.—The gendarmerie, a part of the Ministry of Defense, and the National Police, under the Ministry of Security, share responsibility for internal security. The army is responsible for external security but also plays a role in domestic security. A quasi police unit called the Anticrime Bri-

gade, created to fight criminal gangs and bandits, operated in Conakry and in most major regions and prefectures. The Code of Penal Procedure permits only the gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well.

The police force was inadequately staffed and lacked training. In addition, a number of police officers were part of a "volunteer" corps that did not receive a salary. Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Corruption was widespread, and security forces generally were not held accountable for abuses of power or criminal activities. Many citizens viewed the security force as corrupt, ineffective, and dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks. The Government did not take any action to train or reform security forces, although several NGOs conducted training programs.

During the week-long military mutiny in May, soldiers fired into the air, killing at least four people and injuring approximately 100 others. Soldiers also robbed persons at gunpoint, looted businesses, and otherwise threatened the civilian population.

Arrest and Detention.—The penal code stipulates that the arrest of persons in their home is illegal between 4:30 p.m. and 6:00 a.m.; however, night arrests occurred. The penal code also requires the Government to issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Authorities routinely did not respect the provision of the law that provides for access by attorneys to their clients. Although the law proscribes incommunicado detention, it occurred in practice. Release on bail was at the discretion of the magistrate who had jurisdiction. The law allows detainees prompt access to family members, although such access may be in the presence of a government official.

Security forces occasionally arrested demonstrators during the year, detaining them for several hours before releasing them. During the May military mutiny, the Government released dozens of soldiers who had been imprisoned without charge since early 2007 on suspicion of human rights abuses committed during a nationwide labor strike and resulting period of civil unrest.

In late February the Government released opposition political party member Lansana Komara from prison after having arrested and detained him since December 2007 without charge.

Gendarmes detained an unknown number of active and former-military personnel for unspecified reasons. Credible human rights sources reported that the treatment of these detainees was not monitored by independent agents. One international NGO reported that at PM3, the main gendarmerie prison, gendarmes routinely arrested civilians and detained them until they paid bribes for their release. In violation of the law, an unknown number of prisoners reportedly were held on army bases where virtually all contact was forbidden.

Prolonged pretrial detention was a serious problem. Local and international NGOs estimated that 85 percent of all prisoners were awaiting trial.

Judicial inefficiency, corruption, and lack of political will contributed to high pretrial detention rates. Many detainees have remained in prison for more than 10 years without trial. For example, both Abdoulaye Camara and Mohamed Diasy reportedly have served 12 years at the central prison on burglary charges without judgment or sentencing. At least one of them has suffered permanent paralysis as a result of prison conditions. Another prisoner, Thierno Barry, has been in the Conakry Central Prison without judgment or sentencing since his arrest in 1991.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, but judicial officials often deferred to executive authorities. The judicial system was endemically corrupt, and magistrates were civil servants with no assurance of tenure. Authorities routinely accepted bribes in exchange for specific outcomes. Budget shortfalls, a shortage of qualified lawyers and magistrates, and an outdated and restrictive penal code continued to limit the judiciary's effectiveness.

The judiciary includes courts of first instance, two courts of appeal, and the Supreme Court, which is the court of final appeal. The law provides for a parallel structure for juveniles. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the penal code does not apply. Military courts do provide the same rights as civil courts. Civilians were not subject to military tribunals.

In practice the two appeals courts which handle serious crimes rarely functioned, which contributed to lengthy pretrial detentions. By law, the courts of appeal must hold a session once every four months, but met only once during the year.

Trial Procedures.—Trials are public, and juries are used for criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants have the right to confront and question prosecution witnesses and present witnesses and evidence on their behalf. The prosecution prepares a case file, including testimonies and evidence, and provides a copy for the defense. The penal code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision; however, these rights were not consistently observed in practice. Although the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. By law all these rights are extended to all citizens.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of “wise men.” The dividing line between the formal and informal justice systems was vague, and authorities sometimes referred a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case was not resolved to the satisfaction of all parties in the traditional system, it could be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carried less weight.

The state security court is composed of magistrates directly appointed by the president, and the verdict is open to appeal only on a point of law, not for the reexamination of evidence.

No legal action was taken against Sekhounah Soumah, an elected official related to the late President Conte who in 2006 assaulted a judge during trial proceedings and ordered him to stop the trial that was in session.

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

Civil Judicial Procedures and Remedies.—Under the law, there is a judicial procedure for civil matters. In practice the judiciary was neither independent nor impartial, and decisions were often influenced by bribes and based on political and social status. There were no lawsuits seeking damages for human rights violations. In practice domestic court orders were often not enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law provide for the inviolability of the home and requires judicial search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals or when it served personal interests. For example, during the May military mutiny, soldiers reportedly entered private residences, extorted money, and generally threatened civilians.

A local prisoner advocacy NGO reported that prison administrators would occasionally allow a designated family member to serve out the sentence of a convicted relative. According to the NGO, an elderly man in Youmou sent his son to serve out a six month sentence. Similarly a man in Kankan, who had been sentenced to three years in prison, was released after serving part of his term so that he could send his wife to take his place. Due to the NGO’s intervention, authorities later released the woman and her five incarcerated children.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of expression and of press. Unlike the previous year, the Government generally respected these rights in practice.

The law prohibits talk or chants in public that are perceived as seditious; establishes defamation and slander as criminal offenses; and prohibits communications that insult the president, incite violence, discrimination, or hatred, or disturb the public peace or security. Penalties include fines, revocation of press cards, imprisonment, and banishment.

Citizens could generally criticize the Government publicly and privately without fear of reprisal. Various civil society organizations and opposition political parties often distributed public statements criticizing the Government, and in some cases, the president.

The Government published an official daily newspaper, the *Horoya*, and continued to operate official television and radio stations. The state-owned media provided extensive and mostly favorable coverage of the former government and ruling party

while occasionally covering opposition political party activities. State-owned media provided minimal coverage of the May military mutiny and the June conflict between the military and the police. They rarely covered antigovernment demonstrations.

Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the independent media were active and expressed a wide variety of views with minimal restrictions. There were 13 private newspapers published weekly in Conakry, and dozens of other publications appeared sporadically; technical difficulties and high operating costs impeded regular publication. Two private newspapers were published irregularly in the regions of Labe and Kankan.

There was one private book publisher, Les Editions Gandhal, which published without restriction. Foreign publications, some of which criticized the Government on a regular basis, were available both in print and electronic format.

The Government does not permit media ownership by political parties and religious institutions, but did not restrict programming on political and religious subjects.

The National Communications Council (CNC) provided financial subsidies to independent media organizations.

The Government continued to criticize and harass journalists, although less frequently than in previous years. A journalist reported receiving threatening phone calls from the wife of former Prime Minister Kouyate for defaming her spouse after the president dismissed Kouyate in May.

The CNC temporarily suspended two newspapers during the year for libelous reporting. On May 19, the CNC suspended La Croisade for two months for insulting other journalists and government officials. On September 15, the CNC suspended La Veritie for three months for accusing various members of government of corruption, but the sanction was lifted a week later. All newspapers had resumed normal operations by year's end.

On December 17, security forces confiscated copies of La Lance after an unfavorable photograph of the president appeared on the front page.

On December 18, the Government arrested two editors of La Veritie, Thiernodjo Diallo and Abou Maco Sankara, for publishing an open letter calling for the immediate dismissal of then Prime Minister Souare. The case was dropped after the December 23 coup.

On December 18, the Government announced that any individual spreading false rumors that could affect the honor and integrity of the president would be apprehended and arrested. The Government also emphasized that any publication or news media diffusing information affecting the privacy of the president, including rumors regarding his health, would be prosecuted.

Ten private radio stations broadcasted throughout the year, nine in the capital and one in Kankan. Twelve rural and community radio stations operated in other parts of the country, and radio remained the most important source of information for the public. Many citizens listened regularly to foreign-origin short-wave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services. On November 4, the Government temporarily suspended Radio Familia, a private radio station for willfully encouraging street violence. The station ceased broadcasting for several hours, but then resumed normal operations after the CNC stated that the Government never ordered the suspension.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was available for use by all citizens, but only a small minority of the population used the technology. Cost, illiteracy, and lack of availability remained major constraints to use by a broad range of citizens.

Academic Freedom and Cultural Events.—The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum; however, teachers generally were not subject to classroom censorship.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law restricts freedom of assembly. The penal code bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The Government requires a 72-working-hour advance notification of public gatherings. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. Authorities may also hold event organizers criminally liable if violence or destruction of property ensues.

Security forces routinely used tear gas and physical force to disperse crowds of demonstrators, but there were fewer reports of death and serious injuries than in previous years. On September 15, volunteer police officers responding to a Conakry market demonstration injured six women when they attempted to restrain them physically. On August 22, soldiers shot and wounded three youths during a peaceful demonstration in Kamsar. The Government took no punitive action against the soldiers by year's end.

After seizing power on December 23, the CNDD suspended all political and union activity. This policy was neither enforced nor officially reinstated by year's end.

The Government did not investigate any cases and took no legal or disciplinary action against security force members responsible for the killings and injuries committed from 2006 through the reporting year.

Freedom of Association.—The constitution and law provide for freedom of association; however, the Government infringed on this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public, social, cultural, religious, or political associations. Most of the restrictions focused on political associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the constitution before the Government recognized them.

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

The Secretariat General of Religious Affairs is responsible for providing liaison with all active religious groups in the country.

Approximately 85 percent of the population practiced Islam, and most of these adhered to Sunni teachings and practices. Non-Muslims were represented in the cabinet, administrative bureaucracy, and the armed forces. However, the Government continued to refrain from appointing non-Muslims to important administrative positions in certain parts of the country in deference to the particularly strong social dominance of Islam in these regions.

Societal Abuses and Discrimination.—Relations among the various religions were generally amicable; however, in some parts of the country, Islam's dominance created strong societal pressure that discouraged conversion from Islam or land acquisition for non-Islamic religious use.

There were few Jews in the country, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints.

Police and security forces continued to detain persons at military roadblocks to extort money. There were fewer such reports than in previous years, but the practice escalated after the December 23 coup.

The law does not prohibit forced exile, but the Government did not use it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and the Government has established a system of providing protection to refugees through an advisor on territorial issues within the Ministry of Territorial Administration. In practice the Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The country has been a place of refuge for asylum seekers from neighboring countries in conflict, including Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Bissau. At year's end UNHCR and the National Bureau for Refugee Coordination estimated that the total refugee population was 22,000, the majority of whom were Liberians. At year's end UNHCR reported that only three camps remained operational.

The Government, in coordination with UNHCR, assisted the safe, voluntary return of Liberian refugees to Liberia and facilitated local integration for Liberian refugees unwilling or unable to return to their homes.

On December 31, UNHCR declared the cessation of refugee status for Sierra Leonean refugees. During the year, the Government, with UNHCR, continued to fa-

cilitate the local integration of approximately 1,000 Sierra Leonean refugees wishing to remain in the country after the cessation of their refugee status. UNHCR continued to offer financial support for the rehabilitation of communities severely affected after 18 years of hosting refugees.

During the year the Government continued to provide temporary protection to approximately 45 individuals of various African nationalities who may not qualify as refugees under the 1951 UN convention or the 1967 protocol.

Unlike in previous years, there were no reports of rape, assault, or forced prostitution in refugee camps. Tension continued between host communities and refugee populations because of disparities in living standards and tribal conflicts, although these tensions were less apparent than in previous years. Economic decline in the country continued to exacerbate situations where refugees received basic services and opportunities unavailable to citizens.

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

The constitution and law provide for a popularly elected president and National Assembly; however, the Government restricted citizens' ability to exercise this right. Under the law, legislative elections are scheduled every five years; however, legislative elections originally scheduled for June 2007 had not taken place by the end of the year. The constitution provides for the president of the National Assembly to assume power in the event of the president's death, with the requirement that a presidential election be organized within sixty days. On December 23, the military junta suspended this process when it seized power.

Elections and Political Participation.—The late President Conte won reelection in 2003. All major opposition parties boycotted the election, criticized by international observers as neither free nor fair. In 2002 the Government held municipal and legislative elections, and 16 of 46 registered political parties participated, including all the major opposition parties. According to official results, President Conte's ruling PUP and associated parties won 91 of the 114 seats in the National Assembly. The PUP also garnered approximately 80 percent of the vote with certified victories in 31 of 38 municipalities and 241 of 303 local councils.

The local electoral process in 2003 was characterized by both improvements over past practice as well as serious flaws. Positive developments included freer campaigning, a single ballot listing all parties, transparent ballot boxes, political parties represented at the polling stations, media coverage of events, and free access for national observers. However, the turnout was low, and there were significant irregularities and bias by officials towards the ruling party before and during the vote. These included government revision of voter rolls with limited oversight, exclusion of up to 50 percent of the opposition candidate lists, unequal provision and distribution of voter registration cards and identity documents, and susceptibility to cheating in the district-level vote consolidations.

Political parties generally operated without restrictions or outside influence. After the civil unrest in early 2007, the majority PUP's influence declined, and PUP membership did not confer formal advantages within the political system. However, in May the late president's dismissal of the consensus government, followed by his appointment of many PUP loyalists to positions throughout the Government, reversed this trend.

There were 20 female deputies in the 114-member National Assembly and five women on the 26-member Supreme Court, which were dissolved by the CNDD on December 23. Three women held seats in the 36-member cabinet appointed in May. The previous cabinet also included three female ministers. There were few women at senior levels below minister. In 2007 under former Prime Minister Kouyate, the Government appointed the country's first female governor and two female prefects. Women generally played a minor role in the leadership of the major political parties; however, Assiatou Bah was vice president of the Union for Progress and Renewal (UPR) while Fatou Bangoura was the political secretary for the Rally for the Guinean People (RPG).

Members of the three main ethnic groups (Soussou, Malinke, and Peuhl) as well as all smaller groups in the country served in the National Assembly. The Supreme Court and cabinet leadership included representatives of all major ethnic groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption remained widespread throughout all branches of government. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. Although the president did not overrule legislative decisions, government officials

routinely waited for presidential concurrence, sometimes for several months, before implementing new laws. Connection to the president or his powerful associates sometimes conferred exemptions from taxes and other fiscal obligations. Public funds were diverted for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts generally lacked transparency.

In 2006 a committee was established to follow up on a 2005 World Bank report on corruption. Each ministry was tasked with creating an internal office to identify and address corruption as related to its duties. During the year the Government established commissions within individual ministries to address the 2005 recommendations. However, none of the commissions took action on the recommendations during the year. Public officials were not subject to financial disclosure laws.

Following the May installation of Souare's government, several of the new ministers declared anticorruption a priority, but there was little evidence of concrete actions to address corruption. Although the Government improved transparency of the national university exam process in 2007, parts of this year's exam were thrown out due to perceived fraud and had to be retaken.

On January 8, the Ministry of Justice, citing an expired statute of limitations for prosecution, dropped the 2006 embezzlement case against prominent businessman Mamadou Sylla, who the Government had briefly imprisoned. The Government stated that it would pursue a civil case, but had not done so by year's end.

On August 18, the Government briefly arrested and detained the former Secretary General of the Presidency Sam Soumah on embezzlement charges. The president ordered Soumah's release less than 24 hours after his arrest, and the Government dropped the case.

As in the previous year, the annual budget approved in July included a line item for all expenditures and each ministry was required to submit justifications for projected spending. Most ministries complied with this requirement. However, the overall lack of transparency made it difficult to determine whether funds had actually been spent according to the budget line items.

On April 7, the Government partially released the results of a comprehensive audit initiated in 2007. The ministries of defense and finance were not included in the published results. The former government established a committee to recover missing funds; however, no actions were reported by year's end.

There is no law providing free access to government information. However, the Government disseminates some information through radio, national television, and government-owned print media. Throughout the year the Government publicized deliberations of the weekly cabinet meetings, and the national television station broadcast the National Assembly's budgetary session. Most other government information was not available to the public, and there was no mechanism to request it formally.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Government met with domestic NGO monitors, but did not respond to inquiries nor take action in response to NGO reports and recommendations during the year.

Various government officials continued to block private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. The Government did not grant permission to the Association of Victims of Camp Boiro to establish a museum focusing on human rights on the former location of the prison where political detainees were tortured and killed.

The Government facilitated visits by a number of international human rights NGOs and generally cooperated with such organizations; however, none were permitted access to military prisons. The Government generally cooperated with other international bodies.

The Government has several mechanisms for addressing human rights issues, including a national directorate within the Ministry of Justice and offices within the ministries of defense and interior. However, these organizations remained inactive during the year.

Due to lack of funds, an independent commission of inquiry, established in September 2007 to investigate human rights abuses committed by security forces during the January-February 2007 general strike, did not formally start its investigation by year's end.

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

The law states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

Women.—Rape is a criminal offense, but is rarely prosecuted. Spousal rape is neither punished nor regarded as a criminal offense. Social beliefs and fear of being ostracized prevented most victims from reporting incidents of rape. According to a 2003 study, victims of sexual assault constituted more than 20 percent of women treated in a local hospital. Experts reported that the situation has not changed significantly. Many of these assaults were perpetrated by a person the victim knew and often took place at school; more than half the victims were young girls. Several local NGOs worked to increase public awareness of the nature of these crimes and promote increased reporting. The authorities were reluctant to pursue criminal investigations of alleged sexual crimes. There were no reports of prosecutions against rapists.

Domestic violence against women was common, although estimates were unavailable as to its extent. Due to fear of stigmatization and reprisal, women rarely reported abuse except at the point of divorce. Wife beating is not addressed specifically within the law, although charges can be filed under general assault, which carries penalties ranging from two to five years in prison and fines ranging from 50,000 to 300,000 Guinea francs (approximately \$11 to \$65). Assault constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes, and there were no reports of perpetrators being punished.

Prostitution is illegal but is widely practiced and generally tolerated. Selling or managing minors for prostitution is a criminal offense. However, the Government did not take action when prostitution of minors was brought to its attention, and it did not actively monitor child or adult prostitution.

Sexual harassment is not against the law. Unlike in previous years, the Government did not make regular statements in the media against sexual harassment. Women working in the formal sector in urban areas complained of frequent sexual harassment, and it was not penalized by employers.

The law provides for equal treatment of men and women. The Ministry of Social Affairs and Women's and Children's Issues worked to advance such equality; however, women faced discrimination throughout society, particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over female heirs. Government officials acknowledged that polygamy was a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. Although the principle of equal pay for equal work exists, in practice women received lower pay than men. No steps were taken to implement the 2007–11 action plan on women's empowerment.

Children.—The law provides that the Government should support children's rights and welfare, although in practice the Government did not effectively protect children. In May the National Assembly passed a new Child Code that was promulgated by the late President Conte in August. The code specifies broader protections for children, including references to trafficking, domestic violence, and labor.

While access to primary education for both genders generally improved, government spending on education focused on higher learning.

While exact figures are not available, the Government does not systematically register births and issue birth certificates, leaving a significant number of children without official documentation, which impedes access to school and health care.

Government policy provides for tuition-free, compulsory primary school education for six years, and enrollment rates were significantly higher than in recent years, although generally low by international standards. Based on official data from the 2006–07 school year, 77 percent of children were enrolled in primary school, including 74 percent of girls. In rural areas, 63 percent of all children and 59 percent of girls were enrolled in primary school. Several government programs continued to contribute to an increase in girl's school enrollment, but enrollment rates for girls generally starts to decline at the middle school level. While girls legally have equal access to all levels of primary and secondary education, social norms and practices result in significantly lower attendance rates at the secondary level.

Child abuse, particularly sexual assault, was a serious problem. Girls between the ages of 11 and 15 years were most vulnerable and represented more than half of all rape victims.

The Conakry pastor who received a sentence for raping at least eight girls in 2006 was reportedly released, and he returned to his home country of Sierra Leone.

FGM was practiced widely in all regions among all religious and ethnic groups, and was performed on girls between the ages of four and 17. FGM is illegal and carries a penalty of three months in prison and a fine of approximately 100,000 Guinea francs (approximately \$22), although there were no prosecutions during the year. According to a 2005 Demographic and Health Survey (DHS), FGM prevalence was 96 percent nationwide, a slight decline from the 99 percent prevalence rate reported in the 1999 DHS. Infibulation, the most dangerous form of FGM, was rarely performed.

The Government continued efforts to eradicate FGM and to educate health workers on the dangers of the practice; however, there were no statistics evaluating the success of the program. The Government supported the efforts of the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM.

The number of men and women opposed to FGM continued to increase. Urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure. The NGO TOSTAN was successful in bringing together many communities that traditionally intermarry to combat FGM. Recognizing traditional practices that encouraged FGM, the NGO helped establish binding social contracts where families agreed that they would accept a woman who had not undergone this procedure as an acceptable wife for one of their sons. Continued efforts by NGOs to persuade communities to abandon FGM resulted in thousands of families immediately ending the practice. By year's end, more than 300 communities had publicly declared an end to FGM, underage and forced marriages, and other harmful traditional practices, since the program started.

The legal age for marriage is 21 years for men and 17 years for women. Although there were no official reports of underage marriage, it was a problem. Parents contracted marriages for girls as young as 11 years of age in the Fouta and Forest regions. A local NGO reported that nine female inmates incarcerated in Kankan claimed to have murdered their husbands after having been forced into marriage. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, continued to run an education campaign to discourage underage marriage and reported lower rates than in previous years. According to CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school.

There are no official statistics available on the number of street children.

Trafficking in Persons.—Although the law prohibits trafficking in persons, the country was a source, transit point, and destination point for trafficked persons. The law carries a penalty of five to 10 years' imprisonment and confiscation of any money or property received as a result of trafficking activities. The Government did not prosecute or convict any traffickers during the year.

The Ministry of Social Affairs and the Promotion of Children is responsible for combating trafficking and chairs the inter-agency anti-trafficking committee. Accurate statistics were difficult to obtain because victims did not report the crime, but the practice is believed to be widespread. Children were the primary victims of trafficking, and internal trafficking was more prevalent than transnational trafficking. Within the country, girls were trafficked primarily for domestic servitude and sexual exploitation, while boys were trafficked for forced agricultural labor, and as forced beggars, street vendors, shoe shiners, and laborers in gold and diamond mines. Some Guinean men were also trafficked for agricultural labor within the country.

Girls from Mali, Sierra Leone, Nigeria, Ghana, Liberia, Senegal, Burkina Faso, and Guinea Bissau were trafficked into the country for domestic servitude and sexual exploitation. Guinean women and girls were trafficked to Nigeria, Cote d'Ivoire, Benin, Senegal, Greece, and Spain for domestic servitude and sexual exploitation. Chinese women were trafficked for commercial sexual exploitation by Chinese men living in the country. Networks also traffic women from Nigeria, India, and Greece through the country to the Maghreb countries and Europe.

In February the local NGO Sabou Guinee reported that a young boy escaped from a truck driver who was attempting to traffic the boy and two other children into Liberia. The truck driver reportedly hired the children in Kankan to assist him in transporting his shipment to a neighboring town, but instead took them to the border. The truck driver and the other two children were not found.

In March the Government apprehended a man in Koundara on suspicion of trafficking 11 children, aged four to 12, over the border into Senegal. According to the

local NGO ASED, the Government later dismissed the case because the man had obtained parental permission to take the children into Senegal for religious study.

On January 21, the Government released and dropped charges against the five women arrested in 2007 for attempting to traffic 10 children over the border into Sierra Leone. The Government of Sierra Leone maintained that the children were related to the women, and that there was no evidence of trafficking. The Government turned the children and the women over to the Sierra Leonian Embassy, which transported them to Sierra Leone for reintegration with their families.

The perpetrator of the July 2006 kidnapping of a seven-year-old girl in Macenta Region was awaiting trial at year's end.

The Government continued a public outreach program to combat trafficking during the year, including an antitrafficking radio campaign. In mid-January the Government's Permanent Regional Monitoring System issued a report detailing government and NGO anti-trafficking activities. The National Committee to Combat Trafficking in Persons failed to release its tri-annual report on the implementation of the National Action Plan, but did meet during the year to discuss the implementation of its 2005 agreement with Mali, which is a joint plan to combat trafficking in the two countries.

Persons With Disabilities.—The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. There were no official reports of societal or governmental discrimination against person with disabilities. The Government had not mandated accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector; some worked in the informal sector in small family-run businesses, and many lived by begging on the streets. In practice, the Ministry of Social Affairs and Child Promotion is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse with three main ethnic groups and several smaller ethnic groups identifying with specific regions. The three major ethnicities form the majority of the population as follows: the Soussou in lower Guinea, the Peuhl in middle Guinea, and the Malinke in upper Guinea. There were smaller ethnic groups in the Forest Region and throughout Guinea. Conakry and other large urban areas such as Kankan and the Forest Region were ethnically heterogeneous.

While the law prohibits racial or ethnic discrimination, ethnic identification was strong.

Mutual suspicion, both inside and outside the Government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was widely perceived as exceeding their share of the national population and resulted in local tensions that have erupted in violence in the past.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases. The UPR's main base was the Peuhls, while the RPG's main base was the Malinke.

Other Societal Abuses and Discrimination.—Discrimination against homosexuals is not prohibited by law. There are no discriminatory laws based on sexual orientation. Although there were deep social, religious, and cultural taboos against homosexuality, there were no official or NGO reports of discrimination against homosexuals.

There were no reports of discrimination towards persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law and constitution provide for the right of employees, except for military and paramilitary personnel, to form and join independent labor unions, and this right was generally respected in practice. Unlike in previous years, there were no reports of employees being fired if they joined a union. The labor code requires elected worker representatives for any enterprise employing 25 or more salaried workers. Although labor statistics were inadequate, at least 167,000 workers were reportedly unionized.

The law grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike, and workers exercised this right several times over the year. By law, arbitration is by consensus and is executed through the Office of the Inspector General of Work within the Ministry of Labor (MOL). In practice, however, employers can

impose binding arbitration. The law prohibits strikes in essential services, including hospitals, police, the military, transport, radio and television, and communications.

Labor unions organized several, peaceful strikes during the year. However, on September 15, members of a public sector health union claimed that the Government threatened to withhold their salaries, fire them from their jobs, or transfer them to less desirable positions as a form of intimidation before their strike was over.

In June a group of police officers attempted to strike. The group had not formally registered as a labor union, nor did it provide advance notification of intent to strike, as required by the labor code. The military violently ended the strike within a few hours by storming police headquarters, killing 14 police officers, and wounding dozens of others. The Government did not investigate any of the killings.

b. The Right to Organize and Bargain Collectively.—Under the labor code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations, and workers exercised this right in practice. The law protects the right to bargain collectively concerning wages and salaries without government interference, and employers established rules and hours of work in consultation with union delegates, and this law was generally respected in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law specifically prohibits forced or compulsory labor, including by children; however there were reports that such practices occurred. Gold and diamond mines routinely exploited minors who worked long hours extracting, transporting, and cleaning the minerals. Local NGOs reported that children lived in extreme conditions without water and electricity. Diseases and illnesses were common and there were reports of children being denied contact with family members. A 2006 study by the NGO AGRAAD reported that 45 percent of the workers at the Dandano gold mine were children ranging in age from seven to 16, approximately 30 percent of whom were working with an adult relative in the mine.

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor. Violations carried a penalty of six months' to five years' imprisonment and a fine of approximately 50,000 to 382,500 Guinea francs (approximately \$11 to \$83). However, the Government did not enforce this provision in practice.

d. Prohibition of Child Labor and Minimum Age for Employment.—The general labor code has specific provisions that pertain to child labor. The National Assembly passed a new Child Code in May that further addresses child labor issues. However, child labor was a serious problem and government and NGO sources indicated that exploitative child labor was common.

By law the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The labor code also stipulates that the minister of labor maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors was limited to large firms in the modern sector of the economy.

A 2007 Human Rights Watch (HRW) report indicated that nearly all children engaged in some type of work, many in the worst forms of child labor. Many were exploited or enslaved as domestics in the urban sector, miners, or plantation workers. HRW reported that tens of thousands of girls worked as domestics, many of them for up to 18 hours a day with little or no compensation. It added that some allegedly suffered beatings, sexual harassment, and rape. Some girls may also be forced by family members or employers to prostitute themselves in order to earn enough money to survive. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sectors of subsistence farming, small-scale commerce, and mining.

According to both official and NGO sources, many children between the ages of five and 16 worked 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extracted, transported, and cleaned the minerals. Children were described as living in extreme conditions without access to water or electricity, and exposed to constant threat of disease and sickness. One source reported that children were prevented from contacting their parents.

Many young Muslim children sent to live with a Koranic master (marabout) for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Rural families often sent children to Conakry to live with family members while they attended school. If the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the

money in exchange for their room and board or simply used the child as a cheap source of domestic labor.

Although statistics were difficult to find, there were reports that children were sold into exploitative labor through child trafficking.

The former government spoke out against child labor but lacked the resources and enforcement mechanisms to combat the problem. The MOL is responsible for enforcing child labor laws. The Government did not conduct any child labor inspections or investigations, nor did it prosecute any court cases. In April the National Assembly passed a Child Code which includes provisions related to child labor and the president signed the legislation into law in August.

e. Acceptable Conditions of Work.—The labor code allows the Government to set a minimum hourly wage; however, the Government did not exercise this provision nor did it promote a standard wage. Prevailing wages routinely did not provide a decent standard of living for a worker and family. The MOL is responsible for enforcing the minimum wage.

The labor code mandates that regular work should not exceed 10-hour days or 48-hour weeks, and it also mandates a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least two workdays per month of work. There also are provisions in the law for overtime and night wages, which are fixed percentages of the regular wage. In practice, the authorities rarely enforced these rules. The Government rarely monitored employers' work practices or sanctioned them for failure to follow the law.

Teachers' wages were extremely low and they sometimes went six months or more without payment. Salary arrears were not paid and some teachers lived in abject poverty. President Conte signed an agreement in June 2006 on teachers' compensation, and some progress had been made in implementing the agreement at year's end.

The labor code contains general provisions regarding occupational safety and health, but the Government has not established a set of practical workplace health and safety standards. Moreover, it has not issued any orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the labor code. The MOL is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health. Enforcement efforts were sporadic.

Working conditions were worse in the private sector, excluding banking, insurance, and other similar institutions.

Under the labor code, all workers, including foreign and migrant ones, have the right to refuse to work in unsafe conditions without penalty; however, many workers fear retaliation and did not exercise this right in practice.

GUINEA-BISSAU

Guinea-Bissau is a multiparty republic with a population of approximately 1.7 million. In 2005 Joao Bernardo "Nino" Vieira defeated the candidate of the ruling African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) to become president. Legislative elections on November 16 were characterized by international observers as transparent and well organized. Civilian authorities did not maintain effective control of the security forces; members of the military launched what appeared to be failed coup attempts on August 8 and November 23.

The Government generally respected the human rights of its citizens; however, the following problems occurred: arbitrary killings; poor prison conditions; arbitrary arrest and detention; lack of judicial independence and due process; interference with privacy; harassment of journalists; widespread official corruption, exacerbated by suspected government involvement in drug trafficking, and impunity; violence and discrimination against women; female genital mutilation (FGM); child trafficking; restrictions on legal strikes and use of force on strikers; and child labor, including some forced labor.

RESPECT FOR HUMAN RIGHTS

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

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

On April 11, security forces arrested a member of the judicial police for allegedly killing a member of the public order police the same day. Hours after the arrest,

the Interior Ministry's special intervention force raided the judicial center where the judicial police officer was being held pending criminal charges, took possession of the prisoner at gunpoint, and fled the scene. On April 12, the body of the judicial police officer, which showed signs of torture, was dumped in front of a judicial police station. The motive behind the killings was unclear. In an April 14 press conference, Interior Minister Certorio Biote characterized both killings as isolated incidents. Some observers suggested the first killing was a result of a personal dispute that got out of hand, while the second killing reflected the institutional rivalry between the interior and judicial ministries and the judicial and public order police. An investigatory commission formed after the killings resulted in no findings or arrests by year's end.

On November 23, two presidential guards died during an apparent military coup attempt. On December 1, in Dakar, Senegalese police arrested Alexandre Tchama Yala, the suspected leader of the coup.

The investigation into the 2007 execution-style killing of former Commodore Lamine Sanha remained open at year's end. No investigation was conducted into police use of excessive force or military use of lethal force to disperse subsequent demonstrations against suspected government involvement in the killing.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, security forces did not always respect this prohibition. The Government rarely punished members of the security forces who committed abuses.

Unexploded ordnance resulted in injuries during the year.

Prison and Detention Center Conditions.—There are no formal prisons, and the Government detained most prisoners in makeshift detention facilities on military bases in Bissau and neighboring towns. Conditions of confinement were poor. Detention facilities generally lacked running water and adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Pretrial detainees were held together with convicted prisoners, and juveniles were held with adults.

The Government generally permitted independent monitoring of detention conditions by local and international human rights groups. During the year representatives from the International Committee of the Red Cross (ICRC) and the Office of the Representative of the UN Secretary General visited prisoners. Meetings with prisoners occurred without third parties present, although the Government required advance scheduling and did not permit regular repeated visits.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; however, security forces sometimes arbitrarily arrested immigrants and became involved in settling personal disputes, detaining persons upon request without full due process.

Role of the Police and Security Apparatus.—The country is divided into 37 police districts, and there were an estimated 3,500 police in nine different police forces reporting to seven different ministries. The approximately 100 officers of the judicial police, under the Ministry of Justice, have primary responsibility for investigating drug trafficking, terrorism, and other transnational crime, while the 1,300 members of the public order police, under the Ministry of Interior, are responsible for preventive patrols, crowd control, and conventional maintenance of law and order. Other police forces include the state information service, the border service, the rapid intervention force, the maritime police, and other groups. According to the constitution, the armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. However, the armed forces regularly intervened in narcotics investigations conducted by judicial police. For example, following the July 12 grounding at Bissau airport of a plane suspected of transporting narcotics, members of the armed forces tampered with evidence and interfered with the investigation. Members of the military allegedly were responsible for two failed coup attempts during the year.

Police were ineffective, poorly and irregularly paid, and corrupt. Impunity was a problem. Police, who until recently had no handcuffs, could not afford fuel for the few vehicles they had, and there was a severe lack of training. Police in Gabu had one motorcycle for 87 officers and no formal police training since 1996. Transit police were particularly corrupt and demanded bribes from vehicle drivers, whether their documents and vehicles were in order or not. Corruption and lack of detention facilities and vehicles frequently resulted in prisoners simply walking out of custody in the middle of investigations. The attorney general was responsible for investigating police abuses; however, employees at the Attorney General's Office were

also poorly paid and susceptible to threats and coercion. An investigative commission was exploring at year's end the death of a member of the public order police and the apparent reprisal killing of the judicial police member; judicial police officers conducted a six-week work stoppage to protest the reprisal killing of one of their members.

Arrest and Detention.—The law requires arrest warrants, although warrantless arrests often occurred. The law provides for the right to counsel and to counsel at state expense for indigent clients; however, lawyers did not receive compensation for their part-time public defense work and often ignored state directives to represent indigent clients. The law requires that detainees be brought before a magistrate within 48 hours after arrest and that prisoners be released if no timely indictment is filed; however, authorities did not always respect these rights in practice. There was a functioning bail system, and pretrial detainees were allowed prompt access to family members.

Criminal suspects, particularly immigrants, were sometimes arrested without warrants. For example, following a December 14 killing and a December 15 armed robbery in Bissau (both crimes allegedly perpetrated by Nigerian nationals), police rounded up and arrested without warrants approximately 100 Nigerians.

The vast majority of the prison population consisted of detainees awaiting the conclusion of their trial; however, few detainees remained in custody for longer than one year. Most left before the conclusion of their trials as a result of inadequate detention facilities, lack of security, and rampant corruption. The few prisoners who were convicted seldom remained in custody for more than two years. Prisoners remanded to their homes due to space constraints in detention facilities often failed to return to prison.

Amnesty.—In April the president granted amnesty to civilians and members of the military who committed crimes from 1980 to 2004. The move was widely viewed as an attempt to absolve military and other officials complicit in coups, attempted coups, and the civil war of 1998. Proponents of the amnesty asserted that it was a necessary step towards national reconciliation.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, in practice, there was little independence, and the judicial branch as a whole was largely nonfunctional. Judges were poorly trained, inadequately and irregularly paid, and subject to corruption. Courts and judicial authorities were also frequently accused of bias and passivity, according to an October report published by the International Federation for Human Rights. The attorney general had little protection from political pressure since the president needs no other approval to replace the incumbent. Trials were often delayed by lack of materials or infrastructure, and convictions were extremely rare.

The Government arrested members of the judiciary for suspected corruption during the year. For example, on August 26, the Supreme Judicial Council suspended Judge Gabriel Djedjo on corruption charges. On August 19, Djedjo had released on bail four suspects, including two South American crew members being held on suspicion of narcotics trafficking following the July 12 grounding of a plane from Venezuela. The pilot of the plane, which was believed to be transporting 500 kilograms of cocaine, disappeared following his release from custody. In 2006 Djedjo had ordered the release of two Colombian citizens arrested the previous month while transporting 674 kilograms of cocaine, the largest drug seizure in the country's history. The two Colombian citizens immediately fled the country following their release.

Judicial officials who displayed independence or resisted corruption were threatened during the year. On May 23, Ansumane Sanha, the president of the Association of Guinean Judges, told the press that Supreme Court judges had received death threats to influence their positions in advance of a Supreme Court hearing on the constitutionality of a proposed law to extend the National Assembly's mandate. Threats notwithstanding, on August 1, the Supreme Court ruled that the law was unconstitutional.

During the year Minister of Justice Carmelita Pires, Attorney General Luis Manuel Cabral, and Judicial Police Director Lucinda Aukarie received telephonic death threats in response to their stance against drug trafficking and their willingness to arrest and prosecute drug dealers and their accomplices.

The judicial branch is made up of the Supreme Court, regional courts, a financial court, and a military court. The Supreme Court is the final court of appeal for both military and civilian cases. Regional courts have both criminal and civil branches. The financial court tries financial crimes, such as embezzlement, and has jurisdiction over regional courts. Military courts do not try civilians, although civilian

courts try all cases involving state security, even if the accused are members of the military. The president has the authority to grant pardons and reduce sentences.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. Police also often resolved disputes.

Trial Procedures.—There is no trial by jury. The law provides for a presumption of innocence, the right to have timely access to an attorney, to question witnesses, to have access to evidence held by the Government, and to appeal. Trials in civilian courts are open to the public. Defendants have the right to be present and to present witnesses and evidence on their behalf. For those few defendants whose cases went to trial, these rights were respected in practice. Citizens who cannot afford an attorney have the right to a court-appointed lawyer; however, court-appointed attorneys received no compensation from the state for representing indigent clients, were not punished for failing to do so, and generally ignored such responsibilities.

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

Civil Judicial Procedures and Remedies.—The judicial system handles civil as well as criminal matters, but it was neither independent nor impartial. There was no administrative mechanism to address human rights violations. Domestic courts orders often were not enforced.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that security forces cut the telephone lines of persons who criticized the Government; however, police routinely ignored privacy rights and protections against unreasonable search and seizure. For example, following two violent December crimes in which Nigerian nationals were implicated, police searched the homes of hundreds of Nigerians without warrants and confiscated all suspected contraband.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government did not always respect these rights in practice. Unlike in the previous year, there were no reports that security forces detained persons for exercising their right to free speech. Some journalists practiced self-censorship.

In addition to the Government-owned newspaper No Pintcha, several private newspapers published without restriction. All newspapers were published through the state-owned printing house. The national printing press often lacked raw materials, and salaries were not always paid, resulting in publication delays.

There were several independent radio stations, a national radio station, and a national television station. International radio broadcasts could be received.

Unlike in the previous year, there were no reports that journalists were arrested; however, some journalists reported anonymous threatening telephone calls and being summoned to government premises to explain their activities or statements, while others reported prolonged court proceedings that impeded their work.

In July Fafali Koudawo, the director of the private newspaper Kansare, was questioned by the Office of the Prosecutor General after publishing an article on two former senior army officers who received death threats after characterizing the methods used by the Chief of the General Staff as “authoritarian and anticonstitutional.”

Unlike in the previous year, there were no reports that journalists fled into exile after receiving death threats in connection with stories linking drug traffickers with local security forces. Radio France reporter Allen Yero Embalo remained in exile in France. In 2007 Embalo fled the country after unknown persons broke into his home and stole his camera, video footage of a report on drug trafficking, and over 600,000 CFA (\$1,200).

The case against Reuters journalist Alberto Dabo, who in 2007 was charged with defamation, abuse of freedom of the press, violating state secrets, and slander, remained pending. In July 2007 former Navy chief Jose Americo “Bubo” Na Tchuto attempted to arrest Dabo for his translation of a statement that cited Na Tchuto as the source of allegations of military involvement in drug trafficking. In August Na Tchuto, the chief plaintiff in the case, fled the country following an alleged failed coup attempt.

Unlike in the previous year, the Government did not order the closure of radio stations. In 2007 the interior minister ordered Bombolom radio station to close after

it broadcast a report on the killing of a state official and police use of excessive force to disperse subsequent riots. Bombolom, which remained open because the police commissioner refused to enforce the interior minister's order, continued to operate during the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure, equipment, and education severely limited access to the Internet.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, in response to the November 23 attack on the president's residence, the Government on December 6 banned public demonstrations. Despite the ban, which remained in effect at year's end, demonstrations continued to occur. Unlike in the previous year, there were no reports that police forcibly dispersed demonstrators. Permits were required for all assemblies and demonstrations.

No action was taken against the soldier who in January 2007 reportedly shot and killed a demonstrator at close range; the Government claimed the demonstrator died of asphyxiation.

Freedom of Association.—The constitution and law provide for the right of association, and the Government generally respected this right in practice.

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

Although religious groups require a government license, there were no reports that any applications were refused.

Societal Abuses and Discrimination.—There was no Jewish community, and there were no reports of anti-Semitic acts.

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

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

The law did not specifically prohibit forced exile; however, the Government did not use it.

Internally Displaced Persons (IDPs).—IDPs moved back and forth over the border with Senegal, depending on the status of the ongoing armed conflict in Senegal's Casamance region. With tribal and family ties on both sides of the poorly marked border, the nationality of IDPs was not always clear.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government did not grant refugee status or asylum during the year.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in November legislative elections that were characterized by international observers as transparent, well organized, and well executed.

Elections and Political Participation.—In the November 16 legislative elections, the PAIGC gained 22 seats in the National Assembly to become the ruling party with 67 of 100 seats. The Party for Social Reform (PRS), headed by former president Koumba Yala, won 28 seats, a loss of seven. The Republican Party for Independence and Development, founded in February with tacit support from President Vieira, who previously headed the PAIGC, won three seats. Unlike in previous elections,

no violence occurred, and allegations of vote buying were not substantiated, although international observers noted technical irregularities, such as inconsistent sealing of ballot boxes and a lack of vehicles to transport ballots to regional polling centers. In October election workers declared a strike due to the Government's failure to pay at least 80 percent of back wages and debts owed to workers, vendors, and contractors from the 2005 presidential election. Election workers returned to their jobs by the end of the month after being promised that salaries would be paid in 2009.

The November 16 elections were originally scheduled for April 2008 as a result of the formation of a government of national unity in March 2007 that included the PAIGC, the PRS, and the United Social Democratic Party. However, on March 25, citing inadequate preparation, President Vieira rescheduled the elections for November 16. The president added that the role of parliament would be filled by the National Assembly's standing committee once the legislature's mandate expired on April 21. On March 27, the National Assembly responded by passing an exceptional transitional constitutional law that extended its mandate until the November 16 elections. On July 25, the PAIGC pulled out of the coalition government. On August 1, the Supreme Court ruled unconstitutional the exceptional transitional constitutional law. The ruling, which was welcomed by civil society organizations, prompted President Vieira to dissolve the National Assembly on August 5. In a decree published on the same day, the president dismissed the Government and appointed a new prime minister to set up a caretaker government to oversee the legislative elections.

Members of the military launched what appeared to be failed coup attempts on August 8 and November 23. In August authorities reported that they had uncovered an attempted coup, allegedly organized by Jose Americo Bubo Na Tchuto, the Navy chief of staff. While the motive and seriousness of the coup attempt remained in question, observers noted that Na Tchuto, long suspected of involvement in narco-trafficking, may have acted to preempt incrimination in the July offloading of narcotics from a plane from Venezuela held at the airport in Bissau. Na Tchuto was suspended and kept under house arrest, but subsequently escaped. On August 12, authorities in The Gambia reported that they had arrested him. Na Tchuto was later released and reportedly was moving freely and openly in Banjul, The Gambia.

On November 23, two days after the announcement of the official election results, low-ranking sailors and soldiers fired on the home of President Vieira. While the president was unharmed, one person was killed.

The National Assembly has ten female members. The Supreme Court president, three of the 19 government ministers, and one of nine state secretaries also were women.

All ethnic groups were represented in the Government, although the minority Balanta ethnic group dominated the army.

Government Corruption and Transparency.—Official corruption and lack of transparency were endemic at all levels of government. Members of the military and civilian administration reportedly assisted international drug cartels by providing access to the country and its transportation facilities. Customs officers frequently accepted bribes for not collecting import taxes, which greatly reduced government revenues. The World Bank's Worldwide Governance Indicators reflect that corruption was a severe problem.

According to the September Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country, the country was rapidly moving from being a transit hub to a major market place in the drug trade. The UN Office on Drugs and Crime reported during the year that the country was becoming a strategic link in the transport of illegal narcotics from South America to Europe.

Systemic failure to act throughout the police, military, and judiciary resulted in the near absence of prosecutions of drug traffickers. The most recent prosecution of a trafficker occurred in 2006. The defendant, who bought cocaine that had washed ashore, was sentenced to eight years' imprisonment, but served only a few months because the country had no adequate detention facility. Drug traffickers usually had official protection at some level. If judicial police were able to overcome this obstruction, they had no resources to conduct investigations, no detention facilities to detain suspects, and no means of transporting detainees to court. Judges and guards, who went months without receiving salaries, were highly susceptible to corruption and often released suspected traffickers, who subsequently disappeared.

The failure to interdict suspected narcotics flights contributed to the perception of government and military involvement in narcotics trafficking. For example, on July 12, a plane from Venezuela landed at Bissau airport without the requisite

landing or overflight permits or the prior knowledge of airport officials. Immediately on landing, it was cordoned off by military personnel, and its cargo was unloaded into vehicles and taken to an unknown destination. The minister of justice announced that she had not been notified of the unauthorized landing of the plane until July 17. On July 19, the plane crew and two airport control officers were detained, but released on August 19 by order of a criminal court judge, despite the issuance of an international warrant against the pilot and protests by the minister of justice and the prosecutor general. The military, which blocked a joint investigation by the UN Office on Drugs and Crime, INTERPOL, and others, made contradictory statements about the cargo, ultimately claiming it was medicine from Spain.

No action was taken in the 2006 disappearance of 674 kilograms of cocaine from official custody and the release without charge of the suspects involved.

The law provides that “everyone has the right to information and judicial protection.”; however, such access was seldom provided.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Unlike in previous years, there were no reports that NGO members had been harassed or threatened by authorities. The two major human rights organizations were the Human Rights League of Guinea (LGDH) and the Observation League.

Mario Sa Gomes, the president of the NGO Guinean Association of Solidarity with the Victims of Judicial Error (AGSVEJ), claimed that he had been harassed and threatened by security agents and members of the armed forces throughout 2007. Sa Gomes, who was summoned in 2007 at least 14 times by judicial bodies including the Office of the Prosecutor-General, claimed the harassment resulted from his radio interviews urging authorities to combat security force impunity and to investigate and prosecute drug traffickers and those responsible for politically motivated murders and other suspicious deaths. After a July 2007 radio interview, in which he called for the dismissal of army chief General Batista Tagme Na Wai for involvement in drug trafficking, Sa Gomes went into hiding. Intervention by the UN Representative in country resulted in the assignment of two bodyguards to Sa Gomes and a government pledge not to harm him; however, Sa Gomes reported that he continued to face difficulties pursuing his work with AGSVEJ. The arrest warrant against Sa Gomes had not been withdrawn by year’s end; however, General Na Wai, the sole complainant on the warrant, stated publicly that he had forgiven Sa Gomes, that he would not press charges, and that Sa Gomes was free to return to the country without fear of harassment. Sa Gomes remained in self-imposed exile at year’s end.

Luis Vas Martins, president of the NGO LGDH, reported receiving anonymous threatening phone calls and knocks on his door in 2007, which he believed were linked to his actions to promote human rights.

In September 2007 security forces raided the offices of the Confederation of Students’ Associations and removed the organization’s archives, a computer, a printer, and a power supplier. An investigation was begun, but there were no results by year’s end.

The Government permitted visits by UN representatives and the ICRC. The UN and ICRC published reports, with which the Government generally concurred.

During the year the UN Office on Drugs and Crime issued a report criticizing the country for its involvement in organized crime and the drug trade (See Section 3, corruption).

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

The law prohibits discrimination but does not designate the bases of discrimination; the Government did not enforce prohibitions against discrimination.

Women.—The law prohibits rape, including spousal rape, but government enforcement was limited. No information on the extent of the problem was available.

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. There is no law that prohibits domestic violence, and politicians were reportedly reluctant to address the subject for fear of alienating more traditional voters or particular ethnic groups. Although police intervened in domestic disputes if requested, the Government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits prostitution, but enforcement was weak.

There is no law prohibiting sexual harassment, and it was a problem.

The law treats men and women equally and prohibits discrimination; however, discrimination against women was a problem, particularly in rural areas where traditional and Islamic laws were dominant. Women were responsible for most work on subsistence farms and had limited access to education, especially in rural areas. Women did not have equal access to employment. Among certain ethnic groups, women cannot manage land or inherit property. Although no data was available, women reportedly experienced discrimination in access to credit, employment, pay for similar work, and owning a business.

Children.—The Government allocated limited resources for children's welfare and education. Public schooling was free and universal through high school, but not compulsory. Teachers were poorly trained and paid, sometimes not receiving salaries for months at a time, which resulted in closure of the schools for nearly half of the school year. Children often were required to help their families in the fields, which conflicted with schooling.

Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM, not only on adolescent girls, but also on babies as young as four months old. The Government has not prohibited the practice.

Child marriage occurred among all ethnic groups, but no reliable data existed to quantify the problem. Girls who fled arranged marriages often were forced into prostitution to support themselves. The practice of buying and selling child brides also reportedly occurred on occasion. Local NGOs worked to protect the rights of women and children and operated programs to fight child marriage and to protect the victims of child marriage. Observers noted during the year that NGO efforts to enroll more girls in school had a negative side effect on child marriages: more girls were forced to marry at a younger age because parents feared the social opportunities of school would increase the risk of their daughters losing their virginity before marriage.

The Child Protection Office of the Bissau Police Department estimated that approximately 1,000 children were living on the streets of Bissau, with a growing number of boys engaged in gangs and petty crime. The Government provided no services to street children.

Trafficking in Persons.—The law does not prohibit trafficking in persons, and children were trafficked from and within the country. Boys, known as "talibes," were sent from rural areas to attend Koranic schools in neighboring countries, primarily Senegal, where they were exploited, abused, and forced to beg to meet daily monetary quotas for their Koranic teachers known as "marabouts." Other boys were sent to work in cotton fields in the south of Senegal. Girls were sometimes exploited as prostitutes.

Surveillance committees established by local police on both sides of the country's border with Senegal increased surveillance during the year and contributed to the interception by year's end of 168 trafficked children. With the assistance of the Embassy of Guinea-Bissau in Dakar, 63 "talibes" who were enduring harsh conditions and forced begging on the streets of Dakar were repatriated to the country during the year.

Traffickers often were teachers in Koranic schools and related to the families of victims. Traffickers typically approached the parents of young children and offered to send the children for a religious education where they would be taught to read the Koran. Parents received no compensation for sending their children and in many cases paid for the initial travel. In some cases children sent away were unwanted, especially in second marriages, if the new wife did not want to raise children from the first marriage.

Laws against the removal of minors, sexual exploitation, abuse, and kidnapping of minors could be used to prosecute traffickers. Kidnapping provides for a penalty of between two and 10 years in prison, and rape carries a penalty of between one and five years' imprisonment. Despite these laws, the Government seldom investigated trafficking cases, and there have been no successful prosecutions of traffickers. Instead authorities prosecuted parents who colluded with traffickers. Parents of returned victims had to sign a contract promising not to send their children away under penalty of jail, and the local NGO Association of the Friends of Children (AMIC) monitored the agreement through visits to returned children. In one case during the year, after AMIC found that three returned children were missing during the verification process, one father was arrested and spent 72 hours in jail. He was released when he agreed to find his child in Dakar and bring him home. The other two fathers were not located.

The Ministry of Interior has responsibility for antitrafficking efforts; however, the Government had no national plan to combat trafficking or the capability to monitor,

interdict, or prosecute traffickers. During the year the Government actively assisted in the repatriation of dozens of children from Senegal.

There were reports that customs, border guards, immigration officials, labor inspectors, or local police may have been bribed to facilitate such trafficking; however, no specific information was available.

Government officials, including police and border guards, worked closely with AMIC and the UN Children's Fund to prevent trafficking, raise awareness, and repatriate victims. The regional court began to play an instrumental role during the year in alerting parents that they would be held legally accountable if they sent their children to beg in a foreign country. AMIC coordinated efforts with the Government, police, and civil society to prevent trafficking, help returned victims find their families, and hold parents accountable in court if their children were re-trafficked after participating in the reintegration program. AMIC, which also ran a facility for victims, conducted regular awareness efforts on radio stations in the Gabu area and during visits to villages in source areas. AMIC and local police worked with religious and community leaders in Gabu and Bafata. Another program, founded by the local imam of Gabu, created evening Koranic studies after school as an alternative to the schools in Senegal.

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

Persons With Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities, mandate building access for them, or provide for equal access to employment and education. However, there were no reports of overt societal discrimination. The Government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs.

Other Societal Abuses and Discrimination.—There was no open discussion of homosexuality and very little concerning HIV/AIDS, and the Government did not address discrimination on either basis. While there was no reported violence based on sexual orientation or HIV status, subtle discrimination based on sexual orientation or HIV status did exist.

Section 6. Worker Rights

a. The Right of Association.—The law provides all workers with the freedom to form and join independent trade unions without previous authorization or excessive requirements, and workers exercised this right in practice. A significant majority of the population worked in subsistence agriculture, and only a small percentage of workers were in the wage sector and organized. Approximately 85 percent of union members were government or parastatal employees, and they primarily belonged to independent unions.

The law allows unions to conduct their activities without government interference and provides for the right to strike, but the Government did not always protect these rights. The only legal restriction on strike activity was a prior notice requirement. The law also prohibits retaliation against strikers.

On October 7, the National Union of Workers of Guinea (UNTG) launched a nationwide civil service strike to protest salary arrears. Although the UNTG had provided prior notice and the strike was legal, police reportedly operating on orders of the interior minister surrounded the UNTG headquarters and prevented members from entering for several hours. Police reportedly also forced at gun point private bus drivers who joined the strike to return to work.

b. The Right to Organize and Bargain Collectively.—The law does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues. Most wages were established in bilateral negotiations between workers and employers.

The law does not prohibit antiunion discrimination; however, no workers alleged antiunion discrimination, and the practice was not believed to be widespread.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred. Children were trafficked to work as domestic servants, to shine shoes in urban areas, and to sell food such as bananas and peanuts on the streets.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are no specific laws that protect children from exploitation in the workplace, and child labor occurred. The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including labor in mines. The small formal sector generally adhered to these minimum age requirements; however, the Ministry

of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

Most child labor occurred in the informal sector. The incidence of children working in street trading in cities increased during the year. In rural communities, children did domestic and field work without pay to support families or because of a lack of educational opportunities. Some children were partially or completely withdrawn from school to work in the fields during the annual cashew harvest. The Government had not taken action to combat such practices by year's end.

Children were trafficked to work as domestic servants, shine shoes in urban areas, and sell food on the street (*See* Section 5, Trafficking).

The Institute of Women and Children and the ministries of labor and justice are responsible for protecting children from labor exploitation; however, there was no effective enforcement.

e. Acceptable Conditions of Work.—The Council of Ministers annually established minimum wage rates for all categories of work, but it did not enforce them. The lowest monthly wage was approximately 19,030 CFA (\$38) per month plus a bag of rice. This wage did not provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The Government, which relied heavily on support from international donors for basic budget support, regularly failed to pay some public servants, notably teachers, in a timely manner, often with delays of several months. The Government was four months in arrears in salary payments by year's end, paying August salaries on December 5. Civil servants went on strike on October 7 to protest three months of salary arrears.

The law provides for a maximum 45-hour workweek, but the Government did not enforce this provision. The law also provides for overtime pay as long as it does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays; however, these provisions were not enforced.

With the cooperation of the unions, the ministries of justice and labor establish legal health and safety standards for workers, which the National Assembly then adopts into law; however, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers, including foreign workers, do not have the right to remove themselves from unsafe working conditions without losing their jobs.

*In June 1998, the U.S. Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau, and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the U.S. Embassy in Dakar. The U.S. Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.

KENYA

Kenya has a population of approximately 37 million. It is a republic with a mixed presidential and parliamentary system. It has a strong president who is both chief of state and head of government and a prime minister with limited executive powers. There is a unicameral National Assembly. In December 2007 the Government held local, parliamentary, and presidential elections. Observers judged the parliamentary and local elections to be generally free and fair. In the presidential election, the incumbent, President Mwai Kibaki, was proclaimed the winner by a narrow margin under controversial circumstances. Raila Odinga, the main opposition candidate, disputed the results and violence erupted in sections of Nairobi and opposition strongholds in Nyanza, Rift Valley, and Coast provinces; approximately 1,500 persons were killed and more than 500,000 displaced between December 2007 and February. The violence ended in February when, as the result of an international mediation process, the two sides agreed to form a coalition government. Under the terms of the agreement, incumbent President Kibaki retained his office, and Odinga was appointed to a newly created prime ministerial position. The parties also agreed to undertake a series of constitutional, electoral, and land reforms to address underlying causes of the crisis. The Government appointed a commission to study the integrity of the election results; it concluded that serious irregularities occurred in voting and counting in both opposition and progovernment strongholds and in the tallying of results by the Electoral Commission of Kenya (ECK). These irregularities seriously undermined the integrity of the election results. The ongoing conflict in

Mount Elgon resulted in human rights abuses. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which the security forces, particularly the police, acted independently.

The following human rights problems were reported: unlawful killings, torture, rape, and use of excessive force by police and the military; mob violence; police corruption and impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary interference with the home; prolonged pretrial detention; executive influence on the judiciary; restrictions on freedom of speech, assembly, and of the press; forced return of refugees and societal abuse of refugees including killing and rape; official corruption; violence and discrimination against women including female genital mutilation (FGM); child prostitution and labor; trafficking in persons, including recruitment of child soldiers and minor Internally Displaced Persons (IDPs); interethnic violence; and lack of enforcement of workers' rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings during the year; however, security forces committed arbitrary or unlawful killings. The Government took only limited action in enforcing the law against security forces suspected of unlawfully killing citizens.

The Government formed the Commission of Inquiry into Postelection Violence (CIPEV) as part of the internationally mediated political settlement. The CIPEV documented 405 gunshot deaths during the postelection violence, and it attributed the vast majority of these to police. Law enforcement authorities offered no evidence to contradict reports that police officers perpetrated the shooting deaths. The Independent Medico Legal Unit (IMLU), a leading and credible human rights nongovernmental organization (NGO), reported that 100 extrajudicial killings occurred during the year. The Kenya National Commission on Human Rights (KNCHR) estimated that 349 extrajudicial killings occurred during the year, including the killing of over 500 suspected members of the outlawed Mungiki criminal organization from July 2007 through September. IMLU reported that during the year there were clear indications of deaths and injuries resulting from police misuse of firearms during the year, particularly in response to postelection violence.

In January a police constable fatally shot two unarmed, peaceful protesters in Kisumu (see 1.d). In November police officers killed two persons who were attempting to steal light bulbs from street lights in Nairobi's Runda estate.

Security forces continued to claim that police must shoot to kill to defend themselves when confronted by armed suspects. The policy first was enunciated in 2005 and reiterated in 2007 when armed criminals killed 43 police officers in the line of duty. In January police commanders issued orders for police to use live ammunition to quell postelection violence. KNCHR reported that police commanders in Nyanza Province issued "shoot to kill" orders as part of suppressing postelection violence, but police authorities denied this. KNCHR called for an investigation to determine whether these killings constituted excessive use of force, or whether police in some cases were responding appropriately in life-threatening situations. By year's end, with the exception of the January 16 Kisumu killings, there was no evidence that police authorities investigated allegations of excessive use of force.

Police killed numerous criminal suspects during the year. In February police killed six suspected car thieves in Nairobi. During one weekend in July, police shot and killed 21 robbery suspects in and around Nairobi. In July police responding to a Nairobi casino robbery shot and killed three suspects and two casino workers.

The Oscar Foundation Free Legal Aid Clinic Kenya (OFFLACK), a local human rights NGO, reported that police were linked with the continued disappearance and deaths of suspected members of the Mungiki, the country's largest criminal organization. On October 16, a police officer, who had cooperated with the KNCHR investigation of the extrajudicial killings of suspected Mungiki-sect members, was murdered in Nairobi. By year's end no suspects had been arrested.

There were no developments in the investigation of the June 2007 police raids in Nairobi's Mathare slum, where police admitted to killing 18 persons in response to the murder of two police officers. There were also no developments in the investigation of the July 2007 police killings of 27 persons in Mathare.

During the year there were reports that persons died while in police custody or shortly thereafter, some as a result of torture. IMLU reported one death while in police custody, but noted that the actual number was likely higher. In several other cases, persons died under mysterious circumstances after being detained by police. Police also often did not enter suspects into police custody records. For example, in

June KNCHR reported that a man was last seen being arrested in Ruaka, Kiambu District by five police officers. He was found with a gunshot wound to the head in the city mortuary the following day.

There were no developments in the following 2007 cases: the July deaths of 23 suspected Mungiki members in Murang'a and the August shooting death by a policeman of a matatu (public bus) passenger at a roadblock.

During the year police occasionally used excessive force to disperse demonstrations, resulting in deaths. The CIPEV found that police killed at least 83 persons during postelection violence in Kisumu, although NGOs estimated that the number was much higher. On January 16, police wounded six persons in Nairobi while dispersing demonstrators protesting the election results in the Kibera and Mathare slums. On the same day, television stations broadcast footage of a police officer in Kisumu fatally shooting two unarmed, peaceful protesters. The officer subsequently was arrested and charged in a criminal case; the case was pending at year's end.

In December nine prison wardens were convicted of murder in the deaths of seven death row inmates in 2000. The wardens were sentenced to death.

Mob violence and vigilante action resulted in numerous deaths. The great majority of victims killed by mobs were suspected of criminal activities, including theft, robbery, killings, cattle rustling, and membership in terrorist gangs. The Government rarely made arrests or prosecuted the perpetrators.

For example, in February the media reported that mobs in Meru burned to death two men who allegedly robbed a matatu driver. In March a mob in Imenti South District stoned to death one man and seriously injured three others who posed as policemen in order to rob residents. In September a mob lynched a village chief in Mikumbune, Imenti South District, after he was found in possession of a stolen chicken. Police arrested 40 suspects. The investigation was ongoing at year's end.

There were no reports of official action in the following 2007 cases of death by mob violence: the February beating death of a church leader for allegedly sexually assaulting a 12-year-old boy and the July deaths of two policemen who were mistaken for armed criminals.

Human rights observers attributed vigilante violence to a lack of public confidence in police and the criminal justice system; allegedly, assailants often bribed their way out of jail or were not arrested. The social acceptability of mob violence also provided cover for acts of personal vengeance, including settling land disputes.

Mobs committed violence against persons suspected of witchcraft, particularly in Kisii District, and in Nyanza and Western provinces. Human rights NGOs noted public reluctance to report such cases due to fear of retribution. In May, 15 persons suspected of practicing witchcraft were burnt to death in Kisii Central District.

b. Disappearance.—There were reports of disappearances during the year in connection with the conflict in Mount Elgon (*See* Section 1.g.). In addition, OFFLACK and KNCHR alleged that the Government was responsible for disappearances that occurred during its crackdown on the Mungiki criminal organization.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, police frequently used violence and torture during interrogations and as punishment of pretrial detainees and convicted prisoners. According to IMLU's 2005–06 annual report, common methods of torture included whipping, burning with cigarettes, and beating with gun butts and wooden clubs.

In November KNCHR accused police of torturing male residents of El Wak, Northeastern Province, in an operation to interdict illegal arms fueling interclan warfare. In addition, police allegedly beat and whipped residents with electrical cables and other weapons.

Human rights organizations, churches, and the press condemned numerous cases of torture and indiscriminate police beatings. During the year IMLU received 772 cases alleging torture by security officers, compared to 397 in 2005, although it noted that the number of torture cases was likely higher.

There were reports of torture by security forces during the year in connection with conflict in Mount Elgon. Human Rights Watch (HRW) recommended a government-led investigation of security forces for possible war crimes committed during the operation and IMLU accused the Government of perpetrating crimes against humanity in the conflict. The Government denied the use of torture (*See* Section 1.g.).

Due to a lack of civilian state prosecutors in the legal system (63 civilian prosecutors nationwide compared to 300 police prosecutors); police were responsible for investigating and prosecuting most crimes. However, police routinely ignored evidence of torture by security forces provided by IMLU and other human rights organizations.

In most cases allegations of torture were not fully investigated and the perpetrators were not charged. However, the civil justice system in some cases recognized torture and ordered the Government to pay damages. For example, in May, the Nairobi High Court awarded seven plaintiffs approximately 1.5 million shillings (\$20,000) each in damages for torture they suffered in the 1980s and 1990s under the regime of former President Daniel Arap Moi.

Police frequently used excessive force to disperse demonstrators, which resulted in injuries, especially during the postelection period (See Section 2.b.).

Police sometimes abused street children. In 2006 a KNCHR report noted that street children formed “cooperatives” in which each member contributed regularly to a fund to bribe police in hopes of being spared abuse.

There were allegations of rape by security forces, including the rape of women in prisons, as well as in IDP and refugee camps. The Center for Rights Education Awareness alleged that policemen raped women in the Kibera slum in Nairobi and those seeking refuge in police stations. For example, a woman told CIPEV that police raped her and her 15-year-old daughter during the postelection violence in Nairobi’s Kibera slum. CIPEV condemned the police for its response to gender-based violence (GBV). As a result, in October the police commissioner established a task force to investigate GBV; however, it appeared that the task force was not empowered to investigate allegations of GBV perpetrated by police or other security forces.

There were numerous instances of mob violence and vigilante action leading to serious injury. After the announcement of the presidential voting results in December 2007, mob violence, including targeted looting and arson, struck Kisumu, Eldoret, Nairobi, Mombasa, and other cities.

Prison and Detention Center Conditions.—Prison and detention center conditions continued to be harsh and life threatening. Most prisons, particularly men’s prisons, continued to be severely overcrowded in part due to a backlog of cases in the judicial system. In May the director of health services for prison services stated that the country’s 90 prisons held 48,000 prisoners while they were designed to hold only 12,000 persons. According to an OFFLACK study released in 2007, Meru Prison held three times more inmates than its intended capacity and had only nine toilets for 1,405 prisoners, forcing many to use as toilets the same buckets they also used for bathing. In Kamiti Maximum Security Prison, approximately 700 inmates shared a cell block designed for 300. During the April security operation in Mount Elgon, IMLU noted that Bungoma Prison held over 900 prisoners in a facility with a 480-person capacity.

In 2007 the Parliamentary Committee on Health visited Embu Prison and expressed concern about health conditions in prisons.

Prisoners generally received three meals per day, but portions were inadequate, and they were sometimes given half rations as punishment. Water shortages continued to be a problem.

Civil society organizations began visiting prisons in 2003, and these visits continued to reveal harsh conditions as well as allegations by prisoners of inhumane treatment, including torture. Such treatment, perpetrated by police, prison guards, and inmates, at times resulted in death. For example, in November wardens in Kamiti Prison scalded prisoners with hot water and beat them during an operation to interdict contraband items. One person died and 20 were hospitalized. Three wardens were suspended. At year’s end a police investigation of the incident was ongoing.

In February 2007 the Legal Resource Foundation released a report which stated that torture in prisons was commonplace and inflicted openly. Of 948 prisoners from 29 prisons interviewed, 83 percent claimed they were beaten and 59 percent witnessed wardens mistreating other prisoners. Police did not appear to target any particular ethnic, religious, or social group for torture. Authorities did not take action against those accused of torture.

Prison personnel stated that the rape of male and female inmates, primarily by fellow inmates, continued. Media reports indicated that it was also common for prison officials to rape female inmates.

Hundreds of prisoners died annually from infectious diseases spread by overcrowding, unhygienic conditions, and inadequate medical treatment. In July a Ministry of Home Affairs report on prison conditions concluded that 46 inmates died monthly because of congestion, unhygienic conditions, and poor health care.

Prisoners were sometimes kept in solitary confinement far longer than the legal maximum of 90 days. Prisoners and detainees sometimes were denied the right to contact relatives or lawyers. Family members who wanted to visit prisoners faced numerous bureaucratic and physical obstacles, each often requiring a bribe to overcome. In 2006 then-Vice President Moody Awori, who was responsible for the prison

system in his capacity as minister for home affairs, acknowledged that bribery occurred throughout the country's jails and prisons.

There were no separate facilities for minors in pretrial detention. Civil society activists witnessed young children, women, and men sharing the same cells. For example, IMLU reported in April that underage boys were detained in Bungoma Prison. Additionally, a July government report on prison conditions noted that underage female offenders, who were ineligible for diversion to a lesser security training school, were housed with adult women prisoners.

Some children under the age of four lived with their mothers in the 14 prisons for women. Official data were unavailable, but the Law Society of Kenya issued a report in December stating that 281 children lived with their mothers in Kenyan prisons.

The Government permitted visits to prisons by local human rights groups during the year. In 2006 a judiciary subcommittee report recommended that judges and magistrates visit prisons regularly to ensure that children were not confined with adult inmates. However, there were no reports that they ever conducted any prison visits. In December KNCHR visited Kamiti Prison to investigate allegations of torture following a television broadcast of footage showing wardens pouring hot water on naked prisoners during a prison action to confiscate contraband items. KNCHR called for a police investigation, which was ongoing at year's end.

d. Arbitrary Arrest or Detention.—The law prohibits arrest or detention without a court order unless there are reasonable grounds for believing a suspect has committed or is about to commit a criminal offense; however, police frequently arrested and detained citizens arbitrarily.

Role of the Police and Security Apparatus.—There was a large internal security apparatus that included the Kenyan National Police Service (KNPS) and its Criminal Investigation Department, responsible for criminal investigations, and Antiterrorism Prevention Unit; Kenya Administration Police (KAP), responsible for border security; the paramilitary General Services Unit (GSU), responsible for countering uprisings and guarding high-security facilities; and the National Security Intelligence Service (NSIS), which collects intelligence. The KNPS, KAP, and GSU are under the authority of the Ministry of State for Provincial Administration and Internal Security. The NSIS is under the direct authority of the president. There was a public perception that police often were complicit in criminal activity.

OFFLACK noted that bribery in police recruitment was a problem. The police often recruited unqualified candidates who had political connections or who paid bribes, which contributed to poorly conducted investigations.

The Government's failure to implement the 2007 witness protection law and to abolish the requirement that witnesses directly confront suspects in police line-ups severely inhibited the investigation and prosecution of major crimes.

Police, colluding with prosecutors, resorted to illegal confinement, extortion, torture, and fabricated charges as a cover-up for malpractice.

Impunity was a major problem. Police officers were rarely arrested and prosecuted for criminal activities, corruption, or for using excessive force. Authorities sometimes attributed the absence of an investigation into corruption or an unlawful killing to the failure of citizens to file official complaints. However, the required complaint form was available only at police stations, and there was considerable public skepticism regarding a process that assigned the investigation of police abuse to the police themselves.

The Government took some steps to curb police abuse during the year. In September the Ministry of Provincial Administration and Internal Security established a police oversight board to hear public complaints and recommend disciplinary actions. By year's end, the board had met but did not hear any public complaints or issue any decisions. Some legal rights groups questioned whether the minister had the legal authority to establish the board. In 2006 the police commissioner established a special police squad that included undercover detectives whose mandate was to combat corruption involving police during traffic stops. The Government arrested and charged some officers with various offenses, including corruption and murder.

In January prosecutors charged a police officer with two counts of murder in the shooting deaths of two unarmed, peaceful demonstrators in Kisumu. The trial began in May and was ongoing at year's end. Also in January, police arrested a fellow officer, who prosecutors charged with murder in the shooting death of a member of parliament in Kericho. At year's end the trial was ongoing.

There were numerous instances in which police failed to respond to societal violence. A KNCHR report on the postelection violence reported examples where security forces in multiple locations failed to protect endangered communities from vio-

lence. For example, in January police in the Langas section of Eldoret failed to respond to destruction of property. Residents also reported that police in Kuresoi failed to respond to threats against the Kikuyu community. In late January NGOs alleged that police in Naivasha and Nakuru failed to respond to violent attacks on non-Kikuyu communities.

Arrest and Detention.—Under the criminal procedure code, police have broad powers of arrest. Police may make arrests without a warrant if they suspect a crime has occurred, is happening, or is imminent. Detainees in noncapital cases must be brought before a judge within 24 hours. Detainees in capital cases must be brought before a judge within 14 days; however, the law was not respected in practice.

The right to prompt judicial determination of the legality of detention frequently was not respected in practice. The law provides pretrial detainees the right of access to family members and attorneys. When detainees could afford counsel, police generally permitted access; however, there were cases in which police refused access to lawyers. Family members of detainees frequently complained that access was only permitted on payment of bribes. There is a functioning bail system; however, individuals charged with offenses that were deemed serious or that involve major violence are not eligible for bail pending trial.

Police often arrested citizens to extort bribes. Since few could afford even a modest bribe, many languished in jail unless family or friends raised the bribe money demanded by police (See Section 2.c.).

Muslim leaders claimed that police indiscriminately arrested Muslims on suspicion of terrorism, but the police denied this.

There were reports during the year that police arbitrarily arrested persons demonstrating against parliament.

Lengthy pretrial detention continued to be a serious problem that contributed to overcrowding in prisons. Police from the arresting location are responsible for serving court summonses and picking up detainees from the prison each time a court schedules a hearing on a case. A shortage of manpower and resources meant that police often failed to appear or lacked the means to transport detainees, who then were forced to await the next hearing of their cases. According to the chief justice, as of August 2007 there was a judicial backlog of nearly one million criminal cases, resulting in persons being detained for years before seeing a judge. The Government claimed the average time spent in pretrial detention on capital charges was 16 months; however, many detainees spent more than three years in prison before their trials were completed.

During and following the 2006 fighting inside Somalia, authorities in Kenya arrested suspected terrorists after they fled Somalia for Kenya. According to media reports and human rights NGOs, some of those detained were released, while others were transferred without judicial process to Ethiopia. In 2007 Ethiopian authorities acknowledged that 41 suspected international terrorists were being held and investigated, though most were released by year's end. During the year Ethiopia reportedly released most detainees. In December eight Kenyan citizens, who had been detained and released, sued the Kenyan government for human rights violations related to their detention and extradition.

Amnesty.—The president releases petty offenders periodically with the largest amnesty occurring on December 12, Independence Day; however, the release is not automatic. According to the Kenya Prison Service, the president amnestied 4,960 prisoners on Independence Day while the total number amnestied during the year was 11,523.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the executive branch sometimes influenced the judiciary. In 2006 the African Peer Review Mechanism, an African Union (AU) initiative which evaluates AU member states for conformance with commonly agreed political and economic standards, reported a “visible lack of independence of the judiciary.” In January after the controversial announcement of the presidential results, the opposition leader refused to file a court challenge to the announcement because he did not expect a fair hearing.

The president has extensive powers over appointments, including of the attorney general, chief justice, and appellate and high court judges. The president can dismiss judges and the attorney general upon recommendation of a special tribunal appointed by him. Although judges have life tenure, except for a few foreign judges hired under contract, the president has authority over judicial transfers.

The court system consists of the Supreme Court, Court of Appeals, High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Supreme Court is the highest court; the chief justice is a member of both the Court of Appeals and the High Court. All judges on the Court of Appeals and the

High Court are appointed by the president upon recommendation of the Judicial Service Commission; magistrates are hired by the commission. Criminal trials are conducted by magistrate courts, while the High Court and Court of Appeals hear appeals. Civil cases may be heard by any of the courts, depending on the nature of the case.

The constitution provides for Shari'a (Islamic) courts and states that the "jurisdiction of a Kadhi's court shall extend to . . . questions of Muslim law relating to personal status, marriage, divorce, or inheritance in proceedings in which all the parties profess the Muslim religion." There are no other traditional courts. The national courts used the traditional law of an ethnic group as a guide in civil matters as long as it did not conflict with statutory law. Use of traditional law occurred most often in cases of marriage, death, and inheritance in which there was an original contract based on traditional law. Citizens may choose between national and traditional law when they enter into marriage or other contracts; however, the courts determine which kind of law governs the enforcement of the contract. Some women's organizations sought to eliminate traditional law because, in practice, it was interpreted and applied in favor of men.

Military personnel are tried by court-martial, and verdicts may be appealed through military court channels. The chief justice appoints attorneys for military personnel on a case-by-case basis. Military courts do not afford defendants all the rights that civilian courts provide. Military courts are not empowered to try civilians.

In May 2007 the judiciary appointed a governance and ethics committee to assess judicial corruption and misappropriation of court fees. However, there were no reports of committee actions by year's end.

In 2006 the Ministry of Justice announced it would establish a public complaints unit, noting that corruption had contributed to the judiciary's inability to protect human rights adequately. During the year the unit held weekly sessions at which the public could file complaints with the ministry's director of human rights affairs. No data on the number of complaints registered and actions taken were publicly available.

The Government occasionally used the legal system to harass critics. In October local authorities in Mombasa charged the director of the seafarers' welfare organization for issuing false statements after he claimed that military cargo on a hijacked ship was bound for South Sudan, not Kenya as the Government claimed. In November a former member of parliament was charged in Nairobi with incitement for statements he gave to the press accusing police and military of human rights abuses in El Wak (*See* Section 1.c.). These trials were ongoing at year's end. Local authorities filed criminal charges against two persons who helped document allegations of human rights abuses against security forces in the Mount Elgon region (*See* Sections 1.g., and section 4). Some civil society organizations reported that the Government also used the anticorruption commission to harass critics.

Trial Procedures.—Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and defendants have the right to attend their trials, confront witnesses, and present witnesses and evidence in their defense. A defendant's right to consult with an attorney in a timely manner was generally respected. However, the vast majority of defendants could not afford representation and were tried without legal counsel. Indigent defendants do not have the right to government-provided legal counsel except in capital cases. The lack of a formal legal aid system seriously hampered the ability of many poor defendants to mount an adequate defense. Legal aid was available only in major cities where some human rights organizations, notably the Federation of Women Lawyers, provided it.

Discovery laws are not defined clearly, further handicapping defense lawyers. Often defense lawyers did not have access to government-held evidence before a trial. The Government sometimes invoked the State Security Secrets Law as a basis for withholding evidence. Defendants can appeal a verdict to the High Court and ultimately to the Court of Appeals. The legal system does not provide for trial by jury; judges try all cases.

In treason and murder cases the deputy registrar of the High Court can appoint three assessors to sit with a high court judge to offer interpretation or guidance on local customs and culture. Although assessors render verdicts, their judgments are not binding. Defendants' lawyers can object to the appointment of individual assessors. A shortage of appropriate assessors frequently led to long delays in hearing cases.

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

Civil Judicial Procedures and Remedies.—The KNCHR has the power of a court. It can issue summonses or order the release of a prisoner or detainee, payment of compensation, or other lawful remedy.

The civil court system can be used to seek damages for victims of human rights violations. However, corruption, political influence over the civil court system, and chronic backlogs of cases limited access by victims to this remedy.

Widespread corruption existed at all levels of the civil legal system. Bribes, extortion, and political considerations influenced the outcomes in large numbers of civil cases.

Court fees for filing and hearing cases—a daily rate of at least 2,040 shillings (\$28) for arguing a civil case before a judge—effectively barred many citizens from gaining access to the courts.

Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, except “to promote public benefit”; however, authorities sometimes infringed on citizens’ privacy rights. The law permits police to enter a home without a search warrant if the time required to obtain a warrant would prejudice an investigation. Although security officers generally obtained search warrants, they occasionally conducted searches without warrants to apprehend suspected criminals or to seize property believed stolen.

There were reports that security officers raided homes in the Mount Elgon District, destroying property and setting houses on fire, in their search for militia members. Police also raided homes in the Nairobi slums in search of suspected Mungiki members (See Section 1.g.).

In July the Government announced its intention to evict 2,000 squatter families living in the protected water catchment area of the Mau Forest. In November the Government announced that evictions would be delayed until 2009. In 2006 the Government evicted from the Mau Forest approximately 600 squatters who had returned after the Government evicted approximately 10,200 of them in 2005 for living illegally on protected lands.

Use of Excessive Force and Other Abuses in Internal Conflicts.—In 2006 land tensions between the Soy and Ndorobo clans intensified in Mount Elgon District after the Government announced plans to implement phase three of the Chebyuk settlement scheme, initiated in 1971, which was intended to resettle the Ndorobo subclan from the protected upper reaches of Mount Elgon National Park. However, the settlement scheme disadvantaged the Soy clan which had traditionally used the land on which the Ndorobo were resettled. In response, the Soy formed the Sabaot Land Defense Force (SLDF), a militia that initially terrorized and forcibly displaced Ndorobo residents, but also attacked Soy who did not support the SLDF. In response the Government in 2007 deployed police from the antiriot GSU. Police officers reportedly indiscriminately raided and burned down homes, and beat, shot at, tortured, and raped community members.

In March the Government began a joint military-police operation aimed at defeating the SLDF. During the initial phase of the operation, the Government attempted to remove the SLDF from its hiding places in the remote reaches of Mount Elgon. Security forces also swept villages to identify and capture SLDF members and sympathizers.

According to HRW and other human rights NGOs, security forces detained all males in the targeted area of Mount Elgon and screened them for possible SLDF membership, using informants to identify members. HRW, IMLU, and Western Kenya Human Rights Watch (independent of the London-based Human Rights Watch) accused the Government of excessive use of force during detention and screening of suspects, which included torture and disappearances.

IMLU provided medical treatment to 285 persons who alleged that they had been tortured by security forces. HRW also reported that more than 40 persons, last seen in military custody, disappeared. In July the Government issued a report in which it claimed that all allegations of abuse and disappearance by security forces were baseless. The Government claimed that any abuse of detainees happened at the hands of local residents or was committed by the SLDF prior to security forces taking custody of suspects.

The Government operation against the SLDF resulted in the arrest of more than 1,000 suspected members of the organization. Local NGOs reported that the Government did not make available proper medical care to those jailed, although authorities did permit IMLU to examine prisoners and provide some medical care. Local NGOs reported that authorities at the Bungoma Prison refused to admit a prisoner due to insufficient medical facilities to treat his injuries. NGOs also reported that security forces held underage children in prisons with adults but also noted that Bungoma Prison authorities established a makeshift school for underage prisoners.

During the April security operation in Mount Elgon, IMLU noted that Bungoma Prison held over 900 prisoners in a facility with a 480 person capacity (*See* Section 1.c.).

The Government restricted access to humanitarian groups at times. For example, from late June until mid-August, the Government prevented Medicins Sans Frontieres-Belgium (MSF-B) from delivering medical services and humanitarian supplies in the Mount Elgon region. MSF-B alleged that this was in response to their May report which showed a sharp increase in the number of persons they treated at the onset of the March operation who had suffered trauma injuries consistent with torture.

The Government also used the legal system to harass critics of its security operation. In July local authorities arrested a doctor who documented alleged human rights abuses by security forces. Authorities charged him in Bungoma with providing false information to a public official of the KNCHR. They also charged him with two counts of illegally running an unlicensed private hospital, which the court later dismissed. Also in July authorities charged the director of the Mwathiko Torture Survivors Organization (MTSO) with disorderly conduct. It also deregistered MTSO as a community-based organization. Both cases were ongoing at year's end.

The March and April escalation of the conflict caused a new round of displacement. NGOs active in the area reported that the March security operation displaced approximately 45,000 persons. In September the Government reported that approximately 4,263 persons remained displaced in Mount Elgon; however, NGOs estimated a much higher figure.

Local NGOs reported that during the year the SLDF engaged in torture, killings, and rape as a tactic in the conflict, and maimed persons who did not support the militia. Western Kenya Human Rights Watch documented 615 SLDF killings since 2006. A local NGO also reported that the SLDF forcibly recruited at least 650 children.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the Government sometimes restricted these rights. During the year security forces harassed, beat, and arrested members of the media. Journalists practiced self-censorship. In December parliament passed amendments to the Communications Act which permits intrusive government regulation of the media and allows the information minister to assert undue political influence on the media licensing body, the Communications Commission of Kenya. On December 30, President Kibaki signed the bill into law.

The Government occasionally interpreted laws in such a way as to restrict freedom of expression. The prohibition on discussion of issues under court consideration and a parliamentary ruling against debate on certain aspects of presidential conduct limited deliberation on a number of political issues. The Government monitored many types of civil society meetings, and individuals were not always allowed to criticize the Government publicly without reprisal.

Generally the media remained independent despite attempts at intimidation by officials and security forces. In October 2007 parliament passed a Media Act which created the 13-member Media Council of Kenya (MCK) to monitor and regulate the media, with authority to grant and withdraw the accreditation of journalists. In January the Government announced the formation of a taskforce to investigate the media's behavior during the postelection violence and also threatened to withdraw funding from the MCK.

The mainstream print media included four daily newspapers that reported on national politics and regularly criticized the Government. There also were numerous independent tabloid periodicals that appeared irregularly and were highly critical of the Government.

Of the several television stations operating in Nairobi, the Government-owned Kenya Broadcasting Corporation (KBC) was the only station with a national network of broadcast and cable television, AM and FM radio, and short-wave transmission. Although KBC coverage was generally viewed as balanced, its monopoly on national broadcasting limited the ability of critics of government to communicate with the electorate. The disadvantage to government critics posed by the KBC monopoly on national broadcasting was particularly pronounced in the run-up to the December 2007 general elections. Stations owned by other media companies, including 12 radio stations, operated primarily along the country's central corridor and more densely populated adjacent regions.

The international media operated freely; 120 international correspondents worked in the country, and approximately 100 media organizations reported from Nairobi. There were four international FM broadcasters in Nairobi: Radio France Inter-

national, Voice of America, the British Broadcasting Corporation, and China Radio International.

During the year officials repeatedly accused local media of being irresponsible and disseminating misinformation. Journalists continued to be susceptible to harassment, intimidation, and arrest. In December several journalists were arrested in front of parliament for illegal assembly while protesting the passage of amendments to the Kenya Communications Act.

The regulatory framework for broadcast media continued to allow abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies.

Journalists occasionally practiced self-censorship due to pressure and bribes from officials and other influential persons wishing to prevent reporting on issues that could harm their interests or expose their wrongdoings. There also were credible reports that journalists accepted payments to report certain stories, some fabricated.

Unlike in 2007, there were no reports that individuals associated with officials used criminal libel laws to intimidate journalists and publications. However, there were reports that defamation cases were used to intimidate journalists and media outlets. In August the Law Society of Kenya reported that judges often awarded exorbitant damages against media outlets in defamation cases.

Sedition was not grounds for censorship of publications; however, the Prohibited Publications Review Board reviewed publication bans. A number of publications remained banned, including the Quotations of Chairman Mao Zedong and Salman Rushdie's *Satanic Verses*.

Internet Freedom.—There were no government restrictions on access to the Internet. However, the Government monitored Internet content during the postelection violence. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet service was limited in rural areas due to lack of infrastructure.

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

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution and law provide for freedom of assembly, but reports that the Government restricted this right increased.

Organizers must notify local police in advance of public meetings. According to the law, authorities may prohibit such gatherings only if there are simultaneous meetings previously scheduled for the same venue or if there is a perceived, specific security threat.

In December 2007 the Government banned rallies by opposition parties to protest the results of the presidential election. Civil society groups noted that when they tried to comply with the licensing policy, police often refused to issue permits in a timely manner.

There was an increase in incidents of police forcibly dispersing demonstrators, particularly during the postelection crisis.

For example, in January police used teargas canisters, batons, and live ammunition to disperse forcibly opposition supporters in Nairobi's Kibera slum. In May civil society activists gathered in front of parliament to protest food price increases. Police claimed they did not have a permit and forcibly dispersed the group, arresting six activists. In June human rights activists gathered to commemorate International Day in Support of Torture Victims at a site used to detain and torture opponents of the previous regime. The activists obtained permission to enter the building to hold a commemoration for torture victims, but police used tear gas to disperse the group as they waited to enter. Police claimed the group did not have a permit to assemble in front of the building while awaiting entry. The group eventually held the event as planned.

There were no reported actions taken against police who used live ammunition to disperse demonstrators in December 2007.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right. The Societies Act requires that every association be registered or exempted from registration by the registrar of societies. In all, 138 political parties contested the December 2007 general elections, and parties reported little or no difficulty registering. However, civil society groups reported that the Government's banning of public demonstrations during the postelection crisis restricted the right of association in practice. For example, in the aftermath of the 2007 presidential election results, supporters of the Orange Democratic Movement party were prevented from gathering at Uhuru Park in Nairobi to demonstrate against the results.

The 2002 ban on membership in the Mungiki criminal organization remained in effect. In previous years the Mungiki espoused political views and cultural practices that were controversial in mainstream society; the Government declared the group a criminal organization because it ran protection rackets, particularly in the public transportation sector, and harassed and intimidated residents. The Mungiki had a significant following among the poor and unemployed. Other prohibited criminal organizations with political or cultural trappings included the Kamjesh, Chinkororo, Baghdad Boys, Jeshi la Embakasi, Jeshi la Mzee, Amachuma, and a local group called "the Taliban."

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right. There was considerable tolerance among religious groups; however, some Muslims believed they were treated like second-class citizens in the predominantly Christian country.

The Government requires new religious organizations to register with the registrar of societies. The Government allowed indigenous religious organizations to register, although many chose not to do so. Religious organizations generally received equal treatment from the Government; however, some small splinter groups found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization.

According to Muslim leaders, authorities rigorously scrutinized the identification cards of persons with Muslim surnames, particularly ethnic Somalis, and sometimes required additional documentation of citizenship, such as birth certificates of parents and even grandparents. The Government stated that the heightened scrutiny was an attempt to deter illegal immigration rather than to discriminate against ethnic Somalis or their religion. However, there were reports that the Government arbitrarily arrested Muslim men as terrorist suspects. For example, in December police in Lamu arrested an imam on suspicions of aiding paramilitary training of youths. The case was pending at year's end.

Witchcraft was illegal but still practiced, and mobs sometimes killed alleged witches.

During the year tensions between Muslim and Christian groups occasionally resulted in violence. For example, in late September a group of Muslim youth in Garissa attacked Christian worshippers in a church which was located on a plot of land that the Muslim community claimed was intended for construction of a mosque.

The media reported in December that police prevented hundreds of practitioners of an indigenous religion from traveling to Mount Kenya to pray.

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

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights.

Police routinely stopped vehicles throughout the country and often engaged in solicitation of bribes at such checkpoints. Ethnic Somalis were required to provide additional identification. HRW stated that the Government illegally detained and deported ethnic Somalis and Ethiopians on the assumption they were potential terrorists; the NGO believed that some of these deportees were Kenyan citizens and legal residents.

In 2007 the Government began the issuance of identification documents to urban refugee populations. The Government also registered refugees in Dadaab camps, located in the northeastern part of the country; however, these refugees had not received their identity documents by year's end.

Refugee freedom of movement was severely restricted and the Government intermittently imposed bans on travel outside of refugee camps.

Civil servants and members of parliament must obtain government permission for international travel, which generally was granted.

The law prohibits forced exile and the Government did not use it. John Githongo, who resigned in 2005 as the highest anticorruption official and went into self-imposed exile, returned in August.

Internally Displaced Persons (IDPs).—An unknown proportion of the several thousand persons displaced by ethnic clashes from the 1990s to the end of the reporting period had not returned to their homes due to fear of renewed violence.

In January and February approximately 500,000 people fled their homes in Rift Valley Province, Central Province, Nairobi, and other sections of the country as a result of postelection interethnic violence. The Government provided shelter, food, and transport to approximately 350,000 IDPs, and coordinated support services with NGOs, particularly the Kenya Red Cross Society (KRCS), and faith-based charities. The Government and the KRCS established schools in most camps to allow children to continue their education, although the postelection violence disrupted many children's ability to sit for exams. There were reports that ethnic-based militias recruited youth in IDP camps. The East African newspaper reported in March that the Mungiki gang and other ethnic-based militias were actively recruiting youth living in IDP camps.

In May the Government announced "Operation Rudi Nyumbani" (Operation Return Home) to return IDPs in camps to their homes. However, the majority of IDPs chose to relocate to transit sites near to their homes. By year's end the Government had closed all IDP camps, while KRCS reported a further 99,198 IDPs resided in transit sites. By mid-September the Government had registered 130,000 IDP households as eligible to receive cash assistance of 10,000 shillings (approximately \$130) to assist them in returning home; 86,000 people received payment prior to departing the camps. Some IDP associations complained that the Government distributed assistance in a nontransparent manner or did not deliver it at all. In May the Representative of the UN Secretary General for the Human Rights of IDPs visited the country and concluded that the returns of some IDPs were not voluntary and based on informed choices.

Rapes allegedly perpetrated by residents of camps, local residents, and sometimes by police personnel occurred in IDP camps. From January through March mobile clinics in IDP camps examined 2,812 sexually assaulted women.

During the year there were many other causes of displacement, from land disputes to flash floods. In September local NGOs in Samburu and Isiolo reported that hundreds of pastoralists were displaced in conflicts over pasture and watering holes. During the year Karamojong from Uganda engaged in cross-border cattle raids in Western Rift Valley Province, causing death and displacement among the Pokot and Turkana tribes. In November the media reported a cross-border raid resulted in the deaths of 13 persons in Longirit, Turkana District.

A joint military-police security operation in the Mount Elgon region from March through September resulted in numerous IDPs (See Section 1.g.).

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, there were reports of forcible returns of Somali asylum seekers throughout the year; the Kenya-Somalia border remained officially closed, preventing asylum seekers from legally entering Kenya. Somali asylum-seekers reported paid approximately 7,500 shillings (\$100) per family in bribes and transportation costs to travel from the Kenya-Somalia border to the Dadaab camps.

The Government permitted the Office of the UN High Commissioner for Refugees (UNHCR) to register and assist new arrivals who successfully made their way to one of the three Dadaab refugee camps. UNHCR registered 34,000 new arrivals in the Dadaab camps between January and July, increasing the camp size to more than 230,000. In July UNHCR requested government permission to build a fourth camp in Dadaab due to severe overcrowding (the three camps were designed to accommodate 90,000 refugees); however, the Government denied the request.

The Government had not provided temporary protection since 2004 to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The Government required all refugees to remain at UNHCR camps, which were located near the country's borders with Somalia and Sudan, unless refugees had been granted permission to attend higher education institutions, receive specialized medical care outside the camp, or to leave to avoid security threats. Approximately 55,000 refugees resided in Nairobi at year's end; however, UNHCR provided assistance to these refugees only in exceptional cases. The Government did not provide opportunities for local integration; however, it worked closely with UNHCR in facilitating refugee resettlement to other countries.

Security concerns, including rape, banditry, and shooting, remained problems at both Dadaab and Kakuma refugee camps. Health and social workers at the camps reported that due to strong rape awareness programs, victims increasingly reported such incidents, resulting in improved access to counseling. Between 2007 and the end of the year, 77 refugees were killed in Kakuma, a significant increase over the 84 deaths registered from 2003–06. During the year 287 crimes were reported at

the Dadaab camp, including physical assault, theft, robbery, rape, attempted rape, and defilement. 212 crimes were reported at the Kakuma camp during the year. There were no reported cases of sexual assault by police in either camp.

Other security and human rights problems affecting refugees included persecution of Muslim converts to Christianity, community pressure against opponents of FGM, forced marriage, particularly of young Sudanese and Somali girls, and family objections to out-of-clan marriage. At times these resulted in the kidnapping of spouses and children. UNHCR requested increased police presence in the identified troubled areas, as well as increased patrolling within the refugee camps. However, the request was not granted.

Fifteen relief agencies followed a code of conduct for humanitarian workers to further reduce incidents of sexual abuse by agency staff in refugee camps.

There were isolated incidents of interclan violence at the Dadaab refugee camps. The Government introduced mobile courts to serve the camp populations, which are fully fledged judicial courts, and which proved to be instrumental in curbing violence and unlawfulness and providing a legal response to abuses.

Stateless Persons.—UNHCR estimated that 100,000 stateless Sudanese Nubians, reportedly the descendants of Sudanese forcibly conscripted by the British in the early 1900s, lived in the country. UNHCR also reported that the Nubians should have been granted citizenship under prevailing nationality law. In 2003 the Nubians sought judicial relief from the Constitutional Court to be declared citizens by birth. Citizenship is determined by *jus sanguinis* (based on parentage), but the law also provides citizenship for Africans brought to the country by colonial authorities. In 2005 they filed a memorandum of admissibility with the African Commission on Human and Peoples' Rights (ACHPR) under the African Charter on Human Rights. In 2007 the ACHPR heard arguments on the admissibility of the case. The Government presented its arguments and filed a brief on the merits of the case. No further information on the case was available at year's end.

According to the UNHCR, an unknown number of descendants of mixed Eritrean-Ethiopian marriages also were stateless. They were unable to obtain citizenship in either of those countries due to strong nationalist prejudices. The lack of proper documentation resulted in difficulties finding employment.

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

The constitution and law provide citizens the right to change their government through free and fair multiparty elections, and citizens exercised this right through generally free and fair local and legislative elections held on the basis of universal suffrage. However, the manner in which the December 2007 presidential election results were tallied raised serious doubts as to whether this right was respected in practice on the presidential level.

Elections and Political Participation.—In December 2007 the country held local, parliamentary, and presidential elections. In all, 117 parties contested local elections, presenting 15,332 candidates. A total of 138 parties contested parliamentary elections, putting forth 2,548 candidates. Nine parties nominated presidential candidates.

To prepare for the 2007 general elections, the Electoral Commission of Kenya (ECK) initiated nationwide voter registration. While nearly 14.3 million citizens registered to vote, the independent review commission concluded that voter rolls contained the names of approximately 1.3 million deceased persons.

The election campaign was generally free and fair, although there were instances of violence between supporters of rival parties, especially among progovernment parties. Police generally reacted professionally to instances of campaign violence. During the campaign SMS messages, pamphlets, and Web logs were sometimes used to disseminate hate speech that was banned under the election code of conduct. The KNCHR and other civil society organizations accused the Government of misusing state resources in the election campaign.

During the election campaign, the Government required parties to register planned political gatherings with the police to prevent clashes if rival parties held simultaneous rallies. Despite this measure, political parties were able to operate largely free of government interference. Political parties at times faced restrictions on their activities imposed by supporters of competing political parties or candidates.

Voter turnout was approximately 65 percent, the highest level in the country's history. Voting and counting at polling stations was generally conducted in accordance with democratic standards, although there were irregularities in strongholds of both the opposition and progovernment parties. International observers concluded

that the tallying irregularities by the ECK in Nairobi undermined the credibility of the ECK. On December 30, 2007 the ECK announced that President Kibaki won the election; violent protests ensued.

A mixed Kenyan-international commission appointed during the year to evaluate the elections found that the election results were “irretrievably polluted.” The commission also reported that the election results, and especially the presidential election results, lacked integrity.

In 2007 parliament passed the Political Parties Act to reduce the number of political parties, to promote political stability and party accountability. During the year a registrar for political parties, called for by the act, was established. At year’s end the registrar had granted registration certificates to 38 parties which had complied with the Act’s stringent membership and organizational requirements. Another 10 applications for registration were pending at year’s end. The act also provides for public financing for registered parties, but by year’s end the fund had not been established.

Women’s participation in electoral politics remained low; however, a record number of female candidates ran for parliament and for local office in 2007. Nevertheless, women constituted only 10 percent of all parliamentary candidates and held 21 of the 222 seats in parliament. Women also held seven of 40 ministerial portfolios.

During the previous year female parliamentary candidates were harassed and attacked.

While the constitution does not specify representation for women, youth, or minorities, it emphasizes gender equality. Moreover, the constitution provides for 12 nominated parliamentary seats representing “special interests” to be appointed by the president. Because the constitution does not define “special interests,” the interpretation of this provision is left to the nominating political parties and the ECK.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity.

Frequent press reports of incidents of government corruption fueled a widespread public perception that large-scale corruption up to the highest levels of the Government and in parliament persisted, and that little official action had been taken against the most corrupt. According to the Mars Group, an anticorruption think tank, 25 members of the 42-member cabinet were criticized in parliamentary inquiries into corruption. The World Bank’s 2007 Worldwide Governance Indicators reflected that corruption was a severe problem.

In 2003 the Government created the Kenya AntiCorruption Commission (KACC) and in 2004 appointed a director and other staff. Local anticorruption watchdog groups continued to claim that the KACC had accomplished little, despite significant financial support provided by the Government. Some civil society organizations reported that the Government also used the anticorruption commission to harass critics. In 2007 both the NGO Name and Shame Corruption Network Campaign and the Center for Law and Research International claimed the KACC failed to investigate and prosecute influential persons and criticized its failure to address the 2006 Goldenberg and Anglo Leasing scandals. The KACC director told the media he had forwarded 284 cases to the attorney general for prosecution. During President Kibaki’s first term no top officials were charged with corruption, despite numerous scandals.

In December the KACC sued seven current and former members of parliament for making fraudulent reimbursement claims for allowances totaling 20 million shillings (\$250,000). Among those accused was Information Minister Samuel Poghisio, who denied taking 2.8 million shillings (\$37,000) in 2006 and 2007. The case was pending at year’s end.

In September 2007 the findings of the Kroll Report were leaked. In 2003 the incoming Kibaki government had commissioned the Kroll Report, an investigation into stolen state assets. The report provided evidence indicating that former president Daniel arap Moi, his family, and his associates stole more than two billion shillings (\$30 million) of state revenues. However, the Government indicated it would not attempt to recover the assets, claiming a lack of substantial evidence in the report. It also blamed developed countries for allowing stolen money to be deposited in their banks.

The Public Officers and Ethics Act requires that senior officials disclose their assets. However, the law does not require that disclosures be released to the public or the media.

There is no freedom of information law; however, access to government information, particularly through the Internet, improved. The Government spokesman’s

briefings were televised, and updates of many government Web sites were prompt. In March parliamentary debate was televised lived for the first time. Beginning in June radio stations regularly broadcasted parliamentary proceedings.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. With the exception of the police, government officials were usually cooperative and responsive to the queries of these groups. However, there were reports that officials also intimidated NGOs and threatened to disrupt their activities, and that less-established NGOs (particularly in rural areas) were subjected to interference from provincial administrators and security forces. For example, in January human rights activists claimed that individuals affiliated with government officials threatened them because they questioned the presidential election results. The human rights activists also claimed that security agencies conducted surveillance of their activities.

For example, local authorities filed criminal charges against two persons who helped document allegations of human rights abuses against security forces in the Mount Elgon region. The Government restricted access to the region for one humanitarian NGO active in the Mount Elgon area (*See* Section 1.g.).

Approximately 15 domestic organizations advocated for human rights in the country; 14 were independent of the Government. Several NGOs maintained comprehensive files on local human rights abuses. A number of attorneys represented the indigent and human rights advocates without compensation, although they could handle only a small percentage of those who needed assistance and were concentrated in Nairobi and other large cities. The Government sometimes allowed human rights organizations to witness autopsies of persons who died in police custody.

NGOs monitored the December 2007 general elections in cooperation with the electoral commission, the KNCHR, and foreign diplomatic missions.

A number of human rights organizations, including the Kenya Human Rights Commission, IMLU, and the KNCHR, produced reports cataloguing human rights abuses. The KNCHR has the status of an appeals court and can issue summonses, order the release of prisoners, and require compensation for human rights abuses. In 2006 the organization's first human rights tribunal ordered the Government to pay journalist Peter Makori approximately 5,053,671 shillings (\$70,000) for police abuse and illegal detention in 2003; however, it was not known whether payment was made.

In November 2007 the UN Special Rapporteur for Extrajudicial Killings requested permission to visit the country to investigate the killings of suspected Mungiki members; the Government approved the request in July, but the visit had not taken place by year's end.

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

The constitution and law prohibit discrimination based on race, tribe, place of origin or residence, or other local connection, political opinions, color, creed, or gender. However, government authorities did not enforce effectively many of these provisions. There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence. The law establishes limited rights for the disabled, but does not prohibit discrimination based on language or social status.

Women.—The law criminalizes rape, defilement, sex tourism, and sexual harassment; however, implementation remained limited, and sexual offenses remained largely underreported. The law does not specifically prohibit spousal rape.

The law provides a maximum penalty of life imprisonment for rape, although sentences usually were no longer than the minimum of 10 years. The law establishes a minimum sentence for defilement-defined as a sexual act with a child involving penetration-of life imprisonment if the child is under 11 years old, of 20 years if the child is between 11 and 16 years old, and of 10 years if the child is between 16 and 18 years old; a child is any person under 18 years of age. NGO activists complained that a provision in the law that criminalized false claims of sexual assault deterred the reporting of sexual offenses.

NGOs reported an increase in rape-including rape committed by members of the security forces-during the postelection period(*See* Section 1.c.). From January to March the Nairobi Women's Hospital and a partner hospital received 939 cases of sexual violence; 95 percent of the victims were women, 17 percent below the age of nine. There were also reports of sexual assault in IDP camps (*See* Section 2.d.). In July the Nairobi police commissioner testified before an inquiry on postelection

violence that police did not keep statistics on the incidence of gender-based violence during the postelection period. Official police statistics showed a decrease in reported rape cases to 627 during the year, down from 841 in 2007. However, human rights groups estimated that more than 16,000 rapes were perpetrated annually. The rate of reporting and prosecution of rape remained low because of cultural inhibitions against publicly discussing sex; victims' fear of retribution; police reluctance to intervene; especially in case cases where family members, friends, or acquaintances were accused of committing the rape; poor training of prosecutors; and the unavailability of doctors who might provide the evidence necessary for conviction. However, some NGOs reported that courts gave increasingly harsh sentences to those convicted of rape, especially cases involving minors. For example, in July a court in Nyahururu sentenced a man to 10 years' imprisonment for defiling his daughter. In September a court in TransMara district sentenced another man to 20 years for defilement.

In 2007 Coast General Hospital in Mombasa opened the first postrape treatment center outside Nairobi.

Domestic violence against women was a serious and widespread problem but often condoned by society and the courts. The penal code does not contain specific provisions against domestic violence, but treats it as assault. Police generally refrained from investigating cases of domestic violence, which they considered a private family matter. The 2005 Kenya Demographic and Health Survey revealed that more than half of women had experienced domestic violence after the age of 15. In July a court of appeal overturned the murder conviction of a man who killed his wife in 2004, ruling that the man's intoxication negated his ability to form the intent to murder. The court convicted him of manslaughter and reduced his sentence by three years. In August police arrested a man in Homa Bay and charged him with murdering his wife because she refused to have sex with him. The case was ongoing at year's end. NGOs, including the Law Society of Kenya and the Federation of Women Lawyers, provided free legal assistance to some victims of domestic violence.

Prostitution is illegal but was widespread. While operating a brothel is illegal, soliciting prostitution is not a crime. Police arrested women engaged in prostitution. High rates of prostitution existed in tourist areas such as Nairobi and coastal tourist areas. On December 31, police raided a Nairobi strip club and arrested women accused of prostitution, but did not arrest the owners of the club.

The law prohibits sexual harassment; however, sexual harassment continued to be a problem. It was often not reported and rarely resulted in charges being filed.

The law provides equal rights to men and women and specifically prohibits discrimination on grounds of gender; however, women experienced a wide range of discrimination in matrimonial rights, property ownership, and inheritance rights. Women constituted an estimated 75 percent of the agricultural work force and were active in urban small businesses. The average monthly income of women was approximately two-thirds that of men. Women held only 6 percent of land titles; under traditional law, women in many ethnic groups could not own land. Women had difficulty moving into nontraditional fields, were promoted more slowly, and were more likely to be laid off. Societal discrimination was most apparent in rural areas. Women also faced discrimination in access to employment and to credit. The justice system—particularly customary law—often discriminated against women, limiting their political and economic rights and relegating them to second-class citizenship. In September 2007 the Government pledged to reserve one-third of civil service positions for women, but had not implemented its pledge by year's end.

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children but terminates the inheritance rights of widows if they remarry. Moreover, a widow cannot be the sole administrator of her husband's estate unless she has her children's consent. The law also allows the Ministry of Justice to exempt certain communities from the law in deference to tradition, which in some cases, provides for equal distribution of a man's property only among his sons. The law allows only males to transmit citizenship automatically to their spouses and children.

Certain communities commonly practiced wife inheritance, in which a man inherits the widow of his brother or other close relative, regardless of her wishes. Other forced marriages were also common. Although poor and uneducated women were more likely to be inherited or suffer from property and inheritance discrimination, prominent and educated women sometimes were victims.

Children.—There were legislation and policies to promote education and protect children's rights; however, the Government did not implement its policies fully.

According to 2003 UNICEF data, only 81 percent of births in urban areas and 57 percent in rural areas were registered. Lack of official birth certificates resulted in discrimination in delivery of public services such as education and health care.

Primary education was tuition-free; however, classes were overcrowded due to insufficient teachers and an inadequate budget. Boys outnumbered girls in secondary education by nearly 25,000 students. Rural families were more reluctant to invest in educating girls than boys, particularly at higher levels. In February the Centre for the Study of Adolescence reported that between 10,000 and 13,000 girls dropped out of school annually due to pregnancy. While the Education Act gave pregnant girls the right to continue their education until and after giving birth, NGOs reported that schools often did not respect this right and that schoolmasters sometimes expelled pregnant girls. The Ministry of Education estimated that 80,000 children dropped out of school annually due to forced marriages and child labor. For example, the newspaper *The Nation* reported in July that a six-year old girl in Isiolo was forced to marry a 54 year-old man. The children's officer in Isiolo reported that 20 girls between the ages of nine and 14 in the district were married off each year. Cherish Others, a local NGO, reported 21 cases of child marriage in TransMara district during the year. UNICEF also reported that nine out of 10 children from poor households failed to complete primary education. Approximately 40 percent of university students were female.

During the year the Government implemented a program to subsidize secondary education; however, the Government only paid for the subsidy to schools with a minimum class size of 40 students.

The Government ordered provincial administrators to arrest parents who did not take or send their children to school. However, this law was not enforced uniformly. In August an assistant chief in Garissa district ordered police to arrest the parents of a girl for forcing her to drop out of school.

Despite calls for reinstatement of corporal punishment after a wave of student violence struck schools throughout the country during the year, the Government continued its ban. There were reports that corporal punishment occurred throughout the year, with caning the most frequent form of punishment.

The law prohibits FGM, but it was still practiced, particularly in rural areas. FGM usually was performed at an early age. According to UNICEF, one-third of women between the ages of 15 and 49 had undergone FGM. Of the country's 42 ethnic groups, only four (the Luo, Luhya, Teso, and Turkana who together constituted approximately 25 percent of the population) did not traditionally practice FGM. According to the Ministry of Gender and Children Affairs, 90 percent of girls among Somali, Kisii, Kuria, and Maasai communities had undergone the procedure. The rates among other communities were: Taita Taveta (62 percent); Kalenjin (48 percent); Embu (44 percent); and Meru (42 percent). FGM was less practiced among the Kikuyu and Kamba with 34 percent and 37 percent respectively. There were public awareness programs to prevent the practice, in which government officials often participated. In September the Government launched a National FGM Coordinating Committee to provide guidance to organizations fighting FGM.

Some churches and NGOs provided shelter to girls who fled their homes to avoid FGM, but community elders frequently interfered with attempts to stop the practice.

In December more than 100 girls in Bomet district were subjected to FGM, causing the district commissioner to instruct police to arrest anyone perpetrating FGM. The media also reported in December that more than 200 girls in Marakwet District were forcibly subjected to FGM. However, no arrests were reported in either Bomet or Marakwet.

Various communities and NGOs have instituted "no cut" initiation rites for girls as an alternative to FGM. According to the Family Planning Association of Kenya, its "no cut" program, called *Ntanira na Kithomo* (Initiate Me through Education), contributed to a 13 percent decline in the prevalence of FGM in Meru North District in 2005. However, NGO activists have noted that other districts have seen an increase in FGM.

Child rape and molestation continued to be serious problems. Police reported that 1,626 children were defiled during the year. Newspapers contained frequent reports of molestation or rape of children by relatives, neighbors, teachers, police, and clergy. In 2007 the Nairobi Women's Hospital handled 915 cases of child abuse; however, the stigma attached to sexual violence made many people reluctant to report such cases or seek assistance, and the true rate of occurrence was likely much higher.

NGOs The CRADLE and Care Kenya released a 2006 report entitled *Robbing the Cradle* that indicated an increase in child sexual abuse and a decrease in the age of the youngest victims. The most vulnerable victims were girls under age 18 and boys aged three to eight. Most child abusers were neighbors, fathers, and other rel-

atives. In October a judge in Nairobi sentenced a man to 10 years in prison for attempting to defile his seven-year-old daughter.

Teachers were the worst perpetrators in the professional category, with pastors and police officers following closely. In 2007 the Ministry of Education dismissed 76 teachers for having inappropriate sexual relations with students, although NGOs reported that accused teachers were generally transferred to different schools rather than dismissed and prosecuted. In July the newspaper the Daily Nation reported that Homa Bay education officials were investigating allegations that one teacher had impregnated four primary school students. However, no charges were expected to be filed.

In August a high court in Kisumu sentenced a man to 20 years in jail for defiling a 13-year-old girl at knifepoint. In September police arrested a teacher in Nairobi for defiling a two-year-old boy. The case was ongoing at year's end.

Media reported discrimination against uncircumcised boys.

Newspapers frequently highlighted the problem of child marriages, which was commonly practiced among certain ethnic groups. According to UNICEF, 25 percent of young women had been married as children. The Marriage Act forbids marriage under the age of 16, but the Mohammedan Marriage and Divorce Act (MMDA) allows Muslim girls to marry at puberty. If a marriage is entered into under the provisions of the MMDA, any court hearing matters related to the marriage will apply the provisions of the MMDA when deciding the case.

In September the media reported that a local chief rescued a 13-year-old female orphan and a 15-year-old girl in Kisumu East from forced marriages arranged by their guardians. Police arrested the guardians and the case was ongoing at year's end.

Child prostitution increased in recent years due to both poverty and the increase in the number of children orphaned by HIV/AIDS. Strong growth in the tourism industry also led to a large increase in foreign and domestic tourists seeking sex with underage girls and boys. The newspaper Daily Nation reported in 2007 that between 10,000 to 30,000 children engaged in prostitution, mostly in tourist areas.

In 2006 the director of children's services announced that, through a justice sector reform program, children's officers, probation officers, and provincial administrators had received training on children's rights, and 80 chief children's officers had been appointed to the Department of Children's Services. In 2007 the Government converted a former prison house in Naivasha into a shelter for abused children operated by a local NGO. During the year the children's services department hired 160 new children's officers, bringing the number to 333.

Poverty and the spread of HIV/AIDS continued to intensify child homelessness. In 2007 the Government began a pilot program to place two million AIDS orphans with families in 20 districts. In 2007 the program placed 5,000 children in homes. In 2006 the children's rights NGO, African Network for the Prevention and Protection Against Child Abuse and Neglect, estimated that 750,000 children lived on the streets. Street children faced harassment and physical and sexual abuse from police and others, and within the juvenile justice system.

The Government operated programs to place street children in shelters and assisted NGOs in providing education, skills training, counseling, legal advice, and medical care to girls abused and street children exploited in the commercial sex industry.

There were reports of children joining gangs and militia, and of the Mungiki gang recruiting young boys from schools (*See* Section 1.g.).

Trafficking in Persons.—The law does not explicitly prohibit all forms of trafficking in persons, although it criminalizes trafficking of children and trafficking in persons for the purpose of sexual exploitation. Persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for men, women, and children trafficked for forced labor and commercial sexual exploitation. Children were trafficked within the country for domestic servitude, street vending, agricultural labor, and commercial sexual exploitation, including in the coastal sex tourism industry. During the year there were reports that ethnic-based militia were recruiting youth, including those in IDP camps (*See* Section 1.g.). Men, women, and girls were trafficked to the Middle East, other African nations, Europe, and North America for domestic servitude, enslavement in massage parlors and brothels, and forced manual labor. Foreign employment agencies facilitated and profited from the trafficking of Kenyan nationals to Middle Eastern nations, notably Saudi Arabia, the United Arab Emirates, and Lebanon, as well as to Germany. Chinese, Indian, and Pakistani women reportedly transited Nairobi en route to exploitation in Europe's commercial sex trade. Brothels and massage parlors in Nairobi employed foreign

women, some of whom were likely trafficked. Asian nationals were trafficked into the country and coerced into bonded labor. According to the 2006 UNICEF/Ministry of Home Affairs research report, 10,000 to 15,000 girls living in four main coastal resort areas were involved in prostitution, representing up to 30 percent of all 12- to 18-year-olds living in these areas.

Police reportedly investigated trafficking cases in the coastal and Rift Valley regions; however, the Government was unable to provide statistics on trafficking-related investigations, arrests, and prosecutions during the year.

Victims trafficked abroad generally were recruited through employment agencies under false pretenses. Domestic trafficking victims were often lured by friends and relatives, who offered them false promises of marriage, good employment, or access to education. Poor families were misled into believing that their child was gaining the opportunity for a better life. The NGO Behavioural Change Plus Care of Humanity reported that traffickers targeted poor and illiterate girls in slum areas to work for little or no pay. For example, during the year a local NGO rescued six girls from Western and Nyanza provinces who had been lured to Nairobi to work as domestic servants.

Trafficking of Asians generally occurred through recognized border crossing points, using both legitimate and forged travel documents. However, nationals of neighboring countries were often trafficked using forged travel documents and entered the country through unmonitored border crossing points. In May *The Standard* newspaper reported that police arrested 15 Indian nationals who had been trafficked to the country. They were subsequently deported. In November the newspaper *The Nation* quoted an immigration officer saying that approximately 80 trafficked foreigners were repatriated monthly.

The minimum penalty for trafficking for sexual exploitation is 15 years' imprisonment, a fine of up to two million shillings (\$27,400), or both. The minimum sentence for child trafficking is 10 years in prison and a fine of approximately two million shillings (\$27,400). However, fines in practice were limited, and jail time was rarely imposed. Laws prohibiting the forcible detention of women for prostitution, child labor, transportation of children for sale, and the commercial sexual exploitation of children can also be used to prosecute trafficking-related offenses. In 2007 the National Steering Committee to Combat Human Trafficking, chaired by the vice president's office and the Ministry of Home Affairs permanent secretary, selected a task force of government agencies, NGOs, and UN agencies to draft a national plan of action and a smaller group to serve as a secretariat.

During the year, police assisted with international trafficking in persons investigations in other countries. There were no reports that the Government had received any requests to extradite citizens accused of trafficking in persons offenses in other countries.

The police antitrafficking unit, in conjunction with other police formations, has primary responsibility for combating trafficking. In 2007, 14 community policing and child protection police units were established. However, police had limited capacity to track data on trafficking arrests, and no year-end statistics were available.

In April police arrested a Congolese national for running a trafficking ring based in Nairobi. In May Nairobi police arrested two persons for running an international trafficking ring. These cases were ongoing at year's end. In May the media reported that police closed a children's home in Kajiado for trafficking a child to the United Kingdom.

Government collaboration with NGOs to combat human trafficking increased. Awareness among government departments continued to grow during the year, largely due to NGO efforts to study the issue, educate the media, and inform the public about the problem. The media, especially the Government-owned Kenya Broadcasting Corporation, reported cases of suspected human trafficking.

At year's end six people were on trial for trafficking 14 children-aged six months to 12 years-in Bomet and Nandi districts.

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

Persons With Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services; however, the Government did not effectively enforce these provisions. The Ministry of Health is the lead ministry responsible for implementing the law, but implementation has been slow. The Government has equipped some public buildings with wheelchair ramps, and wheelchair-accessible elevators and sanitary facilities. The Government assigned each region a sign-language interpreter for court proceedings.

NGOs reported that persons with disabilities were disproportionately affected by postelection violence, especially in IDP camps. However, NGOs reported that camp administrators often failed to recognize those with mental disabilities.

A 2007 study conducted by KNCHR revealed that many students with disabilities were denied admission to regular schools, while in some cases the Government declined to fund special schools. The Education Ministry permanent secretary stated that only 35,000 of the 147,000 children with special needs were enrolled in school, while the KNCHR commissioner contended that fewer than 10 percent of children with special needs were enrolled in school. However, the number of special education teachers who have graduated from the Kenya Institute of Special Education increased to 9,000 in 2007.

The KNCHR also stated that the Kenya National Examination Council (KNEC) failed to provide adequate testing facilities and resources for students with disabilities. KNEC claimed that it provided special accommodations, such as exams in Braille and in large print for visually impaired candidates and extra time to complete exams. The Government was developing disability-specific curricula, but the process was slow because the Government failed to allocate sufficient resources and staff.

National/Racial/Ethnic Minorities.—The population is divided into more than 40 ethnic groups, among whom discrimination and occasional violence were frequent. The 1999 census indicated that Bantu ethnic groups constituted approximately 67 percent of the population, of which the Kikuyu and closely related Embu and Meru accounted for 32 percent, the Luhya 16 percent, and the Kamba 10 percent; Nilotic groups constituted 30 percent, of which the Kalenjin accounted for 12 percent and the Luo 11 percent; and Cushitic groups—mainly Somalis—constituted 3 percent of the population. The Kikuyu and related groups dominated much of private commerce and industry and often purchased land outside their traditional home areas, which sometimes resulted in fierce resentment from other ethnic groups. The numerically small and shrinking South Asian community controlled a disproportionate share of commerce.

The conflict between two Cushitic groups in the far northeast continued, with each group accusing the other of maintaining militias and receiving armed support from their ethnic kinsmen across the border in Ethiopia and Somalia to harass, intimidate, and kill members of the other group. In October the Government sent a joint force of police and military personnel to interdict illegal weapons fueling the conflict. During the operation, security forces forcibly detained males in El Wak, Garri, and Mandera town. KNCHR accused police personnel of engaging in torture by whipping men with electrical cables and subjecting them to beatings while demanding that they surrender illegal weapons.

During the year postelection violence often had an ethnic component. Interethnic violence increased during the year after the December 2007 announcement of the presidential election results. In January mobs in opposition strongholds, such as the Rift Valley and the western provinces, violently targeted ethnic Kikuyu and others suspected of supporting the incumbent president. In retaliation, Kikuyu mobs perpetrated vigilante attacks on non-Kikuyu residents in Central Province, Nakuru, Naivasha, and areas of Nairobi. The violence continued until the signing of a political power-sharing agreement in late February.

For example, in early January, a mob set fire to a church where Kikuyu residents sought sanctuary, killing 35 people, mostly women and children. On January 4, a Kikuyu mob stopped and burned a bus traveling to the western region of the country, killing all the passengers. The passengers were members of a tribe that supported the opposition. In late January Kikuyu mobs in Nakuru and Naivasha attacked non-Kikuyu residents of the town, killing 90 persons. NGOs and the media estimated that a total of 1,500 persons were killed, and the UN estimated that 500,000 persons were displaced during the postelection violence. In September KNCHR issued a report which concluded that much of the violence was organized and financed by politicians.

Through the provincial administrations, the Government held public meetings to promote reconciliation in communities affected by the postelection violence and to establish a forum for dialogue and peaceful resolution of conflicts. NGOs reported that implementation of reconciliation efforts was not uniform. During the year NGOs and church organizations were also involved in attempts to reconcile communities affected by postelection violence. Land conflicts during the year took place between the Maasai and Kipsigis in southern Rift Valley Province in June and between Maasai and Kikuyu in Naivasha in September.

Many factors contributed to interethnic conflicts: longstanding grievances over land tenure policies and competition for scarce agricultural land, the proliferation

of guns, the commercialization of traditional cattle rustling, the growth of a modern warrior/bandit culture (distinct from traditional culture), ineffective local political leadership, diminished economic prospects for groups affected by a severe regional drought, political rivalries, and the inability of security forces to adequately quell violence. Conflict between land owners and squatters was particularly severe in Rift Valley and Coast provinces, while competition for water and pasturage was especially serious in the northern districts of Rift Valley and Eastern Provinces and in North Eastern Province.

In private business and in the public sector, members of nearly all ethnic groups commonly discriminated in favor of other members of the same group. Some neighborhoods, particularly in slum areas of the capital, tended to be segregated ethnically, although interethnic marriage had become fairly common in urban areas.

Other Societal Abuses and Discrimination.—There was societal discrimination based on sexual orientation. In 2007 the Council of Imams and Preachers of Kenya and other civic leaders condemned homosexuality and argued against legalizing gay marriages. A group in Mombasa created the Muslim Youth Pressure Group to oppose homosexuality in 2007.

There was societal discrimination against homosexuals and persons with HIV/AIDS during the year. The common view of HIV/AIDS as a stigma made it difficult for many families to acknowledge that a member was HIV-positive, and to date no socially or politically prominent individual has admitted being HIV-positive. However, there were fewer reports of violence against persons with HIV/AIDS. During the year courts awarded legal judgments which recognized discrimination against persons with HIV. For example, in July a Nairobi high court awarded 2.2 million shillings (\$28,000) to a woman who had been wrongfully discharged from her job due to her HIV-positive status.

The Ministry of Defense arranged for uniformed personnel, their families, and some local persons to have access to HIV counseling and testing, prevention programs, and antiretroviral treatment during the year.

The Government worked in cooperation with international donors on programs for HIV/AIDS prevention and treatment. This cooperation enabled a continued expansion of counseling and testing as well as care and treatment. During the year, the number of people with knowledge of their HIV status and those able to achieve improved health if found to be infected more than doubled. These developments were seen as key to reducing stigma and discrimination.

Organizations representing persons with albinism claimed that they suffered widespread discrimination. On December 25, a child with albinism was killed in Namangan because the perpetrators believed that the death of a person with albinism would bring wealth and fortune. By year's end the investigation was still ongoing.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including those in the export processing zones (EPZs), are free to form and join unions of their choice, and workers exercised this right in practice. Workers numbering seven or more in an enterprise have the right to form a union by registering with the trade union registrar. If the registrar denies registration, a union may appeal to the courts. The armed forces, police, prisons service, and the administration police are explicitly prohibited from forming or joining unions. There were 42 unions representing an estimated 500,000 workers, approximately one-third of the formal sector work force. The law allows unions to conduct their activities without government inference, including the right to strike, but this right was not always protected.

The law permits workers to strike, but requires formal conciliation procedures to have been exhausted and seven days notice to both the Government and the employer. The law permits the Government to deny workers the right to strike under certain conditions. For example, members of the military, police, prison guards, and the National Youth Service are prohibited from striking. Other civil servants are allowed to strike following the seven day notice period.

The Ministry of Labor typically referred disputes to mediation, fact-finding, or binding arbitration at the Industrial Court; during mediation any strike is illegal, thus removing legal prohibitions on employer retaliation against strikers. In practice, a Ministry of Labor referral to dispute resolution nullifies the right to strike. For example, in 2006 the Universities Academic Staff Union (UASU) sought wage rises varying from 298 to 520 percent. In 2006 the Government referred the dispute to the Industrial Court, which awarded UASU a 30 percent pay rise in September 2008.

b. The Right to Organize and Bargain Collectively.—While not having the force of law, the Industrial Relations Charter (IRC), implemented by the Government, Central Organization of Trade Unions (COTU), and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities, and the Government protected these rights. Both the Trade Disputes Act and the IRC authorize collective bargaining between unions and employers, and unions and management establish negotiated wages and conditions of employment.

Security forces cannot bargain collectively but have an internal board which reviews salaries. Other groups that cannot bargain collectively, such as health sector workers, have associations, not unions, which negotiate wages and conditions that match the Government's minimum wage guidelines; however, these agreements were not legally enforceable. Workers in the military, prisons, the National Youth Service and teachers under the Teachers' Service Commission do not have the right to bargain collectively.

Except for the Factories Act, all labor laws apply in the EPZs; however, the EPZ Authority and the Government granted many exemptions to applicable laws. For example, the Government waived a provision of the law that prevents women from working in industrial activities at night. The Tailors and Textiles Workers Union claimed that a number of garment producers in the EPZs have refused to recognize the union and resisted its efforts to organize their workers. The law prohibits employers from intimidating workers; however, some antiunion discrimination occurred, including in garment plants in the EPZs. The Industrial Court, a body of up to five judges appointed by the president, can order reinstatement and damages in the form of back pay for employees wrongfully dismissed for union activities. The Government voiced its support for union rights but did not protect them fully. Some unions complained that employers resisted efforts to establish unions in their factories, even where most workers indicated a desire for union membership, and that the Industrial Court and Ministry of Labor and Human Resource Development were ineffective in compelling employers to comply with the law.

During the year the Government strengthened the labor dispute system by giving the Industrial Court the ability to enforce its decisions. However, union leaders reported that employers often did not comply with reinstatement orders, and workers often accepted payment in lieu of reinstatement.

Prohibition of Forced or Compulsory Labor.—The law prohibits slavery, indentured servitude, and forced and bonded labor, including by children, but such practices reportedly occurred. Women, children, and men were trafficked for commercial sexual exploitation and labor (See Section 5.).

Forced child labor occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits all forms of child labor that are exploitative, hazardous, or would prevent children under age 16 from attending school. However, child labor was widespread, particularly in the informal sector, and children were trafficked for commercial sexual exploitation and labor. The Ministry of Labor and Human Resources Development nominally enforced the minimum age statute.

The law defines child labor, and the worst forms of child labor can be prosecuted, both under the Children's Act, which prohibits child sexual exploitation, and under the penal code. The Employment Act of 2007 also prohibits the employment of a child (defined as a person under the age of 18) in any activity that constitutes a worst form of child labor, includes fines of up to 200,000 shillings (\$25,000) and/or imprisonment for up to 12 months. The penal code prohibits procurement of a girl under 21 for unlawful sexual relations and criminalizes child commercial sexual exploitation, child labor, and the transport of children for sale. Persons under 18 may not be employed in any industrial undertaking at night, employment should not cause children to reside away from parents without their approval, and permission to work in a bar, hotel, or restaurant requires annually-renewed consent from the labor commissioner. Children under 13 are prohibited from working; also, children between 13 and 16 years of age may only perform "light work" which is not harmful to their health or development and does not interfere with their schooling. However, the law does not apply minimum age restrictions to children serving as apprentices under the terms of the Industrial Training Act.

An estimated one million children between five and 17 years of age—most between 13 and 17 years old—worked; approximately 773,000 of those children were classified as child laborers. The employment of children in the formal industrial wage sector in violation of the Employment Act was rare. Children worked primarily in the informal sector, which was difficult to monitor and control. Many children worked on family plots or in family units on tea, coffee, sugar, and rice plantations. Children also worked in mining, including abandoned gold mines, and small quarries, break-

ing rocks and sifting through tailings. Children often worked long hours as domestic servants in private homes for little or no pay, and there were reports of physical and sexual abuse of child domestics. In addition thousands of children were exploited in the sex industry. Forced or compulsory labor by children, such as agricultural labor, prostitution, and domestic servitude sometimes were initiated by their parents. During the year there were reports that ethnic-based militia recruited children.

The Government worked closely with COTU and the International Labor Organization to eliminate child labor. In 2004 the Government prepared a practical guide to labor inspection and trained labor inspectors and occupational health and safety officers to report on child labor. In 2006 the Government renewed the three-year mandate for the National Steering Committee on the Elimination of Child Labor, which includes the attorney general, eight ministries, representatives of child welfare organizations, other NGOs, unions, and employers. An Interministerial Coordination Committee on Child Labor, chaired by the minister for gender and children's affairs, was responsible for setting general policy.

Many NGOs were active on child labor issues and assisted in the return to school of child laborers. During the year the Government continued to implement 73 programs for the elimination of child labor with 25 partner agencies. The partners placed the children in schools, vocational training institutions, and apprenticeships, and supported income-generating activities for an estimated 10,000 parents. Partners also provided support to schools for income-generating activities to help keep children from poor families in school.

UNICEF, the Ministry of Tourism and Wildlife, the World Tourism Organization, and NGOs continued to work with hotels and tour operators to increase their awareness of child prostitution and sex tourism. They encouraged all hospitality-sector businesses to adopt and implement the code of conduct developed by the NGO End Child Prostitution and Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). In 2006, 30 hotels on the coast signed the ECPAT code of conduct. The Ministry of Tourism and Wildlife's campaign to register villas and cottages and impose the same requirements as on hotels resulted in an estimated 1,200 registrations. In 2007, 20 more hotels had signed the code of conduct; by year's end 10 additional hotels had signed the code of conduct.

During the year the Child Protection Department of the Ministry of Gender and Child Services hired 150 new children's officers. This followed the hiring of an additional 160 officers in 2007. The Government's cash transfer program for orphans and vulnerable children (partially funded by UNICEF) expanded during the year to reach more than 25,000 children in 17 districts, providing approximately 500–1,000 shillings (\$8–\$15) per child per month to help fund basic needs, including school costs, so that the children would not have to work.

e. Acceptable Conditions of Work.—Labor laws passed in 2007 established two weeks' paternity leave, increased maternity leave with full pay from two to three months, and compensated both public and private employees for work-related injuries and diseases contracted at work, among other provisions. However, during the year employers challenged these provisions in court. At year's end the case was ongoing.

There is no national minimum wage. However, the Government established minimum wages by location, age, and skill level. In many industries the legal minimum wage equaled the maximum wage. The lowest urban minimum wage was approximately 7,578 shillings (\$105) per month, and the lowest agricultural minimum wage for unskilled employees was 2,536 shillings (\$35) per month, excluding housing allowance. In 2007 the Productivity Center of Kenya, a tripartite institution including the Ministry of Labor, the Federation of Kenyan Employers, and COTU, set wage guidelines for various sectors based on productivity, inflation, and cost of living indices. The minimum wage did not provide a decent standard of living for a worker and his or her family. Most workers relied on second jobs, subsistence farming, other informal work, or the extended family for additional support. A large percent of the labor force worked in the informal sector and were not covered by these provisions.

The law limits the normal workweek to 52 hours (60 hours for night workers); some categories of workers had lower limits. The law specifically excludes agricultural workers. An employee in the nonagricultural sector is entitled to one rest day per week, and there are provisions for 21 days of combined annual and sick leave. The law also requires that total hours worked (regular time plus overtime) in any two-week period not exceed 120 hours (144 hours for night workers). The Ministry of Labor and Human Resources Development was responsible for enforcing these regulations. Violations were reported during the year. Workers in some enterprises,

particularly in the EPZs and road construction, claimed that employers forced them to work extra hours without overtime pay to meet production targets. In addition employers often did not provide nighttime transport, leaving workers vulnerable to assault, robbery, and sexual harassment.

The law detailed environmental, health, and safety standards; however, the Government did not effectively enforce the law. Fines generally were too low to serve as a deterrent to unsafe practices. EPZs are excluded from the Factory Act's provisions. The Ministry of Labor's Directorate of Occupational Health and Safety Services (DOHSS) has the authority to inspect factories and work sites, except in the EPZs; it had 75 inspectors, an increase of 25 from the 2006–07 fiscal year, but far short of the 168 reportedly needed to inspect factories adequately and enforce its safety and health orders. Informal surveys found widespread hazards such as lack of basic safety equipment and emergency escape routes. DOHSS occupational safety and health advisers made 405 safety audits from July 2007 through June. DOHSS prosecuted 29 firms for violating occupational health and safety regulations during the same period. Labor unions and NGOs continued to criticize health and safety conditions in the EPZs and other sectors, such as small horticultural producers.

DOHSS health and safety inspectors can issue notices against employers for practices or activities that involve a risk of serious personal injury. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a high court judge. The law stipulates that factories employing 20 or more persons should have an internal health and safety committee with representation from workers. DOHSS developed a program to help factories establish the committees and trained them to conduct safety audits and submit compliance reports to DOHSS. However, according to the Government, fewer than half of the largest factories had instituted health and safety committees.

Workers, including foreigners and immigrants, theoretically have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment; however, this right was not effectively enforced, and workers were reluctant to risk losing their jobs.

LESOTHO

Lesotho is a constitutional monarchy with a population of 1.88 million. Under the constitution, the King is head of state but does not actively participate in political activities. The prime minister is head of government and has executive authority. In February 2007 the governing Lesotho Congress for Democracy (LCD) party won reelection; domestic and international observers characterized the election as free and peaceful. Some other observers, including members of the leading opposition parties and some NGOs, felt it was not entirely fair. Many of the complaints were due to the complicated manner of allocating proportional parliamentary seats. The mediation begun by the Southern African Development Community (SADC) in 2007 continued during the year. While civilian authorities generally maintained effective control of the security, there were unconfirmed reports of instances in which elements of the security forces acted independently.

The Government generally respected the human rights of its citizens. However, the following human rights abuses were reported: torture and physical abuse; poor prison conditions; lengthy pretrial detention and long trial delays. Societal abuses included abuse of spouses and children, widespread restrictions on women's rights, societal discrimination against women and persons with disabilities or HIV/AIDS, and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there was one death in custody and one killing due to police shooting reported to the Police Complaints Authority (PCA) during the year. The PCA indicated that the cases were fully investigated, and the reports with recommendations were handed over to the minister of home affairs and public safety.

The Lesotho Mounted Police Service (LMPS) issued a statement concerning the July 2007 killing of Setsoto Ranthimo. In the statement they stated that the security forces who carried out the operation were acting in self-defense in reaction to Ranthimo's belligerent behavior.

The 2006 case of the killing of Bereng Sekhonyana, a member of parliament from the opposition Basotho National Party (BNP), was still under investigation. The Ministry of Foreign Affairs had earlier indicated that police were in hot pursuit of suspects. However, the case was dormant at year's end, and the suspects were no longer under suspicion.

The 2006 case in which two Maseru city council security guards were charged with killing pedestrians was pending at year's end.

There were no new developments in the investigation of reported deaths that took place in traditional initiation schools in 2007. Police investigations are difficult due to the secret nature of initiation schools. There were no reports of new incidents during the year.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law expressly prohibit such practices, there were complaints that security forces tortured and abused persons.

From January to August, the LMPS Complaints and Discipline Unit received nine complaints of torture, and the PCA received four complaints of assault and torture.

At year's end no official report had been released on the August 2007 case in which three street vendors accused of selling marijuana filed complaints of assault, unlawful detention, and theft against the LMPS.

The June 2007 case involving several men detained by Lesotho Defense Force (LDF) officials was unresolved at year's end. In various media outlets the men claimed to be held in secret and incommunicado. The men further stated that they were interrogated about their connections to the opposition All Basotho Convention (ABC) party. Three of the men, Motlomelo, Thantsi, and Lerotholi, fled to South Africa in July 2007 and sought political asylum. Basotho businessmen Khotso Lebakeng, Mokherane Tsatsanyane and the late Semoli Semoli joined them, having fled the country in July after rumors that the army was looking for them. The South African government granted all of the men political asylum.

There was no further action in the case of the three soldiers accused of involvement in coup plotting who also claimed to have been tortured in June 2007. At year's end they were on suspension and half-pay. In July 2007 the local newspaper Public Eye showed pictures of the torture victims and later carried interviews in which they again stated they were tortured. The SADC Lawyers' report in August 2007 and the Civil Society Statement of July 2007 contained other reports corroborating the claims of torture.

The BNP office reported that the 2006 case of torture and abuse of three female BNP opposition party members by male police officers was still pending in court at year's end.

Prison and Detention Center Conditions.—Prison conditions were poor, and facilities were overcrowded and in disrepair. Sanitation and nutrition were poor, and prison facilities lacked bedding. However, some recent improvements were made, such as the electrification of two correctional institutions and the refurbishment of two others, including a maximum security facility. Prisoners get free medical care from government hospitals and are eligible to vote in elections. All prisons had a nurse and a dispensary to attend to minor illnesses. Some correctional facilities own ambulances to transport inmates for emergency medical care.

The law provides that pretrial detainees and convicted prisoners be held in separate facilities; however, due to lack of sufficient facilities, pretrial detainees were held with convicted prisoners. Security and military prisoners were held in a separate facility.

Prison regulations provide for visiting committees made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees are authorized to visit any prison without the prior knowledge of the prison director and generally were allowed to do so. The committees reported their findings to the prison director as well as the general public. A committee visit took place in November.

The Government permitted international human rights groups to monitor prison conditions. During the year an intersectoral committee composed of government officials and the Lesotho Red Cross visited a number of correctional facilities to evaluate the level of professional training and activities available for inmates. The committee concluded that the inmates received satisfactory professional training and guidance.

The 2007 Ombudsman's Report on the Quthing Correctional Institution Inquiry revealed that the commanding officer of the Quthing correctional facility was transferred. No action was taken against other prison officials implicated in the August 2007 case involving mistreatment of inmates in the Quthing District.

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

Role of the Police and Security Apparatus.—The security forces consist of the LDF, LMPS, and the National Security Service (NSS). The prime minister is the minister of defense and national security, with direct authority over the LDF and the NSS. The police force is under the Ministry of Home Affairs and Public Safety.

The LMPS is nationally managed. The country is divided into three police regions, which are further divided into districts. An assistant commissioner of police heads each region; senior superintendents head the districts. A shortage of human and financial resources limited the LMPS's effectiveness.

Unlike in the previous year, there were no reports that police were involved in armed robbery.

The internal affairs organs that address problems of corruption and other offenses by the police are the LMPS Inspectorate, Complaints, and Discipline Unit and the PCA. The PCA, an independent oversight body, monitors police behavior and addresses grievances against the police. The Directorate on Corruption and Economic Offenses (DCEO) serves the same purpose for the public sector. These bodies prosecuted some members of the security forces. Traditional forms of disciplinary action include fines, suspension, demotion, or dismissal from service.

Current legislation does not grant the PCA powers of search and seizure or the authority to summon police officers. Also, local NGOs have complained that the PCA's inability to initiate cases based on public complaints limits its effectiveness. Currently, cases are initiated only at the request of the minister of home affairs and public safety.

Corruption was a problem, as confirmed by LMPS authorities; they noted that some police officers solicited low-level bribes to overlook traffic and other offenses. In 2007 there were 108 pending cases filed with the LMPS inspectorate. Those cases were carried over to January 2008. From January to August 2008, the LMPS inspectorate received 10 complaints of torture and 12 complaints of failure to attend to reports. Of the 22 reported cases, 14 were closed and eight were under investigation.

Lack of accountability was sometimes a problem. The process of enforcing police accountability was slow, but internal affairs organs prosecuted some members of the security forces. More serious offenses such as murder are sent to the High Court via the Office of the Director of Public Prosecutions.

According to PCA statistics, between January and August the PCA received 15 cases, including four cases of complaints involving assault and torture or murder and attempted murder, nine cases of poor service delivery, one case of death in police custody, and one murder due to police shooting. These cases were still under investigation at year's end.

According to DCEO statistics, between January and August the DCEO received a total of 59 reports ranging from bribery and embezzlement of public funds to tender manipulation. Of these reports, 10 were closed, six were referred to the police and the Directorate of Dispute Prevention and Resolution, and 43 were pending at year's end.

The case of Ramoeletsi extorting 980 Maloti (\$100) from a local woman was proceeding in court at year's end. Ramoeletsi was suspended in January 2007; a hearing is scheduled for February 4, 2009.

The 2007 case of a deputy police commissioner accused of filing fraudulent per diem claims and stealing meat from the Police Training College cafeteria was heard in court in October. A new hearing was expected and the case continued. The deputy commissioner remained suspended at year's end.

Arrest and Detention.—The law requires police to obtain a warrant prior to making an arrest. Suspects were apprehended openly and brought before an independent judiciary. Suspects must be informed of charges within 48 hours, and their families must be notified of any detention. The law allows family members to visit inmates. However, according to media reports and the commanding officer of the LMPS inspectorate, police did not always comply with these provisions in practice. The law provides for granting bail, which the authorities granted regularly, and in general, fairly. Defendants have the right to legal counsel. Detainees are allowed prompt access to a lawyer; lawyers are provided for indigents. The Legal Aid Division, under the Ministry of Justice and Human Rights, offered free legal assistance, but a severe lack of resources hampered the division's ability to be effective. NGOs maintained a few legal aid clinics.

Lesotho Correctional Service (LCS) stated that pretrial detainees constituted 18 percent of the prison population. Pretrial detention could last months or even years. The backlog was due to lack of resources, judicial staffing shortages, delay tactics

by defense counsel, and unavailability of legal counsel. The average length of pre-trial detention is 60 days, after which pretrial detainees normally get released on bail pending their trials. The Speedy Trial Act of 2002 states that a suspect cannot be held in custody for more than 90 days before a trial except in exceptional circumstances.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the judiciary was generally independent in practice. There was a large case backlog, which resulted in delayed trials. This backlog was attributed in part to the severe shortage of judges.

The judiciary consists of the Court of Appeal, the High Court, magistrates' courts, and traditional courts, which exist chiefly in rural areas to administer customary law. The High Court also provides guidance on law and procedure to military tribunals but does not participate in adjudication. A single high court judge normally adjudicates criminal trials with two assessors who serve in an advisory capacity. The authorities generally respected court decisions and rulings.

Military tribunals have jurisdiction over military cases only. Tribunal decisions can be appealed only to the martial appeal court, which is composed of two judges from the High Court—one retired military officer with a legal background and the registrar of the High Court. Military tribunals provide the same rights as civil criminal courts. Military tribunals cannot try civilians.

There are also specialized courts. The labor court is a civil court with jurisdiction over labor, employment, and certain human rights matters when they intersect with labor law. The Judicial Commissioner's Court brings in foreign magistrates as appropriate for cases requiring a high level of subject-matter specialization.

Trial Procedures.—There is no trial by jury. Trials are public, but in civil cases judges normally hear cases alone. Defendants have the right to legal counsel; however, there have been limited instances where accused persons were not advised of their right to legal representation. Free legal counsel was available, either from the state or a legal NGO. Defendants have the right to be present at their trials, to confront and question witnesses against them, and to present witnesses on their own behalf. A defendant is allowed to present evidence on his own behalf at the Magistrate Court, but at the High Court legal representation is required. A defendant may either be held or released on bail until sentenced. Defendants are presumed innocent and have the right to appeal. Defendants have the right to access unclassified government evidence during a trial. The Government cannot classify evidence and use it against a defendant. If evidence is going to be used in court both the plaintiff and the defendant should have access.

In the formal court system, women and men are accorded equal rights. The 2006 Legal Capacity of Married Persons Act improved the status of married women by ensuring that they are no longer legally considered minors. However, in practice women were sometimes still not accorded their full rights as promised under the law.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary with jurisdiction over civil matters. Citizens can freely access the court system to file lawsuits seeking cessation of human rights violations or a recovery of damages resulting from such acts. Some administrative remedies are available from the labor court, as stipulated by the Public Services Act. Judicial remedies for such wrongs are addressed in the constitution. However, in some cases the Government fails to produce evidence in court and sequester witnesses. This can damage the claims of the plaintiffs, leading to dismissal of cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution states that "every person shall be entitled to respect for his private and family life and his home." Although search warrants were required under normal circumstances, the law provides police with the power to stop and search persons and vehicles and enter homes and other places without a warrant if the situation is considered life threatening, if there are security concerns, or in the case of an emergency. Many reportedly do not know that police are required to have a search warrant. A government source stated that police officers have been known to flaunt their power even when in possession of a warrant and neglect to show the warrant to the homeowner. The Criminal Procedure and Evidence Act of 1981 states that any police officer of the rank of inspector and above can conduct a search without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press and the Government generally respected these rights in practice; however, the Government suspended one radio station for three months for allegedly making inaccurate statements and inciting persons to resist street vendor removal. In contrast with 2007, no journalists were detained or harassed. A Media Institute of Southern Africa representative stated that there have been instances of journalists practicing self-censorship to avoid libel suits or problems with their editors. Private individuals could criticize the Government without reprisal.

Several independent newspapers routinely criticized the Government. There were seven private radio stations but no private television station. The media criticized the Government, but risked being sued for slander or libel. State-owned or state-controlled media consisted of two weekly newspapers, two radio stations, and a television station. State-owned media outlets reflected positions of the ruling party. South African and global satellite television and radio broadcasts were widely available.

On July 18, independent radio station Harvest FM closed for three months due to a suspension order by the Lesotho Communications Authority (LCA). The LCA (a regulatory body) reportedly received complaints from the commissioner of police that the station had made inaccurate statements and complaints from the principal secretary of communications, science, and technology that the station had incited persons to resist the removal of street vendors from downtown areas. LCA claimed that Harvest FM responded by sending a letter after the specified deadline for reply denying the allegations leveled against them instead of addressing the charges. According to LCA, this infringed Condition 15 of its sound broadcasting license and Rule 20 of the LCA Broadcasting Rules of 2004. On October 22, Harvest FM returned to the airwaves.

On September 2, former Harvest FM radio presenter Thabo Thakalekoala was found guilty on a June 2007 charge of sedition. He was acquitted on three other charges of subversion, criminal defamation, and criminal injury (impairing an individual's dignity, a criminal offense). On October 22, the High Court sentenced Thakalekoala to either serve two years in prison or pay a fine of 200 Maloti (\$18); Thakalekoala paid the fine.

In May and July, the High Court dismissed the September 2007 charges of contempt of court against the leaders of the Marematlou Freedom Party and the Lesotho Workers Party.

The Government appealed the November 2007 case of Pastor Adam Lekhoaba. On April 11, the Court of Appeal of Lesotho overturned the High Court's decision and ruled in favor of the Government, which had claimed Lekhoaba was a South African citizen and not a Lesotho national. The Appeal Court indicated that the constitution does not recognize dual citizenship and that Lekhoaba should have renounced his South African citizenship. In the judgment, the Appeal Court stated, "It appears to be obvious that the question of his dual citizenship was raised by the authorities only because he allowed free expressions of opinion to take place over the airwaves of a local radio station. His deportation order, which was set aside by the Court a quo, was issued by the appellant for the same political reason." The Appeal Court further advised parliament to give urgent consideration to enacting legislation permitting Lesotho citizens who acquire South African nationality to hold dual citizenship in appropriate circumstances.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals or groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was not widely available and was almost nonexistent in rural areas, due to a lack of communication infrastructure and the high cost of access.

Academic Freedom and Cultural Events.—Unlike during the previous year, there were no reports of government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, there was one occasion during the reporting period when the Government restricted these rights. This incident stemmed from a disagreement between the Government and private taxi and bus operators. The Government had purchased 20 buses with the expressed goal of providing less expensive transportation to low-income workers and preventing taxi drivers from being able to shut down the city with their protests. On May 20, when the Government began operating the buses, taxi drivers and private bus conductors staged a strike and blocked roads. They argued that the Government

did not have proper bus permits, had not consulted with them about bus routes, and was competing with them unfairly, which would result in thousands of jobs being lost. Police attempted to clear a path through the roadblocks using tear gas and rifle fire. During the clashes government bus conductors shot and wounded an employee of a private taxi operator, and a government bus conductor reportedly stabbed a taxi owner. Some critics claimed that the Government's decision was politically motivated. Following a period of mediation, the Government agreed to operate only 10 buses temporarily, only between the hours of 6:00 a.m. and 5:00 p.m.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected these rights in practice.

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

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups.

There was a very small Jewish community, and there were no reports of anti-Semitic acts.

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

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

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

Protection of Refugees.—The laws provide for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system to provide protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened and granted refugee status or asylum. The Government continued to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

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

Elections and Political Participation.—In February 2007 the LCD party won reelection, claiming 61 of 80 constituency-based seats in the National Assembly; domestic and international observers characterized the election as free and peaceful, but major opposition parties and some NGOs claimed it was not entirely fair due to the complicated manner of allocating parliamentary seats. Through a pre-election alliance with the National Independent Party, the LCD controlled a further 20 of 40 proportional representation seats, bringing its majority to 82 out of 120 seats. The largest opposition party, the ABC, won 17 constituency-based seats and 10 proportional seats through its own pre-election alliance with the Lesotho Workers Party.

Although both major political parties created alliances in an attempt to gain more seats in the 2007 election, the most contested issue was that the ruling LCD party gained an additional 20 seats. Despite the fact that some legal experts, including those associated with the SADC mediation process, stated that the memoranda of understanding clearly circumvented the intent of the constitution, the Independent Electoral Commission (IEC) accepted the informal alliances.

The allocation of proportional seats remained contentious, and governing and opposition parties agreed that outside experts should evaluate the mixed member proportional parliamentary system. In May 2007 the Government invited the Southern African Development Community to mediate the political impasse, an effort led by the former president of Botswana, Ketumile Masire.

During Masire's visit to Lesotho in February, it was agreed that all election-related court cases should be dealt with before the postelectoral political dialogue could resume.

The last election-related case was concluded on July 2, when the High Court ruled that the Marematlou Freedom Party (MFP) had lodged an election petition but had no legal right to do so. The court also ruled that it had no jurisdiction to make a decision concerning the petition, which requested orders invalidating the allocation

of proportional seats and directing the IEC to reallocate the proportional seats in the National Assembly.

As previously agreed, Masire returned and held talks with stakeholders from August 25 to 31. Stakeholders included the IEC, political parties, the Government, the Christian Council of Lesotho, the Lesotho Council of NGOs, and members of the diplomatic corps.

The issue of the legitimacy of ABC leader Thomas Thabane as an official opposition leader was still outstanding, but on August 31, Masire asked all the stakeholders to settle this matter by the end of October. Despite Masire's request, neither side took action.

Informed observers stated that the negotiation had come to a frustrating crossroads and that opposition political parties considered themselves disenfranchised by the existing interpretation of the electoral rules.

Masire's last visit was in late September, and there was no progress by year's end.

There were 30 women in the 120-member National Assembly and nine women in the 33-member Senate. The speaker of the National Assembly, six of 19 government ministers, three of six assistant ministers, five of 10 judges on the High Court, and the commissioner of police were women.

Approximately 98.5 percent of the population is ethnic Basotho. There were no members of minorities in the National Assembly, the Senate, or the cabinet.

Government Corruption and Transparency.—There were isolated reports of government corruption during the year. The World Bank's Worldwide Governance Indicators reflected that there was a corruption problem.

The Directorate on Corruption and Economic Offenses was the primary anticorruption organ.

In January the auditor general released an audit of the country's 2003–04 public accounts. The auditor general stated that the public accounts suffer from serious errors and omissions which lead to misrepresentation of the Government's financial position. The errors include expenditure misappropriation, a lack of ledger accounts reconciliations, a lack of ministerial expenditure and revenue reports reconciliations, unauthorized excess expenditures, and nondisclosure of some capital projects. According to the auditor general, the Government not only must confront a weak financial system but also the extended delays in releasing public financial information.

Although there are no laws providing for access to government information, and access to government information was incomplete, Web sites of government ministries, parastatal companies, and private organizations provided some information on governmental activities. The Government Gazette and other publications could be requested from the Government Printers' Office. There were also media releases from government ministry information officers. There were continuing complaints about the lack of access to government information from researchers at institutions such as the Institute of Southern African Studies, NGOs, and the media.

The 2007 case of alleged procurement fraud by the principal secretary of justice and human rights was heard on September 18. The High Court found her guilty of contravening the Government's procurement regulations. However, she was acquitted on the main charge of corruption in the acquisition of an information technology networking system. Sentencing was postponed to early 2009.

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

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

An independent ombudsman's office exists to protect citizens against infringement of their rights by public and private sector organizations. It appeared to function without undue governmental or political interference; however, it was constrained by a shortage of staff, financing, and equipment. The ombudsman intervened in issues such as requests for release of unlawfully withheld salaries; reinstatement of employees illegally suspended from their jobs; compensation for persons relocated to new areas in connection with Lesotho Highland Water Project activities; and compensation for and repairs of houses in communities close to large-scale development projects.

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

The constitution and the formal legal code prohibit discrimination based on race, color, gender, religion, disability, language, political or other opinion, national or so-

cial origin, birth, or other status; however, the constitution also recognizes customary law as a parallel legal system, and under it, women remain disadvantaged with regard to inheritance and succession rights.

Women.—The law prohibits rape, including spousal rape, and mandates a minimum sentence of five years' imprisonment, with no option for a fine. Rape was reportedly commonplace; an estimate based on police national crime statistics indicated that there were 1,300 reported cases of rape during the year. Courts heard a number of rape and attempted rape cases, several of which resulted in convictions. Unlike in previous years, there were no reports that very young girls were raped as a result of the belief among some men that intercourse with a virgin could cure HIV infections.

Organizations involved in combating the problem included the Gender and Child Protection Units (GCPU) of the LMPS, the NGO Lesotho Child Counseling Unit (LCCU), and other NGOs. Their activities included teaching young persons and parents how to report such offenses and how to access victims' services.

Domestic violence against women was believed to be widespread. An estimate based on police national crime statistics indicated there were 7,700 reported cases of domestic violence during the year. Domestic violence and spousal abuse are criminal offenses defined as assault; however, few domestic violence cases were brought to trial. The law does not mandate specific penalties, but an offender can be cautioned and released, given a suspended sentence, fined, or imprisoned. Punishment depends on the severity of the assault, and judges have a wide degree of discretion in sentencing. Violence against women and children is increasingly considered socially unacceptable due to the advocacy and awareness programs of the GCPU, the Federation of Women Lawyers, the LCCU, other NGOs, and broadcast and print media campaigns.

The legal code does not address prostitution. It was known to occur in urban areas, but its pervasiveness was unclear.

The law does not specifically prohibit sexual harassment, and sexual harassment occurred in the workplace. The Law Office stated that complaints involving sexual harassment are not often reported through official channels and tend to be handled internally if reported at all.

In civil and criminal courts, women and men are accorded equal rights. The 2006 Legal Capacity of Married Persons Act effectively eliminated *de jure* discrimination against women except in the area of inheritance, which it does not cover. Nevertheless, traditional law and custom limited the rights of women in areas such as property rights, inheritance, and contracts. Under the dual legal system, women have the legal and customary right to make a will and sue for divorce; however, under traditional law, a married woman was considered a minor during the lifetime of her husband and could not enter into legally binding contracts without her husband's consent. Since passage of the new law, the rights of women have substantively improved. Married women can obtain loans without the consent of their husbands and enjoy full economic rights under the law. However, the law does not provide for women's inheritance and custody rights. A woman married under customary law has no standing in civil court unless she has her marriage legalized in the civil system. Government officials publicly criticized customary practice regarding marriage.

Although polygamy is not recognized by the formal legal code, it was practiced under the traditional legal system by a small minority.

Women were not discriminated against in access to employment, credit, or pay for substantially similar work. Some of the most highly paid positions are held by women, including speaker of parliament, cabinet ministers, judges, the mayor of Maseru, ambassadors, the commissioner of police, government principal secretaries, the auditor general, certain directors of government ministries, and the chief executive officers of some public enterprises.

Women's rights organizations took a leading role in educating women about their rights under traditional and formal law, highlighting the importance of women's participation in the democratic process. The Ministry of Gender, Youth, Sports, and Recreation funded efforts by women's groups to sensitize society to respect the status and rights of women.

Children.—The law provides for the protection of children; however, limited resources hampered the Government's ability to fully enforce the law. In addition, the rapid rise in the number of AIDS orphans contributed to child prostitution, child homelessness, child-headed households, and children at risk of exploitation for labor or other purposes. The problem of parents getting sick or dying due to HIV/AIDS continued to be the most troubling issue facing children in the country.

By law education is universal and as of 2006 was tuition-free through the seventh grade; however, it was not compulsory, even at elementary school levels. The UN

Children's Fund (UNICEF) reported that a substantial number of children did not attend school. The problem is particularly prevalent in rural areas where there are few schools. Attending school regularly is most difficult for those involved in supporting their families through subsistence activities or those whose families could not afford fees for the purchase of uniforms, books, and school materials. According to UNICEF figures, 80 percent of boys and 88 percent of girls attended primary school during the year. More boys failed to attend school than girls due to the tradition of livestock herding by young boys.

Child abuse was a problem, especially for children orphaned by HIV/AIDS. According to the Child and Gender Protection Unit, 309 cases of child abuse were opened during the year. These cases included child neglect, common assault, sexual assault, and grievous bodily harm.

During the year the news media frequently published reports of violence at traditional initiation schools, attended mainly by rural youth. While the activities of these initiation schools were kept secret, violence against students, teachers, and members of surrounding communities was reported in newspapers, on the Internet, and on the radio.

According to media reports, child prostitution was also a problem. Young girls and boys, many of whom were orphans, moved to urban areas to engage in prostitution. A 2001 UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial activity and that the financial arrangements were casual and not determined by organized criminal syndicates. However, UNICEF and the Government agreed that while the numbers remained small, the more recent trend toward commercial prostitution by children was a growing problem. There were not enough resources within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

Familial stress, poverty, the virulent spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating numerous street children, of which according to UNICEF's latest figures, an estimated 180,000 were orphans and vulnerable children. Street children were hampered by lack of access to government services, such as medical care and schooling, and were not informed about their rights to such services.

The GCPU had branches in all 10 districts, but lack of resources restricted their ability to be effective. The GCPU dealt with sexual and physical abuse, neglected and abandoned children, and protection of the property rights of orphaned children.

Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons; however, the labor code, the Aliens Control Act, the Child Protection Act of 1980, and kidnapping statutes contained in the constitution can all be used to charge persons suspected of trafficking. Although there were reports that persons were trafficked to, from, and within the country, there were no official statistics.

The Ministry of Home Affairs and Public Safety and the GCPU are responsible for monitoring trafficking in persons. Despite the lack of legislation, the Ministry of Health and Social Welfare, some NGOs, and the police offered assistance to suspected victims of trafficking.

There were unconfirmed reports that Ugandan police had uncovered at least one trafficking case in which Ugandan children were trafficked to Lesotho.

The State Department's 2008 Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, or provision of other government services, and the Government enforced these laws within its limited ability. Although societal discrimination was common, the tradition of hiding children with disabilities from the public was no longer commonly accepted. The Association of the Disabled actively promoted the rights and needs of disabled persons.

Laws and regulations stipulate that persons with disabilities should have access to public buildings, and such buildings completed after 1995 generally complied with the law. Election law provides for assisted voting for persons with disabilities, which is respected in practice.

Persons with disabilities are allowed to have anyone of their choice assist them, or they may request the presiding officer at a polling station to help, but there should be a third person to verify that the voter's choices are respected.

The Ministry of Health and Social Welfare is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Minorities constituted less than 2 percent of the population. There were small groups of ethnic Indians, Europeans, Chinese, and

mixed-race persons. Economic and racial tension between the Chinese business community and the Basotho remained a problem. There were no formal government efforts to address such problems.

Other Societal Abuses and Discrimination.—There continued to be media reports that persons with AIDS and their immediate families, including children orphaned by AIDS, were stigmatized.

The law prohibits discrimination in the workplace on the basis of HIV/AIDS status.

In 2006 parliament amended the labor code to include an HIV/AIDS workplace policy. Each government ministry or department provided subsidized medicine and food to its employees with HIV/AIDS, and such assistance was available to all citizens at subsidized prices at all government hospitals.

LDF policy states that if a soldier is found to be HIV positive after induction, the person is not retired or separated. The soldier is provided counseling and testing, and duties are adapted as appropriate.

The law does not address sexual orientation, and general discrimination against homosexuals was present in the workplace.

Section 6. Worker Rights

a. The Right of Association.—Under the law workers have the right to join and form trade unions without prior authorization and without excessive bureaucratic requirements. Workers exercised this right in practice. All trade unions must register with the registrar of trade unions. The law prohibits civil servants and police from joining or forming unions but allows them to form staff associations; both police and civil servants have established such associations. The law allows unions to conduct their activities without interference, and the Government generally protected this right.

The law provides for a limited right to strike; however, civil servants are not allowed to strike and, by definition, all public sector industrial actions are unauthorized. In the private sector, the labor code requires a series of procedures to be followed by workers and employers before a strike action is authorized.

Both locally and foreign-owned businesses continued to lack a full understanding of the labor code's provision regarding the right to form labor unions.

According to the 2008/09 labor commissioner's audit report, trade unions are affiliated under three union federations. These are the Congress of Lesotho Trade Unions, with a membership of 11,797; the Lesotho Congress of Democratic Union, with 11,240 members; and the Lesotho Trade Union Congress, with 2,033 members; producing a combined membership for functioning trade unions of 25,070. The ministry indicated that 25 trade unions were deregistered in 2006, and a further 15 in 2007, for failure to submit annual reports. Each year the Government reviews non-functioning or noncompliant unions and deregisters them.

A majority of Basotho mineworkers were members of the South African National Union of Mine Workers (NUM). While NUM as a foreign organization was not allowed to engage in most union activities in the country, it provided training, developed agricultural projects, and performed other social services for retrenched mine workers and families of deceased miners.

There are two unions in the apparel and textile sector: Factory Allied Workers Union, with a membership of 8,897, and Lesotho Clothing and Allied Workers Union, with an estimated 5,000 members.

The labor court reported that during the year there were 31 cases filed alleging unfair labor practices, 197 cases filed petitioning for enforcement of resolutions by the Directorate of Dispute Prevention and Resolution (DDPR), and 70 contested DDPR cases being reviewed by the labor court.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law and freely practiced. There are no restrictions on collective bargaining; unions are allowed to bargain for wages above the minimum wage set by the Wage Advisory Board. However, the commissioner's office reported that the unions were too weak to bargain effectively.

The law prohibits antiunion discrimination, and the Government generally enforced this prohibition. Textile and apparel unions claimed that members are sometimes treated unfairly to compel them to leave; some such cases were pending with the labor court. The Ministry of Labor and Employment (MOLE) claimed workers often believed they were dismissed for union involvement, but investigation revealed that often they were dismissed on grounds other than for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits compulsory labor, including by children. However, sources within the MOLE's inspectorate re-

ported that such practices occurred in private dwelling houses and on small farms or cattle posts which are outside the scope of the Labor Code and therefore no inspections could take place.

Children were often forced by circumstances to take on jobs such as herding and working on the street, sometimes as sex workers. These children are forced to undertake such work by the economic situation and the fact that many traditional family support networks have been decimated by the HIV/AIDS pandemic.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code contains prohibitions against the employment of minors in commercial, industrial, or other nonfamily enterprises involving hazardous or dangerous working conditions. The Government effectively enforced these statutes. However, officials in the MOLE's inspectorate stated that child labor is a problem in the agricultural and other informal sectors, which child labor laws do not cover. The inspectorate has no mandate to inspect informal economy establishments, which are outside the scope of the Labor Code. According to the Bureau of Statistics, the legal minimum age for employment in commercial or industrial enterprises is 15 years, or 18 years for hazardous employment. Children under 18 may not be recruited for employment outside the country.

Although the Labor Code prohibits child labor and sets the minimum age for employment at 18 years, the unemployment rate, which is estimated at 45 percent, increasing levels of poverty, and the high prevalence of HIV/AIDS (23 percent), all contribute towards children working at an early age in order to feed themselves and their families.

The most recent official figures on child labor were reported in 2000 and 2004, products of collaboration between the MOLE and UNICEF, along with other partners. Those studies estimated that 29 percent of children aged 5 to 17 were working. The study also showed that many look after livestock. In traditional rural society, rigorous and occasionally dangerous working conditions for young herd boys were considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. One four-year-old research participant stated: "I started herding before I was born."

According to the study cited above, many urban street children worked in the informal sector. Children working in the streets carried packages for shoppers and sold water or fruit, for example. Some offered themselves for sex work. Most jobs performed by children were often gender-specific: boys were livestock herders, carried packages for shoppers, washed cars, and collected fares for minibus taxis; girls were domestic servants. Teenage girls (and a few boys) were involved in prostitution, and both boys and girls worked as street vendors.

According to the same study, the worst forms of child labor occur in herding, street work, domestic work, and sex work. Due to increasing poverty and orphanhood, children have become more vulnerable to these worst forms. Some persons hire young children, mostly orphaned or deserted, as herders and exploit them with meager payments. In mountain areas boys stay at cattle posts working 24 hours a day, seven days a week, and are poorly fed.

The labor survey indicates that children working in the streets typically start at the age of 12. The most common work they do is selling fruits and vegetables. Children work more than eight hours a day, which is the maximum stipulated in the law for an adult. They also work without breaks six or seven days a week. Domestic workers also start as young as 12 years. The office of the labor commissioner indicated that it is difficult to track cases of child labor because the country does not have laws and policies specific to child labor. However, the country developed a strategy, the Action Program towards Elimination of Child Labor (APEC), which was launched during the year.

The Ministry of Employment and Labor is responsible for investigating child labor.

e. Acceptable Conditions of Work.—The national minimum wage for lower-skilled jobs is 252 Maloti (\$36) per month. This wage did not provide a decent standard of living for a worker and family. Each year the Wage Advisory Board—comprised of representatives from the Government, trade unions, and the Employers Association—negotiates the minimum wage for different occupation groups. The MOLE amended the Labor Code minimum wage schedule, effective October 1. Textile machine operator trainees thereafter earned 686 Maloti (\$98) per month, and textile general workers earned 738 Maloti (\$105) a month. Many locally owned businesses did not keep records of employees' salaries to facilitate labor inspections as required by law. Many wage earners supplemented their income through subsistence agriculture or remittances from relatives in South Africa, although these remittances have declined.

The law stipulates conditions including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, paid sick leave, and public holidays. Required overtime was legal as long as overtime wages were paid for work in excess of the standard 45-hour workweek. Labor laws do not, however, cover the agricultural and other informal sectors, where most workers are employed. The MOLE's inspectorate stated that employers did not always enforce these standards. For example, some employers in the apparel and textile sectors violated the labor code. According to the commissioner of labor, employers in the retail sector were the worst violators. The most common allegations involved ignoring labor regulations mandating ordinary hours of work, overtime, and public holidays.

The law requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner to minimize injury; larger employers generally followed these regulations. However, health and safety violations were common in smaller establishments. The labor code requires employers to appoint a registered health and safety officer to supervise and promote safe conduct at work. They are also required to have first-aid kits and safety equipment and to provide protective clothing. According to health and safety inspectors in the Ministry of Labor and Employment, appointment and training of registered health and safety officers was ignored by most employers. Also, the law does not specify the contents of first-aid kits. Generally, with the exception of the mining establishments, employers' compliance on health and safety was low. In addition, health and safety inspectors stated that the retail sector was not in full compliance with health and safety standards, as they had no registered health or safety officers, did not have complete first-aid kits, and did not provide protective clothing.

The labor code empowers the MOLE to issue regulations on work safety, and the ministry did so. There were no known instances of the ministry ineffectively or improperly enforcing health and safety standards. The labor code does not explicitly protect the right of workers to remove themselves from hazardous situations without prejudice to employment. However, sections of the code on safety in the workplace and dismissal imply that such a dismissal would be illegal.

The law also provides for a compensation system for industrial injuries and diseases related to employment. The commissioner of labor is charged with investigating allegations of labor law violations. Labor inspectors generally conducted unannounced inspections of a random sample of workplaces on a weekly basis. Inspections in mountain districts, however, were done on a quarterly basis.

The Government and private sector implemented voluntary HIV/AIDS counseling and testing programs in line with Labor Code Act Number 5, passed in June 2007, which strengthened existing programs. The Labor Code Amendment Act of 2006 provides for the further development of HIV/AIDS policies in the workplace. The MOLE has an HIV/AIDS support group that carried out campaigns for the implementation of the labor code. The support group also provided testing and counseling services to employees in the private sector living with HIV/AIDS. The target sectors were security companies, construction, and transport.

LIBERIA

Liberia is a constitutional republic with a population of approximately 3.5 million. In 2005 Ellen Johnson Sirleaf won multiparty presidential elections, which domestic and international observers considered generally free and fair. Since the 2003 signing of the Comprehensive Peace Agreement, which ended the 1999–2003 civil war, the UN Mission in Liberia (UNMIL) peacekeepers and UN international police (UNPOL) have had primary responsibility for maintaining security. Efforts to select and train personnel for the Liberia National Police (LNP) and the Armed Forces of Liberia (AFL) continued. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, problems continued. Mob violence and land disputes resulted in deaths, and ritualistic killings occurred. Police abused, harassed, and intimidated detainees and citizens. Prison conditions remained harsh, and arbitrary arrest and detention occurred. Lengthy pretrial detention and denial of due process and fair public trial were problems. Some incidents of trial-by-ordeal were reported. Corruption and impunity continued in most levels of the Government. Violence against women, including rape, was a problem, and domestic violence was widespread. Some ethnic groups continued to practice female genital mutilation (FGM). Child abuse and sexual violence against children were problems, and a few cases of human trafficking were

reported. Racial and ethnic discrimination continued, and instances of child labor were reported, especially in the informal sector.

The Truth and Reconciliation Commission (TRC) held public hearings in all 15 counties, sent psychosocial teams throughout the country to help civil war victims, and collaborated with nongovernmental organizations (NGOs) to foster reconciliation in many communities.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, a land dispute between Margibi Senator Roland Kaine and Charles Bennie, director of foreign trade at the Ministry of Commerce, resulted in the deaths of at least 17 persons. Bennie hired youths from Monrovia to clear land on his farm along the border of Margibi and Grand Bassa counties. Local residents subsequently attacked the youths with guns and machetes, resulting in 17 deaths and numerous injuries. Senator Kaine was indicted for ordering the attacks, and he remained in prison awaiting trial at year's end.

On August 11, an agent of the Special Security Service (SSS) shot and killed one man and wounded two others in the red light neighborhood of Monrovia. The Government claimed that SSS agents, along with LNP officers, were responding to a reported armed robbery in progress, and that the SSS returned fire only after being fired upon by the alleged thieves. An investigation of the incident was ongoing at year's end.

Land disputes-exacerbated by pressure from returning landowners and refugees as well as unclear land titles-resulted in numerous deaths during the year (See Section 2.d.).

Unlike in the previous year, there were no reports that criminal gangs killed workers at the Sinoe rubber plantation, although reports continued of gang violence, theft, and other crimes against plantation workers.

Ritualistic killings, in which body parts used in traditional indigenous rituals were removed from the victim, reportedly occurred. The number of such killings was difficult to ascertain since police sometimes described such deaths as homicides, accidents, or suicides, even when body parts were removed. There were no prosecutions for ritualistic killings during the year.

There were continuing reports of mob violence. On February 13, a mob burned down a police station in Margibi County, resulting in the death of a detainee. On February 13 and April 3, angry mobs in Monrovia killed suspected criminals. On August 11, clashes between market vendors and criminals outside Monrovia resulted in several deaths.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, but there were reports that police officers and security officials employed them. Police sometimes abused, harassed, and intimidated persons, particularly during attempts to extort money on the streets. Several cases of reported police brutality were referred to the attention of police commanders; however, no action had been taken against the police officers by year's end.

In May four LNP police officers of the antitheft unit were arrested and indicted for torturing suspects in January. On November 18, a judge dismissed the case during trial, citing the prosecutor's request to subpoena witnesses as justification for the dismissal.

Unlike in the previous year, there were no reports that LNP members and UNMIL troops forcibly dispersed demonstrators and strikers.

The UNMIL investigation into the June 2007 beating by LNP officers and UNMIL peacekeepers of students and journalists was ongoing at the end of the reporting period.

Colonel Andrew Dorbor, who was arrested by Ivoirian security officers in February 2007 and extradited to Liberia to face treason charges, dropped his allegations of torture against the National Security Agency (NSA).

The practice of trial by ordeal, which involves placement of a heated metal object on a suspect's body or the insertion of an extremity into hot oil to determine whether the defendant is telling the truth, continued in rural areas. Despite President Sirleaf's April 2007 vow to punish perpetrators of trial by ordeal, no perpetrators were punished during the year. On June 28, the Ministry of the Interior banned the

issuance of licenses for trial by ordeal, which the ministry had continued to issue despite the presidential ban.

Mob violence and vigilantism—which resulted in part from the public’s lack of confidence in the police and judicial system—resulted in injuries.

During the year the UN Office of Internal Oversight Services and the UNMIL Conduct and Discipline Unit investigated eight reports of sexual exploitation and abuse by UN peacekeepers, UNMIL staff, UN private contractors, and implementing partners. Two cases were substantiated; the other six remained under investigation at year’s end.

Prison and Detention Center Conditions.—Prison conditions were harsh and in some cases life threatening. Women and juveniles were subject to abuse by guards and other inmates. Monrovia Central Prison held almost four times its capacity due to the large number of pretrial detainees. Prisons remained understaffed.

On December 2, approximately 100 prisoners at Monrovia Central Prison overpowered guards and escaped. UNMIL Police Commissioner Henrik Stiernblad attributed the escapes to security lapses and the prison’s old infrastructure.

During the year some counties without adequate prison facilities transferred their prisoners to Monrovia; unlike in the previous year, there were no reports that containers with bars at one end were used for cells in some counties. The Government relied on the World Food Program and various NGOs to provide food to the prisons. The UN and NGOs continued to provide medical services. During the year both the Government and international partners continued renovations at several county prisons. Men and women were held together in some counties or cities with only one prison cell. In many counties juveniles and adults were held together, and pretrial detainees were generally held with convicted prisoners.

The Government permitted the independent monitoring of prison conditions by local human rights groups, international NGOs, and the media. Some human rights groups, including national and international organizations, made regular visits to detainees held in police headquarters and to prisoners in Monrovia Central Prison.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions.

Role of Police and Security Apparatus.—The Ministry of Justice has responsibility for enforcing laws and maintaining order within the country and oversees the LNP and the National Bureau of Investigation. Approximately 12,000 UNMIL peacekeepers and 1,100 UNPOL officers had primary responsibility for maintaining security. Initial training of new AFL recruits was completed during the year with the provision of basic and advanced training to 2,133 soldiers; trainees were scheduled to assume duty in 2009. Approximately 600 UNPOL officers and UN Formed Police Units (armed foreign police detachments assigned to UNMIL) assisted with monitoring, advising, and training the LNP. Since 2004 UNPOL has recruited, screened, trained, and deployed 3,500 LNP officers; most were deployed in Monrovia, but 1,200 had deployed to the counties by year’s end. The LNP operated independently and retained arrest authority; however, the SSS, which is responsible for presidential security, UNPOL, and armed UN Formed Police Units accompanied LNP officers on joint patrols around Monrovia. The LNP Women’s and Children’s Protection Section (WCPS) continued to establish offices outside Monrovia during the year.

Members of the Emergency Response Unit (ERU), which was established during the year, received specialized training and were armed, unlike other LNP units. The ERU has 139 officers and is charged with conducting special police operations in antiterrorism, hostage rescue, internal security, tactical anticrime, and search and rescue.

LNP officers were slow to respond to criminal activity and often ineffective, which resulted in an increase in armed robberies during the year. LNP salaries were low and not always paid on time, contributing to widespread corruption. Police had limited logistics, communication, and forensic capabilities and did not have the capacity to adequately investigate many crimes, including murders.

During the year the LNP investigated reports of police misconduct and corruption, and authorities suspended or dismissed several LNP officers. For example, in December a grand jury indicted the deputy commissioner for criminal investigations and the chief of narcotics for theft and false statements; both cases were ongoing at year’s end.

Unlike in the previous year, there were no conflicts between police with overlapping jurisdictions; during the previous year 22 security officers were injured as a result of fighting between the LNP and Liberian Seaport Police.

Arrest and Detention.—The constitution requires warrants to make arrests and provides that detainees either be charged or released within 48 hours; however,

warrants were not always based on sufficient evidence, and detainees, particularly those without the means to hire a lawyer, often were held for more than 48 hours without charge. In general most detainees are informed of the charges against them when they are arrested. The law provides for bail for all offenses except rape, murder, armed robbery, and treason. Detainees have the right to prompt access to counsel, visits from family members, and if indigent, to an attorney provided by the state, but the Government did not ensure such access for all detainees.

Government officials were responsible for the arbitrary arrest and detention of citizens during the year.

Acting on orders of House Speaker J. Alex Tyler, security forces on February 26 detained Darius Dillion, a member of the House of Representatives who was suspended for six months for testifying in court that House members had received bribes; Dillion was charged with bringing the House into public disrepute (*See* Section 3). On March 1, Dillion was released by order of the Supreme Court.

In June, in Buchanan, a foreign citizen was jailed after he publicly claimed to have received death threats for refusing to bribe local officials; he was charged with "criminal malevolence."

Although the law provides for the right of a person who is charged to receive an expeditious trial, lengthy pretrial and prearrest detention remained serious problems. Approximately 93 percent of prisoners at Monrovia Central Prison were pretrial detainees. In some cases the length of pretrial detention exceeded the length of sentence that could be imposed for the crime. Trial delays were caused by judicial inefficiency, corruption, and lack of transport, court facilities, and qualified judges.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, judges were subject to political, social, familial, and financial pressures, and corruption persisted. The judicial system was largely non-functional and plagued by corruption. Judges regularly received bribes or other illegal gifts from damages that they awarded in civil cases. Judges sometimes requested bribes to try cases, release detainees from prison, or find defendants not guilty in criminal cases. Defense attorneys and prosecutors sometimes suggested that defendants pay a gratuity to appease or secure favorable rulings from judges, prosecutors, jurors, and police officers. By law magistrates must be lawyers; however, some were not.

The judiciary is divided into four levels, including justice-of-the-peace courts, magistrate courts, circuit and specialty courts, and the Supreme Court. In 2005 the Supreme Court ordered the closure of all justice-of-the-peace courts; however, some still operated during the year since no replacement courts had been established. The Supreme Court appointed judges to counties outside of Montserrado County (which includes Monrovia), but many judges and magistrates continued to abandon their posts, preferring to remain in Monrovia. Military and security tribunals cannot try civilians.

Uneven application of the law and the unequal distribution of personnel and resources remained problems throughout the judicial system. Some judges were unable to hold court due to lack of security, supplies, equipment, or a courthouse. There was no effective system to provide public defenders in rural areas; however, government officials worked with international aid agencies to set up functional public defenders, raising the national total to approximately 17 qualified prosecutors and 13 public defenders. Four full-time public defenders were responsible for cases in Montserrado County.

Traditional forms of justice administered by clan chieftains remained prevalent in some localities.

Trial Procedures.—Trials are public, and juries are used in circuit court trials but not at the magistrate level. Under the constitution, defendants have the right to be present, to consult with an attorney in a timely manner, and to have access to government-held evidence relevant to their case; however, these rights were not always observed. Defendants enjoy a presumption of innocence and have the right to an attorney, to confront or question witnesses against them, present evidence and witnesses on their own behalf, and to appeal adverse decisions, but many of these protections were not available to defendants who could not pay bribes. Some local NGOs continued to provide legal services to indigents and others who had no representation. There continued to be long delays in deciding cases.

The treason trials of George KouKou, the former speaker of the National Transitional Government, Colonel Charles Dorbor, and General Charles Julu all ended during the year; the three were accused in 2007 of plotting to overthrow the Sirleaf government. On January 28, President Sirleaf announced that the Government was dropping its case against KouKou due to insufficient evidence; however, on January

29, a jury found Dorbor and Julu guilty of conspiring to stage a coup against President Sirleaf. Defense lawyers charged that the prosecution had bribed jurors to convict the defendants, and the presiding judge admitted that he, too, had been offered a bribe in exchange for a guilty verdict. A new trial was granted, and on May 2, both Julu and Dorbor were acquitted for lack of evidence.

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

Civil Judicial Procedures and Remedies.—There is an independent civil law court in Monrovia, but circuit courts in each county function as both criminal and civil courts. Specialty courts, such as the tax court, probate court, and labor court, also address civil matters. NGOs and the Government continued to establish mediation centers that worked on reducing court caseloads. There is no court to address lawsuits seeking damages for human rights violations. As with criminal courts, specialized courts were inefficient and corrupt. Administrative and judicial remedies were available to settle alleged wrongs.

Property Restitution.—Despite a February 2007 ruling that the disputed land in Nimba County currently occupied by Gio and Mano persons should revert to the original Mandingo owners, no action was taken by year's end to assist the Mandingos in removing squatters. Efforts to make other acceptable land available were ongoing at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, persons were arrested for criticizing the Government, and there were some reports of security officials harassing journalists during the year.

On September 27, the NSA arrested Mulbah Morlu, leader of the NGO Forum for the Establishment of a War Crimes Court in Liberia, for calling President Sirleaf a "rebel" on local television. Morlu was held at NSA headquarters until the president ordered him released on September 29.

During the year the House of Representatives imprisoned a colleague for testifying in court about official bribery (*See* Sections 1.d. and 3).

The independent media was active and expressed a wide variety of views without restriction; however, journalists commonly accepted payments to publish articles.

In Monrovia there were approximately a dozen newspapers that published during the year with varying degrees of regularity; six were independent dailies, and five were independent biweekly newspapers. The Government published the New Liberian newspaper. Due to the price of newspapers and transportation, the 55–75 percent illiteracy rate, and road conditions elsewhere in the country, newspaper distribution generally was limited to the Monrovia region.

On January 30, Godfrey Beyan, a former general in the rebel National Patriotic Front, offered to pay an accomplice 60,000 Liberian dollars (approximately \$1,000) to kill Sam O. Dean, the publisher of the Independent Newspaper, which was briefly closed in 2007 after it published explicit photos of a government minister. No action was taken against Beyan.

Unlike in the previous year, the Government did not revoke the license of any newspaper, close offices, or force journalists to delete photos from their digital cameras. However, the chief justice ordered his security guards to confiscate the camera of a reporter who had taken his photograph at an official event. After a public outcry over the event, the chief justice apologized to the reporter and returned the camera.

The investigation into the 2007 disturbance at the University of Liberia in which members of the media were beaten by LNP officers and UNMIL troops was ongoing at year's end.

In October 2007 the chief justice of the Liberian Supreme Court summoned newspaper editors to his court and threatened to jail them for 30 days if they misspelled his name or had his photo next to articles that did not mention him; however, no journalists were jailed for these issues, and no similar threats were made during the year.

Radio remained the primary means of mass communication, and stations operated without government restrictions. UNMIL Radio and Star Radio provided nationwide coverage. In addition there were 13 independent radio stations that regularly broadcast in Monrovia and reached neighboring counties, including the Government sta-

tion LBS. There were approximately 24 local “community radio” stations that provided a combination of local programs and relay of programs in Monrovia.

There were three local television stations; however, television was limited to those who could afford to purchase sets, generators, and fuel to provide electricity. For those persons and businesses with satellite capability, CNN, BBC, Skynews, Al Jazeera and SABC Africa generally were available.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was not widely available due to high cost and lack of infrastructure. High illiteracy also limited public exposure to the Internet.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for the right of peaceful assembly; however, LNP officers forcibly dispersed demonstrators during the year, resulting in injuries.

For example, on April 9, police forcibly disbursed students of Kendeja high school, which had been demolished to make room for a hotel. The students were demonstrating because construction of a replacement school had not been finished.

Despite findings by a justice ministry panel in 2007 of police use of excessive force during a March 2007 demonstration by the Liberia Timber Workers Union, no action was taken against responsible LNP members.

Freedom of Association.—The constitution provides for the right of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. Christianity was the dominant religion, and most meetings, including official government meetings, began and ended with Christian prayers. Islamic leaders complained of some discrimination against Muslims.

Societal Abuses and Discrimination.—Tension between the Christian majority and Muslim minority continued, particularly in Nimba County, where unresolved land disputes resulted in conflicts between Muslim Mandingos and Christian Gio and Mano groups. Throughout the year the Interreligious Council and other religious organizations promoted dialogue between religious groups.

There were reports of ritual killings—the killing for body parts for use in traditional rituals—throughout the country. On July 16, a boy was found dead in Harper with missing body parts; on July 23, Patricia Patrick was found dead with body parts missing, and on October 1, Vanie Boima was found dead with body parts missing in Margibi County. The Government treated such killings as homicides and investigated them accordingly, although there were no prosecutions during the year. There were multiple reports of protests against ritual killings, which at times led to riots and loss of life.

There was no significant Jewish community in the country, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, LNP and Bureau of Immigration officers occasionally subjected travelers to arbitrary searches and petty extortion at checkpoints.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Internally Displaced Persons (IDPs).—A few former IDPs remained in closed camps throughout the year, although UNHCR assistance was no longer provided.

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

during the year. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Land disputes between returning landowners who fled the war and IDPs who took over their land as well as between villages trying to accommodate refugees resulted in violence and death during the year.

For example, on May 8, two persons were killed in a dispute after the residents of Wetchuken Village, Maryland County, accused the residents of nearby Rock Town of annexing farm land between the two settlements to build houses for returning refugees; authorities arrested 24 persons for involvement in the deaths. Approximately 1,000 Wetchuken villagers staged a four-day protest in the county administration building in Harper to demand the dismissal of both the county superintendent and the police commissioner, both of whom they blamed for allegedly siding with the residents of Rock Town. An investigation was ongoing at year's end.

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

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

Elections and Political Participation.—In 2005 Ellen Johnson Sirleaf won the national presidential elections with 59.4 percent of the vote in a runoff election; voters also selected 30 senators and 64 representatives.

The state is highly centralized. The law provides that the head of state appoint county superintendents. Local governments had no independent revenue base and relied entirely on the central government for funds. As a result, there was very limited government functioning outside of Monrovia. Local officials served mainly to lobby the central government for funds to develop the counties they represented.

During the year the Supreme Court ruled that the constitution authorizes the president to appoint county superintendents and mayors, thus relieving the Government of the expense of holding municipal elections; in 2007 the Government claimed it did not have sufficient money to hold municipal and chieftaincy elections.

There were four female ministers, 12 female deputy ministers, five women in the Senate, nine women in the House of Representatives, five female county superintendents, and a female mayor of Monrovia. There were two female supreme court associate justices. Women constituted 33 percent of local government officials and 31 percent of senior and junior ministers.

Muslims occupied senior government positions, including one minister, one deputy minister, three senators, six representatives, one supreme court justice, and one county superintendent.

Government Corruption and Transparency.—On August 21, the Anticorruption Act, which established the Anticorruption Commission, was signed into law; however, the law does not provide criminal penalties for corruption, which remained systemic throughout the Government. On September 17, the five members of the commission were sworn in, but at year's end the commission had only a minimal budget and was still creating its office. Official corruption was exacerbated by low pay levels for the civil service, lack of job training, and a culture of impunity. The General Auditing Commission and Ministry of Justice are responsible for combating official corruption. During the year the commission conducted the country's first comprehensive audits of government ministries, which were published and made available to the public. Political appointees were directed to submit financial disclosures, but few complied.

Financial mismanagement decreased but was still a problem, along with lack of accountability, within government agencies. The Government dismissed or suspended a number of officials and was actively prosecuting former high-level government officials for corruption.

During the year the House Judiciary Committee held hearings on former speaker Edwin Snowe's 2007 accusation that the executive branch paid 300,000 Liberian dollars (approximately \$5,000) to each member of the House of Representatives to vote for his removal as speaker; Snowe, who supported Liberian diplomatic relations with Taiwan, claimed the money came from the Chinese government, a charge the Chinese government denied. On June 12, the committee ruled inadmissible Snowe's recordings of four accused representatives admitting they had accepted bribes, noting the recordings were taken without the defendants' knowledge. Both Snowe and

Representative Samuel Bondo were suspended for one month for “bringing the House into public disrepute.” NGOs publicly expressed concern about the House’s lack of independence and credibility in its investigation of Snowe and suggested that committee members were among those who received bribes.

Approximately 12 corruption cases remained pending at year’s end, including the 2007 embezzlement cases of Edwin Snowe, David Zarlee, J.D. Slinger, former finance minister Kamara, and former National Transitional Government of Liberia chairman Charles Gyude Bryant.

During the year the Government continued to take steps to improve transparency. The Ministry of Finance published the national budget and quarterly financial results, and state-owned enterprises published financial statements. International financial controllers, placed in key ministries and state-owned enterprises under the Governance and Economic Management Assistance Program, continued to operate. Controllers helped improve financial management, purchasing, and contracting practices, and instituted financial controls that increased government revenues and helped to curb corrupt practices. However, government ministries and agencies did not always adhere to public procurement regulations, particularly with natural resource concessions.

The law provides for “no limitation on the public right to be informed about the Government and its functionaries,” but little government information was available, and there were few procedures for obtaining it.

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

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

There were three coalitions of human rights groups: the National Human Rights Center of Liberia with nine member organizations; the Network of Human Rights Chapters with eight groups; and the Human Rights and Protection Forum, an umbrella organization of 70 to 80 groups. Approximately 40 groups, including members of the three coalitions, formed a civil society collective called the National Civil Society Organization. These coalitions sought to increase public discussion of human rights problems. Civil society NGOs continued to develop.

During the year the Government worked to facilitate the free and safe passage of relief supplies by international NGOs and permitted visits by a UN panel of experts, the International Committee of the Red Cross, and various UN agencies.

The nine commissioners appointed in 2007 by the president to the Government’s Independent National Commission on Human Rights still awaited confirmation by the legislature at year’s end.

The investigation into the alleged 2006 LNP assault of an employee of the NGO Forum for Human Rights and Democracy was still ongoing at year’s end.

The case against former president Charles Taylor, whom the Government in 2006 transferred to the Special Court for Sierra Leone in The Hague to face war crimes charges, was ongoing at year’s end.

On January 8, the TRC initiated public hearings for the first time. The hearings, which continued through July 31, carried the theme “Confronting our Difficult Past for a Better Future” and were conducted in all 15 counties. Traditional leaders organized forgiveness and reconciliation ceremonies in each county during the hearings, many of which reportedly had a profound effect on local citizens. During the year the TRC also sent psychosocial teams to help victims to all counties. The TRC held additional thematic hearings in Monrovia related to specific massacres and other conflict issues. Approximately 17,000 witness statements from citizens inside and outside of the country were being coded and processed for analysis at year’s end.

Effectiveness of the TRC, which has been hampered by poor management, staff shortages, and disharmony among commissioners, improved during the year, although conflicts between commissioners continued.

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

The constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, disability, ethnic origin, or political opinion; however, the Government did not enforce these provisions effectively.

The constitution enshrines discrimination on the basis of race, and only persons who are “Negroes” or of “Negro descent” can become citizens or own land. Differences stemming from the country’s civil war continued to contribute to social and political tensions among ethnic groups, notably the Congos, Krahn, Mano, Gio, and Mandingo.

Women.—On August 4, the president signed into law the Gender and Sexually Based Violence Bill, which designates a specialized court for rape trials and expedites rape cases through the court system. Sentences for rapists range from seven years to life imprisonment, and accused rapists are ineligible for bail; however, the Government did not effectively enforce the law. The law does not specifically criminalize spousal rape. The WCPS unit of the LNP stated that approximately 275 rape cases were reported to the unit during the year, of which 202 were prosecuted, resulting in 21 convictions and 181 cases still pending; approximately 400 rape cases were reported in the previous year. The stigma of rape contributed to the pervasiveness of out-of-court settlements and obstructed prosecution of cases. Inefficiency in the justice system also prohibited timely prosecution of cases, although local NGOs pushed for prosecution and sometimes provided lawyers to indigent victims. The Government raised awareness of the issue of rape through billboards, radio broadcasts, and publicity campaigns.

The law prohibits domestic violence; however, it was a widespread problem. The maximum penalty for domestic violence is six months' imprisonment, but the Government did not enforce the law effectively. The Government and the media made some efforts to publicize the problem, and several NGOs continued programs to treat abused women and girls and to increase awareness of their rights. LNP officers received training on sexual offenses as part of their initial training. In 2007 the Gender Based Violence (GBV) Secretariat completed a national action plan, and during the year the Ministry of Gender and Development organized workshops and seminars to create awareness of GBV.

Although prostitution is illegal, it was widespread.

The law does not prohibit sexual harassment, and it was a major problem, including in schools and at places of work.

Women have not recovered from the setbacks caused by the war, when many schools were closed, and they were prevented from maintaining their traditional roles in the production, allocation, and sale of food. Thousands of women remained displaced, preventing them from pursuing livelihoods or education.

Women and men enjoy the same legal status. Women can inherit land and property, receive equal pay for equal work, and were allowed to own and manage businesses. A number of businesses were female-owned or operated. The Government prohibits polygyny; however, traditional laws permit men to have more than one wife. No specific office exists to ensure the legal rights of women, but the Ministry of Gender and Development was generally responsible for promoting women's rights.

Children.—The Government did not fully provide for the education and health of children, but it continued to improve these services, and the budget for children's health and education increased during the year.

Many parents of children born at home did not register their children, which sometimes resulted in denial of public services. During the year the Ministry of Health worked to increase birth registrations.

The Government eliminated fees for primary school, but fees continued for secondary school, and the Government was unable to provide for the needs of the majority of children. School-related costs remained high, thereby making education unattainable for significant numbers of school-age children. In both public and private schools, families of children often were asked to provide their own uniforms, books, pencils, paper, and even desks. For primary education, the national enrollment ratio was 53 percent for boys and 47 percent for girls.

Widespread child abuse continued, and reports of sexual violence against children increased during the year. Civil society organizations reported increased incidence of rape of girls under 12.

On June 26, the Government sentenced Issac Carr and Alphonso Kerkula to life imprisonment for the gang rape of a child in Monrovia, and on July 21, a child rapist was convicted in Bong County.

On September 22, Grand Bassa County Senator Nathaniel Innis was indicted for aggravated assault on his niece in July. Although Innis denied attacking the girl, who sustained numerous bruises, he publicly blamed "the devil" and accused the media of exaggerating the incident for political purposes. Several local human rights groups called for the senator's prosecution; however, charges against the senator were dropped in November.

The law does not specifically prohibit female genital mutilation (FGM), and the Government took no action against FGM during the year. FGM traditionally was performed on young girls belonging to northern, western, and central ethnic groups, particularly in rural areas. The most extreme form of FGM, infibulation, was not practiced. Victims of FGM died from the procedure during the year. Traditional in-

stitutions, such as the secret Sande Society, often performed FGM as an initiation rite, making it difficult to ascertain the number of cases.

During the year there were reports that young women and girls engaged in prostitution for money, food, and school fees.

Despite international and government attempts to reunite children separated from their families during the civil war, there were still many children who lived on the streets in Monrovia. It was difficult to tell who were street children, former combatants, or IDPs. Nearly all children had witnessed atrocities during the 14-year civil war, and some children had committed atrocities.

The Government continued to close unregistered orphanages during the year; however, regulation of orphanages continued to be very weak. Many unofficial orphanages also served as transit points or informal group homes for children, some of whom had living parents who had given up their children for possible adoption. Orphanages were underfunded and had difficulty providing basic sanitation, adequate medical care, and appropriate diet. They relied primarily on private donations and support from international organizations, such as the UN Children's Fund and the World Food Program, which provided food and care throughout the year. Many orphans lived outside these institutions.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were police reports that persons were trafficked within the country, particularly for domestic work and other labor. Although no national database on trafficking exists, seven trafficking cases were recorded between March 2007 and February 2008, according to the National Antitrafficking Task Force. Of the seven, three persons were charged with criminal facilitation, and all were being prosecuted at year's end. Young women and children were at a particularly high risk for trafficking, especially orphans or children from extremely poor families. Trafficking victims often were subjected to harsh living and working conditions.

Traffickers enticed their victims with promises of a better life. Victims generally were not related to traffickers, although they were often from the same village. Parents of trafficking victims were persuaded that their children would have better food and educational opportunities and would eventually return home.

Penalties for trafficking range from one year to life in prison. Monetary restitution to victims is also provided for in the law. The law was widely disseminated among law enforcement personnel, although lawyers and judges were often unfamiliar with it. The ministries of Justice and Labor have primary responsibility for combating trafficking, but enforcement efforts were weak, and there were no convictions for trafficking during the year.

In December authorities arrested three suspects for allegedly recruiting 33 children in Liberia, Sierra Leone, and Guinea. One of the suspects, Francis Dogbyou, recruited 50 schoolchildren in Bong, Margibi, Bomi, and Grand Cape Mount counties. Two other suspects, who described themselves as imams, were arrested in Lofa County with 65 children allegedly recruited in Guinea, Sierra Leone, and Liberia. The case against the man arrested in 2007 for trying to sell a child in Monrovia remained pending at year's end.

The Government had limited capacity to provide services to victims; however, NGOs and church groups provided shelter for abused women and girls, including trafficking victims.

International NGOs, local NGOs, and churches worked with the Government to raise awareness about trafficking, and the WCPS continued to address trafficking issues. The National Antitrafficking Task Force appointed by the president in 2006 continued to meet during the year; however, it had no program budget. The task force held a three-day workshop for government officials and NGOs during the year.

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

Persons With Disabilities.—Although it is illegal to discriminate against persons with physical and mental disabilities, such persons did not enjoy equal access to government services. No laws mandate access to public buildings. Streets, schools, public buildings, and other facilities were generally in poor condition and inaccessible to persons with disabilities. Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced societal discrimination, particularly in rural areas; however, unlike in the previous year, there were no reports that babies with deformities were sometimes abandoned.

The Ministry of Health and Social Welfare is responsible for protecting the rights of persons with disabilities. During the year the ministry conducted a series of sensitization programs for government social workers about persons with disabilities. NGOs provided some services to persons with disabilities.

National/Racial/Ethnic Minorities.—Although the law prohibits ethnic discrimination, racial discrimination is enshrined in the constitution, which provides that only “persons who are Negroes or of Negro descent” may be citizens or own land. Many persons of Lebanese and Asian descent who were born or lived most of their lives in the country were denied citizenship and the right to own property as a result of this racial discrimination.

The country has 16 indigenous ethnic groups; each speaks a distinct primary language and was concentrated regionally. Differences involving ethnic groups continued to contribute to social and political tensions.

Other Societal Abuses and Discrimination.—There were no reports of societal violence based on sexual orientation or against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to freely form or join independent unions of their choice without prior authorization or excessive requirements. The law also provides workers, except members of the military, police, and civil service, the right to associate in trade unions, and workers exercised this right in practice. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law prohibits unions from engaging in partisan political activity. Workers, except members of the civil service, have the right to strike. Union power increased during the year through increased membership at major plantations; however, the country’s largely illiterate workforce engaged in few economic activities beyond subsistence level.

Unlike in the previous year, the Government did not interfere with union elections; in 2007 the minister of labor suspended the leadership of the Aggrieved Workers Union.

The law does not prohibit retaliation against strikers; however, there were no such incidents during the year.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law, and these laws were effectively enforced. With the exception of civil servants, all workers have the right to organize and bargain collectively.

The law does not prohibit antiunion discrimination, but there were no reports of such discrimination during the year.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment and apprenticeship of children under the age of 16 during school hours; however, the Government did not effectively enforce the law. Child labor was widespread in almost every economic sector, in large part due to extreme poverty. Throughout rural areas, particularly where there were no schools, small children continued to take care of younger brothers and sisters and to work on family subsistence farms. In urban areas children assisted their parents as vendors in markets or hawked goods on the streets. During the year there were reports that children were tapping rubber at smaller plantations and private farms. There were also unconfirmed reports that children were forced to work in conditions that were likely to harm their health and safety, such as stone cutting or work that required carrying heavy loads. Some children were engaged in hazardous labor in the alluvial diamond industry and in agriculture.

The Ministry of Labor’s Child Labor Commission was responsible for enforcing child labor laws and policies; however, the commission was understaffed and generally focused on awareness. There were no government programs to prevent child labor or to remove children from such labor. International NGOs continued to work to eliminate the worst forms of child labor by putting at-risk children in school. Other local and international NGOs worked to raise awareness about the worst forms of child labor.

e. Acceptable Conditions of Work.—The national law requires a minimum wage of 15 Liberian dollars (approximately \$0.25) per hour, not exceeding eight hours per day, excluding benefits, for unskilled laborers. The law does not fix a minimum wage for agricultural workers but requires that they be paid at the rate agreed in the collective bargaining agreement between workers’ unions and their management, excluding benefits. Skilled labor has no minimum fixed wage, and the minimum wage for civil servants was raised during the year from 3,300 Liberian dollars (\$55) to 4,200 Liberian dollars (\$70) per month.

The relatively scarce minimum wage jobs did not provide a decent standard of living for a worker and family. Families dependent on minimum wage incomes also engaged in subsistence farming, small scale marketing, and begging.

The law provides for a 48-hour, six-day regular workweek with a 30-minute rest period per five hours of work. The six-day workweek may be extended to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours. The law also provides for pay for overtime and it prohibits excessive compulsory overtime.

The law provides for paid leave, severance benefits, and safety standards, but enforcement was targeted solely at foreign-owned firms that generally observed these standards.

The Ministry of Labor lacked the ability to enforce government-established health and safety standards. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment.

Due to the country's continued severe economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions.

MADAGASCAR

Madagascar is a multiparty democracy with a population of approximately 18 million. President Marc Ravalomanana, who was elected to a second term in 2006, and his party, Tiako-I-Madagasikara (TIM), dominated political life. The legislative elections in September 2007 and April were generally free and fair, although international and domestic observers noted the continued unanswered need for electoral reforms. The civilian authorities generally maintained effective control of the security forces.

The following serious human rights problems were reported: unlawful killings; security force abuse; harsh prison conditions that resulted in deaths; arbitrary arrest; lengthy pretrial detention; censorship; official corruption and impunity; societal discrimination and violence against women and children; trafficking of women and children; and child labor, including forced child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings. However, police and gendarmes throughout the country used unwarranted lethal force during pursuit and arrest.

In September a suspected criminal was killed during pursuit and a bystander injured by police gunfire in an Antananarivo market. In a similar incident in October in Ankasina, a suspected thief was injured by gunfire after fleeing from the police. In June 2007 gendarmes in Bekoby, near the northwestern town of Majunga, shot and killed two brothers for stealing a neighbor's cow; that same month a gendarme slashed another suspect's leg with a machete during pursuit and arrest, and the man bled to death after a day of questioning and beating. No action was taken against security forces responsible for such killings.

There were no reports that demonstrators died as a result of police use of excessive force.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law provide for the inviolability of the person; however, security forces subjected prisoners to physical abuse, including rape. In September 2007 a 17-year-old boy in Ilemby accused of stealing cattle had his head submerged in a river by a gendarme according to the local nongovernmental organization (NGO) S.O.S. Victimes. The boy spent three days in prison and was released after his family agreed to pay 800,000 ariary (approximately \$400) to the gendarme. At year's end the family was still completing its payment. There were no other developments in the case.

In October 2007 a 15-year-old in Ambohimangakely, near the capital, Antananarivo, was arrested after being accused of stealing a cellular telephone. In prison he was undressed, physically abused, and not given anything to eat for 48 hours. After he fainted, the police sent him to a local hospital. In November 2007 the boy was acquitted for lack of evidence. There was no further action on the case.

Prison and Detention Center Conditions.—Prison conditions were harsh and life threatening. Severe overcrowding due to weaknesses in the judicial system and in-

adequate prison infrastructure remained a serious problem; pervasive pretrial detention continued, although Ministry of Justice (MOJ) efforts reduced the number of such detainees during the year. As of December the country's 82 facilities held approximately 16,555 prisoners, according to the Ministry of Justice, exceeding intended capacity by up to one-third.

Chronic malnutrition, which affected up to two-thirds of detainees in some prisons, was the most common cause of death. The Ministry of Justice's efforts in 2007 to raise prisoners' daily food ration to 750 grams (typically dry manioc, rice, or cassava) had not been fully implemented by year's end; families and NGOs supplemented the daily rations of some prisoners.

The MOJ reported 48 prison deaths during the year, a slight reduction over the same period in 2007, although NGOs and media sources indicated that there was substantial underreporting of this figure.

Malnutrition and a lack of hygiene made detainees vulnerable to disease, including epidemics. Deteriorating prison infrastructure—including a lack of sanitary facilities and potable water—resulted in skin disease, insect infestation, and other health risks. Access to medical care was limited, although NGOs reported limited success in targeted sanitation activities at several facilities in the north of the country.

The Government's 2007 national action plan to rehabilitate and improve prison conditions had some success in reducing the number of pretrial detainees, but there was little change in other target areas.

Church leaders and some NGOs reported that rape was commonplace in prisons and often used by prison guards and other inmates to humiliate prisoners. Other organizations stated that while rape cases were the exception, prisoners often prostituted themselves in jail for food. Prisoners could be used as forced labor.

Juveniles were not always held separately from the adult prison population, and some preschool age children shared cells with their incarcerated mothers. Pretrial detainees were seldom kept separate from the general prison population.

The Government generally permitted independent monitoring of prison conditions by the International Committee of the Red Cross and several local NGOs, and such visits occurred during the year. ICRC visits were conducted two to three times during the year to each facility, with private consultations in accordance with ICRC standard modalities.

d. Arbitrary Arrest or Detention.—The constitution and law provide for due process for persons accused of crimes and prohibit arbitrary arrest and detention. However, the Government did not always respect these provisions in practice, permitting arrest on vague charges and detaining suspects for long periods without trial.

Role of the Police and Security Apparatus.—Following reforms in October, the minister for internal security heads the National Police, the Gendarmerie, and a planned Coast Guard, with authority for law and order in both urban and rural areas. The Gendarmerie had previously been under the authority of the Ministry of Defense.

Lack of training and equipment, low salaries, and rampant corruption were problems in the National Police and Gendarmerie. The MOJ established four legal clinics in 2007 to assist victims of human rights violations; however, no report on their activities was made available by year's end.

The Independent Anticorruption Bureau (BIANCO) is a nominally independent government agency, with a presidentially appointed director and oversight from the Committee for the Safeguard of Integrity within the presidency. BIANCO opened investigations into allegations of security force abuses including corruption and blackmail, and provided training in judicial reforms to the security forces.

Arrest and Detention.—Although the law requires that arrest warrants be obtained in all cases except those involving hot pursuit, often persons were detained and jailed based on accusations. Defendants have a general right to counsel and the right to be informed of charges against them, but this was not always respected. A system of bail exists depending on the crime, with bail frequently denied for more severe or high profile crimes. Magistrates often resorted to a "mandat de depot" (retaining writ) by which defendants were held in detention for the entire pretrial period. In May 2007 the Government adopted a new law that limits the duration of pretrial detention and regulates the use of the mandat de depot, including new regulations that limit the duration of detention based on the type of crime, with a new maximum of eight months for criminal cases. Family members of prisoners generally were allowed prompt access to prisoners; however, access to certain prisoners, such as those in solitary confinement, was more limited.

The MOJ reported that approximately 50 percent of the prison population was in pretrial detention. The law mandates that a criminal suspect be charged or released within 48 hours of arrest; however, the Government often detained individuals for

significantly longer before charging or releasing them. Poor record keeping, an outdated judicial system that favors keeping the accused in detention until their trial, an insufficient number of magistrates, lack of resources, and difficult access in remote areas contributed to lengthy pretrial detention, ranging from several days to multiple years. Many detainees spent a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced.

The Government's recent steps to address some of these issues have started to reduce the number of pretrial detainees and increase the number of prisoners released on "conditional liberty." Human rights training by UNDP and the National School for Magistrates was ongoing for magistrates, NGOs, journalists, and investigative police.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the judiciary was susceptible to executive influence at all levels and corruption remained a serious problem.

The judiciary is under the MOJ and has four levels. Courts of first instance hear civil cases and criminal cases carrying lesser fines and sentences. The Court of Appeals includes a criminal court of first instance for cases carrying sentences greater than five years. The Supreme Court of Appeals hears appeals of cases from the Court of Appeals. The High Constitutional Court reviews the constitutionality of laws, decrees, ordinances, and electoral disputes. The judiciary also includes specialized courts designed to handle matters such as cattle theft.

Military courts are reserved for the trial of military personnel and generally follow the procedures of the civil judicial system, except that military officers are included on jury panels. Defendants in military cases have access to an appeals process. A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

The law provides traditional village institutions the right to protect property and public order. An informal, community-organized judicial system called "dina" was used in some rural areas to resolve civil disputes between villagers over such issues as cattle rustling.

Trial Procedures.—The constitution and law provide defendants with the right to a full defense at every stage of the proceedings, and trials are public. Defendants have the right to be present at their trials, to be informed of the charges against them, to call and confront witnesses, to present evidence, and to appeal convictions. The law extends these rights to all citizens without exception.

The Government is required to provide counsel for all detainees who cannot afford their own attorney; however, many citizens were not aware of this right in practice. Attorneys have access to government-held evidence but this right does not extend to defendants without attorneys. The law provides for a presumption of innocence; however, the presumption of innocence was often overlooked. While the law provides that juries can be used in all cases, in practice, juries were used only in labor disputes.

Political Prisoners and Detainees.—Government, opposition, and civil society organizations disagree on the existence of political prisoners in Madagascar. Although no numbers are currently available, several well-known politicians are imprisoned, serving what are seen as excessive sentences for crimes of reportedly questionable legitimacy. Pety Rakotoniaina, a former Mayor of Fianarantsoa and contender in the 2006 presidential election, is currently serving a 14-year sentence for the theft of an official vehicle. His lengthy sentence is seen by the opposition and media as the result of his vocal support for General Fidy Andrianafidisoa, currently imprisoned for a 2006 coup attempt against the president.

The classification of some prisoners remains difficult due to the effects of corruption and intimidation in the judicial process. These prisoners generally received equal treatment to that of other prisoners, and international humanitarian organizations were permitted access to them.

Civil Judicial Procedures and Remedies.—The judiciary's independence and impartiality was compromised by corruption, as indicated by BIANCO investigations and public perception. The judiciary deals with all civil matters, including human rights cases. However, the courts often encountered difficulty in enforcing judgments in civil cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press. Citizens could criticize the Government on many subjects without fear of reprisal, but the Government attempted to impede political criticism. There were no reports of government officials arresting journalists during the year; however, one television station was closed, several radio stations were temporarily suspended and programs cancelled for alleged criticism of the Government. To maintain access to sources, journalists practiced extensive self-censorship.

There were 13 privately owned major daily newspapers and many other privately owned national and local news publications that were published less frequently. *Le Quotidien*, which is owned by the president, was the newspaper most heavily influenced by the state. The Government owned nationwide television and radio networks. The president's privately owned television and radio station, MBS, was permitted to broadcast nationally, a right denied to all other private stations. There were approximately 256 other radio stations and 39 other television stations.

In May the foreign editor of *L'Express*, a major Antananarivo newspaper, was allegedly expelled from the country. In October the prime minister implied in a statement to the press that the activities of critical media could be construed as criminal. While a wide variety of views can be found in print media, electronic media generally refrain from criticizing the Government, and those working for private media were expected to follow the political line of the station owner. Government agencies, private companies, and political parties sometimes bribed journalists, who generally received minimum or below minimum wages, to ensure positive coverage of certain events.

In December Antananarivo television station "VIVA" was closed after airing a speech by former president Didier Ratsiraka, with the Government citing concerns that it could "disturb order and public security." Andry Rajoelina, owner of VIVA and Mayor of Antananarivo, has used the closure to garner support among opposition figures, and he has publicly challenged the Government over what he considers to be a politically-motivated campaign against him. This dispute worsened by the end of the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Public access to the Internet was limited mainly to urban areas; modern technology and the necessary infrastructure were generally absent in rural areas.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly and the Government generally respected this right in practice. Unlike in the previous year, however, there were reports that government officials impeded opposition meetings in several locations around the country.

From August through October, several opposition groups were denied permission to hold meetings in several cities, including Antananarivo, Fianarantsoa, and Tamatave. In several cases, authorization was withheld by the police, citing public safety, security concerns, or lack of justification for the event. Several groups held their events regardless, and opposition leaders were arrested or detained for these activities. Opposition leader Henri Lecacheur was given a three-month suspended sentence in September for allegedly holding an unauthorized rally in Antananarivo in August.

For several weeks starting in late April, public demonstrations in Tulear, Diego Suarez, and Tamatave, originating with students' grievances against blackouts and study conditions, led to clashes between security forces and demonstrators. Protestors threw rocks at police, set fire to a public building in Tulear, took the regional director of Tulear's penitentiary administration hostage, and looted shops. Police responded by releasing tear gas and firing shots to disperse the crowd; one person was shot in the leg. All arrested protestors were released; some received suspended prison sentences for inciting violence and disturbing public order. There is no record available of any further actions in this case.

Freedom of Association.—The constitution and law provide for the right of association and permit citizens to organize political parties and associations. The Government generally respected this right in practice.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. However, some Mus-

lims felt marginalized by the Government and expressed concern about their legal status. They expressed reluctance to openly advertise some of their activities as “Islamic” for fear of discrimination, although there were no reliable reports of explicit discrimination by the Government except regarding pending citizenship applications (See Section 2.d.).

An April 2007 constitutional referendum eliminated the explicit separation of church and state but did not diminish legal protection for freedom of religion. However, secular NGOs and other churches reported favoritism for the Protestant FJKM, with which President Ravalomanana is affiliated, and assert that the constitutional changes have legitimized a certain amount of interference.

In August 2007, following a two-year ban, the Government reopened the New Protestant Church in Madagascar, now renamed. The Universal Church of the Kingdom of God remained banned during the year.

In May 2007 Jesuit missionary Father Sylvain Urfer was deported to France on grounds that his entry visa had expired, although he had lived in Madagascar since 1974 and held a permanent visa since 1992. Some human rights activists claimed Urfer’s expulsion was connected to his religious activities, while others cited his open criticism of the Government as the reason. As of October the Supreme Court had not yet ruled on the case, and Urfer remained abroad.

Societal Abuses and Discrimination.—There were no reports during the year of societal abuses or discrimination based on religious belief or practice.

The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The constitution does not explicitly prohibit forced exile; however, the Government did not use it in practice. Former president Ratsiraka and some members of his administration remained in self-imposed exile.

Protection of Refugees.—The law does not include provisions for the granting of asylum or refugee status, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum and cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting the small number of refugees in the country.

Stateless Persons.—An arcane system of citizenship laws and procedures has resulted in a large pool of stateless persons in the minority Muslim community, many of whom have lived in the country for generations. Reliable figures remain unavailable, but Muslim leaders estimated as many as 5 percent of the estimated two million Muslims were affected. Citizenship is transmitted through “bloo”; birth on Malagasy soil does not transmit citizenship. Children born to a Malagasy mother and non-Malagasy father must be declared by a certain age or risk losing eligibility for citizenship. Some members of the Karana community of Indo-Pakistani origin who failed to register for Malagasy or Indian citizenship following India’s independence in 1947 were no longer eligible for either. Members of the wider Muslim community suggested that a Muslim-sounding name alone could delay one’s citizenship application indefinitely. Lack of citizenship precluded voting rights and limited international travel without a passport.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice by voting in presidential, legislative, and municipal elections.

Elections and Political Participation.—Indirect elections to the 33-member senate were held in April, with the ruling TIM party winning all 22 elected seats, with the remaining 11 members appointed by the president. Allegations of campaign and voting irregularities surfaced during and after the election, but no conclusive legal action was taken.

The December 2007 municipal elections were initially declared free, fair and peaceful, but local observers noted minor irregularities in some elections advantaging ruling party candidates over others. The Council of State overturned results in several mayoral contests, citing localized miscounting and improper in-

volvement of TIM candidates. By August TIM had lost 16 mayoral positions in court, and gained six others. TIM did not interfere when an independent won in Antananarivo, but an ongoing feud between the mayor and the Government over the last year has seen national government officials interfering with the mayor's financial independence and administrative authority in the capital. This culminated in a conflict over the closure in December of the mayor's private television station, VIVA, that was ongoing at the end of the year.

In September 2007 the country held a calm and relatively orderly legislative election marked by a low 46 percent voter turnout. The result was a National Assembly in which all but 22 of 127 legislators were TIM party members. A number of domestic and international observer teams deemed the election generally free and fair, despite minor irregularities that did not affect the overall results. However, media coverage included unconfirmed reports of government interference and pressure at the local level, namely regional chiefs either promising local leaders rewards or threatening dismissal if the ruling TIM party candidate was not elected in their areas. Election observers also noted persistent structural shortcomings, including the need for an independent electoral commission, the need to revise the electoral code to include sanctions against fraud and to regulate campaign financing, and the lack of a single ballot that could potentially disadvantage candidates who could not afford to print their own ballots or if the Government failed to adequately distribute their ballots.

Former deputy prime minister Pierrot Rajaonarivelo continued from abroad to appeal his conviction; the last appeal filed in May 2007 was still pending at year's end.

There were four women in the cabinet, 10 women in the 127-member National Assembly, and five women in the 33-member Senate. Three of the 22 appointed regional administrators were women.

There were 11 Muslims and seven Chinese-Malagasy members in the National Assembly and eight Muslims in the Senate. Chinese-Malagasy and Muslims also held civil service positions. However, residents of Indo-Pakistani origin were not well-represented in the Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem, as was impunity. NGOs and the media reported that anticorruption efforts were more effective in pursuing low-level violators, with less success in attacking corruption at the national government level.

During the year the Government created an anti-money laundering agency, SAMIFIN, and a separate ethics unit within each ministry. BIANCO, the Government's Independent Anti-Corruption Bureau, and the MOJ signed an agreement in June for increased cooperation concerning data collection and case referrals.

BIANCO monitored a network of drop boxes for public complaints in each of the country's 111 districts, and had received 9,690 complaints during the year; of these, 1,167 were considered worthy of pursuit, and in December the agency had 1,095 open investigations.

In October 2007 a court sentenced the former mayor of Tamatave, Roland Ratsiraka, to 18 months of "suspended" prison time for awarding a bid to his own garbage collection company. In August 2007 six persons were arrested for embezzling 10.8 billion ariary (approximately six million dollars) from the Central Bank in Manakara; the director of the Central Bank and two of his staff reportedly fled abroad to avoid arrest.

Public officials at the director-general level and above were subject to financial disclosure laws, excluding the president. In practice, only 33 percent of those required to disclose did so during the year.

There are no laws providing for public access to government information. Educational material on anticorruption, including statistics updated every quarter, was available to citizens and noncitizens, including foreign media, while cases under investigation were considered confidential.

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

Numerous domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The constitution and law require the Government to create apolitical organizations that promote and protect human rights. While no single entity bears sole responsibility for the status of human rights in the country beyond the standard judicial system, responsibilities have been delegated to several organizations covering specific elements such as child labor and domestic violence.

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

The constitution and law prohibit all forms of discrimination; however, no specific government institutions were designated to enforce these provisions.

Women.—The law prohibits rape in general but does not specifically refer to spousal rape. Penalties ranged from three years to life in prison, depending on factors such as the victim's age, the rapist's relationship to the victim, and whether the rapist's occupation put him or her in contact with children. Rapes committed against children and pregnant women were punishable by hard labor. An additional two to five years' imprisonment could be added in the case of assault and battery, and the Government generally enforced these penalties. The Brigade of Morals and Minors reported receiving 10 to 12 rape-related complaints a day throughout the country. There were 217 cases of rape reported during the year in Antananarivo, of which 130 were investigated.

The law prohibits domestic violence, but it remained a significant problem. In 2007 the Government's National Institute for Public Health estimated that 55 percent of women were victims of domestic violence. The UN Population Fund (UNFPA) estimated in June 2006 that one out of three women in southern and south-eastern Madagascar would suffer from violence at some point in her life. A 2007 survey on conjugal violence conducted by the Ministry of Health in collaboration with two NGOs found that of 400 women surveyed in Antananarivo, 45 percent were subjected to psychological violence, and 35 percent were victims of physical violence. Police and legal authorities generally intervened when physical abuse was reported. The Ministry of Health continued working with NGOs in Antananarivo and Fianarantsoa to provide victims with legal advice. Statistics on the number of domestic abusers prosecuted, convicted, or punished were unavailable.

Prostitution is not a crime, but related activities, such as pandering and incitement of minors to debauchery, are criminal. Prostitution was pervasive and particularly visible in areas frequented by tourists. Sex tourism was an increasing problem with the growth of the tourism industry. The Government continued with its national awareness campaign by posting signs throughout airports and hotels, including a full-page warning against engaging in sex tourism in the customs booklet given to arriving international passengers. In December 2007 the Government adopted a law modifying the criminal code to define child sexual exploitation, child sex tourism, child pornography and trafficking in persons, and stipulating sanctions for the authors of such crimes, particularly when committed against children. NGOs reported that the law has been used in court on several occasions, but has not yet resulted in a prosecution.

Sexual harassment is against the law, but the practice was widespread, particularly in export processing zone (EPZ) factories. The UNFPA estimated that 50 percent of women working in EPZs were victims of sexual harassment. The Government enforced sexual harassment laws when brought to court; however, there were no reported cases during the year.

Women generally enjoy the same legal status as men. Under the law wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage ended. Widows with children inherit half of joint marital property; however, a husband's surviving kin have priority over widows without children. In practice these requirements were not always observed. A tradition known as "the customary third," which provided the wife with the right to only one-third of a couple's joint holdings, was occasionally observed. Although the country is party to Convention for the Elimination of all Forms of Discrimination Against Women there was no special government office to ensure the legal rights of women.

There was relatively little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in private businesses and state owned companies. More traditional social structures in rural areas tended to favor entrenched gender roles, as most of the population is engaged in subsistence farming. In 2003 the Ministry of Civil Services and Labor reported that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. While there is little discrimination in access to employment and credit, women often do not receive equal pay for substantially similar work. Women are not permitted to work in positions that might endanger their health, safety, and morals. Per the Labor and Social Protection Codes, such positions include night shifts in the manufacturing sector, and select positions in the mining, metallurgy, and chemical industries.

A number of NGOs focused on the civic education of women and girls and publicized and explained their specific legal protections; however, due to illiteracy, cultural traditions, societal intimidation, and a lack of knowledge about their rights,

few women lodged official complaints or sought redress when their legal rights were compromised.

Children.—The ministries of health and education play the principal role in addressing child welfare, but the ministries of justice, civil services and labor, youth and sports, and the State Secretariat for Public Security also play a role. An increase in the budget for education has permitted some improvement in services for vulnerable groups, but a lack of funding generally resulted in inadequate services and precluded the compilation of reliable statistics.

The country has no uniform birth registration system, and unregistered children were not eligible to attend school or obtain health care services. According to a 2003–04 study by INSTAT, the Government's office of statistical studies, 25 percent of children in the country under the age of five were not registered.

The constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory. According to government statistics, 85 percent of primary school-age children were enrolled, although a 2008 report from the International Labor Organization indicates that far fewer actually attend school. Children in rural areas generally studied through middle school, whereas children in urban areas commonly finished the baccalaureate examination process for entrance into university.

Child abuse was a problem. In December 2007 the Government adopted a 2008–12 national action plan on violence against children, including child labor, sexual exploitation, and trafficking. The Ministry of Health, in collaboration with UNICEF, operated more than 14 multi-sector networks throughout the country to protect children from abuse and exploitation. In light of recent child-related legislation, several ministries worked with UNICEF to develop training manuals on child rights and safeguards for officials working on child protection networks. In June, the Government completed a one-year program to train and assist security forces in the protection of children.

Government statistics indicated that 33 percent of girls between the ages of 15 and 19 were married. Child marriage was especially prevalent in rural areas, where most couples were united in traditional local ceremonies outside the legal system. As of April 2007 the legal age for marriage without parental authorization was 18 for both boys and girls.

Children engaged in prostitution for survival without third party involvement. Child prostitution constituted one of the primary forms of child labor. A 2007 UNICEF study in the coastal cities of Toamasina and Nosy Be found that between 30 and 50 percent of female sex workers were under the age of 18.

Although child abandonment is against the law, it was a significant problem due to acute poverty and lack of family support. There were few safe shelters for street children, and government agencies generally tried to place abandoned children with parents or other relatives first; orphanages and adoption were a last resort. A traditional superstition in the southeast against giving birth to twins led some parents in the region to abandon one or both of their twin children, who were sometimes left to die. The Government completed a study on the treatment of twins in Mananzary, and NGOs have actively promoted awareness of the issue, but no changes to the legal framework or enforcement policy had been adopted by year's end.

Trafficking in Persons.—As of December 2007 the law specifically prohibits trafficking in persons, but there were reports that persons were trafficked within the country. The vast majority of cases involved children and young women, mostly from rural areas, trafficked for sexual exploitation and forced labor including domestic servitude, mining, and street vending. A sex tourism problem existed in coastal cities, as well as Antananarivo, with a significant number of children exploited as prostitutes. International trafficking was rare; there were unconfirmed anecdotal reports of a limited number of women and girls trafficked for prostitution to the neighboring islands of Mauritius and Reunion.

Principal traffickers ranged from organized criminals to "friends" to taxi drivers to distant family members. Traffickers often took advantage of young women, girls, and boys in rural areas by promising employment opportunities in urban areas, particularly in domestic employment.

Traffickers may be prosecuted under provisions prohibiting procurement of minors for prostitution, pedophilia, pimping, and deceptive labor practices. In August 2007 a new law was adopted prohibiting all forms of violence against children, including sexual exploitation and providing for punishment of adult exploiters of child prostitutes. In December 2007 the Government adopted a law defining trafficking in persons, among other crimes, and stipulating sanctions for the authors of such crimes, particularly when committed against children. The Ministry of Justice is responsible

for enforcement of such laws, but NGOs reported that the laws were not effectively enforced.

During the year there were no reports of arrests specifically for trafficking. However, the absence of a centralized database of legal cases and a law specifically defining trafficking activities or sanctions before December 2007 impeded prosecution and recordkeeping. A centralized database was established in September under the authority of the Secretary of State for internal security; it is now operational, but currently lacks the required legal standing for use in court, and is generally limited to cases in Antananarivo.

Police cooperated with neighboring countries and Interpol in the investigation and prosecution of trafficking cases. The Government did not extradite persons charged with trafficking in other countries, nor did it permit extradition of Malagasy nationals. Whether because of corruption, pressure from the local community, or fear of an international incident, local police and magistrates in tourist areas often hesitated to prosecute foreign pedophiles.

The Government continued to address child labor and trafficking through educational and birth registration campaigns. Child workers taken into the country's three welcome centers were either given vocational training or placed back in school. The Ministry of Health worked with UNICEF to establish new multisector child protection networks throughout the country to handle individual cases of child exploitation, including trafficking.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities, broadly defines their rights, and provides for a national commission and regional subcommissions to promote the rights of persons with disabilities. In practice, however, these rights were rarely enforced, and the legal framework for promoting accessibility remains perfunctory. A 2005 study conducted by Handicap International found that persons with disabilities seldom had access to health care, education, employment, or accommodation for communication or other basic services, and women and girls with disabilities were often victims of physical violence.

The Ministry of Health is responsible for protecting the rights of persons with disabilities. President Ravalomanana signed the International Convention on the Rights of the Disabled in September 2007 but no implementing legislation had been passed by year's end.

Isolated projects at the community level had some success. A public market in the city of Majunga gained special handicapped access, a health and transportation benefits program with identity cards was developed in the city of Fianarantsoa, and persons with disabilities have been successfully integrated into public schools in some areas where they had previously had no access. However, reports continue that mainstream schools often reject students with disabilities on the basis of inadequate facilities.

National/Racial/Ethnic Minorities.—None of the 18 Malagasy tribes constituted a majority. There were also minorities of Indo-Pakistani, Comoran, and Chinese heritage. Ethnicity, caste, and regional solidarity often were factors in hiring and were exploited in election campaigns. A long history of military conquest and political dominance by highland ethnic groups of Asian origin, particularly the Merina, over coastal groups of African ancestry has contributed to tension between citizens of highland and coastal descent.

Other Societal Abuses and Discrimination.—The law does not prohibit discrimination against homosexuals, and there was general societal discrimination against them.

Although the national HIV/AIDS rate was low at approximately 1 percent, there was stigma and occasional discrimination attached to having HIV/AIDS. In July 2007 the Government adopted a new law protecting HIV/AIDS patients' rights to free and quality health care and specifying sanctions against persons who discriminate or marginalize people with the disease. The law was enforced by the ministries of health and justice and the National Committee for the Fight Against AIDS in Madagascar.

Section 6. Worker Rights

a. The Right of Association.—The law provides that public and private sector workers may establish and join labor unions of their choice without prior authorization or excessive requirements. However, those classified as essential workers, including police, military, and firefighters may not form unions. Ministry of Civil Services and Labor statistics from 2007 indicated that 14 percent of workers in EPZ companies and 10 percent of all workers were unionized. The Government had no reliable statistics on the number of public employees participating in unions, but it

was generally believed that few public employees were union members, despite the existence of several public employees' unions.

The law provides most workers with the right to strike, including in EPZs, and workers exercised this right; however, workers must first exhaust the conciliation, mediation, and arbitration procedures. Civil servants and maritime workers have their own labor code; workers in other essential services, such as magistrates, have a recognized but more restricted right to strike.

b. The Right to Organize and Bargain Collectively.—The law provides for unions to conduct their activities without interference, and the Government generally respected this right. The law also provides workers in the private sector the right to bargain collectively; however, civil servants were not covered under such agreements.

The law prohibits antiunion discrimination by employers; however, the Ministry of Civil Services and Labor indicated that some employees did not join unions due to fear of reprisal. In the event of antiunion activity, unions or their members may file suit against the employer in civil court.

Following the passage of a new Export Processing Zone (EPZ) law in January, labor laws in the EPZ vary somewhat from the country's standard labor code. EPZ labor contracts can now differ in terms of contract duration, restrictions on the employment of women during night shifts, and the amount of overtime permitted.

c. Prohibition of Forced or Compulsory Labor.—The labor code prohibits forced or compulsory labor, including by children, but at times the Government did not respect this prohibition, specifically with respect to prison labor. While prisoners and pretrial detainees can no longer be forcibly hired out to government officials for private use, unless the prisoner agrees to the terms of employment and monetary compensation stipulated in the labor code, they can still be hired out for public use by government offices. Except for those condemned to forced labor, they are entitled to receive a salary.

Forced labor by children occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws to protect children from exploitation in the workplace and prohibit forced or compulsory labor, but the Government sometimes encountered trouble enforcing these laws, due to inadequate resources and insufficient personnel. Child labor was a widespread problem.

The minimum age for employment was 15 years of age, consistent with educational requirements. The law allows children to work a maximum of eight hours per day and 40 hours per week with no overtime. The law prohibits persons under the age of 18 from working at night and at sites where there is an imminent danger to health, safety, or morals. Employers must observe a mandatory 12-hour rest period between shifts. Occupational health and safety restrictions include parental authorization and a medical visit before hiring.

The International Labor Organization's (ILO) National Survey on Child Labor in Madagascar from 2007 indicated that approximately 28 percent of the child population between the ages of five and 17 (1.8 million children) were working on a full- or part-time basis, with around 438,000 children involved in dangerous work. Children in rural areas worked mostly in agriculture, fishing, and livestock, while those in urban areas worked in occupations such as domestic labor, transport of goods by rickshaw, petty trading, prostitution, stone quarrying, working in bars, and begging. Children also were engaged in salt production, deep sea diving, and the shrimp industry. The Ministry of Civil Services and Labor estimated that more than 19,000 children were working in the mining towns of Ilakaka in the south, mostly in the informal sector, helping their families mine for gemstones or working as domestics and prostitutes. Children were trafficked internally for the purposes of forced labor and sexual exploitation.

The Ministry of Civil Services and Labor is responsible for enforcing child labor laws and policies in the formal sector and conducted general workplace inspections during the year in response to a range of complaints. The ministry had only 68 inspectors to carry out its responsibilities, making it difficult to monitor and enforce child labor provisions effectively. Enforcement in the much larger informal sector remained a serious problem.

The reduction of child labor is one of the Government's main goals in the comprehensive five-year Madagascar Action Plan guiding the country's development. In July 2007 the Government adopted a decree regulating the working conditions of children, defining the worst forms of child labor, identifying penalties for employers, and establishing the institutional framework for its implementation. NGOs reported improved awareness of the issue as a result; however, this has not been matched with more effective pursuit of labor law violators.

The Ministry of Civil Services and Labor continued implementing its 15-year national plan to combat the worst forms of child labor, including prostitution. In addition to the existing Regional Committee to Combat Child Labor (CRLTE) in the north, two additional CRLTE were established in 2007 in the southwest and on the east coast.

In May 2007 as part of the ongoing “red card campaign” to raise awareness about the fight against child labor, the Government worked with the Malagasy Soccer Federation (FMF) to conduct awareness campaigns around the country; this campaign continued during the year with ongoing support from the FMF and ILO-IPEC.

The Government’s welcome centers in Antananarivo, Tamatave, and Tulear continued to receive victims of trafficking and forced labor.

e. Acceptable Conditions of Work.—The Ministry of Civil Services and Labor was responsible for enforcing the working conditions and minimum wages prescribed in the labor code, but it sometimes encountered trouble enforcing these laws due to inadequate resources and insufficient personnel.

The monthly minimum wage was 70,025 ariary (approximately \$42) for non-agricultural workers and 71,000 ariary (\$43) for agricultural workers. This did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees knew what the legal minimum wages were, those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42.5 hours in the agricultural sector. Legislation limited workers to 20 hours of overtime per week, but employees often were required to work until production targets were met. In some cases this overtime was unrecorded and unpaid.

The Government sets occupational health and safety standards for workers and workplaces. CNAPS, the country’s social security agency, conducted inspections and published reports on workplace conditions, occupational health hazards, and workplace accident trends. The Ministry of Civil Services and Labor’s 68 labor inspectors were sufficient to cover only workers in the capital effectively. Workers have an explicit right to leave a dangerous workplace without jeopardizing their employment as long as they inform their supervisor. However, this right was not always respected in practice.

MALAWI

Malawi is a multiparty democracy with a population of approximately 13 million. In 2004 citizens elected Bingu wa Mutharika of the United Democratic Front (UDF) as president; in 2005 Mutharika resigned from the UDF to form the ruling Democratic Progressive Party (DPP). Constitutional power is shared between the president and the 193 National Assembly members. International observers noted substantial shortcomings in the elections, including inequitable access to the state-owned media, the ruling party’s use of state resources to campaign, and poor planning and administration by the Malawi Electoral Commission (MEC). While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Unlawful killing by security forces and police use of excessive force including torture occurred, but the Government took steps to prosecute and punish some abusers. Occasional mob violence and harsh and life-threatening prison conditions continued. Arbitrary arrest and detention, including politically motivated arrests, lengthy pretrial detention, societal violence against women, and corruption were problems. The Government restricted freedom of assembly and, at times, limited freedom of speech and the press. Government efforts to combat trafficking in persons and child labor continued, but problems remained.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically-motivated killings; however, security forces killed persons during the year. Perpetrators were occasionally punished, but investigations often were abandoned or inconclusive.

On August 12, police officers from a rapid response unit shot and killed Yusuf Abdullah while he was driving a truck filled with illegal charcoal in the Mchesi area

of Lilongwe. Abdullah's vehicle then crashed into a minibus, killing two additional persons and injuring six others. The Malawi Police Service initially stated that the accident occurred because the vehicle developed mechanical problems while going too fast; however, an autopsy found multiple bullets in Abdullah's body and confirmed that the body had been tampered with to conceal evidence. The Nation newspaper published photos of the body. On August 14, the police arrested four officers—Jonathan Mlotha, Nichola Saidi, Joshua Chewuka, and James Mhonjo—and charged them with murder. The officers were denied bail and were awaiting trial at year's end.

On September 18, a land dispute between two families in the Mbayani area of Blantyre resulted in a clash between police and residents. While trying to control the crowd, many of whom were armed with stones and knives, police reportedly fired tear gas and rubber bullets. In the confrontation an officer shot and killed a 13-year-old boy. Police had not identified the responsible officer by year's end.

There were no developments in the following 2007 cases: the January police killings of Robert Phiri and Thomas Chizenga; the June killing of six persons in a vehicular accident by Henry Msinkhu, a Blantyre police officer; the October death of Grant Chilimba while in police custody; the December killing of Wilson Master by MacNever, a guard for government-owned company Admarc; and, the December killing of Dinnis Mashalubu by another Admarc guard Chamasowa.

Mobs sometimes resorted to vigilante abuse, and beat, stoned, or burned suspected criminals to death.

On January 22, a mob in Ndirande Township, Blantyre, beat Chimwemwe Kanyoza to death for the suspected theft of water pumps. On February 10, a mob in Thyolo beat Laston Seunda to death for suspected involvement in the disappearance of a five-year-old girl. On June 3, a mob in Chiradzulu used knives to hack Harold Yobe to death after he was caught stealing cattle. Investigations were ongoing, but no arrests had been made in these cases by year's end.

No further information was available in the following 2007 mob killings: the April killings by six suspects of a man in Karonga; the April mob killing of a man in Chiradzulu; and, the September stoning to death of an herbalist in Dowa.

b. Disappearance.—There were no reports of politically motivated disappearances. There were no developments in the February 2007 disappearances of Christopher Chimbalanga and Hassan Twaliki from a Lilongwe police station.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, police used excessive force, including torture and other unlawful techniques, in handling criminal suspects. While senior officials publicly condemned prisoner mistreatment, their subordinates continued to employ unacceptable techniques. Inspector General of Police Oliver Kumbambe publicly condemned police officers engaged in human rights abuses and promised the police would not shield them. The Malawi Human Rights Commission (MHRC) and local nongovernmental organizations (NGOs) condemned police for human rights violations several times throughout the year.

There were several instances of security forces abuse. On March 10, The Nation photographed an unknown woman who was left outside the Chilinde Police Station in Lilongwe. Witnesses said she was held by the neck and squeezed against bars on the window by a police officer until she was unconscious. The woman was trying to watch police transport two corpses.

Aubrey Kasten claimed three police officers from Kabula Police Station in Blantyre beat him on August 22 until he was unconscious. Kasten said the officers first asked him to pay a bribe and when he refused, they forced him to join a roving night patrol. When Kasten asked to be released, he was beaten. Police told the media they would investigate but no further information was available.

On November 10, Mzuzu First Grade Magistrate's Court sentenced former police officer Leonard Chitimbe to 24 months in prison for assaulting four suspects on the night of July 20. The suspects has been accused of stealing a digital camera and claimed that Chitembe beat them with his hands, a cane, and a machete in an attempt to gain a confession.

Security forces engaged in rape and sexual abuse.

For example, on August 23, a police officer in Lilongwe, Enock Chawanda, was arrested for sodomizing a suspect; the suspect reported the sodomy to medical personnel and a medical examination confirmed the act. Chawanda was awaiting trial at year's end.

There were no developments in the following 2007 cases of police abuse: the January use of excessive force by police to disperse demonstrators at Lengwe National Park, and the September machete hacking by two policemen on the back of a man's head.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening; overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. In 2007 chief commissioner for Malawi prison services MacDonald Chawona publicly acknowledged that conditions in the prisons were appalling and attributed most of the problems to inadequate funding. In March the MHRC released a report noting violation of HIV-positive prisoners' rights due to shortage of medicine, inadequate space, poor medical facilities, poor nutrition, and a lack of emergency transport.

The prison system, which was meant to accommodate approximately 5,000 inmates, routinely held at least double that number. According to the prison commissioner, there were more than 11,000 inmates in the prison system at year's end. Staffing in prisons was inadequate, and more than 60 percent of positions were unfilled. Budget allocations for the prison system were less than 20 percent of the stated need, and the warden to inmate ratio was one to 17 rather than the recommended one to five.

Inmates were encouraged to grow vegetables and raise livestock and often did so; however, they complained that they did not receive enough food. On September 15, a Department of Prisons spokesperson Tobias Nowa commented that prisoners at Maula Prison in Lilongwe and Chichiri Prison in Blantyre only ate one meal a day due to a shortage of maize in the prison system. In an attempt to remedy the food shortage, the prison system began planting vegetables but still expected to only meet about half the nutritional need of the prisoners. Community service programs were available as alternatives to prison terms for first-time offenders convicted of less serious crimes and who had permanent addresses.

Numerous inmates died in prison each month, largely due to HIV/AIDS, diarrhea, pneumonia, tuberculosis, and inadequate diet. During the year there were 101 reported deaths in the prison system, including 52 attributed to HIV/AIDS, 21 to tuberculosis, 20 to pneumonia, two to malaria, and six to diarrhea. In 2007 the Department of Prisons spokesperson admitted that funding for medicine for HIV/AIDS affected prisoners was inadequate.

Unlike in the previous year, there were no reports of prison riots.

Although women were not kept in separate facilities, the more than 200 female prisoners were segregated within the prison compound and monitored by female guards. Juveniles were no longer incarcerated with adults. There are three juvenile detention centers (Bvumbwe, Lilongwe, and Byandzi) and two prisons with juvenile wings (Zomba and North Mzimba).

In March Blantyre Child Justice Court magistrate Esme Tembenu stated there were 447 children in Malawi's prisons contrary to the Children and Young Persons Act which bars the arrest and conviction of children. Tembenu was leading a program to remove children from prisons and put them into reformatory centers.

On November 10, Thyolo police officers Richard Chitseko and Cosman arrested and questioned six children between the ages of four and 11 on suspicion of stealing 6500 MWK (approximately \$45). The children claimed the officers handcuffed and beat them. One eight-year-old boy was tied to an Acacia tree and left overnight. All were released after payment of bail, but several NGOs and the MHRC pressed for an investigation which was still pending at year's end.

The law requires pretrial detainees to be held separately from convicted prisoners; however, the number of pretrial detainees swelled to over 2,800 and many prisons did not comply due to inadequate facilities.

During the year the Government permitted domestic and international NGOs and the media to visit and monitor prison conditions and to donate basic supplies. The International Committee of the Red Cross (ICRC) did not visit any of the prisons during the year.

In April the special rapporteur for prisons and conditions of detention in Africa, Mumba Malila, from the African Commission on Human and People's Rights, visited the country. He described the Zomba Prison as a serious danger to inmates and criticized the congestion there. Malila noted the prison was over 100 years old and in decay yet housed more than twice the designated capacity.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice.

Role of the Police and Security Apparatus.—The National Police, controlled by the Ministry of Home Affairs and Internal Security, has responsibility for law enforcement and maintenance of order. Police occasionally called on the army for support.

The police force was inefficient and poorly trained due to inadequate funding. Corruption was widespread, and impunity was a problem. Police continued efforts to improve investigative skills, including training on internal affairs investigations,

and to introduce the concept of victims' rights through workshops and other training exercises, particularly in the areas of sexual abuse, domestic violence, and trafficking in persons. The police continued to receive foreign assistance to train officials and procure equipment.

Arrest and Detention.—The law provides the accused the right to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court within 48 hours; however, these rights were seldom respected in practice. Most suspects were apprehended without a warrant if a police officer had probable cause. Arrest warrants were usually issued in cases involving corruption or white-collar crime and were issued by a duly authorized official based on presented evidence. The use of temporary remand warrants to circumvent the 48-hour rule was widespread. The Government provided legal services to indigent detainees; however, access was often delayed since there were only 11 lawyers and seven paralegals working as public defenders. Detainees were allowed access to relatives. Bail frequently was granted to reduce prison overcrowding rather than on the merits of an individual case. During the year the MHRC received three complaints of arbitrary detention related to overstay of remand, denial of bail, and unheard appeals.

Arbitrary arrests remained a problem. Police arrested relatives of suspects when a suspect could not be found to draw the wanted individual out of hiding.

Security forces arrested a number of opposition politicians, primarily from the UDF, on a range of charges. Arrests of opposition politicians were greater than in the previous year. While government actions generally were legal in the strictest sense, courts dismissed or suspended many of these cases.

Beginning May 14, police arrested nine persons, most with close ties to the UDF, on charges of treason. Among the suspects were UDF Secretary General Kennedy Makwangwala, UDF Southern Region governor John Chikakwiya, Brigadier General Marcel Chirwa, Brigadier General Jack Mtende, Brigadier General Cosgrove Mituka, former commissioner of police Matthews Masoapyola, retired army commander Joseph Chimbayo, and retired police inspector-general Joseph Aironi. On May 20, all of the suspects were released on bail due to a lack of evidence. However, the cases had yet to be dismissed at year's end.

On May 25, police arrested former president Bakili Muluzi for treason and placed him under house arrest in Blantyre. On May 30, he was granted bail due to lack of evidence. In September the High Court removed Muluzi's bail conditions because the Government had failed to begin prosecution within three months of his arrest. However, the case was not dismissed.

The 2006 detention of Vice President Chilumpa for allegedly plotting to assassinate President Mutharika continued. Chilumpa was charged with treason and held under relaxed house arrest in Blantyre, allowing him to travel within the country (provided he informed authorities) and abroad (with High Court permission). On May 30, the Supreme Court agreed that a Constitutional Court should decide whether the Government has to give Chilumpa's lawyers photographs of the alleged assassins. At year's end no trial date had been set.

Twenty five percent of the prison population was pretrial detainees. Pretrial homicide suspects were typically held in detention for two to three years, although at Maula Prison alone, 15 suspects had been in jail for over seven years awaiting trial. The most extreme case was that of John Chima, who has been in Zomba Prison awaiting trial for murder for 17 years.

The Center for Legal Assistance, an NGO that assists prisoners with legal matters, continued to provide free legal assistance to expedite the trials of detainees, with priority given to the sick and young and those subjected to long trial delays.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision. However, the judicial system was inefficient and handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and other trained personnel, heavy caseloads, and lack of resources.

The law provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. A Constitutional Court (a panel consisting of three high court judges with jurisdiction over constitutional matters) also existed. The chief justice is appointed by the president and confirmed by the National Assembly. The president appoints other justices, following recommendations by the Judicial Service Commission. All justices are appointed to serve until the age of 65 and may be removed only for incompetence or misbehavior, as determined by the president and a majority of the National Assembly. The military has a court martial but no military or security tribunals.

Trial Procedures.—By law defendants have the right to a public trial but not to a trial by jury. In August the Ministry of Justice approved a new system for murder cases that eliminated jury trials to expedite cases and cut costs. Public and press reaction was noncritical since murder suspects sometimes remained incarcerated for years awaiting trial by jury before the change. Defendants have the right to be present, are entitled to an attorney, and if indigent, have an attorney provided at state expense. Defendants have the right to present and challenge evidence and witnesses, the right of appeal, and the presumption of innocence. The law extends the above rights to all persons.

The judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants but improvements were made due to increased staffing. The Department of Public Prosecutions had 13 prosecuting attorneys, a decrease of 16 from 2007 levels, and 11 paralegals, an increase of two. The paralegals served as lay prosecutors and prosecuted minor cases in the magistrate courts. Retention of government attorneys was a problem.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. The law provides for administrative remedies as well as judicial remedies for alleged wrongs; however, a paucity of resources and legal professionals restricted the number of cases pursued and resulted in a large backlog. During the year the MHRC received 149 complaints of limited access to justice and 27 complaints of unfair administrative justice. There were no reported problems enforcing court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, at times the Government attempted to limit these rights. Journalists practiced self-censorship, especially at government-owned media outlets such as the Malawi Broadcast Corporation (MBC) and Television Malawi (TVM).

Private individuals were generally free to criticize the Government without fear of reprisal. However, after the May arrest of nine members of the opposition for treason, several prominent NGO leaders and clergy stated that police and other government officials threatened them with arrest unless they stopped commenting on governance issues.

The independent media were active and expressed a wide variety of views; however, the Government imposed some restrictions during the year. A broad spectrum of political opinion was available in the country's newspapers. There were 11 independent newspapers available, including two dailies, one tri-weekly, seven weeklies, and one monthly.

There were 19 private radio stations with limited coverage and which broadcast only in urban areas. MBC dominated the radio market with its two stations, transmitting in major population centers. State-owned TVM was the sole television broadcaster. News coverage and editorial content of MBC and TVM clearly favored the president and his party; coverage of other political parties was more critical, and they received less airtime.

On February 6, police arrested Daily Times editor James Mphande and charged him with publishing a false story likely to cause public fear and alarm, under Section 60 (1) of the penal code. The arrest came four days after police arrested Mike Chipalasa on the same charge. Chipalasa wrote a story claiming Malawi Congress Party leader John Tembo accused the Government of preparing to rig May 2009 elections by hiring vote-rigging experts at a political rally; Tembo subsequently claimed he was misquoted and demanded an apology. Mphande and Chipalasa stood by their story and were released on bail.

On March 12, police arrested Wanangwa Tembo, a Daily Times journalist, for taking pictures of an Anticorruption Bureau (ACB) official arresting a police officer suspected of taking a bribe from a suspect. Tembo said he was handcuffed, hit three times by an officer as he was put into a patrol car, and then forced to delete the photos from his camera while at the police station. Tembo was released a few hours later.

In August the Government banned live broadcasts of parliament citing the inappropriate language used by members. The Media Institute of Southern Africa called

the ban an infringement on freedom of the media and a violation of the public's right to access information.

The Communications Act provides for the president to appoint board directors and chief executives for the Malawi Communications Regulatory Authority (MACRA), MBC, and TVM.

Government funding for public broadcasters continued to be blocked by opposition legislators as a punitive measure for the biased progovernment reporting of TVM and MBC. In August, after the Electoral Commission and Media Council cited TVM and MBC programs as likely to incite violence, the broadcasters briefly stopped airing the programs in question. However, in October the stations began broadcasting toned-down versions of the controversial programs.

In November MACRA removed Joy Radio, owned in part by former president Bakili Muluzi, from the air, citing ownership by a politician as a violation of the Communications Act. A Supreme Court ruling returned Joy Radio to the air on December 16, pending a judicial review of the case. MACRA continued to hold broadcasting equipment for Joy Television, also owned by former president Muluzi, preventing the station from broadcasting.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Less than 15 percent of the population had access to the Internet, via a few Internet cafes and offices in the major cities; few individuals could afford Internet access in their homes.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, the Government limited this right. Security forces at times interfered with opposition party political functions or used violence to disperse crowds. Police were routinely criticized for failing to act impartially with regard to political demonstrations.

Police use of excessive force to disperse demonstrators resulted in several injuries.

On May 25, police arrested former president Bakili Muluzi for treason upon his return from the United Kingdom. Muluzi was expected to address supporters in Lilongwe the same day, but police fired guns to disperse the crowd at the rally location, injuring three persons. Police stopped supporters from going to Muluzi's residence in Limbe multiple times during the next week. On May 31, police again stopped a Muluzi rally in the Biwi area of Lilongwe, firing teargas into the crowd to disburse supporters. Police also stopped a June 1 New Republican Party rally in the Ndirande area of Blantyre where Muluzi was expected to speak. In late August police stopped several Muluzi "whistle-stop" tours in Lilongwe and warned that they would arrest anyone who attended the roadside rallies. Police said the rallies led to traffic jams and blocked roads. On September 3, police relented, saying the rallies could be held as long as they were a safe distance away from the road.

On August 4, police stopped civil society marches in Lilongwe, Mzuzu, and Blantyre. Several civil society groups, including the Human Rights Consultative Committee and the Civil and Political Space Network, organized the demonstrations to urge legislators to put public interest ahead of political self interest. Organizers stated they had originally been given permission for the demonstrations, but were later told they could not hold the marches. Police cited the political environment was not conducive to marches or rallies as the reason for their actions.

No action was taken against police responsible for the use of excessive force to disperse demonstrators in 2006 and 2007.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right. The Government required all organizations, including political parties, to register with the Ministry of Justice, and registration was routinely granted.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right. A 2007 Supreme Court ruling declared that religious freedom is a right that cannot be restricted. Churches continued to exert significant political influence, particularly in rural areas.

There are no separate requirements for the recognition of religious groups, but they must register with the Government. Foreign Christian missionaries experienced occasional delays in renewing employment permits; however, this appeared to be the result of bureaucratic inefficiency rather than policy.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts. The Jewish community was very small.

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

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

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum; however, there were long delays in the process. By law the Government does not accept refugees for permanent settlement. The Government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in assisting refugees and asylum seekers, but restricted refugees' ability to move freely and work outside of refugee camps.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol and provided it to approximately 3,906 persons during the year.

While no legal framework existed, the Government allowed refugees to seek both employment and educational opportunities, although it restricted these activities outside the refugee camps. Refugees with professional degrees, especially those with medical training, were given work permits to pursue employment outside the camps. The UNHCR, NGOs, and the Government collaborated to provide education to children in refugee camps.

Security forces intimidated refugee and asylum seekers. On February 29, police entered the Dzaleka refugee camp in Dowa without informing camp authorities and smashed the store of a Somali man suspected of assisting in the smuggling of refugees to South Africa. Police also routinely performed sweeps of refugees found illegally outside of the camp and returned them to camps.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and free, although not always fair, elections held on the basis of universal adult suffrage.

Elections and Political Participation.—International election observers found the 2004 presidential and parliamentary elections to have substantial shortcomings, including inequitable access to the state-owned media and poor planning by the MEC. The ruling party frequently monopolized resources and used public funds for campaign purposes. Voter turnout was low compared with the two previous presidential elections. With approximately 36 percent of the popular vote, President Mutharika, chosen by former president Muluzi as the UDF candidate, was elected to serve a five-year term. Election discrepancies prevented parliamentary candidates from taking seats in eight constituencies. By-elections for these vacancies took place in 2005. Observers declared them free and fair and better organized than the national elections. The president and vice president can run for parliamentary seats but are constitutionally barred from simultaneously holding more than one public office.

The executive branch exerted considerable influence over the unicameral National Assembly, which followed a hybrid parliamentary system loosely based on the British model but which operated in the context of a presidential-parliamentary model; all cabinet ministers are currently also members of the National Assembly but are not required to be.

Although the Government did not prevent the activities of opposition political parties, the parties alleged that the Government used bribery, other inducements, and violence to encourage opposition party divisions. During the year the Government detained numerous opposition leaders (See Section 1.d.). Sporadic minor violence was common between supporters of rival political parties.

On April 28, President Mutharika opened the National Assembly for the first time since dismissing it last September to prevent the speaker of the National Assembly from enforcing Section 65 of the constitution, which requires members of parliament who change political parties after being elected to vacate their seats. At least 40 members of the ruling (but minority) DPP would have been affected by enforcement

of the law. Opposition pressure to implement section 65 continued, forcing a second sitting of parliament which finally passed the national budget on August 28.

In May while the opposition parties boycotted, the National Assembly approved the president's appointees to the positions of chief justice of the Supreme Court of Appeal and auditor general. The opposition maintained the appointments occurred without a quorum.

In May 2005 President Mutharika dissolved district and municipal assemblies in anticipation of constitutionally-mandated local government elections that were scheduled for that same month; however, the Government failed to hold elections, citing a budgetary shortfall related to the food crisis. Civil society and the donor community criticized the Government for delaying the staging of these elections, which were postponed until 2010.

There were 25 women in the 193-seat National Assembly and six women in the 42-member cabinet. Women comprised approximately 25 percent of the civil service. There were three female justices among the 22 supreme and high court justices.

There were three members of minorities in the National Assembly.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem and noted a slight decline in the control of corruption from the previous year. The public also perceived corruption as a problem, although some informed observers, including leaders in the business and banking community, claimed a significant reduction in corruption under the current government. A financial disclosure law existed but only applied to members of parliament and was voluntary.

In November 2007 Alexius Nampota was named as the new director of the ACB, ending a period of over a year where the ACB lacked a permanent head. A commission of inquiry found that the ACB's former acting director Tumalisye Ndovi drew two salaries while serving in the position. The president reprimanded Ndovi, but reappointed him as a police commissioner where he served until his death in June.

The ACB continued to launch investigations, but indictments of former high-level government officials remained slow. Many of the cases were tied up in the courts due to legal challenges on investigation procedures. Surveys indicated that while a majority of citizens had been exposed to government anticorruption messages, only 15 percent knew how to report corruption to the ACB. Additionally, the ACB said both complaints and investigations had declined since 2004–2005 when President Mutharika began his anticorruption campaign; the ACB completed 52 corruption convictions since 2004.

In April the High Court convicted Sam Mpasu, a former cabinet minister and National Assembly speaker, of abuse of office in the high-profile Fieldyork notebook case. The court sentenced Mpasu to six years' imprisonment, and he remained in prison pending his appeal.

The ACB continued prosecuting the October 2007 case of Kandi Padambo, the former head of the Electricity Supply Commission of Malawi, charged with steering contracts towards a business associate. Padambo, who denied all charges before he was granted bail, was also accused of misusing his public office and failing to disclose his interests while chairing an internal procurement committee. On December 22, a magistrate's court acquitted Padambo, but the ACB stated it would appeal the ruling.

There was no progress in the case of Minister of Information Patricia Kaliati, who was accused of accepting vehicles from a foreign company in return for a concession at a national park; her ministry previously included the Department of Tourism.

There was little progress during the year in the corruption case against former president Muluzi due to legal injunctions and delays in scheduling appeals. On September 15, the Supreme Court of Appeal dismissed an application by the ACB to vacate a stay order Muluzi obtained. The order restrains the ACB from questioning Muluzi about the 1.4 billion MWK (approximately \$10 million) donor funds that it contends ended up in Muluzi's accounts. A final verdict in the matter by the Supreme Court was pending at year's end.

The law provides for public access to government information, and the Government granted access to citizens and noncitizens, including foreign media.

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

A variety of domestic and international human rights groups generally operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings

on human rights cases. Government officials often were cooperative and responsive to their views.

The MHRC, an independent government agency, is charged with monitoring, auditing, promoting human rights, and conducting investigations regarding violations of human rights; however, a shortage of resources resulted in a backlog of cases, delayed production of reports, and hindered human rights monitoring. The MHRC reported that it had received 585 complaints of human rights violations during the year; most were related to labor issues, inadequate access to the judiciary, violations of children's rights, restrictions on property rights and economic activity, and rights of prisoners. The Government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations.

UN agencies and international NGOs are resident in the country and have access to investigate human rights abuses. The ICRC delegation for southern Africa based in Harare, Zimbabwe also covers the country.

The ombudsman was mandated by law to investigate and take legal action against government officials responsible for human rights violations and other abuses. However, his freedom of action was circumscribed by legislation that requires a warrant and a three-day waiting period to gain access to certain government records. The activities of the ombudsman were subject to judicial review, but he enjoyed government cooperation and operated without government or party interference. The ombudsman lacked adequate resources, having only eight investigators for the entire country, and some recommendations were referred to parliament after being ignored or challenged by government departments and agencies, since the ombudsman does not have the authority to enforce its determinations.

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

The law specifically provides for equal rights for women, forbids discrimination based on language or culture, race, disability, or social status and provides for equality and recognition before the law for every citizen. However, the capacity of government institutions to ensure equal rights for all citizens was limited.

Women.—The law criminalizes rape with a maximum penalty of life imprisonment. Spousal rape is not explicitly mentioned but could be prosecuted under the same rape laws. The Government generally enforced the law effectively, and convicted rapists routinely received prison sentences. Data on the prevalence of rape or spousal rape and conviction figures were unavailable; however, press reports of rape arrests and convictions were an almost daily occurrence.

On February 1, HIV counselor Charles Namphambo was convicted of raping a 19-year-old woman under the pretext of conducting an HIV test. Namphambo was sentenced to four years in prison. In April Lickson Paison was sentenced to 12 years in prison for raping a 90-year-old woman. On March 12, Jawadu Magowero was sentenced to nine years in prison for defiling a three-year-old girl.

The judiciary continued to impose penalties on those convicted of rape-including up to 14-year prison sentences for child rape-and assault.

Domestic violence, especially wife beating, was common, although women seldom discussed the problem openly, and victims rarely sought legal recourse. Legal experts and human rights workers attributed victims' reluctance to report their abusers to economic dependence on the abuser, lack of awareness of their legal rights and fear of retribution and ostracism. The law provides a maximum penalty of life imprisonment for domestic violence. The law also recognizes that both men and women can be perpetrators as well as victims of domestic violence. Police regularly investigated cases of rape and sexual assault but did not normally intervene in domestic disputes.

Police victims support units provide shelter to abuse victims and deal with human rights and gender-based violence, but officers' capacity to assist and document cases was limited.

Prostitution is legal and prevalent around hotels and bars in urban and tourist areas; however, the law prohibits living off wages earned through prostitution, owning a brothel, or forcing another person into prostitution. Loitering is the main charge under which prostitutes were arrested, resulting usually in small fines.

Sexual harassment is not specifically prohibited by law, but can be prosecuted under existing sections of the penal code such as indecent assault on a female, which carries up to a 14-year prison sentence, or insulting the modesty of a woman, which is a misdemeanor punishable by one year in jail. There was no available data on the extent of sexual harassment or effectiveness of government enforcement.

Under the law women have the right to full and equal protection and may not be discriminated against on the basis of gender or marital status, including in the workplace; however, discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had significantly

lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity.

Women often had less access to legal and financial assistance, and widows often were victims of discriminatory and illegal inheritance practices in which most of an estate was taken by the deceased husband's family. Women usually were at a disadvantage in marriage, family, and property rights; however, awareness of women's legal rights continued to increase, and women began to speak out against abuse and discrimination. Households headed by women were represented disproportionately in the lowest quarter of income distribution. Fifty-two percent of full-time farmers were women; however, they had limited access to agricultural extension services, training, and credit. Gender training for agricultural extension workers and the gradual introduction of rural credit programs for women have increased; however, few women participated in the limited formal labor market, where they constituted less than 5 percent of managerial and administrative staff.

The law provides for a minimum level of child support, widows' rights, and the right to maternity leave; however, only individuals who could utilize the formal legal system benefited from these legal protections. In a few isolated areas, a widow was sometimes forced to have sex with in-laws as part of a culturally-mandated "sexual cleansing" ritual following the death of her husband. In some cases, she was "inherited" by a brother-in-law or other male relative. Although there were no laws specifically prohibiting these practices, the Government and civil society continued efforts to abolish them by raising awareness concerning the inherent dangers of such behavior, including the risk of HIV/AIDS transmission.

The Government addressed women's concerns through the Ministry of Women and Child Development.

Children.—The constitution prohibits treatment of children that is harmful to their physical or mental development or that may interfere with their education. Government spending levels have not kept up with increasing needs.

In 2007 the Government launched the pilot phase of the National Registration and Identification System, the first step in the creation of a national identification system to provide for mandatory registration of births, but the system had not been fully implemented by year's end. There is no requirement for registration of births; however, there were no reports of discrimination or denial of services due to lack of birth registration. Other documents such as health pass books could alternatively be used to identify children.

The Government provided free primary education for all children, although education was not compulsory. Families were responsible for paying book fees and purchasing uniforms. Students from poor families had access to a public book fund. Girls, especially in rural areas, have historically been unable to complete even a primary education and therefore were at a serious disadvantage in finding employment. A 2006 survey showed that boys were 28 percent more likely to attend secondary school than girls.

Child abuse was a problem. The press reported many cases of sexual abuse of children, including arrests for rape, incest, sodomy, and defilement. For example, on April 10, South Lunzu magistrate sentenced Steven Nkhata to 14 years in prison for raping an 11-year-old girl.

A July report from the Mzuzu police victims support unit indicated that abduction, child abuse, and child rape cases had risen during the year. The Church of Central Africa, Presbyterian's paralegal department also reported an increase in child abuse and defilement cases for the past year. However, Rumphu police stated in January that the victim support units were raising awareness and gender-based violence cases had dropped from five to 10 per week to one to two in their area.

The Government took steps to respond to a 2004 UN Children's Fund (UNICEF) study that showed a number of girls entered into sexual relationships with teachers for money, became pregnant, and subsequently left school. The study also found that many girls left school because of violent behavior by some teachers. In response the Government expanded legal protection of students subjected to exploitation and inappropriate relationships at school. For example, on July 15, courts sentenced teacher David Chombwe to three years in prison for defiling a pupil for the previous four years. Chombwe began raping the girl when she was only nine.

During the year the Teacher's Association of Malawi publicly stated it would not shield members who committed sexual assault against pupils. A study by the Safe Schools Program in Machinga said 90 percent of girls and 47 percent of boys in primary schools experienced some form of violence including sexual touching by other students, sexual abuse by teachers, corporal punishment, and verbal and psychological abuse.

Abusive practices, including the secret initiation of girls into their future adult roles, were widespread. In a few traditional communities, girls averaging 12-years-old were forced to have sex with older men as part of such initiation rites. "Kupimbira," a practice that allows a poor family to receive a loan or livestock in exchange for daughters of any age still existed in some areas. The Forum for African Educationists in Malawi noted a rise in forced marriages in 40 percent of the districts it worked in. The MHRC expressed concern over reports of parents forcing their daughters into marriages for food.

The law does not specifically prohibit female genital mutilation (FGM) and it was practiced by a few small ethnic groups. In most cases FGM was perpetrated on girls between 10 and 15 years of age, less often on 16-to 20-year-olds. A government/UNICEF awareness campaign against harmful cultural practices affecting children included the subject.

The widespread belief that children were unlikely to be HIV positive and that sexual intercourse with virgins can cleanse an individual of sexually transmitted diseases, including HIV/AIDS, contributed to the sexual exploitation of minors.

On February 28, the High Court sentenced Peter Chakwamba to 20 years in prison for mutilating the genitals of a 14-year-old boy in 2007.

The Ministry of Women and Child Development undertook various activities to enhance protection and support of victims. The ministry trained and paid small stipends to over 800 community child protection workers who worked nationally to identify victims of child abuse, under-age labor, and trafficking, and referred cases to district social welfare offices or the police. In 2005 the ministry announced the introduction of a child abuse hotline; however, budget and other limitations prevented its establishment by year's end. The ministry continued to support the Lilongwe social welfare and rehabilitation center but did not have centers in the southern or northern regions. Religious and NGO-supported centers such as Chisomo Children's Club in Blantyre, and a Salvation Army center in Mchinji augmented government support.

The trafficking of children for sexual purposes was a problem, and child prostitution for survival without third party involvement also occurred.

A few charitable organizations attempted to reduce the number of child beggars in urban areas; however, the problem of street children remained serious as the number of orphans whose parents died from HIV/AIDS increased. Extended family members normally cared for such children and other orphans.

Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, and women, children, and men were trafficked to, from, and within the country. While the extent of human trafficking was undocumented, the Government made efforts to combat it and used existing laws to prosecute cases of child trafficking for agricultural labor exploitation. Although the age of sexual consent is 14, there was no age specified for the protection of minors from sexual exploitation, child prostitution, or child pornography.

The country is a source, transit, and destination point for women and children trafficked for sexual purposes locally and to brothels abroad, particularly in South Africa. Victims trafficked to South Africa were typically between 14 and 24 years old, and were recruited with phony offers of marriage, study, or employment. According to the International Organization for Migration, sex tourists, primarily from Germany, the Netherlands, and the United Kingdom, lured children into sexual relationships while in the country.

Poverty and low educational levels contributed to such exploitation. Traffickers involved in land border trafficking to South Africa were typically long-distance truck drivers and local businesswomen. Children were primarily trafficked internally for agricultural labor, but also for cattle herding, domestic servitude, commercial sexual exploitation, and to perform menial tasks for small businesses.

A 2008 study by the Center for Social Research and Norwegian Church Aid found that between 500 and 1,500 women and children were trafficked within the country annually. Approximately 35 percent of those trafficked were children between the ages of 14 and 18.

The penal code contains several provisions relating to prostitution and indecency that the Government has used to prosecute traffickers. During the year the Government prosecuted child traffickers; most of the cases involved trafficking of children for agricultural labor exploitation and cattle herding. International trafficking was done on valid travel documents obtained through unlawful means. It occurred at both unmonitored crossing points and official points of entry. Some convicted child traffickers were sentenced to prison or required to pay fines; however, some who claimed ignorance of the law were merely warned and released.

Police and the Ministry of Women and Child Development handled cases brought to their attention and provided services for victims, including counseling and reintegration assistance. The ministry repatriated victims to their home villages. Children were resettled with their families and most offenders were fined.

The Government continued to implement a multiyear strategy to protect vulnerable children from exploitation, but there was no reportable progress on the development of a nationwide, interministerial plan to identify the extent of trafficking and possible solutions.

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

Persons With Disabilities.—The Employment Act prohibits discrimination for employment; however, there is no comprehensive law governing discrimination against persons with disabilities. The law provides for the support of persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society; however, extremely limited resources prevented the Government from protecting these rights in practice. Reported violations were taken seriously, and the president publicly declared that students with disabilities should have equal access to education and other government services. The Government has not mandated accessibility to buildings and services for persons with disabilities.

A study by the Federation of Disability Organizations in Malawi found that 35 percent of children with disabilities had never attended school. The organization cited poor physical access to schools, lack of special needs teachers, and negative attitudes of parents and fellow pupils as causes. The 2007–08 budget for special needs education was cut by about 60 percent from 2006 levels.

The Ministry of Persons with Disabilities and the Elderly is responsible for protecting the rights of persons with disabilities.

There were both public and privately supported schools and training centers that assisted persons with disabilities. There also were several self-supporting businesses run by and for persons with disabilities. The Malawi Rural Development Fund provided loans to persons with disabilities to support these activities.

Other Societal Abuses and Discrimination.—Societal violence and discrimination based on sexual orientation occurred. A 2008 study by the Center for the Development of People found that approximately 34 percent of homosexual men in the country had been blackmailed or denied services such as housing or healthcare due to their sexual orientation. Additionally, 8 percent surveyed said they had been beaten by police or other security forces due to their sexual orientation.

Homosexuality is illegal, although there were no prosecutions for homosexuality during the year.

Societal discrimination against persons living with HIV/AIDS was widespread and inhibited access to treatment; many individuals preferred to keep silent about their health rather than seek help and risk being ostracized, but campaigns by the Government and NGOs to combat the stigma were having some success. The National AIDS Commission stated that discrimination was a problem in both the public and private sector.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except for army personnel and the police, to form and join trade unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice; however, union membership was low due to the small percentage of the workforce in the formal sector, the lack of awareness of worker rights, and resistance on the part of many employees to joining unions. Union leaders estimated that 12 percent of the formal sector workforce belonged to unions; however, accurate statistics were not available. Employers, labor unions, and the Government lacked sufficient knowledge of their legitimate roles in labor relations and disputes, which limited their effectiveness in implementation and enforcement of the law. The law provides for unions to conduct their activities without government interference.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor, and registration was routinely granted.

The law allows members of a registered union to strike or go through a formal mediation process overseen by the Ministry of Labor, and workers exercised this right. A strike can only occur after all settlement procedures established in a collective agreement (an understanding, not necessarily signed, reached by both parties to attempt mediation) and conciliation efforts have failed. Laws do not specifically prohibit retaliation against strikers. There was no prohibition on actions against unions that were not registered legally. Members of a registered union in "essential

services" have a limited right to strike. Essential services were specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population, as determined by the Industrial Relations Court (IRC).

Arbitration rulings were legally enforceable; however, in practice, due to the lack of funding and heavy case backlog, the IRC could not monitor cases or adequately enforce the laws.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively, and the Government protected this right. The law requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level, and at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions included wage negotiation, dispute resolution, and industry-specific labor policy development. The law was not effectively implemented due to lack of human and financial resources.

There were no reports of antiunion discrimination.

Twenty four firms held licenses to operate under export processing zone (EPZ) status, and 20 were operational. There are no special laws or exemptions from regular labor laws in export processing zones; however, many companies in the EPZs resisted union activity and union organizers stated they had little access to workers in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Forced labor is punishable by a maximum fine of 10,000 MWK (approximately \$70) or two years' imprisonment. However, in practice punishments were almost always limited to fines, and the modest fines imposed were not effective in discouraging labor violations.

Although the Ministry of Labor reported no cases of forced labor, forced and bonded labor involving entire families occurred under the tenancy system. Tobacco plantation tenants have exclusive arrangements, often unwritten, with the estate owners to sell their crop and to buy inputs such as fertilizer, seed, and often food. These costs, in addition to rent charges, often were greater than the amount of money received from tobacco sales, leading to a situation of debt and bonded labor to repay the input and other costs.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age for employment at 14 years of age, and children aged 14–18 may not work in jobs that are considered hazardous or that interfere with their education; nevertheless, child labor was a problem.

In June the Ministry of Labor stated that over 1.4 million children were engaged in child labor. A study in Thyolo found 41 percent of children under 15 engaged in at least part-time work. Seventy-eight percent of children between 10 and 14 living on tenant farms worked at least part-time with their parents on the farm.

Child labor was common on tobacco farms, subsistence farms, and in domestic service. Many boys worked as vendors and young girls in urban areas often worked outside of their families as domestic servants, receiving low or no wages. Child trafficking for agricultural work took place both internally and across porous borders with Zambia and Mozambique.

In October police arrested Lilongwe restaurant owner Mohamed Abed Ali and his employee Petro Kandindi for hiring four boys to clean a septic tank of the restaurant. The four boys, who ranged from ages 13–18, were not provided any safety gear for the job. Kandindi claimed he thought all of the boys were over 18, but admitted he did not provide protective gear. The Ministry of Tourism sealed the restaurant and revoked its license. The case was still in the court at year's end.

Police and the Ministry of Labor officials were responsible for enforcing child labor laws and policies; however, labor inspectors do not have law enforcement capabilities and must cooperate with the police to pursue violators. The law specifies a maximum fine of 20,000 MWK (approximately \$140) or five years' imprisonment for violations.

The ministry continued to conduct child labor law enforcement courses for district labor officers, district social welfare officers, police, and district magistrate court officers. During the year the ministry continued inspections, particularly on agricultural estates. There were 31 district labor officers and an estimated 150 labor inspectors at year's end. There was no information available on the number of inspections carried out during the year. The Government continued to participate in several social programs to address child labor, including a three-year International Labor Organization project begun in 2005 to withdraw children and keep them from

engaging in hazardous work on tobacco and tea farms and in domestic service. To date over 7,000 youths have been removed and rehabilitated under the program. The labor ministry youth committees in rural areas continued to monitor and report on child labor. Despite these efforts, enforcement by police and ministry inspectors of child labor laws was hindered by lack of funding.

e. Acceptable Conditions of Work.—The Ministry of Labor sets separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advisory Board (TWAB), composed of representatives of labor, government, and the private sector. However, poor functioning of the TWAB resulted in delayed and inadequate wage rate revisions. The urban minimum was 142 MWK (approximately \$1) per day; in all other areas, it was 105 MWK (approximately \$0.75) per day. Minimum wage rates did not provide a decent standard of living for a worker and family. Official minimum wages only apply to the formal sector. Wage earners often supplemented their incomes through farming activities. The Ministry of Labor lacked the resources to effectively enforce the minimum wage. However, the minimum wage was irrelevant for most citizens, who earned their livelihood outside the formal wage sector. There was no exception for foreign or migrant workers.

The maximum legal workweek was 48 hours, with a mandatory weekly 24-hour rest period. The law requires payment for overtime work and prohibits compulsory overtime. In practice these standards were not effectively enforced and employers frequently violated statutory time restrictions.

The law includes extensive occupational health and safety standards; however, ministry enforcement of these standards was poor.

Workers, particularly in industrial jobs, often worked without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment; however, given the low level of education of most workers and the high level of unemployment, workers were unlikely to exercise this right.

The law protects foreign workers in correct legal status. Illegal foreign workers were subject to deportation.

MALI

Mali, with a population of approximately 12 million, is a constitutional democracy. International and domestic observers characterized the April 2007 presidential election, which resulted in the reelection of President Amadou Toumani Toure, and the July 2007 legislative elections, as generally free and fair; however, there were some administrative irregularities. Groups of armed Tuaregs attacked military units and posts in the regions of Kidal, Gao, and Segou throughout the year. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The Government generally respected its citizens' human rights; however, there were problems, including arbitrary or unlawful deprivation of life, police abuses of civilians, poor prison conditions, arbitrary detention, lengthy pretrial detention, prolonged trial delays, restrictions on freedom of assembly, official corruption and impunity, domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in persons, societal discrimination against black Tamacheks, slavery-like practices and hereditary servitude relationships between ethnic groups, and child labor.

Attacks by groups of armed Tuaregs, including the Northern Mali Tuareg Alliance for Change (ATNMC) and the Alliance for Democracy and Change (ADC), injured civilians and displaced thousands of persons. A militia group called the Ganda-Izo reportedly killed civilians in the Gao region.

RESPECT FOR HUMAN RIGHTS

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

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

On November 10, in Lere, National Guard troops fired on a crowd of demonstrators, killing one person and injuring six others. A government commission of inquiry into the incident produced no findings.

Tuareg rebels alleged that security forces killed two Tuaregs, including one a former Tuareg rebel who had been reintegrated into the army. The Government de-

nied any involvement in the killings (*See* Section 1.g.). There were no other reports of politically motivated killings.

The August 2007 death of Youssouf Dembele was still being investigated at year's end.

The Government released members of the 314th Army Company who were detained in connection with the October 2007 killing of Assaleh ag Mohamed, a gendarme and ethnic Tuareg; there were no further investigations into the case.

b. Disappearance.—There were no reports that the Government committed politically motivated disappearances.

On October 31, the terrorist organization al-Qaida in the Islamic Maghreb (AQIM) released two Austrian tourists to government officials in the north of the country. AQIM captured the Austrians in Tunisia in February.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were occasional reports that police abused civilians, and that police used excessive force to disperse demonstrators.

On September 9, in Bamako, police arrested and beat several Congolese accorded refugee status by the United Nations High Commission for Refugees (UNHCR). The police reportedly arrested the refugees during an operation to arrest other immigrants. Police released the Congolese nationals the same day after UNHCR intervention.

On October 10, in the Bamako neighborhood Medina Coura, police reportedly used excessive force and tear gas to disperse a demonstration, injuring two protestors.

Prison and Detention Center Conditions.—Overall prison conditions remained poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were insufficient. Inadequate sanitation and medical facilities posed serious threats to health.

In Bamako, men and women were placed in separate prisons. Outside the capital men and women were held in separate cells within the same prison. Arrested individuals may be held for up to 72 hours in police stations where there are no separate holding areas for men and women. Juvenile offenders usually were held in the same prison as adult offenders, but were kept in separate cells. Pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by human rights monitors; however, non-governmental organizations (NGOs) and other monitors were required to submit a request to the prison director, who then forwarded it to the Ministry of Justice. Approvals, which took up to one week, were routinely granted, but the week delay hindered the ability of monitors to ascertain if there were human rights violations. Several NGOs, including the Malian Association of Human Rights and the Malian Association of Women Lawyers (AJM), visited prisoners and worked with female and juvenile prisoners to improve their conditions.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, security forces detained persons without charge in connection with the country's internal conflict (*See* Section 1.g.) and arbitrarily arrested and beat several Congolese nationals accorded refugee status by the UNHCR.

Role of the Police and Security Apparatus.—Security forces include the army, air force, gendarmerie, National Guard, and police. The army and air force are under the control of the civilian minister of defense. The National Guard is administratively under the minister of defense; however, it is effectively under the control of the minister of internal security and civil protection. The police and gendarmerie are under the Ministry of Internal Security and Civil Protection. Police have responsibility for law enforcement and maintaining order in urban areas, while gendarmes have that responsibility in rural areas.

The national police force is organized into districts. Each district has a commissioner who reports to the regional director at national headquarters. The police force was moderately effective but lacked resources and training. Corruption was a problem, and some police and gendarmes extorted bribes. Impunity was a problem, and police were often not held accountable for corruption. The gendarmerie conducted investigations of police officers. During the year 187 police officers were disciplined for infractions including excessive use of force, solicitation of bribes, and theft. In September the new general director of the National Police, Niame Keita, replaced 45 high-ranking police officers, including senior police official Boubacar Diouf. Diouf had been implicated in the disappearance of approximately 448 million CFA francs (approximately \$1 million) from the police officers' pension fund, and was reassigned to another police position.

Arrest and Detention.—Judicial warrants are required for arrest. Bailiffs normally deliver warrants, which stipulate when a person is scheduled to appear at a police station. While persons were usually apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, there were occasions on which warrants were not based on sufficient evidence. In cases involving a monetary debt, the arrested person frequently resolved the case at the police precinct, and the police received a portion of the recovered money. The law provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees were not always charged within the 48-hour period. Suspects must be transferred from a police station to a prison within 72 hours after being arrested; however, in practice detainees were sometimes held more than 72 hours. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion authorities released defendants on their own recognizance. Detainees are brought before an independent judiciary and have the right to a lawyer of their choice or a state-provided lawyer if indigent; however, administrative backlogs and an insufficient number of lawyers often prevented prompt access to legal representation and produced substantial trial delays. Detainees were allowed prompt access to family members.

The Government detained persons without charge in connection with the country's internal conflict (See Section 1.g.) and arbitrarily arrested and beat several Congolese nationals accorded refugee status by the UNHCR.

In contrast to 2007, there were no reports of incidents in which police arbitrarily arrested journalists, demonstrators, students, or teachers.

Lengthy pretrial detention was a problem due to lengthy trial procedures, large numbers of detainees, judicial inefficiency, corruption, and staff shortages. In extreme cases, individuals remained in prison for several years before their cases came to trial. Judges set provisions for bail; however, many individuals lacked the financial resources needed to meet these provisions. Approximately 67 percent of the prison population consisted of persons awaiting trial.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the executive branch continued to exert influence over the judicial system, and corruption and limited resources affected the fairness of some trials. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. The minister of justice appoints and may suspend judges, and the Ministry of Justice supervises both law enforcement and judicial functions. The president of the country heads the Council of Magistrates, which oversees judicial activity.

The country has a lower circuit court, a Supreme Court with both judicial and administrative powers, and a Constitutional Court that oversees constitutional issues and acts as an election arbiter. The constitution also provides for the convening of a High Court of Justice to try senior government officials in cases of treason.

The military court system was not operational.

Village chiefs, in consultation with local elders, decided the majority of disputes in rural areas based on local traditions and values.

Trial Procedures.—Except in the case of minors, trials generally are public and juries are used. Defendants have the right to be present and have an attorney of their choice. Court-appointed attorneys are provided for the indigent without charge. Defendants have the right to consult with their attorney, but administrative backlogs and an insufficient number of lawyers often prevented prompt access. Defendants and attorneys have access to government evidence relevant to their cases. Defendants are presumed innocent and have the right to confront witnesses, to present witnesses and evidence on their behalf, and to appeal decisions to the Supreme Court. These rights extend to all citizens and all groups.

In contrast to 2007, there were no reports of closed trials that were contrary to customary procedures.

Political Prisoners and Detainees.—In contrast to 2007 when five journalists and a high school teacher were imprisoned in June for “offending” the head of state, there were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. There is no separate court system for lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Violence in the north increased during the year as attacks by rebels and other armed groups of Tuaregs displaced thousands of civilians. Armed groups of Tuaregs, including the ATNMC and the ADC, attacked military units and posts in the regions of Kidal, Gao, and Segou.

On March 26, in Aguelhok, several children were wounded by gunfire during a rebel attack on a military base.

On April 10, two Tuaregs, Commandant Barka ag Cheikh and his driver Mohammed ag Moussa, were killed in Kidal. Ag Cheikh was an ADC member who had been reintegrated into the military. Ag Moussa was ag Cheikh's driver and also a local imam. ADC leaders accused the army of carrying out the killings; however, the Government denied any involvement. There were no arrests in connection with the killings and there was no inquiry underway by year's end.

On December 20, the ATNMC attacked a military base in Nampala, in the Segou region; several civilians who lived within the base were reportedly killed during the attack.

The Ganda-Izo militia, composed of ethnic Peuls and Songhai, killed four civilians of Tuareg descent: Rhissa ag Intawin, Zeynudin ag Sidiya, Attaher ag Erhq, and one other villager on September 1, in the town of Hourala. In response security forces arrested several dozen suspected Ganda-Izo members, including some members of the security forces. On September 15, in the village of Fafa, the military attacked a suspected Ganda-Izo hideout, arresting several more suspected Ganda-Izo members. One suspected militia member and one soldier were reportedly killed and an unknown number of persons injured. While the Government released many of those arrested, an unknown number of others remained detained without charge at year's end. On September 25, Amadou Diallo, the leader of Ganda-Izo, was arrested in Niger and extradited to Mali where he remained detained without charge at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and in contrast to 2007, the Government generally respected these rights in practice.

Individuals criticized the Government publicly and privately, generally without reprisal; however, on occasion the Government attempted to impede such criticism.

The independent media were active and expressed a wide variety of views.

There were instances in which journalists were subject to arrest, harassment, and intimidation.

On April 7, security forces in Gao detained a French journalist from the French television station France 24 and another journalist from the French newspaper *Liberation*. The France 24 journalist was made to return to Bamako, and remained in police custody for 24 hours. Security officials informed the journalists that they lacked proper authorization to travel to the north.

Journalist Gnimadi Destin of *Le Republicain* newspaper reported receiving anonymous death threats after publishing an article on government corruption.

On September 20, in Kita, police reportedly arrested and detained journalist Sidiki Doumbia overnight. According to Doumbia, he was traveling on public transportation when a police officer stopped the vehicle, made passengers without identity cards pay a fee, and then arrested him upon becoming aware he was a journalist. Doumbia filed a law suit against the arresting police officer. The suit was pending at year's end.

There were few reported incidents of harassment of media outlets by the Government.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were numerous Internet cafes in Bamako, although home access in the capital was limited by cost. Outside of Bamako, there were a few sites where the Internet was available for public use.

Academic Freedom and Cultural Events.—In contrast to 2007, there were no incidents of the Government restricting academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, at times the Government did not respect this right in practice.

During the year the Government prohibited some Muslim groups from holding marches to express opposition to a proposed law abolishing the death penalty.

On October 10, residents of the Bamako neighborhood Medina Coura accused the police of using excessive force and tear gas to disperse a group protesting a local leader's decision to place a garbage dump between two schools. Two of the protestors were injured.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right; however, the law prohibits association deemed immoral. In 2005 the governor of the District of Bamako cited this law to refuse official recognition of a gay rights association.

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

The Government required that all public associations, including religious associations, register; the process was routine and not burdensome. Traditional indigenous religious groups were not required to register.

Societal Abuses and Discrimination.—The Jewish population was estimated at fewer than 50, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Police routinely stopped and checked both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes extorted bribes.

The constitution and law specifically prohibit forced exile; the Government did not use it.

Internally Displaced Persons (IDPs).—Attacks by Tuareg rebels displaced several thousand persons in the northern region of Kidal during the year. In April local and international aid organizations estimated that there were 3,250 IDPs in Tinzwaten, 800 in In-Bulal, 3,500 near Aguelhok, and more than 3,000 near Kidal. An unknown number of IDPs went to distant desert encampments or to Algeria.

The Government provided some assistance to IDPs, allowed the International Committee of the Red Cross (ICRC) access to IDPs, and permitted IDPs to accept assistance provided by humanitarian organizations. The distances involved, difficult local terrain, land mine concerns, and rebel attacks hampered assistance efforts. The Government did not attack or target IDPs or forcibly return or resettle them. After peace negotiations in August, the Government and Tuareg rebels actively promoted the safe return of displaced persons; however, many persons remained displaced at year's end.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. A national committee in charge of refugees operated with institutional assistance from the UNHCR.

During the year the Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol and provided it to 54 persons during the year.

On September 9, police arrested and beat several Congolese accorded refugee status by the UNHCR. Police released the Congolese nationals the same day after UNHCR intervention.

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

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

Elections and Political Participation.—In April 2007 voters elected President Amadou Toumani Toure to a second five-year term with 71 percent of the vote. Legislative elections were held in July 2007. Domestic and international observers characterized both elections as generally free, fair, and without evident fraud, but there were administrative irregularities.

Political parties generally operated without restrictions or outside interference.

Fifteen women were elected to the 147-member National Assembly. There were six women in the 27-seat cabinet, five women on the 33-member Supreme Court,

and three women on the nine-member Constitutional Court; a woman chaired the Supreme Court.

The National Assembly had 15 members from historically marginalized pastoralist and nomadic ethnic minorities representing the northern regions of Gao, Timbuktu, and Kidal. The cabinet also had two members from such minorities.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, corruption was a serious problem and officials frequently engaged in corrupt practices with impunity.

On September 29, Ahmed Sow, who was appointed as the minister of energy, mines, and water in 2007, resigned due to corruption allegations stemming from his previous position as the director of the European Union's Center for Business Development.

The Malian Anticorruption Agency (CASA) and the independent Office of the Auditor General (OAG) are responsible for combating corruption. The CASA oversees a number of smaller anticorruption units within various government ministries and reports directly to the presidency.

The OAG's report for 2007 (released in 2008) found approximately 31 billion CFA francs (\$15 million) in lost revenues due to fraud and mismanagement, including lost revenue in the Customs Office, the Ministry of Finance, the Ministry of Mines, the Commission for Food Security, the Office du Niger, and the state-owned cotton company.

There were no developments regarding the auditor general's annual report for 2006 (released in 2007) that cited approximately 101.4 billion CFA francs (\$218 million) in lost revenues in 2006 due to financial mismanagement, corruption, and fraud.

The constitution requires the prime minister and other cabinet members to annually submit a financial statement and written declaration of their earnings to the Supreme Court. These documents were not made public.

The law provides for public access to government information, and the Government generally granted such access for citizens and noncitizens, including foreign media. If an information request is refused, the person inquiring can appeal to an administrative court, which must handle the appeal within three months.

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

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

Major local human rights NGOs include the Collective of the Women NGOs and Associations (CAFO), AJM, Women and Children Rights Watch (ODEF), Women and Children's Rights Committee (CADEF), Women and Human Rights, Mali Human Rights Association (AMDH), the black Tamachek Association (TEMEDT), Mali Enjeu, and ENDA Tiers Monde.

The Government cooperated with international organizations and permitted visits by UN representatives and other organizations such as the ICRC.

In 2006 Mali created a National Commission on Human Rights (CNDH), under the Ministry of Justice; however, the CNDH existed in name only and produced no reports.

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

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race, but not disability.

Women.—The law criminalizes rape; however, only a small percentage of rape cases were prosecuted and most cases of rape were not reported. There is no law specifically prohibiting spousal rape, but law enforcement officials stated that the criminal laws against rape applied to spousal rape.

Domestic violence against women, including spousal abuse, was a problem. Most cases went unreported. Spousal abuse is a crime, but police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women were reluctant to file complaints against their husbands because they feared such allegations would be interpreted as grounds for divorce, were unable to support themselves financially, or sought to avoid social stigma. In 2007 the Government created a Planning and Statistics Unit to track prosecutions, but it was not operational.

Assault is punishable by prison terms of one to five years and fines of up to 500,000 CFA francs (approximately \$1,000) or, if premeditated, up to 10 years' imprisonment. The Ministry for the Promotion of Women, Children, and the Family distributed a guide regarding violence against women for use by health care pro-

viders, police, lawyers, and judges. The NGOs Action for the Defense and Promotion of Women Rights and Action for the Promotion of Household Maids operated shelters for abused female domestic laborers.

Prostitution is legal and common in cities.

The law does not specifically address sexual harassment, which occurred frequently.

Family law favors men, and women are particularly vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights. Women had very limited access to legal services due to their lack of education and information, as well as the prohibitive cost. For example, if a woman wanted a divorce, she had to pay approximately 50,000 CFA francs (\$100) in legal and administrative fees to start the process, a prohibitive amount for most women.

While the law provides for equal property rights, traditional practices and ignorance of the law prevented women from taking full advantage of their rights. A community property marriage must be specified in the marriage contract. In addition, if the type of marriage was not specified on the marriage certificate, judges presumed the marriage was polygynous. Traditional practice discriminated against women in inheritance matters, and men inherited most of the family wealth.

Women's access to employment and to economic and educational opportunities was limited. According to the National Center for Information on Women and Children, women constituted approximately 15 percent of the formal labor force. The Government, the country's major employer, paid women the same as men for similar work. The Ministry for the Promotion of Women, Children, and the Family was charged with ensuring the legal rights of women.

The National Committee Against Violence Towards Women was largely nonfunctional. Several women's rights groups worked to highlight legal inequities. These groups also provided legal assistance to women and promoted women's rights.

Children.—The Government was committed to providing for children's welfare and rights. Several laws protect children and provide for their welfare, including an ordinance that provides for regional positions as "child delegates" to safeguard the rights and interests of children.

Many births were not registered immediately; though the Government undertook a registration campaign during the year.

Students were required to provide their own uniforms and supplies. During the 2006–07 school year, 58.8 percent of children ages seven to 12 (51.7 percent of girls and 66.2 percent of boys) attended primary school. Girls' enrollment in school was lower than boys' at all levels due to poverty, cultural tendencies to emphasize boys' education, and early marriages for girls. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, and shortages of teachers and instructional materials. There were an insufficient number of schools and teachers.

Members of the black Tamachek community reported that some Tamachek children were denied educational opportunities due to slavery-like practices.

Approximately 11 percent of students attended private Arabic-language schools, or "medersas." While medersas are required to adhere to an approved national curriculum, severe shortages of trained teachers and instructional materials made it difficult for many medersas to meet national standards.

An unknown number of primary school-aged children throughout the country, mostly under age 10, attended part-time Koranic schools. Koranic schools taught only the Koran and were funded by students and their parents. Koranic masters often forced students, known as "garibouts," to beg for money on the streets or work as laborers in agricultural settings.

There were no statistics on child abuse. Most child abuse cases went unreported. The police and the social services department under the Ministry for Solidarity and Social Development investigated and intervened in cases of child abuse or neglect; however, the Government provided few services for such children.

In 2007 in Bamako, the police's Division for Protection of Children and Morals rescued 125 children from prostitution, including two underage boys. A 2004 governmental study, which involved 450 interviews, found that the children most at risk for sexual exploitation were girls between the ages of 12 and 18 who worked as street vendors or domestic servants, or who were homeless children or the victims of child trafficking. Such exploitation was most prevalent in border zones, towns on transportation routes, and in mining areas. The study noted that most cases of sexual exploitation went unreported and recommended that the country strengthen its laws to protect children.

FGM was common, particularly in rural areas, and was performed on girls between the ages of six months and six years. Approximately 95 percent of adult

women had undergone FGM. The practice was widespread in most regions with the exception of certain northern areas, occurred among most ethnic groups, was not subject to class boundaries, and was not religiously based. There are no laws specifically prohibiting FGM; however, a government decree prohibits FGM in government-funded health centers.

The Government was unable to eliminate FGM by 2008, despite continued implementation of a two-phase plan to do so. Information campaigns regarding FGM reached citizens throughout the country and human rights organizations reported that FGM decreased among children of educated parents. In some instances, FGM practitioners agreed to stop the practice in exchange for other income-generating activities.

The marriage code allows girls under age 15 to marry if they have parental consent and special permission from a judge, and sets the minimum age for girls to marry without such consent at 15. Underage marriage was a problem throughout the country, with parents in some cases arranging marriages for girls as young as nine. According to local human rights organizations, judicial officials frequently accepted false documents claiming that girls under the age of 15 were old enough to marry.

Trafficking in Persons.—The law prohibits trafficking in children, but does not address trafficking in adults, and there were reports that women and children were trafficked to, from, and within the country. Persons, including children, were trafficked between Mali and other West African countries, including Burkina Faso, Cote d'Ivoire, Guinea, Senegal, Nigeria, and Mauritania for the purposes of forced labor and commercial sexual exploitation. Most child trafficking occurred within the country. In many cases parents in rural areas entrusted their children to traffickers, falsely believing that the children would be provided with economic or educational opportunities. Children were trafficked for agricultural work, domestic servitude, begging, gold mining, and prostitution.

Child trafficking is punishable by five to 25 years' imprisonment. There were no reports of trafficking-related prosecutions during the year.

On March 12, police in the town of Kita rescued 26 children reportedly trafficked by three Malian nationals. Of these children, 24 were Guinean citizens; they were repatriated to Guinea on March 29. The two Malian children were returned to their families. One of the arrested suspects claimed to be a Koranic school teacher. On June 20, all three suspects were released from prison on their own recognizance pending trial. At year's end no trial date had been set.

In early December NGOs repatriated seven Burkinabe children trafficked by a Koranic school teacher to the country. No charges were filed against the teacher by year's end.

The two Ivoirian nationals who were arrested in March 2007 for trafficking boys ages 16 to 18 from Cote d'Ivoire were released on their own recognizance pending trial. At year's end no trial date had been set.

The two persons arrested in 2006 for allegedly trafficking 24 persons from Burkina Faso remained in prison awaiting trial at year's end.

The Ministry for the Promotion of Women, Children, and the Family and the Ministry of Labor and Civil Service shared responsibility for combating trafficking.

When asked, the Government assisted with international trafficking investigations and the extradition of citizens accused of trafficking in other countries, but there were no such cases reported during the year. The Government worked closely with international organizations and NGOs to coordinate the repatriation and reintegration of trafficking victims.

Welcome centers operated by NGOs in Mopti, Segou, Sikasso, and Bamako assisted in returning trafficked children to their families. The Government worked through these NGOs to provide temporary shelter and protection for victims of trafficking.

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

Persons With Disabilities.—There was no specific law protecting the rights of persons with disabilities in employment, education, access to health care, or in the provision of other state services.

There is no law mandating accessibility to public buildings. The Ministry of Social Affairs is charged with the protection of the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Societal discrimination against "black" Tamacheks, often referred to by the pejorative label Bellah, continued. Some black Tamachecks were deprived of civil liberties by other ethnic groups due to traditional slavery-like practices and hereditary servitude relationships between certain ethnic groups. Black Tamachek communities in Gao and Menaka also reported systematic

discrimination by local officials and others that hindered their ability to obtain identity documents or voter registration cards, locate adequate housing, protect their animals from theft, seek legal protections, or access development aid.

Other Social Abuses and Discrimination.—Societal discrimination based on sexual orientation occurred.

Societal discrimination against persons with HIV/AIDS occurred.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form or join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Only the military, the gendarmerie, and the National Guard were prohibited from forming unions. An estimated 95 percent of salaried employees were organized, including teachers, magistrates, health workers, and senior civil servants.

The law allows unions to conduct their activities without interference, and the Government respected this right in practice.

Unions have the right to strike, and workers exercised this right. Civil servants and workers in state-owned enterprises are required to give two weeks' notice of a planned strike and to enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor and State Reforms. The labor code prohibits retribution against strikers, and the Government generally enforced these laws effectively.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining, and workers exercised this right freely. The law does not prohibit antiunion discrimination, but there were no reports of antiunion behavior or activities during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, such practices occurred.

The law prohibits the contractual use of persons without their consent; penalties include a fine and hard labor. Penalties increase to 20-years imprisonment if a person under age 15 years of age is involved.

Many black Tamacheks continued to be subjected to slavery-like practices and hereditary servitude relationships, particularly in the northern regions of Gao, Timbuktu, and Kidal.

In March Agiachatou walet Touka, a black Tamachek woman, filed a lawsuit in Menaka against Sagoudene ag Adime, claiming she was a victim of slavery and that several of her family members remain in captivity. Judicial authorities took no action on the case during the year.

Also in March Iddar ag Ogazide, a black Tamachek, filed a complaint in the city of Gao against Erzaghi ag Bayes for slave holding. Ag Ogazide and his wife allegedly lived in servitude to the ag Bayes family. In April antislavery activists helped ag Ogazide recover his three-year-old son from ag Bayes. As part of the complaint, ag Ogazide demanded the release of two family members that he claimed were still held by ag Bayes. Judicial authorities took no action on this case during the year.

In 2007 in Menaka, Tatche walet Ekadaye filed a complaint against Ahmed Iknane ag Bakka that included an accusation against him for slave-holding. According to the complaint, ag Bakka claimed traditional ownership rights over Tatche and her family, and in 2003 had abducted five children from Tatche's family. Two of the children were rescued by government authorities a few months later. Ag Bakka continued to hold the two remaining children during the year. No action was taken on the case by year's end.

There were no developments in the case of Moumou ag Tamou, a black Tamachek child taken from his family by Hamed Lamine ag Alwafi in Kidal in September 2007. Ag Alwafi allegedly claimed traditional ownership rights over the child.

Debt bondage occurred in the salt mines of Taoudenni, which is in the north. Individuals primarily of Songhai ethnicity, including some children, worked as salt miners to pay off debts owed to businessmen in Timbuktu.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code has specific policies that pertain to child labor; however, these regulations often were ignored in practice. Child labor was a problem. Child labor predominated in the agricultural, mining, and domestic help sectors and, to a lesser degree, in craft and trade apprenticeships and cottage industries.

The labor code permits children between the ages of 12 and 14 to work in domestic work or light seasonal work, and limits the number of hours that they may work. No child is permitted to be employed for more than eight hours per day under any

circumstances. Female children ages 16 to 18 cannot be employed for more than six hours per day. However, these regulations were not enforced in practice.

A 2005 survey found that two-thirds of children age five to 17 were economically active and that most of these children were subjected to the worst forms of labor. Some Koranic schoolmasters forced boys to beg for money. Children, especially girls, were used for forced domestic labor and prostitution. Child labor in the mining sector, including salt mining in Taoudenni and gold mining, was also a problem. Black Tamachek children were used as forced domestic and forced agricultural laborers.

The authorities enforced labor code provisions through inspectors from the Ministry of Labor and State Reforms, which conducted surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and effectiveness of oversight by the Labor Inspection Service, which operated only in the formal sector.

A 43-member national committee for child labor and trafficking issues worked to develop a list of the worst forms of child labor. The committee is composed of 13 ministries as well as NGOs, and is chaired by the Ministry of Labor. The Government did not approve the list by year's end.

e. Acceptable Conditions of Work.—The national minimum wage rate, set during the year, was 28,465 CFA francs (\$60) per month, which did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, most wage earners supported large extended families. Persons working in informal and subsistence sectors did not receive the minimum wage. The labor code specifies conditions of employment, including hours, wages, and social security; however, many employers either ignored or did not comply completely with the regulations.

The legal workweek was 40 hours (45 hours for agricultural employees), with a requirement for a 24-hour rest period. Workers had to be paid overtime for additional hours. The law limits overtime to eight hours per week. Labor inspectors usually visited work sites only after complaints were filed by labor unions.

The law provides a broad range of legal protections against hazards in the workplace; however, authorities did not effectively enforce these standards. Workers' groups brought pressure on employers to respect sections of the regulations. With high unemployment, however, workers often were reluctant to report violations of occupational safety regulations. The Labor Inspection Service oversees these standards but limited enforcement to the formal sector. It was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities. Workers had the right to remove themselves from dangerous work situations and to request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.

MAURITANIA

Mauritania, with an estimated population of 3.4 million, is a highly centralized Islamic republic governed by a military junta known as the High State Council (HSC). The HSC is led by General Mohammed Ould Abdel Aziz, who also claims the title of Head of State. The HSC assumed power on August 6, when several military officers overthrew democratically elected president Sidi Ould Cheikh Abdallahi in a bloodless coup. The HSC formed a new government under the new Prime Minister Moulaye Ould Mohammed Laghdaf, but did not dissolve parliament. The military coup followed a multiparty March 2007 presidential election and parliamentary elections in 2006 and February 2007; both elections were deemed free and fair by international observers. Until the August 6 coup, civilian authorities maintained effective control of the security forces.

Following the August 6 coup, several prominent civil society organizations reported deterioration in the human rights situation. The coup abridged citizens' right to choose their government. Prison conditions remained harsh. There were arbitrary arrests and political detainees, including President Abdallahi and Prime Minister Yahya Ould Ahmed El Waghef. Mistreatment and torture of detainees and prisoners, and lengthy pretrial detention occurred. There were limits on freedom of the press and assembly with instances of police beating demonstrators. Slavery and slavery-like practices persisted, particularly in rural areas. Restriction on freedom of religion continued. Corruption was a problem. Long-term problems of discrimina-

tion against women, female genital mutilation (FGM), child labor, and political marginalization of largely southern-based ethnic groups persisted.

Prior to the August 6 coup, the democratic government supported nationwide sensitization on a new antislavery law and increased public discussion on taboo issues, such as ethnic divisions and social injustices. The democratic government also supported national reconciliation efforts regarding the country's 1989–91 expulsion of Afro-Mauritanians through the launch of a repatriation program in coordination with the Office of the UN High Commissioner for Refugees (UNHCR). The HSC stated these efforts would continue, but some nongovernmental organizations (NGOs) reported that nothing had been done by the military government to further raise awareness. However, repatriation efforts continued.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices, there were credible reports that police beat and mistreated detainees and prisoners. Those who lacked money or influential family or tribal ties reportedly were most likely to be mistreated. According to a December 3 Amnesty International (AI) report, security forces used torture as a method of investigation and repression, and perpetrators acted with impunity. Security forces tortured detainees to extract confessions, with incidents of torture increasing under the military junta. Torture methods included electric shocks, burnings, beatings, pulling out of hair, and sexual violence. According to AI, there were no known cases where authorities investigated reports of torture or abuse or took action against perpetrators.

As of May 26, police had detained 39 suspected terrorists allegedly involved in the December 2007 Aleg murders of four French citizens and the February 1 attack against the Israeli Embassy in Nouakchott. Police reportedly tortured and held the suspects incommunicado in military detention prior to transferring them in August to a civilian prison. At year's end, there had been no progress on these cases.

On May 29, lawyers for suspected terrorists Abdel Kerim Ben Veraz El Baraoui, Ahmed El Moctar Ould Semane, and Cheikh Ould Salem claimed that police tortured their clients by hanging them by their feet and burning cigarettes on their bodies. There were no reports of authorities investigating the matter by year's end.

Prison and Detention Center Conditions.—Prison conditions were harsh and the Government's capacity to administer detention facilities remained poor. One of Nouakchott's two prisons was rebuilt and reopened as a high-security prison in September. Funds to improve prison conditions remained inadequate. As in the previous year, prisoners at the Nouadhibou prison protested poor conditions on July 9, as did prisoners in Nouakchott on October 3. Serious overcrowding and inadequate sanitation facilities in some prisons contributed to diseases such as tuberculosis, diarrhea, and skin ailments. Medical supplies remained insufficient in all prisons. Prisoners with high-level connections or families to bring them food and medicines fared better than the less privileged or foreign prisoners.

There were credible reports of torture, beatings, and abuse in police detention centers, several prisons throughout the country, and gendarmerie and military facilities.

Women and minors were held in two separate facilities. Sexual violence reportedly occurred in the women's prison, which employed both male and female guards. Children of female prisoners remained with their mothers, or the Ministry of Justice gave temporary custody of the children to another family member. International NGOs, such as Noura Foundation, Caritas, and Terre des Hommes provided educational and economic opportunities for current and former juvenile and female detainees. Overcrowding was reportedly due to the high number of pretrial detainees, the majority of whom were juveniles. As a result pretrial detainees were frequently held with convicted prisoners. Pretrial terrorist suspects were held in separate areas from the general prison population in Nouakchott's central prison. Many prisoners were unable to leave their extremely crowded cells or breathe fresh air for months or years at a time.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. The International Committee of the Red Cross (ICRC) had access to prisons and conducted multiple prison visits in accordance with its standard modalities, including visits to terrorism suspects.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the democratic government generally observed these prohibitions. However, during and after the August coup, the military arrested a number of political figures without charge or hearings.

Role of the Police and Security Apparatus.—The National Police, under the Ministry of the Interior, is responsible for law enforcement and maintaining order in urban areas. The National Guard, also under the Ministry of Interior, performs police functions throughout the country in areas in which city police are not present. The gendarmerie, a specialized paramilitary group under the Ministry of Justice and Ministry of the Interior, is responsible for maintaining civil order in and outside metropolitan areas.

The police were unprofessional, unresponsive, and lacked equipment and training. Corruption was a serious problem. Police regularly demanded bribes at illegal roadblocks in Nouakchott. Police in some regions arrested former criminals and demanded bribes for their release, and some indicted detainees were released before trial without explanation. The Government rarely held security officials accountable or prosecuted them for abuses. There were no prosecutions of police during the year.

Arrest and Detention.—The application of constitutional safeguards continued to vary widely from case to case. The law requires duly authorized arrest warrants, but they were not commonly used. The law requires that courts review the legality of a person's detention within 48 hours of arrest; however, the police can extend the period for an additional 48 hours, and a prosecutor or court can detain persons for up to three weeks in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. Attorneys for the indigent are provided at state expense. While one article of the law provides detainees the right to prompt judicial determination of the charges against them, an older law allows the Government to detain persons for up to 30 days without a judicial determination. NGOs reported that respect for these timelines deteriorated over the course of the year. There was no functional bail system.

In October the Government arrested seven individuals for alleged ties to terrorist groups. Four of them were released without charge and three were formally charged (one with the additional charge of possession of explosives) within the prescribed time. There were no developments reported in these cases by year's end.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, it was not independent in practice. The executive branch continued to exercise significant influence over the judiciary through its ability to appoint and pressure judges. In addition, poorly educated and trained judges were susceptible to social, financial, and tribal pressures which limited judicial fairness. International donors funded training for prosecutors and judges during the year to increase judicial efficiency.

There is a single system of courts consistent with modified principles of Shari'a law. Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than 10,000 ouguiya (approximately \$37) and family issues, including domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanor cases. At the middle level, three courts of appeal, each with seven chambers (civil, commercial, administrative, and penal chambers, as well as criminal, minors, and labor courts) heard appeals from the regional courts and have original jurisdiction for felonies.

The High Court of Justice (HCJ) also lacks independence because its members are elected from both parliamentary houses. The HCJ reviews decisions and rulings made by the courts of appeal to determine their compliance with law and procedure. It also has jurisdiction to hear cases of abuse or corruption by high government officials.

Constitutional review was within the purview of a six-member High Constitutional Council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications. In December the council exercised its limited oversight in rejecting the National Assembly's proposed amendments to its internal procedures. These amendments were drafted by procoup parliamentarians and designed to force the ouster of National Assembly President Messaoud Ould Boulkheir.

Trial Procedures.—The law provides for due process. Defendants have a right to a public trial, but juries are not used. All defendants, regardless of the court or their

ability to pay, have the legal right to representation by counsel during the proceedings. If defendants lacked the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. However, this measure was not efficiently enforced during the year. There is a presumption of innocence and the right to appeal. These rights were also extended to minorities. Defendants can confront or question witnesses and present witnesses and evidence in both civil and criminal cases. In theory, defendants have access to government-held evidence, but access has proven difficult in practice. The foregoing rights generally were observed in practice, but did not extend to women.

Shari'a provides the legal principles upon which the law and legal procedure are based; the courts did not treat women as the equals of men in all cases.

A special court hears cases involving children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases. The minimum age for children to be tried is 12. Those between the ages of 12 and 18 are tried and, if convicted, sentenced to the juvenile detention center.

Political Prisoners and Detainees.—Since the August 6 coup, a number of political figures were arbitrarily arrested or detained under house arrest without charges or hearings. They included President Abdallahi, the First lady Khattou Mint Bakhari, Prime Minister Waghef, Interior Minister Mohammed Ould R'Zeizim, the National Pact for Democracy and Development (PNDD/Adil) party Vice-President Ahmed Ould Sidi Baba, the President of the National Agency for the Welcome and Reintegration of Refugees (ANAIR) Moussa Fall, the director of the Government radio station (Radio Mauritanie) Kabir Ould Hamoudi, Colonel Abderrahmane Ould Boubacar, and Colonel Ahmed Ould Ismael. President Abdallahi and his wife were held incommunicado at times. All the detainees except Abdallahi were released after a few days.

On August 21, former Prime Minister Waghef was again detained while traveling to an antimilitary protest in Nouadhibou. Waghef was subsequently transferred to his home village of Moudjeria, 250 miles east of Nouakchott, and placed under house arrest. On November 13, junta authorities formally arrested Waghef on charges of embezzlement; Waghef remained in prison in Nouakchott at year's end.

On November 13, the HSC authorities transferred President Abdallahi from house arrest in Nouakchott to house arrest in his hometown of Lemden, where he was allowed contact with his family, supporters, and diplomatic representatives. On December 21, authorities released Abdallahi from house arrest and forcibly transferred him to Nouakchott during the night. Abdallahi chose to return voluntarily to Lemden so he could return to Nouakchott at a time of his own choosing. At year's end, Abdallahi was still in Lemden.

Civil Judicial Procedures and Remedies.—The Administrative Court has the jurisdiction to hear complaints of human rights violations. NGO representatives stated they collaborated with the court, but that it was not impartial in practice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government respected these rights in practice. Individuals could criticize the Government publicly or privately; however, police questioned and detained members of the press on several occasions, including the March 25–31 detention of Assiraje newspaper journalist Mohamed Salem Ould Mohamedou for unknown reasons; the June 12–15 detention of Arabic-language weekly Al-hurriya's director of publication, Mohamed Nema Oumar; and the July 21–August 17 detention of Al-hurriya journalist Mohamed Ould Abdellatif. Oumar and Abdellatif were detained and then charged with defamation due to an Al-hurriya article accusing three judges of corruption. After spending nearly a month in prison, they were granted provisional release pending the start of their trial; the trial had not begun by year's end.

In February an appeals court upheld the November 2007 one-year prison sentence of Al-Aqsa newspaper director Abdel Fettah Ould Abeidna, who was convicted of falsely accusing a prominent businessman of involvement in a drug scandal.

On October 8, trade union activists allegedly assaulted Al Jazeera cameraman Mohamed Ould Moustafa due to his film coverage of post-coup opposition activities.

The independent media were active and expressed a wide variety of views with limited restrictions. However, some journalists practiced self-censorship in areas

deemed sensitive, including the military, foreign diplomatic missions, corruption, and Shari'a law.

There were approximately 30 privately owned newspapers that were published on a regular basis in both French and Arabic. NGOs and the privately owned press openly criticized the Government and its leaders. Two daily newspapers, *Horizons* (French language version) and *Chaab* (Arabic language version), were government-owned.

On August 6, immediately following the coup, military authorities blocked the road as a means of protecting the presidential palace. This action prevented several newspapers from publishing that day since the country's only printing press is located on the same road. There were no reports that the Government restricted opposition access to the printing press during the year.

All broadcast media remained state owned. Radio France International was rebroadcast locally, and citizens could receive worldwide television broadcasts through satellite receivers and dish antennas.

On June 12, the only private radio program, Radio Citoyenne, was taken off the air when state-run Radio Mauritanie opted not to renew the program's contract. The Governmental justification for not renewing the contract was that Radio Mauritanie was no longer able to provide time slots for Radio Citoyenne's broadcast. The Government also suspended other radio and television programs devoted to civic education.

On July 21, then prime minister Waghef opened a multiday conference on the liberalization of the audiovisual sector. The Government enacted a law on the liberalization of the audiovisual sector, but the application decree was never passed.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was available in urban areas throughout the country, with home access common among the affluent, and cyber cafes serving the remainder of the population.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution guarantees freedom of assembly. The law requires that organizers apply to the local prefect (hakim) for permission to hold large meetings or assemblies, and permission was generally approved prior to the August 6 coup. Following the coup, public demonstrations with varying levels of violence, both supporting and opposing the coup, were reported around the country with varying levels of violence. There were a number of incidents in which security forces forcefully dispersed opposition demonstrations.

On August 13, police used tear gas to disperse a group of women marching against the coup in front of the National Assembly; one demonstrator was injured. On August 18, police used tear gas to disperse another group of opposition protesters and injured one person.

On August 18, Nouakchott authorities denied a protest permit to the National Front for the Defense of Democracy (FNDD), an opposition party coalition, despite granting a permit to a projunta group on the same day. On the same day, authorities in Aleg also denied protest permits to opposition members.

On August 19, police dispersed a trade union protest in Nouakchott with tear gas and clubs. Police also arrested the union's secretary general, Samory O. Beye, and released him on the same day.

On October 5 and 7, Nouakchott police dispersed with tear gas and use of force an opposition group's anticoup protest after authorities denied the group's permit.

On October 15, opposition groups attempted a public anticoup protest in Nouakchott without approval from authorities. Police again dispersed the crowds with tear gas and the use of force, reportedly injuring two demonstrators.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right.

All political parties and local NGOs must register with the Ministry of the Interior, while all international NGOs must register with the Ministry of Economic Affairs and Development. The Government encouraged local NGOs to join the Civil Society Platform, a government-sponsored entity implemented in January. NGOs that are members of the platform do not receive government funding. Some NGOs maintained that, after the coup, the platform became a collection of procoup organizations.

The country has approximately 55 registered political parties and numerous NGOs, which generally functioned openly, issued public statements, and chose their own leadership. The Government did not prevent unrecognized political parties or NGOs from functioning. However, on August 6, police raided the headquarters of the PNDD/Adil, the party of President Abdallahi. Police also arrested and later released without charge the party's president, former prime minister Waghef, and its vice president, Ahmed Ould Sidi Baba.

c. Freedom of Religion.—The constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the state. The Government continued to prohibit proselytizing by non-Muslims and the printing and distribution of Bibles and other non-Islamic religious materials. However, the possession of Bibles and other Christian religious materials in private homes was not illegal. Bibles and other religious publications were available among the small Christian community, which was composed almost entirely of expatriates. There was a multid denominational church in Nouakchott with a regular schedule of services.

The Government did not register religious groups, although NGOs-including humanitarian and development NGOs affiliated with religious groups-had to register with the Ministry of the Interior. The Government continued to restrict Protestant groups from meeting in members' homes until they received official recognition.

Societal Abuses and Discrimination.—A very small number of expatriates practiced Judaism.

On February 1, terrorists affiliated with al-Qa'ida shot at the Israeli Embassy and adjacent buildings. The democratic government under President Abdallahi publicly condemned the attack. Five persons were reportedly injured. Nine suspects were arrested and were still held in prison by year's end without trial.

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

d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. The Government generally respected these rights, but persons lacking identity cards could not travel freely in some regions. Since the August coup, HSC authorities reportedly restricted international travel of some opposition members.

The Government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes. During the year the Government maintained fewer roadblocks and reduced the time taken in questioning and conducting vehicle searches; however, there were periodic reports of more stringent searches in the southern border areas and in the eastern regions where the group al-Qa'ida in the Islamic Maghreb (AQIM) was active.

The law does not prohibit forced exile, and there were no reports that the Government used it.

On January 2, President Abdallahi by decree created the agency ANAIR, whose mandate is to ensure the integration of repatriated refugees, provide administration and identification support, and contribute to social and economic development of resettlement areas. The majority of Afro-Mauritanian returnees were unable to obtain identity cards. Although Abdallahi's government worked in good faith to reintegrate refugees, the military junta under General Aziz attempted to create divisions within the refugee community.

The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, returning refugees, asylum seekers, stateless persons, and other persons of concern; however, the Government lacked resources to effectively support these persons. According to the UNHCR, approximately 4,670 Afro-Mauritanian refugees returned during the year as part of a national repatriation program. These were among the estimated 25,000 to 34,000 Afro-Mauritanians who took refuge in Senegal and Mali during the 1989–91 expulsion.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, or the 1967 African Union Convention on the Status of Refugees, but a prior government established a system for providing such protection. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened. The Government provided protection to approximately 1,000 refugees during the year.

During the year the Government worked to assist the UNHCR, the European Commission, and the Government of Spain in returning migrants attempting to enter the Canary Islands by sea to their countries of origin. The Government oper-

ated a migrant reception center in the Dahklet Nouadhibou region, with assistance of the Mauritanian Red Crescent and Spanish Red Cross, to process returned migrants and to provide nutritional and medical care. The Government gave the UNHCR access to returned migrants to determine if they were eligible for refugee status. In view of freedom of movement agreements with the Economic Community of West African States, the Government allowed West African migrants to remain, deporting only those found in the act of attempting illegal travel to the Canary Islands.

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

The constitution provides for universal direct and indirect suffrage, a republican government, and the regular election of the president and legislature. However, on August 6, a group of military officers led by General Aziz seized power from democratically elected President Abdallahi in a bloodless military coup. The military authorities, also known as the HSC, supplanted the office of the president while retaining the parliament and appointing a new prime minister. However, the HSC issued a decree in which it reserved the right to exercise legislative authority as well if it deems the legislature ineffective.

Elections and Political Participation.—The country enjoyed a peaceful transition to democratically elected government for the first time in its history with the March 2007 election of President Abdallahi, who won 53 percent of the vote. National and international observers judged the election as free and fair.

The 95-person National Assembly includes representatives from 12 of the 25 parties that contested the 2006 legislative elections as well as 41 independents.

There were 15 women in the National Assembly and eight women in the Senate. During the year there were four women and seven to 10 ethnic minority members in each of the three successive cabinets. The HSC's cabinet included two women and seven ethnic minorities.

The electoral law requires that legislative candidate lists to be at least 20 percent women, which resulted in the election of approximately that percentage in the National Assembly.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not enforce the law effectively, and officials often engaged in corrupt practices with impunity. Corrupt practices were widely believed to exist at all levels of government, and the World Bank governance indicators reflected that corruption was a serious problem. Government officials reportedly received frequent favors from authorities, such as unauthorized exemption from taxes, special grants of land, and preferential treatment during bidding on government projects. Corruption was most pervasive in government procurement, bank loans, fishing license distribution, land distribution, and tax payments. The Government did not enforce the requirement for senior officials, including the president, to publicly declare their personal assets. Members of the HSC did not declare their personal wealth during the year. On September 2, parliamentary members elected officials from among themselves to sit on the HCJ, which should be composed of parliamentary members proposed by the president and confirmed by the National Assembly.

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

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

Major local human rights organizations included the Mauritanian Association of Human Rights (AMDH), the Mauritanian League of Human Rights (LMDH), SOS Esclaves, and the Mauritanian Association for Maternal and Child Health, all of which were independent NGOs. These NGOs were also members of several networks or coalitions such as the National Forum of Organizations for Human Rights (FONADH) and the National Commission of Human Rights (CNDH). Since the CNDH included government members, it was not fully independent.

The Government met with local NGO monitors during the year and cooperated during visits by the UN and ICRC.

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

The constitution and law provide for equality for all citizens regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda; however, the Government often favored individuals on the basis of racial and tribal af-

filiation, social status, and political ties. Societal discrimination against women, trafficking in persons, and racial and ethnic discrimination were problems.

Women.—According to NGOs, the incidence of both reported and unreported rape continued to be high. Reported rapes in Nouakchott increased threefold from 25 in 2007 to 75 during the year. Rape, including spousal rape, is illegal; however, the Government did not enforce the law effectively. Several cases were reported of wealthy rape suspects avoiding prosecution or, if prosecuted, avoiding prison time. National statistics on arrests, prosecutions, and convictions for rape were unavailable.

Human rights monitors and female lawyers reported few cases of domestic violence; however, it is thought such cases go largely unreported. Spousal abuse and domestic violence are illegal; however, the Government did not usually enforce the law effectively. Penalties included imprisonment, but convictions were very rare. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead on family and community leaders to resolve domestic disputes.

Although prostitution is illegal, NGO reporting indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women. Trafficking of Chinese women for brothels catering to foreigners in Nouakchott and Nouadhibou was reported, although no cases of women seeking assistance were reported.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be declining. One form of such mistreatment was the forced feeding of adolescent girls (gavage) prior to marriage, which was practiced only among White Moor tribal groups. Increased government, media, and civil society attention to the problem led to a marked decline in traditional views encouraging female obesity despite the health risks.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights were recognized. By local tradition, a woman's first marriage requires parental consent. In accordance with the personal status code, men are required to request spousal consent before marrying again. Women were encouraged by government awareness programs to obtain a contractual agreement at the time of marriage stipulating that the marriage ends if the husband marries a second wife. This practice was common in Moor society. Nevertheless, women who do not establish a solid contract remain unprotected. In practice, polygamy continued to be rare among Moors but was gaining in popularity. It was common among other ethnic groups. Arranged marriages were increasingly rare, particularly among the Moor population. In theory, the legal marriage age in the country is 18 but the law is rarely enforced and there were reports of child marriages.

Women still faced legal discrimination. According to Shari'a law, the testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed than they award for a man's death. Formulas applied to property distribution varied widely from case to case. In addition the validity of and right to establish prenuptial agreements was not always respected. The personal status code provides a framework for the consistent application of secular law and Shari'a-based family law, but the code had yet to be implemented.

Women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women should receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, observed this law. In the modern wage sector, women also received family benefits, including three months of maternity leave.

The Government sought to open new employment opportunities for women in areas that were traditionally filled by men, such as health care, communications, police, and customs services. For example, during the year 35 women were inducted into the National Guard as noncommissioned officers. Women continued to become more involved in the fishing industry and established several women's fishing cooperatives.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. Women's groups and national and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights. The secretariat, in collaboration with the German NGO GTZ, publicized women's rights and organized workshops regarding their rights.

Children.—The law makes special provision for the protection of children's welfare, and there were government programs to care for abandoned children; however, inadequate funding hampered these programs.

School attendance is mandatory for six years, with full implementation of universal primary education. Primary student completion rates increased from 44 percent in 2006–07 to 53 percent in the 2007–08 school year. Public education was free through university level. Classes were fully integrated, including boys and girls from all social and ethnic groups. Children of slave families were allowed to attend school. There were no legal restrictions on the education of girls. Almost all children, regardless of gender or ethnic group, attended Koranic school between the ages of five and seven and gained at least rudimentary skills in reading and writing Arabic.

FGM was practiced by all ethnic groups and performed on young girls, often on the seventh day after birth and almost always before the age of six months. The child protection penal code states that any act or attempt to damage a female child's sexual organs is punishable by imprisonment and a 120,000–300,000 ougiya (approximately \$460–\$1,153) penalty. The most recent statistics on FGM indicated a decrease in incidence from 71 percent in 2001 to 65 percent in 2007, and the practice decreased overall in the urban sector. Local experts agreed that the least severe form of excision was practiced and not infibulation, the most severe form.

The Government and international NGOs continued to coordinate anti-FGM efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating the population. The Government, the UN Population Fund, the UN Children's Fund (UNICEF), and the national Imams' Association joined other civil society members to emphasize the serious health risks of FGM and that FGM was not a religious requirement. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent others from performing the practice. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes towards the practice. In October the National Assembly held a series of provincial meetings, supported by UNICEF, which focused on children's rights and included discussions of FGM.

Local NGOs estimated that there were approximately 400 street children, largely as a result of poverty and the urbanization of formerly nomadic families. The Government and at least one NGO worked to assist families with street children and to encourage their school attendance.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. There were no available estimates on prosecutions or sentencing of traffickers during the year.

Young boys known as talibes were trafficked within the country and from Mali and Senegal for forced begging by religious teachers called marabouts. Children were trafficked by street gang leaders within the country, who forced them to steal, beg, and sell drugs. Girls were trafficked internally and from Senegal and Mali for domestic servitude. There were reports that children were trafficked for forced labor in agriculture, construction fishing, and cattle herding.

The labor code includes criminal penalties for human trafficking in all of its recognized forms.

The country was a source and destination for men, women, and children. There were reports that young girls were trafficked to the Gulf States and held as servants, sex slaves, or prostitutes. UNICEF, the Ministry of Justice, and the Government of the United Arab Emirates (UAE) continued collaborative efforts to repatriate and provide compensation for Mauritanian children trafficked to the UAE as camel jockeys. According to UNICEF, the UAE compensated 497 child jockeys between 260,000–1,560,000 ouguiyas (approximately \$1,000–\$6,000) per child. The UAE also provided 260,000,000 ouguiyas (\$1 million) towards a social reinsertion and poverty reduction program for the children and their communities.

According to NGOs, slavery-related practices, and slavery itself, persisted in isolated areas of the country where a barter economy still prevailed (*See* Section 6.c.).

Government assistance and protection services for trafficking victims remained limited, with most resources going towards prevention in the form of training for police, gendarmes, and legal officials to better identify, investigate, and convict traffickers. For at least part of the year, the Government and UNICEF continued to jointly fund six centers in Nouakchott that provided care to indigent children, many of whom were talibes. These centers, however, did not operate efficiently. In addition human rights organizations criticized the special police unit established to protect talibes for not enforcing the laws.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in education, employment, or the provision of other state services, and there were no reports of governmental or societal discrimination against persons with disabilities. The Government did not mandate preference in employment or education or public accessibility for persons with disabilities, although it did provide some rehabilitation and other assistance for such persons.

National/Racial/Ethnic Minorities.—Ethnic minorities faced governmental discrimination. The inconsistent issuance of national identification cards, which were required for voting, effectively disenfranchised numerous members of southern minority groups. Racial and cultural tension and discrimination also arose from the geographic and cultural divides between Moors and Afro-Mauritanians. The Moors are divided among numerous ethnolinguistic tribal and clan groups and further distinguished as either White Moor or Black Moor, although it is often difficult to distinguish between the two by skin color. White Moor tribes and clans, many of whom are dark-skinned after centuries of intermarriage with Berbers and sub-Saharan African groups, dominated positions in government and business. The Black Moors (also called Haratines or freed slaves) remain politically and economically weaker than White Moors. Afro-Mauritanian ethnic groups, comprising the Halpulaar (the largest non-Moor group), Wolof, and Soninke, are concentrated in the south and urban areas. Afro-Mauritanians are underrepresented in the military and security sectors.

The constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages. The Government continued to encourage French and Arabic bilingualism within the school system, as opposed to previous efforts at "Arabization." Neither Afro-Mauritanian national languages nor the local Hassaniya Arabic dialect are used as languages of instruction.

Ethnic rivalry contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them were increasingly important. Black Moors and Afro-Mauritanians continued to be underrepresented in mid-to high-level public and private sector jobs.

Other Societal Abuses and Discrimination.—There was no evidence of either societal violence or systematic government discrimination directed at practicing homosexuals. Although Shari'a outlaws homosexuality under certain conditions, secular laws do not.

There was no evidence of systematic discrimination by either society or the Government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion. Although the official HIV-positive rate was estimated at less than 1 percent, it was likely to be significantly higher because of the stigma related to the disease, the lack of viable health statistics, and the impression that victims are guilty of violating Islamic practices.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right. The law also provides for freedom of association, and workers exercised this right in practice. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in regularly paid positions. Nearly 90 percent of industrial and commercial workers, however, were unionized.

To be legally recognized, a union must have the authorization of the public prosecutor, who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. The Government has the power to decide whether to recognize a trade union.

The law provides workers with the right to strike, and workers exercised this right during the year. The Government can dissolve a union for what it considered an illegal or politically motivated strike; however, no unions were disbanded during the year. Workers must provide advance notice of at least 10 working days for any strike. Workers are not allowed to hold sit-ins, or block nonstriking workers from entering work premises.

b. The Right to Organize and Bargain Collectively.—The law provides that unions may organize workers freely without government or employer interference, and workers exercised this right in practice.

Laws provide workers with protection against antiunion discrimination; however, national human rights groups reported that authorities did not actively investigate alleged antiunion practices in some private firms owned by very wealthy citizens. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, men, women, and children were trafficked for purposes of forced labor. The antislavery law criminalizes the practice of slavery and imposes penalties on government officials who do not take action on reported cases; however, no cases were prosecuted during the year. The labor code also includes criminal penalties for contracting to benefit from forced labor and for exploiting forced labor as part of an organized criminal network. Slavery-related practices, typically flowing from ancestral master-slave relationships, continued in isolated parts of the country where a barter economy existed, education levels were generally low, and a need existed for herding livestock, tending fields, and other manual labor. Some individuals considered themselves either slaves or masters and were unaware that slavery had been abolished. Human rights groups reported that persons in slave-like relationships were persuaded by their masters to deny the relationship to activists.

Voluntary servitude continued, with some former slaves and descendants of slaves continuing to work for former masters in exchange for some combination of money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among the different ethnic groups; however, a barter economy, poverty, and persistent drought provided few economic alternatives for many and left some former slaves and descendants of slaves vulnerable to exploitation by former masters. Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude, performing domestic duties, tending fields, or herding animals.

There were reports that some former slaves continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, it has been enforced in only a few cases. Deeply embedded psychological and tribal bonds also made it difficult for many individuals, who had generations of forebears who were slaves, to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because they believed their slave status had been divinely ordained and they feared religious sanction if that bond were broken. Former slaves often performed manual labor in markets, airports, and ports.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in the agricultural sector unless the minister of labor grants an exception due to local circumstances; however, child labor in some parts of the informal sector was common and a significant problem, particularly within poorer inner-city areas. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage.

The law prohibits all forms of trafficking in persons; however, there were reports that children were trafficked to, from, and within the country for the purpose of forced labor.

Several reports suggested that young girls from remote regions, and possibly from western Mali, worked as unpaid housemaids in some wealthy urban homes. An unknown number of young talibes, nearly all from Halpulaar tribes, begged in the streets as part of an arrangement with marabouts for receiving religious instruction. There were reliable reports that a small number of marabouts forced their talibes to beg for over 12 hours a day and provided them with insufficient food and shelter. The Government continued a program to reduce the number of talibes and partnered with NGOs to provide talibes with basic medical and nutritional care.

Young children in the countryside were commonly employed in herding, cultivation of subsistence crops, such as rice, millet, and sorghum, fishing, and other significant labor in support of their families' activities. Young children in urban areas often drove donkey carts and delivered water and building materials. In keeping with longstanding tradition, many children served apprenticeships in small industries, such as metalworking, carpentry, vehicle repair, masonry, and in the informal sector. Reporting by some human rights NGOs, including SOS-Eslaves, strongly suggested that domestic employment of girls as young as seven, often unpaid, continued to be a problem. There was no child labor in the modern industrial sector.

There was a labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities, but the eight regional inspectors and 30 inspec-

tor/controllers lacked the basic resources, such as transport and office equipment, needed to enforce existing child labor and other labor laws.

e. Acceptable Conditions of Work.—The nationally mandated minimum monthly wage for adults, which was not enforced, was 21,150 ouguiya (approximately \$81), which did not provide a decent standard of living for a worker and family. All workers are covered by the minimum wage law.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or six days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. Employees must be given at least one 24-hour period of rest per week. There are no legal provisions regarding compulsory overtime.

The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but there was a lack of effective enforcement due to inadequate funding.

The Government set health and safety standards. The Ministry of Labor was responsible for enforcing these standards, but did so inconsistently due to inadequate funding. In principle workers could remove themselves from hazardous conditions without risking loss of employment, but in practice they could not.

MAURITIUS

Mauritius is a constitutional parliamentary democracy of approximately 1.2 million citizens governed by a prime minister, a council of ministers, and a National Assembly. In 2005 the Social Alliance, a coalition led by Prime Minister Navinchandra Ramgoolam, defeated the party alliance of the Mauritian Militant Movement (MMM) and the Militant Socialist Movement (MSM) in national elections judged by international and local observers to be generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, the following human rights problems were reported: security force torture and abuse of suspects and detainees; prison overcrowding; harassment and intimidation of journalists; official corruption; violence and discrimination against women; abuse and sexual exploitation of children; discrimination against persons living with HIV/AIDS; restrictions on labor rights, antiunion discrimination, forced labor, including by children, and child labor.

As part of a series of measures to reform the judiciary, reduce caseloads in the Supreme Court, and improve the previously fragmented approach to family law, the Government established the Family Court, which became operational on January 7.

RESPECT FOR HUMAN RIGHTS

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

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

On August 29, the four police officers involved in the 2006 death in custody of Rajesh Ramlugon were charged with abuse of authority and concealing evidence; the case was ongoing at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there continued to be reports of police abuses.

Prison and Detention Center Conditions.—There were reports of torture and abuse of prisoners, overcrowding, and drug abuse in prisons. The maximum security prison, which was closed in October 2007 following a visit of the UN Subcommittee on the Prevention of Torture, reopened on May 16 after a follow-up visit by the subcommittee. The Central Prison, which has a capacity of 677, held 1,048 prisoners. On May 22, three detainees at the maximum security prison were hospitalized following a fight between two rival groups.

Unlike in the previous year, there were no reports that prisoners died from poor medical care, although 17 died from natural causes.

During the year the independent National Human Rights Commission (NHRC), which accompanied the UN Subcommittee on the Prevention of Torture during their 2007 prison visits to the country and Rodrigues Island, registered eight complaints from prisoners.

The Government permitted prison visits by independent observers, including the press, NHRC, local nongovernmental organizations (NGOs), and the UN. Local NGO Association Kinouete also ran programs to rehabilitate prisoners.

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

Role of the Police and Security Apparatus.—The police force is headed by a police commissioner who has authority over all security and police forces, including the Coast Guard and Special Mobile Forces, a paramilitary unit that shares responsibility with police for internal security. The police commissioner reports directly to the Prime Minister's Office. Police corruption and abuse of detainees were problems. The NHRC investigates allegations of police abuses and may report such cases to the Office of the Director of Public Prosecutions (DPP), an independent entity. As of August the NHRC had received 68 complaints of physical or verbal abuse by police: 29 complaints were withdrawn or dismissed for lack of substantiation; 10 cases were referred to the appropriate authorities for follow up; and 29 cases remained under investigation.

The Police Complaints Investigation Bureau registered three cases of corruption against police officers during the year; the Governmental Independent Commission Against Corruption registered 70 complaints of corruption against police officers.

The investigation continued into the September 2007 arrest of a police officer in the Passport and Immigration Office for aiding four undocumented persons to transit the country.

Orientation training for all new police recruits included a segment on human rights; management officers were required to take a refresher course, which was offered several times yearly. More than 200 qualified candidates participated in human rights courses during the year.

Arrest and Detention.—The constitution and law require arrest warrants and that the accused be read his/her rights, including the right to remain silent and the right to an attorney. The law requires that suspects be brought before the local district magistrate within 48 hours. Police generally respected these rights, although police sometimes delayed suspects' access to defense counsel. Minors and those who did not know their rights were less likely to be provided prompt access. Detainees have prompt access to family members. Indigent detainees were provided an attorney at state expense. A suspect can be detained for up to a week, after which the issue of bail is brought before a magistrate. Alternatively, if police concur, the accused may be released on bail the same day as the arrest. Individuals charged with drug trafficking may be detained for up to 36 hours without access to legal counsel or bail.

Due to a backlogged court system, approximately one-third of the prison population was in pretrial detention. Pretrial detainees generally remained in remand for three to four years before being tried. Time served in remand did not apply to subsequent sentences.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

The country's judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. The Supreme Court has a chief justice and 16 other judges who also serve on the court of criminal appeal, and the court of civil appeal. Magistrates sit on the intermediate court, the industrial court, and the 10 District Courts. Final appeal may be made to the Privy Council in the United Kingdom.

The DPP determines which court hears particular cases based on the severity of the crime and anticipated punishment. Crimes carrying the death penalty or life imprisonment are sent to the Supreme Court, while crimes of medium severity are sent to intermediate courts and lesser crimes to District Courts.

As part of a series of measures to reform the judiciary, reduce the caseload burden on the Supreme Court, and improve upon the previously fragmented approach to family law, the Family Court became operational on January 7. Two full-time judges are assigned to the Family Court, which hears cases of divorce, child custody, and rights of access and alimony.

Trial Procedures.—Defendants enjoy a presumption of innocence, and trials are public. Juries are only used in murder trials. Defendants have the right to be present and to consult an attorney in a timely manner. An attorney is provided at public expense when indigent defendants face serious criminal charges. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and attorneys have access to government-held evidence

relevant to their cases, and defendants have a right of appeal. These rights were respected in practice, although an extensive case backlog delayed the process, particularly for obtaining government-held evidence.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. The constitution provides for an ombudsman to investigate complaints from the public and members of the parliament against government institutions and to seek redress for injustices committed by a public officer or authority in official duties as an alternative to the court system.

Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice; however, police intimidated radio journalists, and officials used libel laws to suppress media criticism of political leaders.

The independent media was active and expressed a wide variety of views without restriction. There were four daily and 12 weekly newspapers and three private radio stations that offered diverse political viewpoints.

Unlike the previous year, there were no arrests of journalists. On March 15, however, police interrogated two private radio journalists for three hours after they reported that the weekly ministers' cabinet meeting was cancelled because the prime minister was sick.

On July 1, the State Law Office requested that the charges for diffusion and publishing of false news be dropped against two radio journalists and a newspaper chief editor who, in November 2007, reported an alleged racketeering case involving the police. On August 18, the State Law Office withdrew the libel charges and dropped the suit.

The Government owned and regulated the sole domestic television network, and opposition parties and media experts regularly criticized the station for its progovernment bias and unfair coverage of national assembly debates. International television networks were available by subscription or via a cable box.

Internet Freedom.—Unlike the previous year, when the Government blocked access to an international social networking site, there were no government restrictions to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. However, on June 7, police seized five copies of the Salman Rushdie novel, *The Satanic Verses*, from a bookstore and fined the owner 10,000 rupees (\$333); the book has been banned since 1989.

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

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Foreign missionary groups were allowed to operate on a case-by-case basis. Although there were no regulations restricting their presence or proselytizing, each missionary was required to obtain both a resident permit and a work permit. The Prime Minister's Office must approve issuance of these documents, and in practice there were limits on the number of missionaries issued the requisite permits.

Societal Abuses and Discrimination.—There were reports of increasing animosity among the Hindu population towards the Assembly of God Church due to its proselytizing and the high rate of conversion among Hindus. Societal animosity was also directed toward missionaries from the Church of Jesus Christ of Latter-day Saints.

Approximately 120 Jews resided in the country. On August 17, there were reports of graffiti proclaiming support for Osama Bin Laden and Hamas written on the walls of the local Jewish community organization's headquarters.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement with-

in the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. However, the Government has cooperated with the UN High Commission for Refugees and has not expelled or returned refugees to countries where their lives or freedom would be threatened. The Government did not grant refugee status or asylum.

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

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

Elections and Political Participation.—According to international and local observers, the 2005 national elections were generally free and fair, with the opposition Social Alliance defeating the ruling MMM-MSM alliance. Political parties operated without restriction or outside interference.

There were 12 women in the 71-seat National Assembly. Following the September cabinet reshuffle, there were two female ministers in the 22-member cabinet.

Although historically the Hindu majority dominated politics, no groups were excluded from the political system. Authorities required national assembly candidates to identify themselves with one of four ethnic groupings: Hindu, Muslim, Sino-Mauritian, or general population. For this purpose, “general population” refers to the Creole and Franco-Mauritian communities. Based on these categories, in the National Assembly there were 41 Hindus, 19 members of the general population, 10 Muslims, and one Sino-Mauritian. In the cabinet there were 15 Hindus, three Muslims, three members of the general population, and one Sino-Mauritian.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not implement these laws effectively. There was a widespread public perception of corruption in the legislative and executive branches. The World Bank’s Worldwide Governance Indicators reflected that corruption was a problem.

On September 5, police arrested and released on bail the chairman of the Mauritius Ports Authority following an investigation into allegations that he had accepted 25,000 euros (\$35,000) from a Dutch company that obtained a 2006 contract to dredge the harbor. The Government dismissed the chairman, and the investigation continued at year’s end.

The Governmental Independent Commission Against Corruption, which investigates allegations of corruption, received one complaint of corruption against an immigration official; the case was under investigation at year’s end.

Ministers and commissioners are required to make a disclosure of family assets, including assets of spouses and children, upon taking office and at the dissolution of the National Assembly or of the Regional Assembly.

The law provides for access to government information, and the Government generally complied with requests from noncitizens and foreign media as well as from citizens.

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

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

Local human rights NGOs worked to assist persons with HIV/AIDS, rehabilitate former prisoners, promote women’s rights, and support the lesbian, gay, bisexual, and transgender community. The Government regularly consulted NGOs in formulating policy and worked in partnership with UN bodies and the local branch of Amnesty International.

An ombudsman is appointed by the president to investigate complaints against public servants, police officers, and prison guards. Investigations may be initiated by individual citizens, cabinet ministers, or members of the National Assembly.

The Government cooperated with international governmental organizations and permitted visits by UN representatives or other organizations.

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

The constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, political opinion, color, gender, disability, or language, and the Government generally enforced these provisions. Some societal discrimination occurred.

Women.—The law prohibits rape, including spousal rape, and the police and judicial system enforced the law. Rape is punishable by up to eight years' imprisonment. By October there were 52 rape cases reported to the police, of which 31 were prosecuted, convicted, or punished during the year. Many victims chose not to report or prosecute their attackers due to cultural pressures and fear of retaliation.

The law criminalizes domestic violence; however it was a major problem. Domestic violence activists complained that police did not effectively enforce the law. More than 5,000 domestic violence cases were reported during the year. Anyone found guilty of violating a Protection Order may be fined up to 25,000 rupees (\$754) or imprisoned for up to two years. The local NGO SOS Femmes reported that women remained in abusive situations for fear of losing financial support and that few filed complaints against their abusers. The Ministry of Women's Rights, Child Development, and Family Welfare maintained an abuse hotline and a Web page on legal protections for victims.

Prostitution is illegal; however, it was prevalent.

The law prohibits sexual harassment, but it occurred. Sexual harassment is punishable by up to two years' imprisonment. During the year the Sex Discrimination Division of the NHRC received 49 complaints, of which nine involved sex discrimination and nine involved sexual harassment; 19 of the 49 cases remained under investigation at year's end.

Women played subordinate roles in society, and societal discrimination continued; however, women had equal access to education, employment, and government services. Women had equal access to credit and to own or manage businesses; however, women's rights activists reported that women were paid less than men in the private sector. The law criminalizes the abandonment of one's family or pregnant spouse for more than two months and the nonpayment of court-ordered food support. The law affords women broadly defined wage protections, and authorities generally respected the law in practice. The law protects women from being forced to carry loads above certain weight limits; however, remuneration is based on the amount that one was able to carry during a period of time, so women in agriculture were often paid less than men.

Children.—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children.

Child abuse was more widespread than was acknowledged publicly, according to NGOs. The law criminalizes certain acts compromising the health, security, or morality of a child, although the Government was unable to enforce complete compliance with the law. The state-funded National Children's Council and the Ministry of Women's Rights, Child Development, and Family Welfare provided counseling, investigated reports of child abuse, and took remedial action to protect affected children. The Police Unit for the Protection of Minors conducted public education programs on the sexual abuse of minors.

On July 1, police arrested three men for sexually exploiting a 12-year-old girl. On June 14, a woman was arrested for sexually exploiting a 13-year-old girl, and on January 12, authorities arrested a foreign resident for sexually exploiting a 12-year-old girl with the consent of her aunt and uncle. All three cases were under investigation at year's end.

Child prostitution was a problem, and the Government targeted the practice as a law enforcement and prevention priority. There were reports that some schoolgirls, independent of third party involvement, engaged in prostitution for spending money.

Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to or from the country; however, there were reports of child prostitution within the country. The law provides for up to 15 years' imprisonment for trafficking in persons. There were reports that some schoolgirls voluntarily worked in conjunction with prostitution rings, while others were forced into prostitution by family members.

The Ministry of Women's Rights, Child Development, and Family Welfare maintained a hotline for reporting cases of child prostitution. The ministry also conducted information campaigns on child trafficking for NGOs, high school students, women, and other community leaders. The Minors Brigade and the Family Protec-

tion Unit conducted information campaigns on child prostitution and child sexual abuse for high school students and the population in general. The police sought ways to prevent child prostitution and prosecuted four cases during the year. The Government drop-in center provided shelters, counseling, and education for victims of child prostitution.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, and the Training and Employment of Disabled Persons Board effectively enforced it; however, the law does not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs. The Government effectively implemented a 2005 law mandating access to buildings for persons with disabilities. The law requires organizations that employ more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities.

Other Societal Abuses and Discrimination.—The law protects the rights of persons living with HIV/AIDS from stigmatization and discrimination; however, there were reports of discrimination against such persons and their relatives.

During the year the local NGO PILS, which deals with HIV/AIDS issues, recorded 210 cases of discrimination against HIV/AIDS patients, including denial of access to public health care services. PILS relayed such cases to the Ministry of Health and Quality of Life, which initiated investigations of the doctors.

On April 12, the Government amended the Immigration and Civil Status Acts to allow foreign citizens with HIV/AIDS to marry citizens; the law followed a public outcry over the case of a foreign citizen who was denied permission to marry a citizen due to her HIV/AIDS status.

Incitement to Acts of Discrimination.—During an August 21 political rally, the secretary general of the Mauritius Labor Party referred to the former director of customs, a Canadian citizen, as a “worthless foreigner.” In a 2000 political rally, the same official criticized the white skin of the then-minister of finance and urged party members to vote for their Hindu culture, religion, and language.

Section 6. Worker Rights

a. The Right of Association.—The constitution and the law provide for the right of workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. With the exception of police, the Special Mobile Force, and persons in government services who were not executive officials, workers were free to form and join unions and to organize in all sectors, including in the Export Processing Zone (EPZ); however, the law grants authorities the right to cancel a union's registration if it fails to comply with certain legal obligations. Approximately 350 unions represented 115,000 workers, and 16 major labor federations served as umbrella organizations for smaller unions. The unionized workforce represented approximately 20 percent of the labor force.

The law allows unions to conduct their activities without government interference and provides for the right to strike; however, there are restrictions, and the prime minister may declare any strike illegal if he considers that it “imperils the economy.” Before declaring a strike, the law requires a 21-day cooling-off period followed by binding arbitration; in practice, this made most strikes illegal. The Government has 21 days to respond to any labor dispute and refer it to either the Permanent Arbitrary Tribunal or the Industrial Relations Commission; if the Government does not respond within this time frame, the proposed strike can proceed. Worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals were unjustified. Foreign workers who participated in strikes could be deported.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining, and workers exercised this right. The National Remuneration Board (NRB), whose chairman was appointed by the minister of labor, set minimum wages for non-managerial workers, although most unions negotiated wages higher than those set by the NRB.

The law prohibits antiunion discrimination; however, the Government did not always protect this right. For example, as of September 24, the Federation of Parastatal Bodies and Other Unions registered six cases of employees suspended or dismissed for their trade union activities. The law does not provide for the reinstatement of dismissed employees; however, employees can resort to the Industrial Relations Court to seek redress.

National labor laws cover EPZ workers; however, there are some EPZ-specific labor laws that condone longer working hours, including the provision for 10 hours

per week of mandatory paid overtime at a higher wage than for ordinary working hours. Some employers reportedly established employer-controlled work councils for EPZ workers, effectively blocking union efforts to organize at the enterprise level. Approximately 67,000 persons worked in the EPZ; only 10 percent belonged to unions.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that child labor occurred. The Ministry of Labor, Industrial Relations, and Employment (MOL) recorded one case of child labor during the year; the child was employed as a household servant.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children below 16 years of age and prohibits the employment of children between 16 and 18 years old from work that is dangerous, unhealthy, or otherwise unsuitable for young persons. While the Government generally respected this law, child labor occurred. According to the law, the penalties for employing a child are a fine of no more than 2,200 rupees (\$66) and imprisonment not to exceed one year.

Children worked in the informal sector as street traders, in small businesses, in restaurants, in agriculture, and in small apparel workshops.

The MOL is responsible for the enforcement of child labor laws and conducted frequent inspections; however, it employed only 45 inspectors to investigate all reports of labor abuses, including those of child labor. During the year a man was prosecuted and fined 6,000 rupees (\$181) for employing five underage teenagers to work as apparel vendors in 2007.

The MOL developed vocational training programs to prevent employment of underage children.

e. Acceptable Conditions of Work.—The Government established minimum wages, which varied by sector, and mandated that the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was approximately 562 rupees (\$17) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately 734 rupees (\$22) per week. Although these wages did not provide a decent standard of living for a worker and family, the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. The MOL effectively enforced minimum wage law.

The standard legal workweek in the industrial sector was 45 hours. According to the Mauritius Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ. By law no worker can be forced to work more than eight hours a day, six days a week. Those who work more than their stipulated hours must be remunerated at one and a half times the normal salary. Those who work during their stipulated hours on public holidays are remunerated at double their normal salary. For industrial positions, workers are not permitted to work more than 10 hours a day. If the worker has worked until or past 10 p.m., the employer cannot require work to resume until at least 11 hours have elapsed. These standards were generally enforced. Unions have reported cases of underpayment for overtime in the textile and apparel industries due to differences in existing legislation and remuneration orders for the calculation of overtime hours.

The Government set health and safety standards, and MOL officials inspected working conditions; however, the inadequate number of inspectors limited the Government's enforcement ability. Voluntary employer compliance with safety regulations helped reduce the number of occupational accidents, with the ministry reporting a general trend downward in the number of industrial accidents over the past 10 years. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

MOZAMBIQUE

Mozambique is a constitutional democracy with an estimated population of 20 million. President Armando Guebuza was elected in 2004 in what national and international observers judged to be generally free and fair elections, despite some irregularities. The Front for the Liberation of Mozambique (FRELIMO) has been the ruling political party since independence in 1975, heavily influencing both policy-making and implementation. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

Incidents of serious human rights abuses in some areas, including vigilante killings, increased during the year. Security forces continued to commit unlawful killings although the Government took steps to prosecute perpetrators. Prison conditions improved, but remained harsh and life threatening, resulting in several deaths. Arbitrary arrest and detention as well as lengthy pretrial detention were problems. An understaffed and inadequately trained judiciary was inefficient and heavily influenced by the ruling party. Political and judicial decisions involving independent media outlets constrained press freedom. Societal problems including domestic violence, discrimination against women, abuse, exploitation, and forced labor of children, trafficking in women and children, and discrimination against persons with HIV/AIDS remained widespread.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed several individuals.

Violence as a first resort, excessive use of force, and abuse by police remained problems. According to a report issued by Amnesty International in April, police operated “with a license to kill,” and the weak police accountability systems have led to a general climate of impunity. The nongovernmental organization (NGO) Human Rights League (LDH) reported that police officers summarily executed 10 citizens during the first nine months of the year in Maputo and Matola. However, authorities terminated and, in a few cases, brought criminal charges against some officers for disciplinary offenses during the year.

Sustained high levels of crime in and around Maputo City, particularly with the return of nearly 50,000 citizens fleeing violence in South Africa, and continued violence against police by criminal gangs were likely factors in the number of unlawful killings committed by security forces during the year. An overanxious police force responded with a strong show of force and often resorted to violence.

On February 5, police fired rubber bullets, tear gas, and live ammunition at demonstrators in Maputo protesting increases in the cost of living and particularly a rise in bus fares. According to press reports and police statements, more than 100 persons were injured (including 68 persons shot by the police), and at least five persons died from their injuries. Commenting on police actions during the demonstrations, a police spokesman claimed that police carried out their duty “to guarantee public order and tranquility.” No police were punished for firing into the crowd.

On February 11, police in Chokwe, Gaza Province, clashed with protesters demonstrating against the rising cost of living. While Chokwe authorities stated that one person died during the clashes, an independent media report insisted that between three and six persons died. In response to the violence, the Gaza provincial governor claimed that police had no choice but to respond with force in order to restore calm to the city.

In August the press reported that a police officer shot and killed a man in Maputo at point blank range during a personal dispute. A Maputo police spokesman indicated that an investigation, including a ballistics examination, was ongoing, and that a criminal proceeding had been filed against the officer. There were no further developments at year’s end.

In April the Criminal Investigation Police (PIC) released one of two police officers being held for the December 2007 killing of August Covilas because his 90-day maximum preventive detention had expired. The two officers shot and killed Covilas after responding to a report that his house was being robbed. The investigation of the second officer was ongoing at year’s end.

On July 31, the Maputo City Court sentenced three police officers to 21 years’ imprisonment each and ordered them to pay 600,000 meticaïs (approximately \$24,000) for the April 2007 killings of Carlos Cossa, Mustafa Assene Momedé, and Francisco Antonio Nhantumbo. While an initial investigation by the PIC indicated the victims were criminals who had escaped from a police car, a separate investigation by the attorney general’s office concluded that the shots fired by police were excessive and discharged at close range, demonstrating intent to kill.

In September a Maputo public prosecutor accused PIC agent Alexandre Francisco Balate of the August 2007 killing of Abranches Afonso Penicelo. There were no further developments at year’s end.

There were no developments in the 2007 police killing of Juliao Macul.

There were a few reports of death resulting from police torture. Unlike in the previous year, there were no reported killings as a result of torture and other abuses

by members of the Community Policing Councils (CPC), nonstatutory bodies set up by the Mozambican National Police (PRM) in many districts to prevent crime.

Mine-related accidents resulted in deaths and injuries. The Government continued to cooperate with international organizations and donors as well as commercial firms to clear suspected landmine areas.

There were no new developments regarding the investigation into the 2006 killing of leading opposition party Mozambican National Resistance (RENAMO) deputy Jose Gaspar Mascarenhas by an unknown gunman.

Killings by vigilante groups increased compared with 2007. The LDH and other civil society groups claimed these killings were related to the increased cost of living, high unemployment rates, sustained high levels of crime, lack of police presence in outlying metropolitan neighborhoods, and an ineffective justice system. Most targets of such killings were suspected muggers, thieves, sexual abusers, and drug dealers. While nationwide statistics were not available, the press and civil society reported at least 46 killings by vigilantes during the first ten months of the year, most of which occurred in and around Maputo City, Chimoio, Matola, and Beira.

For example, in February a mob in Chimoio beat and killed a group of six persons, including a woman, who the mob accused of being criminals. In April a group of men in a Maputo suburb beat and burned to death a man accused of stealing cash and cell phones. In August a mob in Matola beat to death two brothers suspected of raping a minor. In November a mob of 300 persons lynched two individuals in Chokwe district.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution and law prohibit such practices, police continued to commit abuses. During the year human rights advocates and the media reported occurrences of torture and other cruel treatment, including several cases involving sexual abuse of women, beatings, and prolonged detention.

The LDH reported that during prison visits conducted between January and April it did not encounter any cases of torture, compared with 161 cases reported the previous year. According to the LDH, the decrease resulted from increased training of prison guards. However, torture and other abusive treatment continued at police squadrons, according to the LDH.

There continued to be reports of abuse and violence by members of the CPC. During the February 5 demonstrations, the LDH recorded five cases where police beat protesters with batons. In September, prior to a soccer match, two police agents handcuffed several youths outside the stadium and beat them repeatedly for allegedly being criminals. In October the daily *O Pais* reported that agents of the PIC in Matola shot Justino Tembe after believing he was an armed criminal fleeing from authorities. The PIC brought Tembe to a hospital in Matola, where they kept him handcuffed for 20 days until a judge in Maputo ordered him released for lack of criminal evidence.

There were no reported developments regarding police involvement in the following 2007 torture cases: the April police beating of a British citizen at a checkpoint, and the July police beating of trainee lawyer Aguinaldo Mandlate at a police station during an interrogation.

Vigilante violence also resulted in deaths and injuries.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening, although some improvements were noted.

The Administration for Prison Services, under the Ministry of Justice, operated 211 prisons in 10 provinces. The Ministry of Interior and the police are responsible for jails at police stations.

Overcrowding remained the most serious problem. The LDH noted that many prisons held more than three times the number of prisoners for which they were built, and that often prisoners slept in bathrooms, standing up, or in shifts. For example, the Maputo Central Prison held 2,538 prisoners in a facility designed to hold 800, and the Inhambane Provincial Prison held 339 prisoners in a facility for 75. During the first half of the year, the LDH visited 74 prisons and detention facilities, which held a total of 11,424 inmates in facilities designed to hold 5,913.

The LDH found that, based on those visits, the number of inmates held beyond the legal 90-day preventive detention period decreased to 59 from 399 during the same period in 2007, an 86 percent reduction. The LDH described 35 facilities as “physically inadequate.”

In detention facilities, overcrowding did not appear to be a serious problem. During the first half of the year, the LDH visited several police station detention facilities and noted that some detainees continued to be held beyond the maximum police station preventive detention period of 48 hours.

Reports continued that most prisoners received only one meal a day. In 13 of the prisons visited, the LDH characterized the provision of food as “poor.” It was customary for families to bring food to prisoners; however, there continued to be occasional reports that guards demanded bribes in exchange for delivering food to prisoners. In several prisons, inmates engaged in prostitution in exchange for food, according to the LDH.

There continued to be many reported deaths in prison, the vast majority due to illness and disease. For example, in May the director of the Chimoio Agricultural Penitentiary reported that in the first four months of the year, 22 inmates had died, mostly due to malaria, HIV/AIDS, and tuberculosis (TB). In many facilities, overcrowding, lack of sanitation, potable water, and food also led to sickness.

In a series of prison visits conducted during the year, the LDH found malaria, TB, and HIV/AIDS to be commonplace among prisoners in nearly all prisons. LDH also found other illnesses caused by malnutrition, including paralysis and blindness. Both healthy and sick prisoners regularly were kept in the same cells.

In the first half of 2007, the most recent data available, the LDH reported 39 juveniles under the age of 16 held with adults in the general prison population.

Pretrial detainees were held with convicted prisoners.

International and domestic human rights groups had access to prisoners, although at the discretion of Ministries of Justice and Interior. Unlike the previous year, the LDH reported no problems obtaining credentials to visit prisons.

d. Arbitrary Arrest or Detention.—While the constitution and law prohibit arbitrary arrest and detention, both practices continued to occur.

Role of the Police and Security Apparatus.—Forces under the Ministry of Interior, including the PIC, the PRM, and the Rapid Intervention Force, are responsible for internal security. An additional security body, the State Information and Security Service, reports directly to the president. The armed forces (FADM) are responsible for external security.

The police continued to be poorly paid, despite an increase in pay during the year. Trainee-level officers reportedly received approximately 2,345 meticaïs (approximately \$90) a month, while those at higher rank received approximately 3,025 meticaïs (approximately \$120) a month. Corruption and extortion by police were widespread, and impunity remained a serious problem. In July a former head of the PIC stated that gangs had captured the police. He noted that due to low wages and poor conditions, some police members tipped off criminals to police operations, and in some cases, such corruption was responsible for numerous killings of police by criminals.

Police regularly detained persons for arbitrary reasons and demanded identification documents solely to extort payments. Many crime victims reportedly declined to seek police assistance because of expected demands for bribes and a lack of confidence that the police would help. During April 2007–08, the Maputo City Police Command initiated disciplinary and criminal proceedings against 113 Maputo policemen, expelling 28 of these from the force. The most common reasons for disciplinary action, according to Maputo’s police chief, were collaboration with criminals, extortion of goods and money, excessive alcohol consumption, and abandonment of post. During the year the Ministry of Interior brought disciplinary charges against 367 police officers which resulted in 76 criminal cases, 52 court cases, 29 jail sentences, and the expulsion of one police officer from the force. However, the vast majority of police who committed infractions were “recycled,” sent back to school, and then transferred to a new unit. In the three months preceding March, the ministry “recycled” 178 police. These included suspected criminals, thieves, and agents suspected of collaborating with criminals.

Professional training for police officers continued during the year; in August 70 PRM officers in Gaza Province completed human rights training.

Implementation of the 2003–12 strategic plan of action and modernization for the PRM continued; seven of its nine “guiding principles” reflected respect for human rights. While the plan acknowledged the problem of abuse of police powers, it made no specific provision for ensuring greater accountability for such abuses.

Arrest and Detention.—Although the law provides that persons be arrested openly with warrants issued by a judge or prosecutor (except persons caught in the act of committing a crime), police continued to arrest and detain citizens arbitrarily. By law the maximum length of investigative detention without a warrant is 48 hours, during which time a detainee has the right to judicial review of the case. The individual may be detained another 90 days while the PIC continues its investigation. When a person is accused of a crime carrying a sentence of more than eight years, the individual may be detained up to an additional 84 days without being charged formally. With court approval, such detainees may be held for two more periods of

84 days each without charge while the police complete their investigation. The law provides that when the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. In many cases the authorities either were unaware of these regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends. The law provides that citizens have access to the courts as well as the right to representation, regardless of ability to pay for such services. However, due to a shortage of legal professionals, indigent defendants frequently had no legal representation.

The bail system remained poorly defined. Prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes for releasing prisoners.

There were reports that police harassed and arbitrarily detained persons, including journalists, during the year.

Government statistics indicated that approximately 40 percent of inmates were awaiting trial.

There continued to be reports of detainees who spent longer in pretrial detention than the length of the sentence they eventually received. By law a judge has 48 hours to validate a detention in any proceeding; however, this statute often was not enforced.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the executive branch and the ruling FRELIMO party heavily influenced an understaffed and inadequately trained judiciary, particularly in the lower tiers. The judicial system continued to suffer from a lack of transparency and often did not comply with the principles of promotion and protection of human rights.

In May the parliament passed a new judicial organization law which establishes intermediate appeals courts. While the law has yet to be implemented, it empowers District Court judges to rule on criminal cases with penalties ranging between eight and 12 years, compared with up to only two years before the law. In addition alternative measures such as work brigades, conditional release for prisoners who have completed half of their sentence, and traveling tribunals continued to be employed.

Approximately 93 of the country's 128 judicial districts had functioning courts; however, a shortage of judges and qualified staff was a major problem. In March Chief Justice Mario Mangaze reiterated that the country had only 36 percent of the judges and prosecutors needed to administer justice effectively. There were 221 judges (or approximately one per 90,500 inhabitants), 183 of whom held law degrees as required by law for all judges appointed after 2000. During the year 7 percent of the 1,429 staff employed by the courts held university degrees. Continuing problems included chronic absenteeism, unequal treatment, low salaries, corruption, deliberate delays, and omissions in handling cases.

The president appoints both the Supreme Court president and vice president. The Higher Judicial Magistrates' Council (CSMJ) prepares Supreme Court nominations and submits a list of qualified potential nominees to the president. Members of the CSMJ tended to be either FRELIMO members or FRELIMO-affiliated. The president also makes all other judicial appointments.

There were two complementary formal justice systems: the civil justice system and the military justice system. The Supreme Court administers the civil system, and the Ministry of National Defense administers military courts. The military court system was legally absorbed into the civil system during the year. Under the Supreme Court there are province and district-level courts, and each province has a court of appeal. Cases in military courts may be appealed to the Supreme Court. Civilians are not under the jurisdiction of, or tried in, the military courts.

There also are courts that exercise limited, specialized jurisdiction, such as the Administrative Court, the Customs Court, and the Maritime Court. The Constitutional Council is charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. A separate court system exists for minors 16 years of age and younger. The Government may send minors to correctional, educational, or other institutions.

Trial Procedures.—Persons accused of crimes against the Government are tried publicly in regular civilian courts under standard criminal judicial procedures. Members of the media may attend trials, although space limitations excluded the general public. A judge may order a trial closed to the media in the interest of national security or to protect the privacy of the plaintiff in a sexual assault case. Article 12 of the judicial organization law "prohibits the production and public transmission of images and sounds at trials." There is no trial by jury.

In regular courts all accused persons, in principle, are presumed innocent, and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders for the accused, such assistance generally was not available in practice, particularly in rural areas. The Mozambican Legal Aid Institute, an organization under the Ministry of Justice, works to ensure that accused persons are provided with court-appointed legal counsel if requested, though due to a lack of trained lawyers, this was not always possible. The LDH reported that most citizens remained unaware of this right, and many had no access to legal counsel. Some NGOs offered limited legal counsel at little or no cost to both defendants and prisoners. Only judges or lawyers may confront or question witnesses, although all citizens have a right to self-defense, and as such are allowed to present witnesses and evidence on their own behalf, and have access to government-held evidence.

Outside the formal court system, local customary courts and traditional authority figures often adjudicated matters such as estate and divorce cases. Local arbiters with no formal training staffed customary courts.

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

Civil Judicial Procedures and Remedies.—While the law provides for an independent and impartial judiciary in civil matters, in practice the judiciary was subject to political interference. Although in theory citizens have access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations, in practice this did not occur.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. However, opposition party members alleged that government intelligence services and ruling party activists continued without warrants to monitor telephone calls and e-mails, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas, including in Cabo Delgado and Nampula Provinces. By law police require a warrant to enter homes and businesses.

Unlike in the previous year, there were no reports that the FADM required senior members to complete a confidential questionnaire regarding party affiliation and activities in support of the party, though advancement in the executive branch is tied directly to affiliation with the ruling party.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, in practice there were some restrictions on these rights. While the law allows individuals to criticize the Government publicly or privately without reprisal, there were a few cases during the year where such criticism resulted in punishment.

There were occasional reports that police and local officials harassed journalists, and journalists admitted that self-censorship was common. The NGO Media Institute of Southern Africa (MISA) noted in its annual report that although the independent media continued to rapidly expand and diversify, in general the media faced increasing harassment from the courts, prosecutors, and district administrators, particularly outside of Maputo Province. In addition court rulings on libel cases involving several independent media outlets during the year constrained press freedom.

The independent media were active and expressed a wide variety of views. The Government maintained majority ownership in Noticias, the main newspaper and one of three daily papers with nationwide distribution. Noticias, the daily *Diário de Mocimboa*, and the weekly *Domingo* largely reflected the views of the Government and provided marginal, often critical coverage of RENAMO but also demonstrated a willingness to examine government actions. In some cases, media support of the Government was more overt; for example, prior to the municipal election in November the daily Noticias Maputo edition carried a picture of the FRELIMO candidate for mayor and the party emblem in the title banner of the paper, a space not normally reserved for political advertisements. The Government-run news agency, Agência de Informacao de Mocimboa, often printed stories critical of the performance of government ministries or agencies.

International media were allowed to operate freely.

There were numerous private community and regional radio stations that operated throughout the country. Radio Mocimboa, which received 60 percent of its operating budget from the Government, was the most influential media service with

the largest audience. Although it broadcast debates on important issues, Radio Mocambique tended to invite participants that were less critical of the Government.

MISA noted that the process for obtaining a radio operating license was often long, convoluted, and politically biased. According to MISA, a new law was needed which would clearly delineate the difference between commercial and public radio.

The Government supplied 80 percent of the operating budget for Televisao de Mocambique (TVM), the television station with the largest viewership. TVM's news coverage was moderately balanced, but still retained a government and FRELIMO bias.

Security forces harassed and arbitrarily detained local journalists during the year. In April the Mozambican National Union of Journalists reported that two local FRELIMO members confiscated the equipment of and made threats against community radio reporter Pedro Rafael in Cabo Delgado Province. The FRELIMO members released Rafael on the same day. The local district administrator condemned the actions as a violation of press freedom. In February MISA and the NGO Center for Public Integrity issued a press statement asserting that lack of coverage by media outlets funded mostly by the Government (TVM, Noticias, and Radio Mocambique) concerning the February 5 demonstrations violated freedom of expression, media, and information, and confirmed the existence of government censorship of the media. The press release noted that despite its being the biggest news event of the year, TVM, Noticias, and Radio Mocambique provided extremely limited coverage, and that the limited coverage provided was edited to distort the truth.

In August a Maputo court sentenced journalists Fernando Veloso, Alvarito de Carvalho, and Luis Nhachote of the independent weekly Zambeze to six months' imprisonment (converted to a fine) for libeling Prime Minister Luisa Diogo by suggesting that Diogo might not be a citizen. Although she never brought a libel suit against Zambeze, the court filed charges and ruled that the journalists violated state security by "offending the honor and image of the prime minister." The lawyer for the journalists appealed the decision and the appeal was pending at year's end.

Defamation of the president is prohibited; no one was charged with the offense during the year.

Newsprint and other printing supplies must be imported from South Africa, and the Government did not exempt these supplies from import duties. Some newspapers found it more cost-effective to print in South Africa and import the final product. Other journals were only published in electronic versions, severely limiting their readership. Journals printed on paper had restricted readership beyond Maputo, due to high transportation costs.

Internet Freedom.—Although there were no government restrictions on access to the Internet, opposition party members reported that government intelligence agents monitored e-mail. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. While public access to the Internet continued to expand, particularly in the larger cities, lack of infrastructure in rural areas and installation costs limited overall use.

Academic Freedom and Cultural Events.—While the Government generally did not restrict academic freedom, there were reports that teachers at the university, secondary, and primary school level felt pressure to align themselves with FRELIMO, particularly in the central and northern provinces.

In April the attorney general's office summoned musician Edson da Luz for questioning concerning the lyrics of a song he wrote about violence stemming from the February demonstrations in Maputo. The LDH and numerous press editorials viewed the interrogation as a form of intimidation and musical censorship.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.* The constitution and law provide for freedom of assembly; however, there was one instance in which police briefly detained demonstrators during the year. While the law regulates public demonstrations, it does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

Police beat demonstrators with batons during a February 5 demonstration.

In June police cancelled a legal demonstration in Maputo organized by the LDH and the Center for Mozambican and International Studies in solidarity with the people of Zimbabwe. According to press reports, police cancelled the demonstration because they did not have enough officers to provide adequate security.

In September a strong police presence prevented a legal demonstration organized by the National Forum of Demobilized Veterans (AMODEG) which, according to press reports, resulted in the arrest of 19 forum members. Police spokesmen called the demonstration illegal, although AMODEG claimed it had notified Maputo municipal authorities well in advance of the planned date.

Freedom of Association.—The constitution and law generally provide for freedom of association, although the Government imposed some limits on this right. According to the law a political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures to be recognized. There were approximately 50 registered political parties.

In July police in Maputo City detained a member of the small political party Together for the City (JPC) while he was collecting signatures to support a candidate for the November municipal elections. Some press reports indicated that FRELIMO party leaders had incited the police to arrest the JPC member. The police released him the same day.

A government decree regulates the registration and activities of foreign NGOs. The registration process for foreign NGOs and religious groups reportedly involved significant discretion on the part of government officials and regularly took several months.

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

The constitution and the law governing political parties specifically forbid political parties from directly affiliating with a religion or church and from sponsoring religious propaganda as threats to national unity.

Societal Abuses and Discrimination.—Relations among various religions groups were generally amicable.

Three persons arrested in the burning of three mosques in August 2007 were released for lack of sufficient evidence.

There is a very small Jewish population, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the Government sometimes infringed upon these rights in practice.

Traffic checkpoints are legal and under the jurisdiction of traffic police. Checkpoints occasionally affected freedom of movement, and according to press reports, authorities sometimes abused and demanded bribes from citizens at checkpoints. Police sometimes stopped foreigners and ordered them to present original passports or resident papers, refused to accept notarized copies, and fined or detained those who failed to show proper documents. Police, including members of CPCs, also routinely harassed, detained, and extorted bribes from local citizens for failure to carry identity papers.

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

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The Government worked closely with the UNHCR to implement a local integration program with longer term refugees, primarily from the Great Lakes region, at the Marratane Camp in Nampula Province.

Unlike in previous years, there were no reports of attacks against Burundian and Congolese refugees in Nampula Province. The Government is now willing to offer limited temporary protection to some Zimbabweans filing for asylum claims. There were numerous reports during the year of Zimbabwean women being sexually exploited in exchange for food.

The Government continued to limit refugee movement within the country. Refugees must request authorization to move outside the geographic region in which they have been registered. In addition refugees residing within the Marratane camp in Nampula Province must request authorization to leave its boundaries, which has perpetuated officials extracting bribes.

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

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

Elections and Political Participation.—International observers described the November municipal elections as well-run and transparent. Nonetheless, opposition parties accused FRELIMO once again of using state funds and resources for campaign purposes, in violation of electoral law, and RENAMO issued complaints of election fraud. Preceding the election, the National Election Commission rejected three RENAMO mayoral candidates on technicalities in the registration process. The Constitutional Council subsequently reinstated the candidates, stating that their exclusion was illegal.

During the run-up to the elections, police shot two persons for tearing down FRELIMO campaign posters in Beira and arrested seven others, including a candidate. In October the RENAMO mayor of Manjacase was arrested, and later released, for alleged forgery. In November two persons were injured when rival motorcades for FRELIMO and RENAMO parties crossed paths in Dondo.

In 2004 citizens elected Armando Guebuza of the ruling FRELIMO party as president in the country's third multiparty general elections. While domestic and international observers noted that voting day procedures generally followed international norms, they also documented irregularities during the campaign and in the vote count. FRELIMO used significant state funds and resources for campaign purposes, in violation of election law. In municipal elections during the year, observers found that both major parties used state resources for campaign purposes, and noted that the election was transparent, with some irregularities. RENAMO issued complaints of election fraud to several agencies.

Political parties could generally operate with some restriction or outside interference, including unlawful arrest, unlawful disqualification of candidates, and other interference by the Government.

There were 93 women in the 250-seat National Assembly. The prime minister was a woman, and women held six of the 24 ministerial positions and four of the 18 vice ministerial positions. Women held 30 percent of the seats on FRELIMO's 160-member Central Committee and six seats on its 17-member Political Commission.

Members of many ethnic groups held key positions in both the legislative and executive branches. There was no evidence that specific ethnic groups were excluded.

Government Corruption and Transparency.—While the law provides criminal penalties for official corruption, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There are no laws against conflict of interests for government officials. No corruption cases involving high-profile individuals have been brought to trial during the Guebuza administration; however, during the year several senior current and former government officials, including the former ministers of interior and transportation, were arrested on charges of corruption. Their cases were pending at year's end.

In October an office in the Ministry of Finance that was investigating a corruption case, erupted in fire, which the deputy attorney general described as arson in December.

Despite the Government's strong anticorruption rhetoric, corruption in the executive and legislative branches was widely perceived to be endemic. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem, with no change in ranking from the previous year. For the first time in five years, the country dropped in Transparency International's 2008 Corruption Perception Index, indicating that corruption was rampant. Petty corruption by low-level government officials to supplement low incomes, and high-level corruption by a small group of politically and economically connected elites continued to be the norm. Corruption largely resulted from a lack of checks and balances, minimal accountability, and a culture of impunity. Local NGOs, such as the Center for Public Integrity, and media groups continued to be the main civic forces fighting corruption, reporting and investigating numerous corruption cases. The law requires that all members of the Government declare and deposit their assets with the Constitutional Council, but does not require that such information be made available to the general public.

The Central Office for the Combat of Corruption (GCCC) functions as an autonomous unit under the attorney general's office with its own state budget. According to the GCCC, from January to October prosecutors received 429 allegations of corruption, carried out 187 investigations, submitted 132 cases to the attorney general's office, terminated 49 cases for lack of evidence, and tried 56 cases of corruption with a further eight cases having scheduled trial dates involving 98 suspects. The Ministry of Civil Service reported that between January and June authorities investigated 2,415 government employees, terminated 813 public servants, fined 380, and demoted 247 for various irregularities, including corruption and theft, which in some cases will be followed by criminal proceedings.

Several new cases of corruption were reported. In June a commission of inquiry established by the Ministry of Labor announced that 192 million meticaís (approximately \$7.6 million) had been stolen from the National Institute of Social Security (INSS) since 2002. The commission found that the theft involved a variety of fraudulent operations, including over-invoicing, double payments, kickbacks, and preferred direct tenders. According to the commission, the fraudulent operations occurred in six of the 11 provinces and were masterminded by the former director of the INSS, Armando Pedro. The attorney general's office initiated criminal proceedings against Pedro, and police arrested him in September in connection with the case. There were no further updates at year's end.

In July a court in Niassa Province sentenced the former provincial administrator for youth and sports to 16 years' imprisonment for the 2007 theft of 1.2 million meticaís (approximately \$47,000).

In September police, under orders from the Maputo City attorney's office, arrested former minister of interior Almerino Manhenje in connection with the theft of approximately 211 million meticaís (approximately \$8.3 million) from the Ministry of Interior. Authorities charged Manhenje with payment of illegal salaries and embezzlement of state money. He remained in prison awaiting trial at year's end.

In October police arrested the head of the Mozambique Airports Company Diodino Cambaza for misuse of funds. According to press reports, Cambaza used company money to pay for expensive houses, luxury cars, and travel. He remained in prison awaiting trial at year's end.

In December the minister of interior announced that approximately 400 passports had been fraudulently issued by corrupt immigration officials, who were neither arrested nor charged.

There were no further developments in the 2007 investigations into alleged corruption by Deputy Director of the Maputo Central Prison Arminda Parruque and six health service administrators in Cabo Delgado Province.

There were no laws providing for public access to government information, and in practice the Government restricted citizens' and noncitizens' access to government information.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although at times slow, government officials were generally cooperative and responsive to their views. Registration procedures for NGOs often were lengthy.

UN agencies, the International Committee of the Red Cross, and international NGOs are resident in the country and have access to investigate human rights abuses.

While an independent ombudsman position to investigate allegations of abuses, including human rights violations, by state officials was created by constitutional amendment in 2005, an ombudsman had not been named by year's end.

In December parliament passed a law to create a human rights commission.

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

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but in practice discrimination persisted against women, persons with disabilities, and persons with HIV/AIDS.

Women.—The law prohibits rape (excluding spousal rape) but was not effectively enforced. Penalties range from two to eight years' imprisonment if the victim is 12 years of age or older, and eight to 12 years' imprisonment if the victim is under the age of 12. While there were no official estimates as to the extent of spousal rape, it was regarded as a common problem. According to NGO reports, many families preferred to settle such matters privately through financial remuneration rather than through the formal judicial system. There were no reports of rape cases prosecuted during the year.

Reports indicated that domestic violence against women, particularly spousal rape and beatings, was widespread, and the PRM received 6,406 reports of violence against women through June, a nearly 30 percent increase compared with the previous year. There is no law that defines domestic violence as a crime, but laws prohibiting rape, battery, and assault could be used to prosecute domestic violence. Many women believed it was acceptable for their husbands to beat them. Cultural pressures discouraged women from taking legal action against abusive spouses. A 15-month survey released in 2006 revealed that 54 percent of women respondents admitted suffering an act of physical or sexual violence perpetrated by a man at

some point in their lives, 37 percent in the last five years, and 21 percent during the past year.

The Government and NGOs often worked together to combat domestic violence. The PRM operated special women and children's units in police squadrons that received cases of domestic violence, sexual assault, and violence against children; the units provided assistance to victims and their families. All 30 police squadrons in Maputo had women and children's centers. In addition all police squadrons in the country installed a "green line" (a free telephone line) to receive complaints of violence against women and children. It was not fully operational by year's end.

Kukuyana, a national network of women living with HIV/AIDS, reported that many women were expelled from their homes and/or abandoned by their husbands and relatives because they were HIV positive. It also reported that some women who were widowed by HIV/AIDS were accused of being witches who purposely killed their husbands to acquire belongings, and in retribution were deprived of all possessions.

Prostitution is legal, although it is governed by several laws against indecency and immoral behavior and restricted to certain areas. The practice was particularly prevalent along major transportation corridors and in border towns where long-distance truckers stop overnight. Young women without means of support were at the greatest risk for being drawn into prostitution.

Sexual harassment is illegal; however, it was pervasive in business, government, and education. Although no formal data existed, the media reported numerous instances of harassment during the year. The law is based on the Portuguese penal code from the 1920s; sexual harassment charges are usually regarded as acts of "indecency" with a maximum penalty of two years.

Forced marriage of girls and women was a problem.

"Purification," whereby a widowed woman is obligated to have unprotected sex with a member of her husband's family, continued to be practiced, particularly in rural areas.

With the exception of some ethnic and religious groups, the groom's family provided a dowry to the bride's family, usually in the form of money, livestock, or other goods. Among Muslims, the bride's family usually paid for the wedding and provided gifts. Some believed that these exchanges contributed to violence against women and other inequalities, due to the perception that the women subsequently were "owned" by their husbands.

The Family Law, which took effect in 2005, sets the age of marriage for both genders at 18 for those with parental consent, and 21 for those without parental consent. The law also eliminates husbands' *de facto* status as heads of family, and legalizes civil, religious, and common law unions. While the law does not recognize new cases of polygyny, it grants women already in polygynous marriages full marital and inheritance rights. The law more precisely defines women's legal rights with regard to property, child custody, and other issues. However, nearly four years after taking effect, a survey conducted by the NGO MULEIDE found that approximately 63 percent of women remained uninformed about the law. A Save the Children report on inheritance practices released in June 2007 noted that 60 percent of women cited discrimination in inheritance process and highlighted cases in which women lost inheritance rights for not being "purified" following the death of their husbands.

Customary law was still practiced in many areas. In some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of rights provided under the civil code and instead relied on customary law to settle disputes. Under customary law, women have no rights to inherit land.

Women continued to experience economic discrimination, were three times less likely than men to be represented in the public and formal private sectors, and often received lower pay than men for the same work.

Children.—While the Government continued to stress the importance of children's rights and welfare, significant problems remained. In April the National Assembly passed a law on child protection. The law contains sections dealing with protection against physical and sexual abuse, removal from parents who are unable to defend, assist, and educate them, and the establishment of minors' courts to deal with matters of adoption, maintenance, and regulating parental power.

A UN Children's Fund (UNICEF) report released in May 2007 estimated that the incidence of birth registration was less than 40 percent, and that 94 percent of children under age four were not registered. In some cases, particularly in rural areas, lack of birth certificates prevented children from registering for school, obtaining health care, and obtaining public documents, such as identity cards or passports.

Education is compulsory through age 12, but enforcement was inconsistent. Public education is free, but most families paid enrollment fees for each child and purchased books, uniforms, and other school supplies. Children who have a certificate that testifies their parents' incomes are below a certain poverty level are exempt from fees, but for most families, fees and associated costs remained a significant financial burden.

In 2007 UNICEF estimated that 94 percent of children were enrolled in school. Despite joint government/NGO initiatives in certain localities and districts to improve girls' school attendance, completion rates for primary school students were approximately 41 percent for boys and 29 percent for girls.

The PRM reported more than 1,500 cases of child abuse through June, but noted that the vast majority of cases went unreported. In December the Government, in partnership with an NGO network, began a 24 hour hotline, allowing the public to report cases of child abuse. Most cases involved sexual abuse, physical abuse, or negligence. Several cases of fathers sexually abusing their daughters were reported. Sexual abuse in schools was a growing problem. There were numerous press reports during the year focusing on the large numbers of high-school-aged girls pregnant as a result of being coerced into having sex with their teacher.

There continued to be newspaper reports of physical abuse of students by teachers during the year.

Local custom, primarily in the northern provinces and in Muslim and South Asian communities, allowed underage marriage.

The law prohibits pornography, child prostitution, and sexual abuse of children under 16 and prescribes prison sentences and fines for perpetrators; however, exploitation of children below the age of 15 continued and child prostitution remained a problem. Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, Chimioio, and Nacala areas, which had highly mobile populations and a large number of transport workers. Child prostitution also was reported in Sofala and Zambezia provinces. Some NGOs provided health care, counseling, and training in other vocations to children engaged in prostitution. In practice perpetrators of these crimes rarely were identified and prosecuted, and punishment was not commensurate with the crime. However, in July a Maputo court sentenced two Turkish citizens to a year in prison and 75,000 meticaïs (approximately \$3,000) each for sexually abusing 17 children living at a private residence in Maputo City.

There continued to be a significant number of street children, but no nationwide figures were available.

Zimbabwean children, many of whom entered the country alone, continued to face labor exploitation and discrimination. They lacked protection due to inadequate documentation and had limited access to schools and other social welfare institutions. Coercion of Zimbabwean girls into the sex industry was common.

The Government took steps to address the problems facing HIV/AIDS orphans. In June the Government estimated the country had 430,000 orphans who had lost either one or both parents to HIV/AIDS, and a study released during the year by UNICEF estimated that this number could reach 650,000 by 2010. Several government agencies, including the Ministry of Health and the Ministry of Women and Social Action, implemented programs to provide health assistance and vocational education for HIV/AIDS orphans.

The Maputo City Office of Women and Social Action continued its program to rescue abandoned orphans and assisting single mothers who headed families of three or more persons. It also offered special classes to children of broken homes in local schools. NGO groups sponsored food, shelter, and education programs in all major cities.

Trafficking in Persons.—The April Antitrafficking in Persons Law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country. Most trafficking victims were transported to South Africa on the highway from Maputo to Johannesburg. The majority of victims were women and children trafficked for both sexual exploitation and forced labor. Boys were trafficked for labor on South African farms and in mines, and girls were trafficked for use in prostitution and domestic servitude.

Traffickers were principally citizens or South Africans. Trafficking groups included small networks of citizens based in Maputo and Nampula, and there were reports that Chinese, Pakistani, and Nigerian organized crime groups were involved. Traffickers often lured victims by promising better jobs in South Africa. Once there, they were threatened with exposure of their illegal status and forced to work for little or no pay. Often women were sexually assaulted en route to their

destination or once they arrived in South Africa. There were also reports that syndicates trafficked young girls from Thailand through the country en route to South Africa. Small numbers of children and adults reportedly were trafficked to Zambia for agricultural labor, and Zimbabwean women and girls were trafficked to Mozambique for sexual exploitation and domestic servitude.

The law provides for penalties of 16 to 20 years' imprisonment for those recruiting or facilitating exploitation of a person for purposes of prostitution, forced labor, slavery, or involuntary debt servitude. The Government's law enforcement efforts increased over the previous year. Following the passage of the antitrafficking law, the PRM created a special unit to deal specifically with apprehensions, investigations, and reintegration. In March South African authorities apprehended a Mozambican woman alleged to have trafficked local girls to Pretoria for forced prostitution; the Government immediately dispatched investigators from the attorney general's office and the PIC to South Africa to assist in the investigation and discuss possible extradition.

While there were no prosecutions or convictions for trafficking cases during the year, police authorities stated they had rescued more than 200 children being trafficked to South Africa during the first six months of the year. In addition police made arrests of traffickers and transporters involved in these cases, and several investigations were ongoing. Many lower-ranking police and border control agents were suspected of accepting bribes from traffickers.

Due to a lack of resources, government officials regularly called on NGOs for the provision of protection and assistance to victims, including shelter, food, counseling, and rehabilitation. The Ministry of Interior expanded the number of offices for attending to women and child victims of violence from 96 to 152, and provided victims' assistance training for police officers who dealt with such cases. The police also conducted general training on trafficking and detecting at-risk children in the central provinces of Sofala, Manica, and Zambezia and the northern province of Nampula.

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

Persons With Disabilities.—Although the constitution and law stipulate that citizens with disabilities shall fully enjoy the same rights as all other citizens, the Government provided few resources to implement this provision. Discrimination was common against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law does not mandate access to buildings for persons with disabilities, but the Ministry of Public Works and Habitation worked to ensure that public buildings in Maputo city provided access to persons with disabilities. Electoral law provides for the needs of voters with disabilities in the polling booths.

Concerns of persons with disabilities included lack of access to socioeconomic opportunities and employment, limited access to buildings and transportation, and a lack of wheelchairs. Special access facilities were rare. There were few job opportunities for persons with disabilities in the formal sector.

The country's only psychiatric hospital was overwhelmed with patients and lacked the means to guarantee even basic nutrition, medicine, or shelter. During the first six months of the year, the hospital received 1,160 patients, compared with 348 during the same period in 2006. Doctors at the hospital also reported that many families abandoned members with disabilities at the hospital. Veterans with disabilities continued to complain about not receiving pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The four-year National Action Plan in the Area of Disabilities announced in 2006 still had not received any financing for implementation.

Maputo city offered free bus passes to persons with disabilities.

National/Racial/Ethnic Minorities.—There were reports of tension between newly arrived Chinese guest workers, often employed in construction, and citizens in Maputo city and Beira, Sofala Province.

There were reports of discrimination by police against Zimbabwean immigrants during the year.

Other Societal Abuses and Discrimination.—The law prohibits discrimination of workers on the basis of HIV/AIDS status, and the Ministry of Labor generally intervened in cases of perceived discrimination by employers. In July the Ministry of Labor reported receiving more than 100 cases annually of workers being dismissed by their employers for having HIV/AIDS. Often, workers were obligated by the employer to take HIV/AIDS tests. In response to these violations, the ministry registered the complaints and confronted companies responsible for dismissals.

The law does not specifically prohibit discrimination based on sexual orientation, and there were occasional reports of such discrimination. The LDH reported cases

of discrimination against homosexuals in the courts. The Workers Law includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law provide that all non-government workers are free to form and join a trade union of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Until November, when a new law was passed, labor laws guaranteeing the right of association did not cover government employees, including firefighters, members of the judicial agencies, and prison guards. As of June the Mozambican Workers Association (OTM) estimated that of the approximately 500,000 workers in the formal sector, 98,000 were unionized. Some unions alleged that the OTM was under the influence of FRELIMO. While government employees were previously not allowed to form unions, in November parliament approved new statutes which allow government employees to form unions and strike.

The law explicitly provides for the right to strike, and workers exercised this right in practice; however, until November civil servants, police, military personnel, and workers in other essential services (including sanitation, firefighting, and health care) did not have the right to strike. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes.

Unlike in the previous year, there were no reports that security forces shot or killed strikers.

b. The Right to Organize and Bargain Collectively.—Although the law provides for the right of workers to organize and engage in collective bargaining, such contracts covered less than 2 percent of the work force. The Government did not set private sector salaries. Unions were responsible for negotiating wage increases.

The law prohibits antiunion discrimination; however, there were reports that many companies continued to engage in antiunion discrimination by replacing persons at the end of contracts, dismissing workers for going on strike, and not abiding by collective bargaining agreements.

There are no special laws or exemption from regular labor laws in the few export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and while there were few reports that such practices occurred in the formal economy, forced and bonded labor, particularly by children, was common in rural areas. Forced prostitution and domestic servitude also occurred. There were also numerous reports of children brought from rural areas to urban centers with promises of schooling and a better life, only to end up as forced domestic workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits child labor; however, it remained a problem. In the formal economy, the minimum working age without restrictions is 18 years of age. The law permits children between 15 and 18 to work, but the employer is required to provide for their education and professional training and to ensure that conditions of work are not damaging to their physical and moral development. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the ministries of labor, health, and education. For children under the age of 18, the maximum workweek is 38 hours, the maximum workday is seven hours, and they are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

Although the law prohibits forced and bonded labor by children, it was considered to be a common problem, especially in rural areas. Many children in rural areas were forced to work, particularly in commercial agriculture, as domestics, as well as to engage in prostitution. The major factors contributing to the worst forms of child labor were chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, the changing economic environment, lack of educational opportunities, gender inequality, and the impact of HIV/AIDS. Children, including those under the age of 15, commonly worked on family farms in seasonal harvests or on commercial plantations, where they picked cotton or tea leaves and were paid on a piecework basis.

The Ministry of Labor regulates child labor in both the informal and formal sectors. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with

finances ranging from one to 40 months of salary at minimum wage. Enforcement mechanisms generally were adequate in the formal sector but remained poor in the informal sector. The labor inspectorate and police forces lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital where a majority of the abuses occurred. Although the Government provided training for police on child prostitution and abuse, there was no specialized child labor training for the labor inspectorate. The Government disseminated information and provided education about the dangers of child labor to the general public.

e. Acceptable Conditions of Work.—In May the Government announced increases for a new nine-part (electricity/gas, manufacturing, financial services, non-financial services, agriculture, construction, fisheries, mining, and government) minimum wage system, which replaced the old two-part industry/services and agriculture system. The lowest increase was 10 percent for government employees, and the highest increase was 30 percent for workers in the electricity and gas sector. Despite the increase, which was slightly above the inflation rate reported during the year, none of the minimum wages provided a decent standard of living for a worker and family. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area. In addition less than 10 percent of workers held salaried positions, and the majority of the labor force worked in subsistence farming. Many workers used a variety of strategies to survive, including finding a second job, maintaining their own gardens, or depending on the income of other family members.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector and the Ministry of Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. Workers generally received benefits, such as transportation and food, in addition to wages.

The standard legal workweek is 40 hours but can be extended to 48 hours. After 48 hours, overtime must be paid at 50 percent over the base hourly salary. Overtime is limited by law to two hours per day and 100 hours per year. The law provides for one hour of rest per day. Foreign workers are protected under the law.

Worker complaints continued during the year concerning employers deducting social security contributions from wages but failing to pay them into accounts; lack of access to the social security system; not adhering to the law concerning firings; and intimidation of union members. At year's end no action was taken on any of these cases.

In the small formal sector, health and environmental laws were in place to protect workers; however, the Ministry of Labor did not effectively enforce these laws, and the Government only occasionally closed firms for noncompliance. There continued to be significant violations of labor laws in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment; in practice threats of dismissal and peer pressure restricted this right.

In October 2007 the Ministry of Labor found approximately 90 workers at the Golden Fields Flower Company living in slave-like conditions working long hours and without access to sanitary facilities or safe drinking water. Following an inspection in March, the ministry determined that conditions had improved and lifted its suspension on the company.

At year's end the Ministry of Labor reported 416 labor accident victims, 251 of whom were temporarily incapacitated and 152 of whom were permanently disabled, and 13 of whom were killed. While the law imposes fines for recurring accidents, no fines were imposed during the year. The law also requires that companies insure workers, but Ministry of Labor estimates indicated that only between 50 and 60 percent of companies actually provided coverage. Workers had the right to remove themselves from situations that endangered health and safety without jeopardy to their employment and authorities enforced this right.

NAMIBIA

Namibia is a multiparty democracy with a population of approximately two million. President Hifikepunye Pohamba was elected in 2004, succeeding Sam Nujoma, the country's first president and former leader of the ruling South West Africa People's Organization (SWAPO). International and domestic observers generally considered the 2004 presidential and parliamentary elections free and fair. Civilian authorities generally maintained effective control of the security forces.

Although the Government generally respected the human rights of its citizens, human rights problems included: police use of excessive force; poor conditions in prisons and detention centers; arbitrary arrest, prolonged pretrial detention and long delays in trials; government criticism of the media and nongovernmental organizations (NGOs); attacks, harassment, and intimidation of opposition members by some SWAPO supporters; and official corruption. Societal abuses included violence against women and children, including rape and child abuse; discrimination against women, ethnic minorities, and indigenous peoples; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, on February 3, an unidentified police officer shot and killed Ndishishi Ya Nambinga, a demonstrator who was reportedly disrupting a SWAPO party political rally. According to the police and the local NGO National Society for Human Rights (NSHR), Ya Nambinga stabbed Constable Hilma Nakumbwata, who was attempting to arrest him for disorderly conduct. The unidentified police officer fired a warning shot in the air before shooting Ya Nambinga several times in the stomach.

An investigation into the April 2007 suffocation death of William Cloete, who died in a shipping container which police in the town of Rosh Pinah used as a detention center, was ongoing at year's end.

The January 2006 police shooting and killing of Collen Goliath remained under investigation at year's end.

There were no developments, and none were expected, in the case of Linus Muhimba, who died while in police custody in May 2006.

Two of the 16 police officers accused of beating five men, one of whom died from his injuries in May 2005, were acquitted of all charges. The trial for the remaining 14 was moved to the High Court and was ongoing at year's end.

Unlike in the previous year, no deaths resulted from unexploded ordnance.

On August 30, the NSHR announced the discovery of possible mass graves along the country's border with Angola. The NSHR alleged the graves could be linked to "enforced disappearances" in Caprivi and Kavango regions between 1994 and 2003. The Government subsequently investigated one of the grave sites, which contained the remains of five political activists who were killed without trial by South African security forces in 1972. Government officials claimed the site was well known and did not represent a new finding. The NSHR contested the Government's claim that the gravesite was publicly known and argued that the Government should reveal all information it had on mass graves. None of the other mass graves had been investigated by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, police sometimes used excessive force when apprehending, interrogating, and detaining criminal suspects. Press reports and human rights advocates noted a continuing decline in incidents of police brutality during the year. For example, the Legal Assistance Center (LAC) and the NSHR noted considerably fewer claims of police abuse from detainees than in previous years. The Government took action against some perpetrators of abuse.

Unlike in the previous year, there were no reports that police used force, including beatings, to disperse demonstrators, although SWAPO supporters assaulted demonstrators and attacked opposition members (See Section 2.b.).

There were no developments in the case of Hafeni Joseph Amalwa, who filed charges against an arresting officer for allegedly assaulting him in April 2007.

There were no developments, and none were expected, in the following 2006 security force assault cases still pending before the courts: the mob assault, led by two members of the Special Field Force (SFF), against two women accused of witchcraft; the alleged assault on Mariental residents by members of the SFF police unit and the Namibian Defense Force (NDF); and the kidnapping and assault of Hofenie Angomo Ikolola.

Numerous individuals continued to pursue civil court cases against the Government as a result of alleged security force abuses during the 1999 Caprivi secessionist attacks. Three of the civil claims were settled out of court in September, almost eight years after the claims were initially filed with the High Court. The remaining 112 civil cases remained pending before the courts at year's end.

Suspects in the Caprivi treason trial continued to complain of poor medical services and intimidation of their visitors by prison officials.

On July 11, two supporters of the new opposition Rally for Democracy and Progress (RDP) party, Sylvanus Reinhold and Sackey Amenya, sustained serious wounds after being attacked by a mob of ruling SWAPO party supporters in the Windhoek township of Katutura. Three SWAPO supporters were subsequently arrested, and their case was under investigation at year's end.

Unlike in the previous year, there were no reports of injuries from unexploded ordnance.

Prison and Detention Center Conditions.—Prisons and detention centers were overcrowded, poorly maintained, and lacked basic sanitation and adequate food. Guards sometimes abused prisoners, although there were no such reports during the year. In April the newspaper *The Namibian* reported that Windhoek Central Prison held 1,172 prisoners, almost 30 percent over its official capacity of 912 prisoners. The Government-owned *New Era* newspaper reported during the year that one police holding facility designed to accommodate 105 persons held 224.

Conditions of police holding cells showed little change since a 2006 ombudsman's report cited the cells for poor sanitary conditions, overcrowding, insufficient food, unsafe infrastructure, and lack of access to medical care and potable water. Minister of Safety and Security Nickey Iyambo, who visited a number of police holding facilities throughout the year, criticized their poor conditions.

Victims of prison abuse were able to pursue legal remedies, although lengthy delays were common. For example, in June a court ordered the Ministry of Prison Services to pay Paul Kennedy, an inmate at the Windhoek Central Prison, 15,000 Namibian dollars (approximately \$1,482) in damages for an assault by a prison officer in 2002.

Some detainees were held with convicted prisoners, and juveniles continued to be held with adults in many rural areas. There were pilot programs that provided alternatives to incarceration for juvenile offenders, such as placing youths in shelters and foster homes. The NGO *Criminals Return into Society* also offered a number of rehabilitation programs to build vocational skills. In 2007 the Government launched a community service pilot project as an alternative to incarceration in four of the 13 regions for adult and juvenile persons convicted of petty crimes.

The Government continued to grant NGOs regular access to prisons and prisoners. The International Committee of the Red Cross (ICRC) continued to visit prisons and detention centers from its regional delegation headquarters in Zimbabwe.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest or detention; however, there were reports that security forces sometimes assaulted or otherwise mistreated citizens during arrest or in detention.

Role of the Police and Security Apparatus.—The police, including the paramilitary SFF, are under the Ministry of Safety and Security. The NDF, which has approximately 16,000 members, is under the Ministry of Defense. All are responsible for internal security. The Namibian Police Force (NAMPOL) has approximately 12,000 members and is highly centralized, with regional commands responsible to the inspector general of police, who reports to the minister of safety and security. Approximately half of NAMPOL's overall complement is assigned to the SFF, a paramilitary unit composed primarily of combatants from the former People's Liberation Army of Namibia. SFF members were assigned to guard duty, checkpoints, and the maintenance of public order. NAMPOL lacked the resources, training, and personnel to effectively deter or investigate street crime.

Police corruption and impunity were problems.

In July *The Namibian* newspaper reported that police officers sometimes threatened to arrest prostitutes if they did not agree to perform sex.

Although some security force members accused of abuse and corruption were arrested and tried in military courts or the civilian criminal justice system, the Government took no action against others.

The case was still pending against Andrew Iyambo, the deputy commissioner of police for Erongo Region, who was suspended in 2007 for misappropriating funds donated to the regional police by a fishing company.

No action was taken, and none was expected, in the 2006 corruption case against police commanders Lottinelomba Uusiku and Joseph Kamati.

Police continued to receive human rights training designed by the Windhoek-based LAC. Some officers attended training programs with human rights components at the International Law Enforcement Academy in Gaborone, Botswana.

Arrest and Detention.—Arrest warrants are not required in all cases, such as when a suspect is apprehended during the commission of a crime. Persons arrested must be informed of the reason for their arrest and brought before a magistrate within 48 hours of their detention, but the Government did not always respect these

provisions in practice. Detainees generally were promptly informed of the charges against them. Those accused are entitled to defense by the legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel; however, many prisoners could not afford counsel, and indigent persons were not always provided counsel, primarily due to an insufficient number of public defenders. There is a functioning bail system. Under a state of emergency, the constitution permits detention without trial, although the names of detainees must be published in the Government's gazette within 14 days, and an advisory board appointed by the president must review their cases.

There were reports of arbitrary arrest and detention.

Security forces arrested opposition members (*See* Section 3).

City police arrested homeless children and detained them in police stations. In February police rounded up and detained 16 homeless children on suspicion of theft. The children, none of whom was formally charged, were detained in the same holding cells as adults.

Unlike in the previous year, there were no reports of incommunicado detention.

The Government sometimes remunerated persons who were arbitrarily arrested and did so in 2007; however, there were no such cases during the year.

A trial must take place within "a reasonable time," or the accused must be released; however, lengthy pretrial detention was a problem. Approximately 8 percent of the general prison population was awaiting trial, and there were approximately 50,000 unresolved cases on the court dockets. The lack of qualified magistrates and other court officials, the high cost of legal aid, and slow or incomplete police investigations resulted in a serious backlog of criminal cases and delays of years between arrest and trial.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and while the courts continued to act independently and at times made judgments and rulings critical of the Government, the judicial system was hampered by inefficiency and a lack of resources.

The formal court system has three levels: 30 magistrate courts; the High Court; and the Supreme Court. The latter served as a court of appeals and constitutional review court. Military courts try members of the military only. Customary courts heard most civil and petty criminal cases in rural areas. The law delineates which offenses may be dealt with under the traditional system.

Most rural citizens first encountered the legal system through the traditional courts, which deal with infractions of local customs among members of the same ethnic group. The law delineates the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with the constitution.

Trial Procedures.—The constitution and law provide for the right to a fair trial, but this right was limited by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system. The 131 Caprivi treason detainees imprisoned in Windhoek, for example, have been waiting for the completion of their trials for seven years. The law provides for public trials, but not juries. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, and along with their attorneys to have access to government-held evidence. Indigent defendants are entitled to a lawyer provided by the state; however, this often did not occur due to insufficient public defenders. Defendants are presumed innocent, can confront witnesses, and have the right of appeal.

During the year procedural problems continued to dominate the high treason trials of detainees arrested in connection with the 1999 attacks on government institutions at Katima Mulilo. The prosecution sought to have some of their witnesses declared hostile, and a pay dispute involving the state-provided lawyers for the defense delayed proceedings for a week. There were no convictions or acquittals by year's end. The ten Caprivi detainees who were convicted in 2007 filed a motion to appeal their conviction during the year.

The case of two ethnic Mafwe witnesses who appeared in court in 2006 on charges of perjury and obstruction of justice for denying statements they had made to investigators in the Caprivi treason trial was postponed to June 2009. The two claimed their statements were obtained under duress inflicted by security forces.

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

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights. High-level government officials sometimes chided journalists who criticized the Government, former president Nujoma, or the ruling party, and threatened unspecified consequences against some media outlets, although no threats were carried out during the year. Journalists working for government-affiliated media practiced self-censorship, although such outlets also criticized the Government, as did reporters for independent newspapers.

There were four daily national newspapers, three of which were independent, and four independent weekly newspapers. The New Era newspaper and the Namibian Press Agency were both parastatals, whose boards were appointed by the minister of information and broadcasting. The Government shared equal ownership of the regional weekly newspaper Southern Times with the Government of Zimbabwe. The ruling SWAPO party owned one publication, Namibia Today.

The Government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television, which were the most widely broadcast and influential media in the country. NBC's television and nine radio services broadcast in English and indigenous languages.

There were 12 private radio stations and one private television network, One Africa TV. There were two cable and satellite TV providers, which offered numerous channels of programming; SWAPO owned 51 percent of one of the providers.

On November 28, security forces arrested South African television journalist Bonita Nuttall for working after entering the country on a tourist visa; the law requires foreign journalists to obtain temporary residence and work permits before entering the country. Nuttall, who spent the night in an airport holding cell, was released the next day and ordered to pay 2,000 Namibian dollars (approximately \$198) bail pending an initial court appearance. On December 3, a Windhoek court ordered Nuttall to pay additional bail of 8,000 Namibian dollars (\$790) pending a trial scheduled for February 2009. In a December 5 letter to the minister of communications technology, the international NGO Reporters Without Borders called Nuttall's detention "an abuse of authority out of proportion to the offence."

In November newspaper editors called for the withdrawal of a clause from a proposed communication bill that would allow the intelligence services to tap phones and monitor e-mail without referring to a court. The Media Institute of Southern Africa called the proposed bill a setback for free expression.

Some senior SWAPO officials have criticized media outlets at campaign events and suggested that they need to tell "the truth" or face the consequences. On February 19, the Media Institute for Southern Africa expressed concern that statements by SWAPO Vice President and Trade Minister Hage Geingob could be perceived as threatening to the press; Geingob had praised the Government for standing firm and "not arresting or touching" Windhoek Observer editor Hannes Smith for "nonsense" published in the Observer and other media outlets about the Government.

Despite a February 7 announcement by the minister of information that the Government would form a media council to regulate the media and provide a mechanism for the public to file complaints, no action had been taken by year's end; SWAPO passed a resolution in November 2007 instructing the minister of information to establish a media council to regulate media ethics.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail and Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. While Internet access was unrestricted, usage was limited in rural areas due to poverty.

Academic Freedom and Cultural Events.—On September 9, the NSHR claimed that the Government-owned PolyTechnic Hotel and Tourism School canceled its booking on the day of the NSHR's planned presentation of a report on alleged mass graves (See Section 1.a.). The school provided no prior notice or explanation.

During the year the University of Namibia (UNAM) filed disciplinary charges against two senior lecturers, Patrick Iijambo and Usuatuije Maamberua, for holding office in the SWANU political party while being employed at the institution; UNAM forbids its employees from holding political office. The professors, who claimed that UNAM took no action against university staff who held office in SWAPO and that UNAM's policy violated their constitutional right to freedom of expression, filed an appeal to an internal UNAM council. In December the council ruled in favor of Iijambo and Maamberua.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and unlike in the previous year, the Government generally respected this right; however, SWAPO supporters attempted to block opposition RDP rallies on several occasions.

On November 22, SWAPO supporters prevented RDP supporters from holding a rally in Outapi and subsequently assaulted RDP supporters and police. Senior government officials, including President Pohamba, defended the perpetrators, alleging that the RDP had provoked the SWAPO supporters by planning the rally in SWAPO's stronghold. The president then called on political parties and the citizenry to respect the authority of the police and the sanctity of the constitution. SWAPO supporters also attempted to block an opposition RDP rally in the Tobias-Hainyeko constituency of Windhoek on October 18 and in the northern town of Omuthiya on September 26.

On February 3, an unidentified police officer shot and killed a demonstrator who had stabbed a police constable (*See* Section 1.a.).

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There was a very small Jewish community and no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected this right in practice. The Government cooperated with the UN Office of the High Commissioner for Refugees (UNHCR) and other humanitarian organizations in protecting and assisting internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The Government continued to limit the freedom of travel of Cuban doctors working in the country under a Cuban bilateral assistance program. These doctors were generally not allowed to travel within or from the country without consent from the Cuban embassy, which held their passports.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees; and although the country is not a signatory to its 1967 protocol, the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol.

According to the UNHCR, approximately 6,400 refugees resided in Osire Refugee Camp, and another 1,300 lived outside the camp among the general population. Approximately 5,600 of the refugees were from Angola; the others were primarily from the Democratic Republic of the Congo, Burundi, and Rwanda. During the year the Government issued identification cards to all refugees to facilitate travel outside the camp. Nevertheless, some refugees complained that they were still prevented from working outside the refugee camp. Education through grade 10 was available to all refugees, and the Government facilitated further secondary education for students with financial sponsorship at schools outside the camp. The Government provided antiretroviral therapy to refugees infected with HIV/AIDS.

The Government continued to maintain strict control over civilian access to the Osire refugee camp; however, the ICRC, the UNHCR, and the UNHCR's NGO partners had regular and unrestricted access to the camp.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and free elections held on the basis of universal suffrage. In the lead up to local elections held during the year, SWAPO supporters used violence and intimidation against opposition party members and leaders.

Elections and Political Participation.—On September 26, after two postponements due to voter list and registration discrepancies, the town of Omuthiya held a local

council election in which SWAPO won six of seven seats. While SWAPO and the new opposition party RDP acknowledged the voting to have been generally free and fair, RDP officials accused SWAPO of using intimidation and violence before the voting. Irregularities in registering voters resulted in the Electoral Commission's March 7 decision to suspend Director of Elections Philemon Kanime.

Presidential and parliamentary elections were held in 2004. SWAPO candidate Hifikepunye Pohamba was elected president with 76.4 percent of the vote, and SWAPO candidates won 55 of 72 elected National Assembly seats. International and domestic observers characterized both elections as free and reflecting the will of the electorate despite some irregularities. Observers criticized the inefficient vote tabulation system and the unequal access to media coverage and campaign financing. In the National Assembly, six opposition parties won a total of 17 seats.

During the year opposition members were subjected to political violence. In separate incidents in the same northern village of Okongo, alleged SWAPO supporters on February 23 stabbed two RDP supporters, one of whom was admitted to a hospital in critical condition; one person, an alleged SWAPO supporter, was arrested. Following the incidents, SWAPO Secretary General and Minister of Justice Pendukeni Iivula-Ithana claimed that the media exaggerated the two incidents and that neither was politically motivated.

On October 28, citing registration problems and Electoral Commission bias, three opposition political parties decided to boycott the October 31 Tobias Hainyeko constituency by-election. On the eve of the election, security forces arrested and briefly detained four opposition party leaders, who had circulated a document urging residents not to vote; the four were charged with violating section 104 of the Electoral Act, which prohibits the use of threats or violence to prevent people from voting. Both the LAC and the Institute for Public Policy Research questioned the use of Article 104 as justification for the detentions. By year's end the prosecutor general had not decided whether to prosecute the opposition leaders.

Two days prior to the Tobias Hainyeko constituency by-election, unknown assailants threw tear gas at the house of RDP candidate Erasmus Hendjala.

Women held 24 seats in the 78-seat National Assembly, which included six appointed seats and 72 elected ones. There were six female ministers, including the deputy prime minister, and five female deputy ministers among the 45 ministerial and deputy ministerial incumbents.

Historic economic and educational disadvantages limited the participation of the indigenous San ethnic group in politics; however, a SWAPO member of the San community represented the community in the National Assembly. Virtually all of the country's other ethnic minorities were represented in parliament and in senior positions in the cabinet. Members of smaller ethnic groups held the offices of deputy prime minister and speaker of the National Assembly.

Government Corruption and Transparency.—The law prohibits corruption, but the Government did not implement the law effectively, and officials engaged in corrupt practices. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem.

During the year the Government took action against corrupt officials. On November 27, the Anti-Corruption Commission (ACC) arrested Vincent Hailulu, the chief executive officer of the National Housing Enterprise. Hailulu was charged with "enriching himself" with public funds-overcharging on travel and using a government credit card for private reasons-as well as not following proper hiring procedures. Hailulu was released on bail and awaited a trial scheduled for February 2009.

On August 7, a court sentenced former employee Jacqueline Snewe of the Government-owned Namibia Wildlife Resorts to six years' imprisonment for diverting 500,000 Namibian dollars (\$49,442) in tourism fees from the Ministry of Environment and Tourism, according to press reports.

On August 18, the Karas Regional Council decided not to renew the contract of its chief regional officer, Salman Jacobs, who was charged with filing fraudulent travel vouchers and defrauding the council on a gardening project.

Investigations into 2007 corruption cases involving the Ministry of Works, Transport, and Communication; the Henties Bay Town Council; and the Ministry of Lands and Resettlement were ongoing at year's end.

The 2005 embezzlement case against Gerry Munyama, the former director general of NBC, was still pending before the courts at year's end.

Critics of the anticorruption campaign charged that the ACC narrowly interpreted its mandate and focused on minor cases, few of which were prosecuted. Observers cited the 2007 case against Namibia Liquid Fuel (NLF) as an example of the ACC overlooking or not vigorously pursuing cases in which more senior officials were implicated. NLF was a privately held company founded by senior government officials

shortly before the company won a lucrative contract to import petroleum products on behalf of a parastatal. In the 2007 case, the ACC found that government officials had appropriately disclosed their interests in NLF but failed to comment on the adequacy of existing government regulations on conflict of interest or of the propriety of government employees using their positions for personal gain.

Public officials were subject to financial disclosure laws. Government institutions, the ACC, the Office of the Ombudsman, and the Office of the Auditor General were responsible for combating public corruption.

No laws provided for public access to government information, and media outlets generally found the Government unwilling to provide information, including salary scales for public officials.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, government officials continued to disapprove publicly of NGO criticism of the ruling party and government policies.

The NSHR and the LAC were the primary human rights NGOs in the country, and the police regularly met with both. The LAC often assisted police with human rights training, while the NSHR reported incidents of police brutality and abuse of power.

On March 11, SWAPO Secretary General and Minister of Justice Pendukeni Iivula-Ithana called NSHR Director Phil ya Nangoloh “an agent provocateur who wants to instigate violence” after ya Nangoloh’s group filmed what it claimed was evidence of SWAPO violence against RDP supporters. The film showed SWAPO party supporters trying to disrupt a procession of RDP supporters on their way to an RDP rally at Omuthiya.

The Government generally cooperated with international NGO human rights organizations, and the ICRC and other international bodies made visits during the year.

There was an autonomous ombudsman, with whom the Government cooperated; he was considered effective in addressing some corruption and human rights problems.

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

The constitution and law prohibit discrimination based on race, creed, gender, language, disability, social status, or religion, and specifically prohibit “the practice and ideology of apartheid.”; however, the Government did not effectively enforce these prohibitions.

Women.—The law defines rape in broad terms and allows for the prosecution of spousal rape. Numerous cases of rape were prosecuted during the year, and the Government generally enforced rape penalties, which provided for sentences of between five and 45 years’ imprisonment for convicted rapists. According to police statistics for 2007, more than 12,563 cases of gender-based violence were reported, 1,111 of which involved rape. A 2006 LAC report cited a number of factors that hampered rape prosecutions, including lack of police transport, poor communication between police stations, and lack of expertise in dealing with child rape complainants. The report also noted that approximately one-third of all rape complainants withdrew their cases, usually within one or two months of filing charges, and that almost two-thirds of rape cases involved partners, family members, or acquaintances.

Domestic violence is against the law; however, domestic violence, including beatings and rape, was widespread. There were 15 women’s and children’s shelters staffed with police officers trained to assist victims of sexual assault. During the year the People’s Education, Assistance, and Counseling for Empowerment Center and other NGOs continued to provide training to these units. In 2007 the Ministry of Gender Equality and Child Welfare hosted a national conference on gender-based violence which developed a comprehensive strategy to address the issue. As part of that strategy, the Government, together with its civil society partners, concluded a study during the year on social conditions that resulted in violence against women and children. In some magistrates’ courts, there were special courtrooms to protect vulnerable witnesses from open testimony; the courtrooms featured a cubicle made of one-way glass and child-friendly waiting rooms.

The law does not prohibit prostitution, and it was widespread.

The law prohibits sexual harassment. Statistics were unavailable, but the problem was believed to be widespread. In late 2007 the LAC filed the first court case of

workplace sexual harassment, which was settled in February for an undisclosed sum.

The law prohibits discrimination against women, including employment discrimination; however, men dominated positions in upper management. The Ministry of Labor and Social Welfare and the Employment Equity Commission, which report to the minister of labor, were responsible for problems involving discrimination in employment; however, neither was effective due to the backlog of cases. The law prohibits discriminatory practices against women married under civil law, but women who married under customary (traditional) law continued to face legal and cultural discrimination. Traditional practices that permitted family members to confiscate the property of deceased men from their widows and children still existed.

The Ministry of Gender Equality and Child Welfare was responsible for advocating for women's rights. The Ministry of Justice's Law Reform and Development Commission advocated for women's rights in legislation.

Children.—The law enumerates children's rights; however, resource constraints and untrained support staff resulted in inadequate attention to child welfare. The Government dedicated approximately 21 percent of its budget to education and 9 percent to health care.

According to a 2006 survey conducted by the Government, approximately 40 percent of children—many of whom were born at home in rural areas—did not possess birth certificates, which are necessary to apply for social grants. Although prohibited by law, teachers in regions of the country bordering Angola, Zambia, Zimbabwe, and Botswana reportedly often refused to teach children who could not prove their citizenship. Mothers who delayed registration often faced a difficult process and long delays, particularly if parents had died and death certificates or other needed documents had never been obtained.

During the year officials from the Department of Home Affairs and Immigration deployed to Katutura State Hospital in Windhoek in a pilot project to facilitate applications for birth certificates; previously, new mothers waited in long lines at the department's office.

The birth registration pilot project at Katutura was open to all children, including the San, a significant number of whom did not have birth certificates or other forms of state identification. San often lived in remote areas, however, and the Government conducted mobile registration projects to those regions to register births. NGOs reported a decrease in San complaints of being unable to obtain proper identification documents; however, problems continued due to lack of birth records and lack of government officials with the necessary language skills. As with other undocumented citizens, orphaned San often could not receive government grants, and undocumented adult San could not receive state pension payments.

During the year the court found unconstitutional a law that barred a child born out of wedlock from inheriting from the biological father. The ruling was made retroactive until 1990, the year when the constitution came into force. The ruling was considered particularly important given the number of children born outside marriage and the relatively low percentage of persons with wills.

Although the constitution provides children with the right to primary and junior secondary education (grades one to 10), the numerous fees, which included fees for uniforms, books, boarding costs, and school improvement, placed a heavy burden on poor families and precluded some children from attending school. In general, more girls than boys were enrolled in secondary schools. Many San children and children from destitute families did not attend school.

Child abuse was a serious problem, and authorities vigorously prosecuted crimes against children, particularly rape and incest. The law protects children under 18 years of age by criminalizing the actions of the client or pimp in cases of sexual exploitation, child pornography, and child prostitution. The Government continued to provide training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children worked actively to reduce the trauma suffered by abused children.

Child prostitution occurred, generally without third-party involvement, and primarily as a means of survival among HIV/AIDS orphans and other vulnerable children. The growing number of HIV/AIDS orphans increased the vulnerability of children to sexual abuse and exploitation.

City police arrested homeless children and detained them in police stations (See Section 1.d.).

During the year the Government took several steps to provide medical care and other assistance to approximately 250,000 HIV/AIDS orphans and vulnerable children. For example, the Government reduced or eliminated school fees and provided social grants for such children.

Trafficking in Persons.—The law specifically prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The law also prohibits slavery, kidnapping, and forced labor, including forced prostitution, child labor, and alien smuggling.

During the year there were reports that Zambian and Angolan children were trafficked to Namibia for domestic servitude, agricultural labor, and livestock herding.

On December 3, the Irish Times newspaper reported that Irish authorities had “disrupted and dismantled” a trafficking ring and that one of the seven trafficking victims was a Namibian woman. On December 5, The Namibian newspaper reported that immigration officials had detained a Somali woman with an Irish passport and her children at Hosea Kutako International Airport for being suspected victims of trafficking. No further information was available, and it was unclear whether the newspapers were referring to the same or different cases.

The police Serious Crime Unit is responsible for monitoring and investigating possible cases of trafficking.

Traffickers were subject to fines of up to one million Namibian dollars (approximately \$98,907) or up to 50-years’ imprisonment.

The UN Children’s Fund and several NGOs assisted trafficking victims by providing support to counseling programs and shelters.

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

Persons With Disabilities.—While discrimination on the basis of disability is not addressed in the constitution, the law prohibits discrimination against persons with physical and mental disabilities in employment. Enforcement in this area was ineffective, and societal discrimination persisted. The Government does not require special access to public buildings, and some ministries remained inaccessible. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem. Disability concerns received greater public attention than in previous years, with wider press coverage of the human rights problems that faced persons with disabilities. The Office of the Prime Minister employed an advisor on disability.

On September 22, Air Namibia, the state-owned airline, barred a wheelchair-bound customer, David Mukwasa, from boarding a flight. Air Namibia stated that its Beechcraft 1900 D aircraft, used for all domestic flights, could not accommodate passengers with limited mobility. Air Namibia subsequently transported Mukwasa to his destination by car.

National/Racial/Ethnic Minorities.—Despite constitutional prohibitions, societal, racial, and ethnic discrimination persisted. Some citizens continued to accuse the Government of providing more development assistance and professional opportunities to the majority Ovambo ethnic group. There were reports of farm workers, mostly black, suffering discrimination in remote areas by farm owners, both black and white.

Indigenous People.—The San, the country’s earliest known inhabitants, historically have been exploited by other ethnic groups. By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, the San and other indigenous citizens have been unable to exercise these rights fully as a result of minimal access to education, limited economic opportunities, and their relative isolation. The Government took measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communal lands and increasing their access to education. Indigenous lands were effectively demarcated, but poorly managed. During the year the deputy prime minister continued promoting special projects for the advancement of the San community. Despite these measures, many San children did not attend school.

The Government has authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference. This authority was controversial because of local leaders’ influence on local issues, including local police powers. In some cases the Government allegedly withheld recognition from traditional leaders for political reasons.

For example, Katjamba Tjambiru, a female chief of the Ovahimba community, in February alleged that the Government rejected her application for official recognition as a traditional authority because she did not support the ruling party. The Government subsequently recognized her nephew Vemui Tjambiru, a SWAPO supporter.

Other Societal Abuses and Discrimination.—The law does not prohibit homosexuality; however, sodomy between males is illegal, and the practice of homosexuality was frowned upon, according to The Rainbow Project, a group that lobbies for the rights of sexual minorities. There were no reported cases of discrimination against homosexuals during the year.

There were no reports of discrimination against workers because of their HIV/AIDS status, although high-level officials conceded that societal discrimination against and stigmatization of persons living with HIV/AIDS was a problem. The Government supported the work of the Namibia Business Coalition against HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides for the right to form and join trade unions without previous authorization or excessive requirements, and most workers exercised this right in practice; however, workers in essential services are prohibited from doing so. Approximately 25 percent of employed persons belonged to some form of union or employers organization, while almost 4 percent of unemployed persons belonged to such an organization, according to the 2004 Labor Force Survey.

The labor code provides for the protection of all workers, but farm workers and domestic servants working on rural and remote farms often did not know their rights, and unions experienced obstacles in attempting to organize these workers. As a result, some farm workers reportedly suffered abuse by employers. Some also had poor access to health care. During the year the Government continued efforts to train labor inspectors and educate workers on their rights.

Except for workers in public health, safety, and other essential services, workers have the right to strike once conciliation procedures are exhausted and 48-hour notice has been given to the employer and labor commissioner. Strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The law protects workers engaged in legal strikes from unfair dismissal. The law also specifically protects both union organizers and striking workers from employer retaliation; however, the scarcity of judges and lack of expertise in labor law caused lengthy and unnecessary delays in such cases.

In May a private security firm at the Skorpion Zinc mine used rubber bullets to disperse 50 workers, who were protesting a lockout at the mine. The manager of the security firm, who was charged with assault and released on bail, had not been brought to trial by year's end.

b. The Right to Organize and Bargain Collectively.—The law provides employees with the right to bargain individually or collectively and to recognize the exclusive collective bargaining power of the union when a majority of the workers are members of that union; workers exercised these rights in practice. Collective bargaining was not practiced widely outside the mining, construction, agriculture, and public service sectors. Almost all collective bargaining was at the workplace and company level. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully. The majority of trade unions officially were affiliated with SWAPO, which many argued limited their independence in promoting worker rights.

In 2007 the Government passed a new Labor Act, which entered into force November 1. Among other provisions, the act provides for arbitration and conciliation to resolve labor disputes more quickly.

The law prohibits antiunion discrimination. There were no instances of companies failing to reinstate workers who were fired for legal union activities.

There are export processing zones (EPZs) at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs, and unions have been active in the EPZs since their establishment.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, there continued to be media reports that farm workers, including some children on communal farms, and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Given the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large communal and family-owned commercial farms to investigate possible labor code violations.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace; however, child labor continued to be a problem. The 2007 Labor Act provides that persons found guilty of em-

ploying children can face a maximum fine of 20,000 Namibian dollars (\$2,056) and/or up to four years' imprisonment. Criminal penalties and court orders were available to the Government to enforce child labor laws, but such action involved a complicated legal procedure. Under the law, the minimum age for employment is 14, with higher age requirements for night work and in certain sectors such as mining and construction. The minimum age was inconsistent with the age for completing education requirements. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas or assisted parents working in the charcoal industry.

During the year the Ministry of Labor and Social Welfare, which is responsible for enforcing child labor laws, investigated three child labor cases and sentenced the offending employers under the more lenient legislation in effect prior to the 2007 Labor Act. In the first case, the employer of a 10-year-old boy who was paralyzed and ultimately died as a result of an injury incurred performing farm work was given a "compliance order," a directive from the minister to comply with the law or face sanctions. In the second case, the employers of several Angolan cattle herders between 10 and 13 years of age also were given compliance orders; however, the case was scheduled to be reopened under the 2007 Act. In the third case, in the Caprivi region, the organizer of a child labor ring was given a compliance order; the three Zambian children involved in the ring were repatriated.

The Ministry of Labor's National Initiative to Eliminate the Worst Forms of Child Labor concluded its baseline study of the extent of child labor in the country, and made recommendations to eliminate the practice. In April the Government and other interested parties developed an action plan to eliminate child labor, which was most prevalent in agriculture, charcoal production, and domestic service. The Ministry of Gender Equality and Child Welfare conducted several programs aimed at encouraging parents and guardians to allow children to attend school.

According to an ILO report which cites a 1999 child labor survey, 16 percent (or roughly 72,500) of Namibian children between six and 18 years of age worked for profit, pay, or family gain; children in rural areas were ten times more likely to be employed than urban children. The report also noted that girls often were forced into domestic work and prostitution, while boys engaged in child labor usually worked on farms or in construction, charcoal production, or prostitution.

The Government has introduced several programs aimed at supporting children to stay in school and away from the labor market. The Ministry of Gender Equality and Child Welfare and the Ministry of Health and Social Services coordinated welfare programs for orphans, including those affected by HIV/AIDS, by providing grants and scholarships to keep them in school. Additionally, the Government collaborated with the Namibia Agricultural Union and the Namibia Farm Workers Union to eliminate child labor through awareness campaigns. The Government also continued to work with NGOs such as Project Hope to assist the victims of child labor.

e. Acceptable Conditions of Work.—There was no statutory minimum wage law, but the mining, construction, security, and agricultural sectors set basic levels of pay through collective bargaining. Average wages for unskilled workers did not provide a decent standard of living for a worker and family, especially since the average wage earner supported an extended family. Wage levels for the less educated majority remained very low.

The standard legal workweek is 45 hours with at least one 36-hour rest period per week. An employer may require no more than 10 hours per week of overtime, and the law requires premium pay for overtime work. The law mandates 24 workdays of annual leave per year, at least 36 workdays of sick leave over a three-year period, and three months of maternity leave paid by the employer and the Social Security Commission. The Ministry of Labor did not always enforce these provisions.

There continued to be concerns that Chinese firms failed to adhere to the labor code, in part by allegedly hiring and firing workers at will, failing to pay established minimum wages and benefits in certain industries, and failing to respect work-hour regulations for public holidays and Sundays.

The Ministry of Labor and Social Welfare mandates occupational health and safety standards, and the Labor Act empowers the president to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently, but the Ministry of Labor lacked an adequate number of trained inspectors to monitor adherence, especially in small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It pro-

vides employees with the right to remove themselves from dangerous work situations; however, some workers did not have this right in practice.

NIGER

Niger is a multiparty republic that restored its multiparty system in 1999 following coups in 1996 and 1999; it has a population estimated at 14.8 million. In 2004 voters elected Mamadou Tandja to a second five-year presidential term in an election that international observers deemed generally free and fair. Four parties joined the ruling coalition of the National Movement for the Development of Society (MNSD) and the Democratic and Social Convention (CDS) to win a majority of national assembly seats. In February 2007 the Tuareg rebel group Niger Movement for Justice (MNJ) launched a series of attacks against military and strategic installations in the north. The frequency and intensity of attacks diminished at the end of 2008, but the Government did not lift the state of alert declared in August 2007. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

Government respect for human rights did not improve from the previous year. Human rights abuses included extrajudicial killings and use of excessive force by security forces; poor jail and prison conditions; arbitrary arrest and detention; prolonged pretrial detention; executive interference in the judiciary; excessive use of force and other abuses in internal conflict; restrictions on press freedom; forcible dispersal of demonstrators; restrictions on freedom of movement; official corruption; societal discrimination and violence against women; female genital mutilation (FGM); trafficking in persons; the practice of slavery by some groups; and child labor. Official impunity was a problem.

The MNJ committed arbitrary killings and other abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces were responsible for the deaths of civilians in connection with the conflict in the north. (See Section 1.g.)

There were developments in the 2004 killing of local political leader Adam Amangue. On July 14, the Court of Appeals sentenced former minister and Tuareg political figure Rhissa Ag Boula to death in absentia for ordering the killing. Of the four individuals who remained in prison on charges related to the killing, the court dismissed charges against one and sentenced three to 20 years' imprisonment and fined them a total of 20 million CFA (approximately \$40,000) in damages.

There were no developments in the 2006 deaths of Alpha Harouna Hinsu and Moussa Douka, both of whom died after being taken into police custody.

Bandits continued to set up roadblocks along highways to attack, rob, and kill persons. For example, on March 12, armed bandits attacked a vehicle transporting goods between Agadez and Arlit, killing one person.

There were no further developments in the 2006 attack on a cigarette convoy in the northern region.

Disputes between herders and farmers over land rights and grazing areas continued and resulted in several deaths. There were no further developments regarding the January 2007 dispute in Zinder Region that resulted in four deaths, or the July 2007 clash that left seven dead and seven injured in Tillabery Region. On February 8, in the town of Konni, south-central Niger, a clash between herders and private vigilante groups resulted in the death of one person.

On September 25, 12 villagers died as a result of community clashes over livestock theft in Chiwilli, Tillabery Region. Regional and local authorities visited the village to restore peace. The case was under investigation at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances; however, on December 14, the UN Secretary General's Special Envoy for Niger, former Canadian Ambassador Robert Fowler, and his Special Assistant Louis Guay and their driver, disappeared. Security officials recovered their vehicle and personal effects. While government and security officials continued investigations, the victims remained missing at year's end.

There were reports also of disappearances during the year in connection with the conflict in the north. (See Section 1.g.)

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that security forces and the MNJ beat and reportedly tortured civilians in connection with the conflict in the north. Fighting between government and rebel forces in the north resulted in civilian injuries. (See Section 1.g.)

Police forcibly dispersed demonstrations, which resulted in injuries.

Disputes between farmers and herders resulted in deaths and injuries.

Prison and Detention Center Conditions.—Prison conditions were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's civil prison there were 718 prisoners in a facility built for 350. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition, sanitation, and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria.

Corruption among prison staff continued. Officials demanded bribes to let prisoners leave prison for the day and serve their sentences in the evenings or serve their sentences in the national hospital in Niamey.

Pretrial detainees were held with convicted prisoners.

Human rights observers, including the International Committee of the Red Cross (ICRC), the National Human Rights and Fundamental Liberties Commission, the Collective of Human Rights and Democracy Association, and media representatives were granted unrestricted access to prisons and detention centers and conducted visits during the year. ICRC visits were in accordance with its standard modalities.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police violated these provisions.

The state of alert in the north allowed security forces to arrest and detain individuals without charge indefinitely. (See Section 1.g.)

Role of the Police and Security Apparatus.—The armed forces, under the Defense Ministry, are responsible for internal and external security. The gendarmerie, also under the Defense Ministry, has primary responsibility for rural security. The national forces for intervention and security, under the Interior Ministry, are responsible for domestic security and the protection of high-level officials and government buildings. The national police, also under the Interior Ministry, are charged with urban law enforcement.

The police were ineffective, largely due to a lack of basic supplies such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapons-handling skills. Citizens complained that security forces did not adequately police border regions and remote rural areas. Corruption remained an ongoing problem. The gendarmerie is responsible for investigation of police abuse; however, impunity was a widespread problem.

Arrest and Detention.—The constitution and law require a warrant for an arrest, and this generally was observed in practice in areas outside the north. Judges and prosecutors weigh evidence and issue warrants accordingly. Persons are brought before an independent judiciary. However, there were reports that several persons were detained arbitrarily under the state of alert. The law allows individuals to be detained initially for up to 48 hours without charge, and allows an additional 48 hour detention period if police need more time to gather evidence. Detainees have a right to prompt judicial determination, and this generally occurred in practice. Security forces usually informed detainees of the charges against them promptly; however, detainees involved with sensitive cases were sometimes held longer than legally permitted. There is a functioning bail system for crimes carrying a penalty of fewer than 10 years' imprisonment. Those arrested must be notified of their right to a lawyer within 24 hours. Indigents are provided a lawyer by the Government. Widespread ignorance of the law and lack of financial means prevented many from fully exercising their right to an attorney and using the bail system.

Security forces arrested journalists during the year.

Police occasionally conducted sweeps to detain suspected criminals.

There were serious backlogs in the judicial system. The law provides for a maximum pretrial confinement of 30 months for serious crimes and 12 months for minor offenses, with special extensions in certain sensitive cases; however, some persons waited as long as six years to be tried. At year's end, 70 percent of the prisoners in Niamey's civil prison were awaiting trial. Trial delays occurred due to factors such as lengthy legal procedures, inadequate resources, staff shortages, and corruption.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. Corruption and inefficiency were problems. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. In civil matters there were reports that family and business ties influenced lower court decisions. In some instances judges granted provisional release pending trial to high-profile defendants. These defendants were seldom called back for trial, and had complete freedom of movement and could leave the country.

The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews application of the law and constitutional questions. The High Court of Justice (HCJ) deals with cases involving senior government officials. The justice system also includes civil criminal courts, customary courts, traditional mediation, and a military court. The military court provides the same rights as civil criminal courts; however, customary courts do not. The military court cannot try civilians.

Under customary courts and traditional mediation, individuals do not have the same legal protections as those using the formal court systems. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate in many customary law matters, including marriage, inheritance, land, and community disputes, but not in all civil issues. Chiefs received government stipends, but had no police or judicial powers.

Customary courts, based largely on Islamic law and local tradition, are located only in large towns and cities and try civil law cases. A legal practitioner with basic legal training, advised by an assessor knowledgeable in the society's traditions, heads these courts. The judicial actions of chiefs and customary courts are not regulated by formal law, and defendants can appeal a verdict in the formal court system.

Trial Procedures.—The law affirms the presumption of innocence. Trials were public, and juries are used. Defendants have the right to counsel, including counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Those arrested must be notified of their right to a lawyer within 24 hours of detention. Indigents are provided a lawyer by the Government. Defendants also have the right to be present at trial, to confront witnesses, and to present witnesses on their own behalf. The Government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Defendants may appeal verdicts, first to the court of appeals and then to the Supreme Court. Widespread ignorance of the law prevented many accused from taking full advantage of these rights.

Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them.

Women do not have equal legal status with men in customary courts and traditional mediation, and do not enjoy the same access to legal redress.

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

Civil Judicial Procedures and Remedies.—Courts of civil procedure exist in each major city. These courts are generally independent and impartial, and there is access to seek damages for human rights violations. These courts hear lawsuits related to civil matters and can apply judicial remedies, while a single appellate entity is responsible for administrative remedies.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law generally prohibit such actions, and the Government generally respected these prohibitions; however, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property.

On January 16, police searched the house of Kambeidou Salamatou Coulibaly, a member of a predominantly Tuareg political party, without a warrant. The police stated the search was part of an investigation following a landmine explosion in Niamey the week before.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—In February 2007 the MNJ began a series of attacks against military and strategic installations in the country's uranium-rich northern region. The MNJ demanded greater regional autonomy and a larger share of the region's resources and claimed the Government had not honored provisions of the 1995 peace accord that ended a five-year Tuareg rebellion. The Government stated it had fulfilled most of the peace accord provisions. In response to the attacks, the Government sent at least 4,000 troops to the region, where they continued to operate at year's end under special powers the president granted under the state of alert declared in August 2007. The state of

alert allowed the Government to arrest and detain persons without charge indefinitely, restrict freedom of movement, and ban live broadcasts about the Government's policy in the north.

Killings.—Fighting between government and rebel forces resulted in the deaths of dozens of civilians during the year. For example, on January 21, one civilian died during an MNJ attack in Tanout.

Soldiers killed suspected informants and rebel collaborators. There were reports that the army killed at least eight civilians in the north between March 19 and March 26.

The Government's investigation into the army's December 2007 killing of six civilians and an off-duty police officer near Tiguidit was ongoing at year's end. The victims' families also lodged a complaint and the case was pending before the Tribunal of Niamey at year's end. The Ministry of National Defense had referred the results of its collection of evidence and information to the Ministry of Justice for legal analysis and investigation by year's end.

During the year landmines killed dozens and wounded about 120, including civilians, according to the Government and international monitors. The Government and the MNJ accused each other of laying the landmines.

For example, on January 8, a landmine exploded and killed one civilian in Niamey; on August 24, a landmine accidentally killed one civilian and injured several persons during an arms lay down ceremony in Goure, Zinder; and on August 29, a landmine accidentally exploded and killed the occupants of a vehicle transporting a stockpile of weapons found abandoned near the border with Chad.

Abductions.—On April 3, international human rights organization Amnesty International urged the Government to order the security forces to stop extrajudicial executions and forced disappearances of civilians in the north.

Local human rights organizations and media published a list of at least 50 individuals held in detention centers in various localities from 2007 to year's end. However, the Government had not released the names of many of those held or the charges against them in these conflict-related cases.

For example, in January police arrested two army corporals, two former military officers, and one taxi driver in Niamey, reportedly for attempting to join the MNJ. On April 3, the gendarmerie arrested Abdoulaye Amadou, Director General of Public Security, suspected of collaborating with the MNJ; it released him on June 11 and officials removed him from office. On April 7, security forces arrested Colonel Soumana Gouro, a military attache, for allegedly making public comments "tarnishing his country's image," and released him a month later. On April 30, local authorities in Agadez arrested Catherine Dubois, a French citizen and head of local non-governmental organization (NGO) Nomad's Land, on charges of conspiracy against state security for alleged links with the MNJ. The Court of Appeals of Zinder granted her provisional release on August 8, which allowed her to return to her country. On May 14, the gendarmerie temporarily detained human rights activist Corinne Lee Dufka.

In June the army released Aziz Amayagy, the international NGO Africare employee it had detained in August 2007 in Agadez.

There were several cases of abduction by MNJ forces. On January 21, the MNJ kidnapped the prefect (prefect) of Tanout during a raid; they released him to the ICRC with 24 other hostages on March 9. On January 25, the MNJ abducted four civilians at Titirtagatt, in the District of Arlit, but released them shortly thereafter. On May 15, the MNJ abducted the vice president of the Government's National Commission for Human Rights and Fundamental Liberties and his nephew in Tanout, Zinder Region; on May 24, the MNJ released them to the custody of the ICRC. On June 22, the MNJ kidnapped three French citizens; they turned them over to the ICRC on June 27.

Physical Abuse, Punishment, and Torture.—There were reports of torture by both government soldiers and the MNJ.

There were reports that the army arrested several civilians, and beat and detained them in military barracks before turning some over to law enforcement officials. Security forces held some individuals incommunicado.

Alleged MNJ rebels stopped transport vehicles, beat passengers, and stole their valuables.

Child Soldiers.—Unlike the previous year, there were no reports of children being used in conflicts.

Other Conflict-Related Abuses.—Reports indicated that approximately 23,000 persons living north of the city of Agadez remained inaccessible due to the conflict. The 23,000 represent the estimated rural population (not only internally displaced per-

sons) in the conflict zone. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), more than 10,000 persons were displaced. Humanitarian organizations had difficulties providing assistance to the north due to landmines and a lack of security. Food shortages and fighting between MNJ and government troops displaced civilians from late 2007 through the early months of the year. About 4,500 persons from Ifrouane left in late 2007, and the mayor's office was transferred to Arlit. The Ifrouane mayor stated in February that Ifrouane schools were also shutting down. UN agencies reported that thousands of students pulled out of school during the year and that there were an estimated 700 displaced children under six years old in the communes of Tchirozerine, Arlit, and Agadez. Residents of several other towns north of Agadez were also displaced.

Section 2. Respect for Civil Liberties, Including:

Freedom of Speech and Press.—The constitution provides for freedom of expression; however, the Government did not respect press freedom in practice, particularly in relation to the conflict in the north. Journalists practiced self-censorship. The state of alert in the north restricted journalists' travel and their reporting on the conflict. (See Section 1.g.)

Individuals generally could criticize the Government publicly or privately without reprisal; however, the Government attempted to impede criticism.

The Government published a daily newspaper. There were approximately 45 private newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions.

Radio was the most widely accessible medium. A government-owned radio station provided news and other programs in French and local languages. There were 15 private radio stations; eight were locally-owned and featured news in local languages. Private radio stations were generally less critical of the Government than private newspapers.

The two government-owned television stations broadcast in French and the major national languages. Three private television stations broadcast local and foreign programming, and also began a daily newscast. A fourth private channel broadcast religious programming. International channels were available in Niamey.

International media were not allowed to operate freely. The Government did not allow them to cover events freely in the north. (See Section 1.g.) BBC World Service was available in Niamey and Zinder. Private radio stations carried Voice of America and Deutsche Welle.

Security forces arrested and detained journalists during the year, mostly in relation to reporting on the conflict in the north. Security forces also arrested journalists under libel laws for reporting on other subjects.

The Government suspended or closed several private media outlets during the year. One radio station-Sahara FM-remained closed at year's end. Government officials continued to use criminal libel laws and the media regulatory body to intimidate critics.

On February 5, the Tribunal of Niamey sentenced Idrissa Soumana Maiga, director of private newspaper L'Enqueteur, and his editor, Ibrahim Souley, to one month's imprisonment and a fine of 40,000 CFA (\$80) each, following the Minister of Finance's complaint of defamation. The charges resulted from the publication in November 2007 of an article accusing the minister of corruption and cronyism. The state prosecutor appealed; the two journalists remained free pending the decision of the Court of Appeals.

On February 26, officials sentenced Aboubacar Gourouza, director of publication for private weekly L'Eveil Plus, to a one-month prison term for "discrediting Niger's justice system." The charges resulted from his publication of an article critical of the provisional release of a Nigerien municipal official, previously arrested for corruption. Officials released Gourouza on March 27.

On March 12, the High Council of Communication (CSC) suspended broadcasts by Radio France International (RFI) FM in Niger for three months in reaction to a day-long program in support of jailed RFI affiliate director Moussa Kaka, which was broadcast on March 10. According to the CSC, RFI "discredited national institutions" and refused to allow Nigerien authorities to comment on air during the program.

On April 22, the CSC ordered the closure of Sahara FM, a private radio station in Agadez, for an indefinite period for broadcasting interviews with alleged victims of abuse by government troops. The station remained closed at year's end.

On June 28, the CSC warned privately-owned TV/radio outlet Dounia, demanded that it self-censor its reporting, and threatened to revoke its license if it broadcast footage or announcements that could "provoke instability." The CSC action resulted from Dounia's coverage of police suppression of protests in support of jailed ex-prime

minister Hama Amadou. Dounia announced on air that it had received this letter, which led other media outlets, civil society associations, and NGOs to complain about government interference and intimidation of the media. The CSC sent a separate letter to each of the country's television and radio stations, warning them of possible legal sanctions for similar reporting. On August 19, the CSC ordered Dounia to suspend its broadcasts for one month for "failure to respect the terms of reference." The order did not elaborate on the event which triggered the suspension, and CSC leadership refused to provide further information in response to inquiries by Dounia's management. Dounia resumed radio and television broadcasts on September 18.

On June 30, the Ministry of Communication closed Niger's Maison de la Presse, a professional media center located on the ministry compound in Niamey. According to a press release from the minister of communication, the Maison de la Presse had become "hostage to some interest groups with hidden goals." The members of the Maison de la Presse condemned the closure of the media center and, on September 27, opened a new media center in a privately owned location.

On July 30, police arrested Moussa Aksar, the director of publication of private newspaper L'Evenement. Officials accused Aksar of "propagation of false news" for reporting on the police discovery of arms in Niamey. The report tied ownership of the weapons cache to a Nigerien army officer. On August 1, authorities released Aksar from jail after charging him with "divulging a defense secret." On November 11, security forces again arrested Aksar and his assistant Sani Aboubacar following a complaint by Ibrahim Foukori, director of power company NIGELEC, regarding an article that was critical of Foukori. Authorities released the two journalists on November 19 following a court ruling that sentenced them to three months' suspended prison sentence. The two journalists appealed the decision. No trial date was set by year's end.

On August 26, Abdoulaye Tiemogo, managing editor of Le Canard Dechaine, a privately owned Niamey-based newspaper, fled to Mali, alleging his life was in danger for publishing accounts critical of the president. Tiemogo claimed that police mounted a search in Niamey to arrest him and that an anonymous group had threatened to kill him. He remained outside the country at year's end.

On September 4, the minister of communications threatened to dissolve all professional media organizations in the country after several fruitless attempts to force journalists to amend Maison de la Presse by-laws to include representatives from the Government and the CSC. The Minister did not carry out the threat.

On October 29, security forces arrested journalist and director of independent weekly Opinions, Alzouma Zakari, after a complaint filed by Minister of the Interior Albade Abouba in reaction to a recently published article. On November 11, the court sentenced him to three months' imprisonment and fined him 100,000 CFA (approximately \$200); his sentence was suspended and he was released.

On February 12, the Niamey Court of Appeals reversed a lower court ruling barring consideration of alleged wiretap evidence against journalist Moussa Kaka, in jail since September 2007; the court reassigned his case to another judge. Kaka continued to be held through a series of appeals by the state prosecutor that contested official decisions to grant Kaka provisional release and dismiss the charges against him. On September 16, state prosecutors requested that the court revise the charges against Kaka from conspiracy against national security to acts aiming to undermine national defense. On October 7, the court affirmed the new charges against Kaka but granted him immediate, provisional release pending trial. While the Government contended that the case was not related to his work as a journalist, the case has received worldwide attention-especially from international media watchdogs-as a press freedom issue.

On February 6, the Court of Appeals of Zinder granted provisional release to Air Info newspaper director Ibrahim Manzo Diallo, arrested in October 2007. The court had not set a trial date at year's end.

On January 18, the Tribunal of Niamey granted provisional release to two French journalists arrested in December 2007 on bail of 10 million CFA (approximately \$20,000) each, but had not set a trial date by year's end.

In August 2007 the Government banned all live private broadcasts of debates on the conflict in the north. This ban continued at year's end. Rebroadcast of taped debates was permitted, implying that broadcasters should edit out unfavorable or controversial commentary. In practice the media widely ignored the order. During the year the Government continued to call on journalists to self-censor their reporting in the interest of "national unity" and patriotism.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Indi-

viduals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, few citizens used the Internet, due to lack of infrastructure.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, police forcibly dispersed demonstrators. The Government retained authority to prohibit gatherings under tense social conditions or if 48-hour advance notice was not provided.

On June 26, police used tear gas to disperse a crowd of supporters that attempted to prevent a police convoy from transporting former prime minister and MNSD ruling party leader Hama Amadou following a HCJ investigative commission's decision to put him under preventive detention. Nine persons suffered minor injuries. On October 25, local authorities banned a meeting and protest planned by MNSD supporters to demand Hama's release.

On December 30, the mayor of Zinder banned a protest aimed at responding peacefully to various authorized demonstrations calling for an extension of the incumbent president's term. The mayor stated that protest organizers did not comply with the advance notice requirement. They promptly submitted another request within the legal time frame, but the mayor again banned the protest citing public order concerns. There were no further developments in this case.

On January 23, the tribunal of Niamey granted provisional release to University of Niamey Nigerien Students Union leaders Ibrahim Diori and Hama Hamadou, who had been arrested in March 2007.

Freedom of Association.—The law provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region.

During the year the Government ordered various NGOs and associations to suspend their activities. (See Section 4.)

On January 30, the governor of Zinder Region, citing current security concerns, banned all regional and ethnic associations. Civil society representatives saw the decision as a violation of the constitution and said they would challenge it in court. At year's end there were no reports that Zinder authorities had enforced this decision or that civil society groups had taken legal action against it.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Islam was the dominant religion, and the Islamic Association, which acted as an official advisory committee to the Government on religious matters, broadcast bi-weekly on the Government-controlled television station. Government-controlled media broadcast Christian programs only on special occasions, such as Christmas and Easter, although the independent media regularly broadcast such programs.

Religious organizations must register with the Interior Ministry. Registration is a formality, and there was no evidence that the Government favored one religious group over another or that it ever had refused to register a religious organization. Approval is based on submission of required legal documents and the vetting of organization leaders.

The Government monitors religious expression it views as potentially threatening to public order or national unity.

Societal Abuses and Discrimination.—There were no reports of violence, harassment, or discrimination against members of religious groups during the year.

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government continued to restrict freedom of movement in the north. (See Section 1.g.)

Throughout the country security forces at checkpoints monitored the movement of persons and goods, particularly near major population centers. Security forces sometimes demanded bribes. Transportation unions and civil society groups continued to criticize such practices. During the year bandits set up roadblocks along highways and robbed and killed travelers.

The law prohibits forced exile, and there were no reports that the Government used it. However, on August 26, journalist Abdoulaye Tiemogo fled into self-imposed exile alleging his life was in danger. (See Section 2.a.)

Internally Displaced Persons (IDPs).—The conflict in the north displaced many persons. (See Section 1.g.)

The Government and humanitarian organizations provided food for IDPs. In March the World Food Program (WFP) sent more than 550 metric tons of food to the northern communes. The WFP expected to deliver an additional 992 tons of foodstuffs intended for 53,000 persons. Agadez authorities stated they allowed many displaced parents from Iferoouane and Tchintelous who settled in Agadez or Arlit to register their children in public schools. Authorities assigned teachers to the schools and supplied those that had canteens.

Protection of Refugees.—The law does not provide for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government did not routinely grant refugee status or asylum but provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to approximately 342 individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol and during the year. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation.—In 2004 voters elected Mamadou Tandja to his second five-year presidential term with 65 percent of the vote in an election that international observers described as generally free and fair, despite some irregularities on election day. Irregularities included difficulties in voter card distribution, ballots and other electoral materials lost or damaged during transportation to polling places, late opening of polling stations, “proxy ballots” and “witnessed votes,” lack of security guards in rural polling stations, and other issues. A coalition composed of the MNSD, CDS, The Rally for Social Democracy, the Rally for Democracy and Progress, the Nigerien Alliance for Democracy and Progress, and the Social-Democratic Party of Niger backed Tandja and, in legislative elections held at the same time, won 88 of the 113 seats in the National Assembly. The opposition Nigerien Party for Democracy and Socialism won 25 seats. Tandja reappointed MNSD party president Hama Amadou as prime minister. In May 2007 a National Assembly vote of no confidence related to allegations of his involvement in a corruption scandal forced Prime Minister Hama Amadou and his cabinet to resign. The president appointed Seini Oumarou prime minister, who formed a new cabinet.

Political parties operated without restriction or outside interference. Individuals and political parties could freely declare candidacies and stand for election.

The societal practice of husbands voting their wives’ proxy ballots diminished considerably and female voter turnout substantially increased during the local, legislative, and presidential elections held in 2004.

There were 14 women in the 113-member National Assembly and eight female ministers in the 31-member cabinet; six of the country’s 20 ambassadors were women. The law mandates that women fill 25 percent of senior government positions and fill 10 percent of elected seats; women held at least 10 percent of the 3,747 local council positions.

All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of “special constituencies,” specifically ethnic minorities and nomadic populations. President Tandja, reported to be half Fulani and half Kanouri, is the country’s first president who is not from either the Hausa or Zarma ethnic groups, which make up 56 percent and 22 percent, respectively, of the population.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank’s Worldwide Governance Indicators reflected that corruption was a severe problem. The Government publicly acknowledged that corruption was a problem.

Civil servants sometimes demanded bribes to circumvent bureaucratic obstacles. Corruption was compounded by a poorly financed and trained law enforcement system and weak administrative controls. Other underlying causes were poverty; low salaries; the politicization of the public service; the influence of traditional kinship,

ethnic, and family ties on decision making; a culture of impunity; and a lack of civic education.

Nevertheless, during the year continued pressure from foreign donors, civil society organizations, and many citizens led to some progress in the fight against corruption. On January 17, the Government established an intersectoral committee on corruption charged with “examining and approving general and annual action plans for actions to be carried out in line with support for the fight against corruption.” During the installation ceremony the minister of justice emphasized that the president had given firm instructions to the Ministry of Justice to fight “without mercy” any diversion of public funds, and that persons involved in corruption of any degree would be punished. On various occasions during the year the president reiterated that the “clean hands operation” (crackdown on corruption) would continue.

Law enforcement officials received more resources to carry out their jobs. Officials in the justice system showed more diligence in investigating, prosecuting, and punishing high-profile corruption cases. The HCJ resumed the investigation of the Ministry of Education and Literacy (MEBA) corruption case. The Government requested a National Assembly session to waive the immunity of three parliamentarians to appear in court in connection with the MEBA case. The national commission to develop strategies to combat corruption submitted its report and the Government was drafting legislation at year’s end to establish a national agency for the fight against corruption.

In March security forces in Zinder detained all three district mayors of the city of Maradi for purported involvement in corruption. On April 9, the Court of Appeals of Zinder granted them provisional release after they paid sums equal to the funds they were accused of having misappropriated. A date for their trial was not set at year’s end.

On April 29, security forces detained in the Tillabery prison the mayors of Falmey, Ngonga, and Dosso-communities in Tillabery Region on mismanagement and corruption charges. On June 3, officials granted them provisional release after three months’ imprisonment. A date for their trial was not set by year’s end.

In May the minister of interior by letter and the president in a speech said all mayors who are facing corruption charges should be suspended.

On May 21, security forces arrested and detained in the Niamey prison the mayors of Sokorbe and Loga in Dosso Region on charges of embezzlement. No date was set for their trial by year’s end.

On June 11, officials suspended the mayor of Niamey Commune II, Seyni Mounkaila, for embezzlement of 125 million CFA (approximately \$250,000). The case was under investigation at year’s end.

On June 24, the National Assembly passed a resolution requesting that the HCJ indict former prime minister Hama Amadou on charges that he misused funds meant to support the private press. On June 26, the HCJ ordered his detention at the maximum security Koutoukale prison. He remained in prison while investigations continued at year’s end.

On November 5, the Supreme Court indicted and ordered the arrest of former justice minister Maty Elhadji Moussa on charges of illicit enrichment and fraud. At year’s end Moussa was under preventive detention at Kollo prison pending further investigation and trial.

There were no further developments in the corruption case involving the president of the Niamey City Council, Aboubacar Seydou Ganda, and five of his senior staff members arrested in November 2007. In December the Niamey District Court granted Ganda provisional release to seek medical attention outside Niger. The 12 businessmen involved in this case remained in prison at year’s end.

On February 18, security forces rearrested and incarcerated Idi Malle, president of the Maradi City Council, in the Maradi prison. In December 2007 security forces had arrested and detained him for misuse of public funds. Officials released him on bail a week later after he paid back 40 million CFA (approximately \$80,000).

There were no further developments in the MEBA corruption case reopened in December 2007 and subsequently postponed.

There were no further developments in the 2006 case of three school principals and two teachers charged with committing fraud in connection with school exams.

The National Commission on Corruption’s ability to investigate corruption remained limited. It was an interim commission tasked to study the magnitude of corruption and to determine strategies to combat it. The commission also did not have adequate resources to carry out its work fully.

Articles 40 and 63 of the constitution require the president and cabinet members to submit written statements of their personal property and assets before the Constitutional Court upon assuming office. These statements are subject to annual updates and at the end of their term. Initial statements and updates are published

in the National Register and via the press. A copy of the statements is forwarded to fiscal services. Any discrepancy between the initial and the updated statements must be justified. The Constitutional Court has authority to assess such matters.

There were no laws that provided for public access to government information; however, many documents could be obtained from individual ministries and the National Archives. The Government granted access to government information to both citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, during the year, the Government ordered three humanitarian NGOs to suspend their activities. Government officials were somewhat cooperative and responsive to their views, but insecurity and travel restrictions in the north limited the ability of human rights groups to investigate human rights violations.

On July 10, police, acting on the orders of the minister of health, forcibly closed a women's fistula care center managed by Dimol, a local NGO. The Government ordered the NGO to suspend all activities and evacuate the center funded by foreign donors on land provided by the Government. While Dimol's donors and beneficiaries praised the project's management, the Government accused the NGO of mismanagement, unsatisfactory performance, and failure to comply with the Ministry of Health's policy on fistula care and social reintegration.

On July 18, the Government ordered the French NGO Medecins Sans Frontieres (MSF) to suspend aid activities in the region of Maradi. The minister of health accused MSF of not complying with national and international health protocols, showing a "propagandistic attitude contrary to medical ethics," and "providing false figures on the children who were victims of malnutrition with a view to raising lots of money from donors." After various failed attempts to convince the Government to reconsider its decision, MSF France terminated its program in Niger on October 30.

On August 26, local authorities ordered the French NGO Action Contre la Faim (ACF) to suspend its activities in the region of Tahoua. However, they rescinded this decision a few days later.

In April 2007 the Government ordered WFP and several international NGOs to stop food-for-work programs. During the year the Government allowed international NGOs to monetize their food stocks in order to conduct cash-for-work programs.

The Government-established National Commission on Human Rights and Fundamental Liberties operated without government interference; however, it lacked resources, was generally considered ineffective, and issued few reports or recommendations.

During 2007 new commission elections were held but controversy over the selection process continued, with representatives of two human rights associations contesting each other's participation. The Government attempted to mediate the controversy, but one of the groups requested the Supreme Court's arbitration, while representatives of the second group had assumed seats on the commission. On September 4, with the completion of the commission members' term, commission members elected a new president and new members without dispute.

On August 18, the Government established a mediator of the republic. The mediator's role is to solve difficulties in the implementation and interpretation of laws and regulations. The president appoints the mediator, who is an independent administrative authority charged with investigating citizens' complaints and trying to find amicable solutions. The mediator has no decision-making powers, however, and instead submits results of investigations to the president and the prime minister.

There were developments in the 2005 case regarding the beating of civil society activist Nouhou Arzika by the bodyguards of Moussa Dan Foulani. On August 15, the Niamey District Court sentenced Dan Foulani to six months' suspended sentence and ordered him to pay a fine of 200,000 CFA (approximately \$400) and 50 million CFA (\$100,000) in damages to the plaintiff. The defendant appealed the fine, and the plaintiffs appealed the whole judgment. No date was set for a trial.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally effectively enforced these prohibitions.

Women.—Rape is punishable by 10 to 30 years' imprisonment, depending upon the circumstances and age of the victim. The law does not explicitly recognize spousal rape but appears to cover it in practice. Authorities made efforts to enforce the

law. Although statistics were not available, the Court of Appeals tried several criminal rape cases during the year. However, in many cases spousal rape did not lead to prosecution, as victims often sought to resolve the issue within the family or were pressured to do so. Absent reliable statistics on its prevalence, the number of reported rape cases was minimal.

Domestic violence against women was widespread, although reliable statistics were also not available. Husbands commonly beat their wives. The law does not explicitly prohibit domestic violence; however, a woman can sue her husband or lodge criminal charges for battery, penalties for which ranged from two months in prison and a 10,000 CFA (approximately \$20) fine to 30 years' imprisonment. The Government tried with limited success to enforce these laws. No data were available on how many abusers were prosecuted or convicted during the year. Charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system and fear of repudiation or social stigma. The Ministry of Women's Promotion and Children's Protection, international organizations, NGOs, and women's organizations conducted public awareness campaigns on violence against women through several events that received wide media coverage. Courts prosecuted cases of domestic violence when they received complaints.

According to the UN Children's Fund (UNICEF), 429 cases of violence against women were reported from October 2006 through September 2007, although this figure is thought to understate greatly the actual prevalence. Battery represented 44.9 percent of the cases, indecent assault 17.6 percent, and rape or attempted rape 16.4 percent.

Prostitution is illegal, but remained prevalent in big cities and near major mining and military sites.

Sexual harassment is a crime punishable by prison sentences from three to six months and fines of 10,000 to 100,000 CFA (approximately \$20 to \$200). If the violator is in a position of authority, the prison sentence is three months to one year, and the fine is increased to 20,000 to 200,000 CFA (\$40 to \$400).

The constitution provides for equal rights regardless of sex; however, women do not have the same rights as men under family law in customary courts. Legal rights as head of household applied only to men; a divorced or widowed woman, even with children, was not considered to be a head of households. Traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the formal sector work force, only 26 percent of civil service workers and 22 percent of professionals were female in 2006. In the absence of a formal will stating otherwise, women received one-third of a deceased parent's property. In the east there were reports that some husbands cloistered wives and prevented them from leaving their homes unless escorted by a male relative and usually only after dark.

In the civil service and the formal sector there was no indication that women experienced discrimination in access to employment or pay for similar work.

During an October 10 interview, the minister of women's promotion and children's protection outlined the ministry's commitment to promoting women's entrepreneurship through access to credit and microcredit, public education on gender issues, and women's political participation. The Government, in conjunction with foreign donors and women's organizations, approved the establishment of a special bank for the promotion of women's businesses; the Government also allowed the creation of several credit unions for women.

Children.—The constitution and law require that the Government promote children's welfare; however, minimal financial resources were allotted for this purpose.

The Government continued its multifaceted public education.

campaign on children's rights. This included forced labor issues, efforts to improve girls' education, the dangers of child marriage, improvements in birth registration, and efforts to withdraw children from the labor force and reenroll them in schools and vocational training programs. Birth registration, especially in remote rural areas and in nomadic communities, did not take place promptly due to a lack of awareness, remoteness of government services, or inadequate resources. The Government, with the support of UNICEF, worked to address this problem.

In principle, education was compulsory, free, and universal for a minimum period of six years; however, in practice only a fraction of children attended school. The Government estimated that the gross national primary school enrollment rate was 52 percent in 2006, and the net primary school enrollment rate was 41 percent; boys

constituted 60 percent of those who finished primary school. UNICEF in 2007 estimated that only one-third of primary and only 6 percent of secondary-school-age girls were enrolled, and even fewer attended regularly. Most parents kept young girls at home to work, and girls rarely attended school for more than a few years. This resulted in estimated literacy rates of 15 percent for girls and 42.9 percent for boys, according to a 2006 UN Development Program report. Literacy rates, particularly for girls, were even lower in rural areas. The conflict in the north led thousands of children to avoid school and caused schools in the north to shut down. (See Section 1.g.)

Certain ethnic groups practiced FGM, predominantly the Fulani and Zarma in the western region of the country. According to UNICEF, the FGM rate decreased from 5 percent in 1998 to 2.2 percent in 2006. However, an October 17 UN IRIN report stated that circumcisers traveled from Burkina Faso to Niger to carry out FGM on nomad Gourmantche girls as part of a rising trend of cross-border FGM. FGM was practiced on young girls, and clitoridectomy was the most common form. FGM is against the law and punishable by six months to three years in prison. If an FGM victim dies, the practitioner can be sentenced to 10–20 years' imprisonment. The Government actively combated FGM, continuing its close collaboration with local NGOs, community leaders, UNICEF, and other donors to distribute educational materials at health centers and participated in educational events.

Child marriage was a problem, especially in rural areas and in traditional communities. The law allows a girl deemed to be "sufficiently mature" to marry as young as 15 years old. Some families entered into marriage agreements under which girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husbands' families under the tutelage of their mothers-in-law. The Ministry of Women's Promotion and Child Protection cooperated with women's associations to sensitize rural communities and their traditional chiefs and religious leaders to the problem of underage marriage.

Infanticide occurred, and approximately 60 percent of the female prison population was charged with the crime.

There were many displaced children, mostly boys, begging on the streets of larger cities. Most of the boys came from rural areas and were indentured to Islamic schools. Hundreds of children were displaced in conjunction with the conflict in the north. (See Section 1.g.)

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a law that criminalizes slavery and coerced labor; punishments ranged from 10–30 years' imprisonment. Child prostitution is not criminalized specifically; however, the law prohibits indecent acts toward minors. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by three to five years in prison.

A 2005 NGO survey found that 5.8 percent of households interviewed claimed that at least one member of their family had been a trafficking victim.

A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities.

The country was a transit point for persons trafficked between Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali; final destinations also included North African and European countries. The country was a source of women trafficked to Nigeria, North Africa, Europe, and the Middle East for domestic servitude and commercial sexual exploitation. The country was a destination for a small number of trafficked persons. Young boys from neighboring countries were trafficked into the country for labor exploitation.

Women and girls were trafficked into and within the country for domestic service and prostitution. Child prostitution was especially prevalent along the main East-West highway, particularly between the cities of Birni n'Konni and Zinder.

There was internal trafficking of boys. Some rural parents sent their sons to learn the Koran in the cities, where the boys worked for their teachers (marabouts) as beggars or provided manual labor. Traffickers also transported boys to Mali and Nigeria for this purpose. Traffickers transported children internally for work in mines.

Generally, small operators trafficked persons with false promises of well paid employment in the country. Victims usually had to perform poorly paid domestic work or prostitution upon arrival, and had to pay off a "debt" to the trafficker. Traffickers had victims sign agreements before departing their country of origin, and retained the victims' travel documents. Traffickers used similar methods to transport victims from Niger to other countries. Traffickers within the country forced or falsely enticed some girls into prostitution, sometimes with their family's complicity.

The Government prosecuted traffickers. During the year, law enforcement authorities arrested several traffickers in connection with the trafficking of at least 58 children. Of these, officials released two without charge, but charged the others with the abduction of minors, handing over one to Interpol Mali.

On March 20, RDM Tanafili, a local NGO, rescued and assisted six families of former slaves (40 persons) in purchasing land from their former masters in Tajae, Tahoua Region. The NGO was expected to sponsor the families for one year by providing them food, livestock to start a new life, and education for the children.

During the year local authorities assisted UNICEF and a local NGO partner to identify and rehabilitate child victims of trafficking in the Agadez and Niamey regions. Police and prosecutors arrested and prosecuted traffickers whom the project identified and ensured that rescued victims were handed over to a local NGO for rehabilitation. In October officials rescued 37 child trafficking victims; they were rehabilitated in the city of Agadez, including receipt of counseling and support to return home and start a business for older children, and return to their parents' custody for younger ones. However, the Government released the suspected traffickers without charge.

On October 23, police in Gaya arrested a man when he could not prove his relationship to several children with whom he was traveling. The police handed over the children to the district of Gaya's Office of Women's Promotion and Children's Protection. During the same period, the office also handed over to the Benin border police 11 young girls presumed to be victims of trafficking.

On December 19, a local NGO, acting with support from law enforcement authorities, apprehended a Malian marabout suspected of trafficking 11 children (seven Malians and four Nigeriens). At year's end the marabout was in detention, and the children were under the NGO's care, pending return to their families.

The Ministries of Justice, Interior, and the Promotion of Women and Protection of Children shared responsibility for combating trafficking in persons. The National Commission for the Coordination of the Fight Against Trafficking in Persons existed on paper but had no budget.

The Government provided some services directly to trafficking victims, including basic health care and assistance in returning to their home villages. The Government also supported the efforts of NGOs and international organizations in providing food, temporary shelter, and primary health care to victims of trafficking, and sponsored public outreach sessions on trafficking and child abuse.

There were no further developments in the case of three traffickers in custody since 2007 on charges of child trafficking in Agadez.

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

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other state services, and the Government generally enforced these provisions. The law mandates that the state provide for persons with disabilities, but there were no specific regulations that mandated accessibility to buildings, transportation, and education for those with special needs. The Government provides limited health care to persons with disabilities. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population and Social Welfare is responsible for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—Homosexuals experienced social discrimination.

Persons with HIV/AIDS experienced social discrimination. There were strong government efforts to discourage such discrimination. The Government continued its antidiscrimination campaign in conjunction with several other organizations working on HIV/AIDS issues.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law allow all workers to form and join trade unions without previous authorization or excessive requirements, and workers exercised this right. However, in 2006 more than 85 percent of the workforce worked in the nonunionized subsistence agricultural and small trading sectors.

The constitution and the law provide for the right to strike, except for the police and other security forces, and workers exercised this right. Requirements for conducting a legal strike are not lengthy or cumbersome; workers must give employers at least three days' advance notice.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and unions exercised their right to bargain

collectively for wages above the legal minimum and for more favorable working conditions. Collective bargaining also existed in the public sector. Antiunion discrimination and employer interference in union activities occurred occasionally. There were no further developments in the 2006 case of the dismissal of 106 Liptako Mining Company union members for striking.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, except for legally convicted prisoners, and prohibits slavery; however, it does not specifically prohibit forced or compulsory labor by children, and such practices occurred. In general, the Government did not adequately enforce the anti-slavery laws. A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities, particularly in remote northern and western regions and along the border with Nigeria.

Persons born into a traditionally subordinate caste sometimes worked without pay for those above them in the traditional social structure. Estimates regarding the number of persons who work under such conditions vary widely, and include a 2004 estimate of 8,800 and a 2003 estimate of 43,000. Under this system, persons are forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or as domestic servants. Children become the property of their masters and can be passed from one slave owner to another as gifts or as part of a dowry. Abusers force girls to start work as domestic servants at a very young age. Girls may be sexually abused by men in the household or forced to marry at a young age.

The Government publicly banned slavery in 2003, and during 2007 slaves continued to be liberated and given certificates to show that they were free. Individuals had the legal right to change their situations, and it was illegal for their masters to retain them; however, in practice, most victims of slavery did not act on their rights. Fear and physical or social coercion likely played roles, although a lack of viable economic alternatives for freed slaves was also a factor.

In the 2006 enslavement case of Timidria and Haoulata Ibrahim vs. Seidimou Hiyar, the Court of Appeals of Niamey sentenced the defendant to two years' imprisonment (six months behind bars and 18 months suspended) and 100,000 CFA (approximately \$200) in damages. Although the defendant served his prison term, he had not paid the damages by year's end.

On October 27, in a landmark ruling in the case Timidria and Hadidjatou Mani Koraou vs. the Government of Niger, the Economic Community of West African States Court of Justice recognized that Mani Koraou had been a victim of slavery and held the Government of Niger responsible for the inaction of its administrative and legal services, which failed to protect a woman sold into slavery. The court fined the Government of Niger 10 million CFA (approximately \$20,000) in damages for the victim. The Government stated that it would abide by the ruling, and authorized payment of the 10 million CFA.

There were developments in the 2006 slavery case of Timidria and Assibit Wanagoda v. Tafane Abouzeidi and Timidria. On December 22, the Court of Appeals of Niamey held hearings on the case and planned to deliver its verdict on February 9, 2009.

There were no further developments in the 2006 slavery case of Midi Ajinalher v. Hamad Alamine and three brothers.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under age 14, except as authorized by decree; however, child labor was a problem and the Government did not effectively enforce the law. A 1967 labor decree also regulates child labor. Children under the age of 12 are prohibited from working. Twelve- and 13-year-olds may perform nonindustrial light work for a maximum of two hours per day outside of school hours with a labor inspector's authorization as long as such work does not impede their schooling. Light work is defined as including some domestic work, fruit picking and sorting, and other light nonindustrial work. Those 14–18 years of age may work a maximum of 4.5 hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morality. The law requires employers to ensure minimum sanitary working conditions for children.

On June 12, Niger's unions and women's associations stated that 46 percent of school-age children were in difficult conditions, performing work beyond their physical abilities in mines, slaughterhouses, and domestic work.

Inspectors of the Ministry of Labor are responsible for enforcing child labor laws; however, resource constraints limited their ability to do so, and there were no labor inspections during the year.

Children worked in the agricultural, commercial, handicraft, and domestic service sectors. The majority of rural children regularly worked with their families from an early age helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some boys were kept out of school to work as beggars alongside blind relatives. Others were sent to Islamic schools where their teachers used them for work as beggars and for manual labor. Child labor also occurred in largely unregulated artisanal gold mining operations, as well as in trona (a mineral used as a source of sodium compounds), salt, and gypsum mines. Children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse. Young boys from neighboring countries were trafficked into the country to work in mines, on farms, as mechanics, or as welders.

Child trafficking, prostitution, forced labor, and traditional caste-based servitude and slavery occurred.

The Ministry of Labor worked with UNICEF and the International Program on the Elimination of Child Labor (IPEC) of the International Labor Organization (ILO) to determine the extent of child labor. A 2006 UNICEF and government study found that 38 percent of children between ages five and 14 were economically active; 38 percent of children between the ages of five and nine, and 39 percent of children between the ages of 10 and 14 worked; 8 percent of child workers were not paid.

The Government also worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Basic Education conducted training sessions to help educators meet the special needs of child laborers. The Government cooperated with a foreign government-funded project that was implemented by IPEC to eliminate child labor in the mining sector.

From 2005 to 2008, the Government worked with a foreign government on a one billion CFA (approximately \$2 million) program on child labor education managed by three NGOs—Catholic Relief Services (CRS), Plan International, and World Vision. To meet the special needs of former child laborers and at-risk children, the Ministry of Basic Education and Literacy provided specially trained teachers, inspectors, and materials to schools for rescued child laborers. The project directly benefited 7,151 former child laborers, including hundreds withdrawn from artisanal mines. The project also benefited more than 84,288 other children by improving the quality of instruction in the schools that they shared with former child workers.

The Government supported a 2006–2009 foreign donor program with funds of 1.5 billion CFA (\$3 million) for the prevention and elimination of child labor in mining in West Africa, implemented by ILO/IPEC. The project was launched in 2006 and targeted approximately 4,000 children.

In January the Ministry of Labor, with support from the Association of Niger Christian Women and the ILO, launched a project to rescue street children in Niamey Commune V. On May 21, the minister of labor launched a vocational training program for 50 former street children (30 boys and 20 girls) rescued by the project. The training was scheduled to take place over 16 months. At the completion of the training, beneficiaries were expected to receive financial and material support to start their own small businesses.

e. Acceptable Conditions of Work.—The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal sector; however, minimum wages did not provide a decent standard of living for workers and their families. As of 2006 the lowest minimum wage was 28,000 CFA (approximately \$56) per month, with an additional 1,000 CFA (\$2) added per month per child. The Ministry of Labor effectively enforced minimum wages only in the regulated formal sector.

The formal sector legal workweek was 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. Premium pay must be paid for overtime, although the rate is not set by law; employees of each enterprise or government agency negotiate with their employer to set the rate. These formal sector standards were effectively enforced.

The labor code establishes occupational safety and health standards. The Ministry of Labor is charged with enforcing these standards, although due to staff shortages inspectors focused on safety violations only in the most dangerous industries: mining, building, and manufacturing. The Government effectively enforced the standards within those three industries, except that gold mining was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union

workers in many cases did not receive information about the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

NIGERIA

Nigeria is a federal republic of 36 states and a capital territory, with a population of approximately 140 million. In April 2007 Umaru Musa Yar'Adua of the ruling People's Democratic Party (PDP) was elected to a four-year term as president; the PDP won 70 percent of seats in the national legislature and 75 percent of state governorships. The election was marred by what international and domestic observers characterized as massive fraud and serious irregularities, including vote rigging and political violence. Numerous election tribunals, which continued to hear complaints brought by losing parties at all levels, resulted by year's end in the nullification of nine local-level elections, nine senatorial elections, and 11 gubernatorial elections. On December 12, the Supreme Court rejected the appeals of two major opposition presidential candidates, upholding the election of President Yar'Adua. While civilian authorities generally maintained effective control of the security forces, there were numerous instances in which elements of the security forces acted outside the law.

The Government's human rights record remained poor, and government officials at all levels continued to commit serious abuses. The most significant human rights problems included the abridgement of citizens' right to change their government; extrajudicial killings by security forces; the use of lethal and excessive force by security forces; vigilante killings; impunity for abuses by security forces; torture, rape, and other cruel, inhuman or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention center conditions; arbitrary arrest and prolonged pretrial detention; executive influence on the judiciary and judicial corruption; infringement on privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; domestic violence and discrimination against women; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; trafficking in persons for the purpose of prostitution and forced labor; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, national police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and to disperse demonstrators during the year.

On February 25, police killed approximately 50 persons, burned nearly 100 homes, and destroyed more than 150 market stalls in Ogaminana, just outside Okene, Adavi local government area, Kogi State. Credible reports indicate the police attacked the village in reprisal for the reported killing of a colleague by local youths the previous day. There was no formal investigation of the incident.

On November 27, in Jos, ethno-religious violence erupted during the vote tabulation for the Jos North Local Government Area elections resulting in the deaths of approximately 300 persons. Credible reports indicate the police and military used lethal force during attempts to quell the violence, killing approximately 100 civilians. On December 25, President Yar'Adua constituted an Administrative Panel of Inquiry to investigate the incident. Plateau State Governor Jonah Jang challenged the federal government before the Supreme Court, contending that the federal government did not have authority to investigate state affairs. Jang established a state level judicial panel to investigate the situation on December 30. The House of Representatives also established an eight-member committee to investigate the incident. The investigations were ongoing at year's end.

Police officers were not held accountable for excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects.

On December 4, a coalition of 15 civil society groups operating under the umbrella of the Osun State Civil Societies Coalition Against Corruption and Rights Violations petitioned the state House of Representatives to investigate extrajudicial killings in Osun State, providing details to 10 alleged incidents, three of which occurred during the year. The state house of representatives had not initiated an investigation by year's end.

For example, on October 14, four police officers from the 'A' Division Police Station in Ede, Osun State allegedly beat Misitura Ademola to death while in custody following her arrest over allegations of theft. There was no formal investigation of the incident. On October 31, the local NGO Network on Police Reform in Nigeria (NOPRIN) reported that police officers in Oshogbo, Osun State beat Dauda Najeem to death in an Ataoja Police Division cell while trying to obtain a confession on charges of theft. The police later claimed that Najeem committed suicide while in custody. There was no investigation by year's end.

There were no developments in the July 2007 case in which police from the Federal Capital Territory (FCT) Command shot and killed Mallam Ibrahim, an Islamic cleric.

There were no developments in the following 2006 cases: the case in which police officers killed two suspected thieves in the Rivers State city of Port Harcourt; the case in which four persons were killed when military and police officers stormed the Ariaria market in Aba, Abia State, on the pretext of preventing vigilantes from operating there; the case in which the media reported that brothers Juth and Romanus Akpowbo were arrested and killed in Kano State after having been accused of armed robbery of the staff quarters of Bayero University; or the case in which police in Umuahia North Local Government Area killed 12 suspected robbers.

Violence and lethal force at unauthorized police and military roadblocks and checkpoints continued during the year, despite numerous announcements by the inspector-general of police that independent police roadblocks would be eliminated and offenders punished. Police generally ignored the orders. Security forces were known to kill persons while trying to extort money from them. For example, on October 31, a police officer shot and killed 23-year old Gabriel Mordi at a checkpoint in Agbor, Delta State after an argument began over the police attempting to extort money from Mordi's driver. Five police officers involved with the incident were reportedly arrested in early November, but no further developments occurred by year's end.

There were no developments in the November 2007 case in which a police officer in Anambra State shot and killed 15-year-old Daniel Offiali and wounded six other bus passengers after the driver refused to pay a 20 naira (approximately \$0.16) bribe. The police officer was reportedly dismissed from the National Police Force and arrested, but at year's end the status of the case was unknown.

There were no developments in the 2006 case in which police officers in the FCT outside Abuja shot and killed a driver who refused to pay a 20 naira (approximately \$0.16) bribe.

Police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence.

On January 3, police in Okeagbe, Ondo State allegedly shot and killed three youths and wounded two others who were demonstrating against local police extortion. There were no further developments in the case at year's end.

On January 15, police allegedly killed four persons in the Sabon Tasha area of Kaduna State protesting the failure of the Power Holding Company of Nigeria to deal with power outages. There were no further developments in the case at year's end.

There were no developments in the following 2007 cases: the January case in which one person was killed and 20 injured by police when violence erupted at the Oshogbo Local Government Office after several members of the local government council asked the council's chairman to explain the expenditure of funds from the federal accounts; or the July case in which police shot and killed two persons in Omi-Adio, Oyo State, during a clash with members of the National Union of Road Transport Workers, who accused police of torturing and killing a union member the day before. The union members set the police station afire and attacked the officer on duty. Police arrested 49 persons. No further information on the status of the case was available at year's end.

The Joint Task Force (JTF) conducted raids on militant groups and criminal suspects in the Niger Delta region, resulting in numerous deaths and injuries (*See Section 1.g.*).

There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta (*See Section 1.g.*).

Unlike last year, there were no reports of killings by unknown assailants that may have been politically motivated.

There were no developments in the following 2007 cases: the February case in which unknown gunmen killed PDP Chieftain Lawson Onokpasa of Delta State; the March case in which unidentified gunmen assassinated Taofiki Onigboho, a relative of a suspected criminal working for Governor Rasheed Ladoja, in Ibadan; or the Au-

gust case in which Victor Obafaiye, the principal witness for the opposition Action Congress in the Kogi State election tribunal case, was killed.

Despite President Yar'Adua's 2007 directive to the inspector general of police to reopen all unresolved cases of killings of political figures, there were no developments in the May 2007 arrest of nine suspects allegedly connected to the 2006 killing of Lagos State gubernatorial candidate Funsho Williams- including the three mobile policemen responsible for guarding him and four colleagues close to him- all of whom were imprisoned without trial; or the June 2007 reopening of the case of Bola Ige, the former attorney general whose killing in 2001 was widely believed to be linked to a political dispute between the then governor and deputy governor of Osun State.

There were no developments in the following 2006 killings, which may have been politically motivated: the January killing by unknown assailants of Hajiya Saudatu Rimi, wife of former Kano State governor Alhaji Abubakar Rimi; the June abduction and July killing of Plateau State gubernatorial aspirant Jesse Aruku of the Advanced Congress of Democrats party; the August killing of Ekiti State PDP gubernatorial candidate Ayodeji Daramola; and the December killing by unknown assailants of Timothy Ageba Uttah, the former council chairman of Gboko Local Government Area and PDP aspirant for the state House of Assembly of Benue State.

There were no developments in the 2006 killings of four persons in Emohua and six persons in Gokana by gangs controlled by rival political leaders in Rivers State.

Killings carried out by organized gangs of armed robbers remained common during the year. In Lagos State, groups of street youths, popularly known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists. There were no developments in the case of six "area boys" arrested in 2006 for allegedly killing two Federal Road Management Agency officers.

There continued to be reports of street mobs killing suspected criminals during the year. There were no arrests reported from these mob actions, and no developments in cases from previous years.

b. Disappearance.—There were no reports of politically motivated disappearances; however, there were kidnappings by militant groups in connection with the conflict in the Niger Delta, particularly Port Harcourt (See Section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution and law prohibit such practices and provide for punishment of such abuses, security services personnel, including police, military, and State Security Service (SSS) officers, regularly beat demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians regularly to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions.

There were reports that security forces tortured persons and used excessive force during the year. In March 2007 the UN Special Rapporteur on Torture visited the country at the Government's invitation to assess reports of official abuse. On the basis of discussions with detainees, visits to prisons and police stations, and forensic medical evidence collected over a one-week period, the rapporteur reported that torture was endemic in law enforcement operations, including police custody, and was often used to extract alleged confessions. According to his report, methods of torture included flogging with whips; beating with batons and machetes; shooting in the foot; threatening a suspect with death and then shooting him with powder cartridges; suspension from the ceiling; and denying food, water, and medical treatment.

On July 26, a police officer allegedly beat Baba Mohammed into a coma at the conclusion of a marathon, when participants began to protest against the event organizer, local cellular phone company MTN, for not distributing prizes as promised. According to eyewitnesses, the police officer struck Mohammed three times with his baton before leaving him unconscious. Mohammed was brought to a local hospital where he continued his recovery at year's end. There was no formal investigation of the incident.

On November 3, Nigerian navy officers pulled Uzoma Okere from her car and beat and stripped her for allegedly failing to move out of the way of the navy officers' vehicle. The incident was filmed by a bystander. President Yar'Adua called for an investigation into the incident and for a report to be submitted. A Board of Inquiry was established and on November 26, Chief of Defense Staff Paul Dike submitted its findings to President Yar'Adua. The report was not made public, but there were allegations that Okere was not allowed to provide testimony. There were no further developments at year's end.

There were no developments in the September 2007 case in which 25-year-old Surajo Mohammed died in detention while being interrogated by a Katsina State police sergeant who had arrested him for allegedly stealing a bottle of palm wine. Following the incident, State Police Commissioner Dan Doma announced that the officer had been arrested, but no trial had been scheduled by year's end.

There were no developments in the following 2006 cases: the May case in which police in Delta State arrested Segun Pioko, allegedly tortured him, and killed him; in the October case in which Kano State police beat unruly youth with sticks and whips to clear the way for the motorcade of the governor; the April case in which four demonstrators died and 50 persons were arrested when police in the Njaba local government area, Imo State, carried out reprisal attacks after youths rioted outside the local police station to protest police roadblocks in the area; or the June case in which Delta State police officers beat Peter Osimiri and left him for dead when he refused to pay a 20,000 naira (approximately \$156) bribe. Osimiri died shortly after arriving at the hospital.

There were credible reports during the year that security forces committed rape and other forms of sexual violence against women and girls with impunity. Police officials acknowledged that rape was a problem. Amnesty International (AI) reported that women frequently were raped while in detention but did not report the abuse because of the social stigma attached to rape and the fact that police officers were the perpetrators. In July the National Human Rights Commission (NHRC) reported a sharp increase in reported cases of rape and sexual abuse, particularly of minors and women in prisons and detention centers around the country. In December 2007 NOPRIN stated it had monitored 400 police stations in 13 states for a year and found that killings, torture, extortion, and rape had become routine because the authorities shielded police officers from the law.

There were reports that security forces beat journalists during the year.

Varying Shari'a penal codes (Islamic law) were in place in 12 northern states, and Shari'a courts delivered "hadd" sentences, for example caning, for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year's end. The term hadd refers to those crimes mentioned explicitly in the Koran. For example, adulterers are subject to death by stoning. Although such sentences were handed down during the year, none were carried out, nor were death sentences carried out in cases originating in earlier years. In contrast to the previous year, there were no sentences of amputation handed down. However, there were numerous Shari'a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari'a often were not carried out because of the lengthy process for appeals. Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Stoning and amputation sentences were consistently overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of statutory law. In some cases convicted persons were allowed to pay a fine or go to jail instead of being caned. These sentences usually were carried out immediately, while the Shari'a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death; in practice, appeals often took much longer.

On February 23, an upper Shari'a Court in Katsina State sentenced Mani Sule and Rabo Umaru to death by stoning for adultery for the alleged rape and impregnation of a 16-year-old girl. The sentence was not carried out by year's end.

There were no developments in the May 2007 case in which the Shari'a court of Bauchi State sentenced Ade Dabo to death by stoning for the alleged rape of two female minors in 2003.

There were numerous ethnic or communal clashes during the year. The Government generally did not provide police in rural areas with sufficient resources to control societal violence.

Prison and Detention Center Conditions.—Prison and detention conditions remained harsh and life threatening. Most of the 227 prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. The 227 prisons held an estimated population of 40,000, with some prisons holding 200 to 300 percent more persons than their designed capacity. Additionally, the country operated 86 satellite prisons, 11 farm centers, eight zonal offices, and six directorates,

all of which housed prisoners and detainees. Reliable data was not available to estimate the number of persons held in these other facilities. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding.

On April 14, Superintendent of Prisons and Public Relations Officer of Lagos State Command Ope Fantinikun reported that although the prisons in Lagos only had capacity for 2,905 prisoners, they housed over 4,000.

Makurdi Prison in Benue State, which had capacity for 240 prisoners, housed 464. Ado-Ekiti Prison in Edo State, which reportedly had the capacity for 200 prisoners, held 290 in March.

In July Controller General of Nigeria Prisons Olusola Ogundipe told the NHRC that the Port Harcourt prison had capacity for 808 inmates but actually housed approximately 2,800, of whom 2,000 were awaiting trial.

In March 2007 the UN Special Rapporteur on Torture reported that prison conditions were deplorable, that those awaiting trial suffered more than those already convicted due to lack of funding for their care, and that inadequate medical treatment caused many prisoners to die of treatable illnesses.

Following a July 2007 visit to 10 prisons in the states of Enugu, Kano, Lagos, and the FCT, AI issued a report citing appalling prison conditions, noting that many prisoners were considered “forgotten inmates” because they had been incarcerated for years without trial.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. HIV/AIDS and tuberculosis were of particular concern. Only those with money or whose relatives brought food regularly had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and other security forces often denied inmates food and medical treatment as punishment or to extort money. The International Committee of the Red Cross (ICRC) continued to provide health and hygiene items to prisoners during the year.

Harsh conditions and denial of proper medical treatment contributed to many prison deaths. For example, in September 2007 inadequate medical attention allegedly contributed to the death of Olawale Daniel, an inmate at the Agodi Federal Prison in Ibadan. His death sparked a riot between inmates and guards on September 11, which resulted in the deaths of 11 prisoners and injury to an estimated 60 others, including four staff members.

Women were held with male prisoners, especially in rural areas. Although the law precludes the imprisonment of children, Attorney General and Minister of Justice Michael Aondoakaa stated there were more than 300 children in the prisons, many of whom were born there. Aondoakaa stated that the federal government had ordered the release of those children and the ministry would try to identify and release the mothers as well. There was no information on whether any inmates or children were released by year's end.

The Government allowed international and domestic NGOs, including AI and Prisoners Rehabilitation and Welfare Action (PRAWA), and the ICRC regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.

The UN Special Rapporteur on Torture reported appalling conditions in detention center cells, noting crowded and unsanitary cells and insufficient food, clean water, and access to medical care. The rapporteur noted, however, that conditions for female detainees were much better than those of males.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices.

Role of the Police and Security Apparatus.—The Nigeria Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the SSS, which reports to the president through the national security advisor. Due to the inefficacy of the police, who were often unable to control societal violence, the Government continued to rely on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The constitution prohibits state- and local-level governments from organizing their own police forces. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and press.

Corruption was rampant, most often at highway checkpoints. Police routinely stopped drivers who had committed no traffic infractions, refusing to allow a car to continue until the driver paid a bribe. The Inspector General of Police (IGP) made efforts to strengthen the Police Monitoring Unit which was supposed to visit police stations and search police officers for signs of accepting bribes. During the year, the unit visited six police stations in the FCT and reportedly arrested eight officers for extorting bribes from the public. In November, the IGP arrested seven officers for mounting illegal checkpoints at the border between Ogun and Oyo States.

Although citizens could report incidents of police corruption to the NHRC, this agency was not empowered to act in response to such complaints.

On January 8, the federal government inaugurated a 16-member Police Reform Committee to examine the NPF and identify measures to enhance its effectiveness. However, no action had been taken by year's end.

Arrest and Detention.—Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and take the accused to a police station for processing within a reasonable time; and provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of charges and denied access to counsel and family members. Detainees often were kept incommunicado for long periods. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. At the November 2007 All Nigerian Judges Conference, President Yar'Adua reminded judges to respect the rights of citizens while implementing the law. At the same conference, Chief Justice of Nigeria Idris Kutigi called on judges to stop purposely setting bail with almost unattainable conditions. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous detainees alleged that police demanded bribes before they were taken to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.

Persons who happened to be in the vicinity of a crime reportedly were held for interrogation for periods ranging from a few hours to several months. After their release, they frequently were asked to return for further questioning.

Unlike last year, there were no alleged cases of arbitrary arrest based on political motives.

No action was taken against officials involved in the following 2007 cases: the April case in which the All Nigeria Peoples Party (ANPP) governorship candidate in Kaduna State and other key officials of the party were arrested, detained, and later released; the April case in which the ANPP governorship candidate in Ebonyi State, Chief Ogbonnaya Onu, was beaten, arrested, and released a week later after his supporters protested the results of the gubernatorial election; or the April case in which Emmanuel Ezeazu, secretary general of the Alliance for Credible Elections, was detained and questioned by the SSS in connection with a planned demonstration against the conduct of the April 22 elections. He was asked to sign an agreement not to organize or protest, but he declined to do so and was released on May 1.

Members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo-majority states, initiated frequent violent clashes with the Government, particularly in Onitsha, Anambra State. Police sometimes reacted by arresting large numbers of MASSOB members. In June police arrested 78 MASSOB members during a commemoration celebration of the Nigerian Civil War-era secessionist state of Biafra and charged them with conspiracy to commit a felony because of their intent to stage a protest that would result in political unrest.

On May 15, an Abuja Court of Appeal granted MASSOB leader Ralph Uwazurike continued bail after a High Court judge released him on bail in October 2007 for three months. The Court of Appeal also granted bail to the 10 others accused with Uwazurike of treason and stated the evidence in the case was weak. However, on the same day, all of the accused were rearraigned on charges of treason because the High Court judge who had granted bail was transferred, requiring the trial to start anew for the third time since 2005. Although all of the accused remained free on bail, there was no progress in the trial by year's end.

Most of the 69 MASSOB members arrested in a 2006 sweep remained in detention at year's end.

There were no developments involving the trial of Majaheed Asari Dokubo, who was released on bail in June 2007. Dokubo, the leader of the Niger Delta People's Volunteer Force, was arrested in 2005 for treason.

On April 11, a Lagos State judge acquitted Hamza Al Mustapha and his four codefendants of charges of treason for an alleged assassination attempt on former President Obasanjo. However, on April 15, an Ikeja high court rearraigned Al Mustapha and three of his codefendants on charges of conspiracy and the 1996 attempted murder of Alex Ibru, the minister of internal affairs under the Abacha regime and publisher of The Guardian newspaper. The chief judge of Lagos State granted bail to one of the four codefendants, Ishaya Bamaïyi, and transferred his case to another high court. By separating the cases, the trial was forced to begin anew in June. Despite the attention given in the press, there were no developments in the new trial by year's end, and Al Mustapha remained in detention almost 10 years after his initial arrest.

The Economic and Financial Crimes Commission (EFCC) arrested and detained several state, local, and federal government officials on corruption charges during the year. Critics charged that some arrests were politically motivated and that periods of investigative detention at times exceeded legal limits.

Security forces detained journalists and demonstrators during the year.

Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 65 percent of the prison population, with some awaiting trial more than 10 years. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In a July interview with the NHRC, Controller of Prisons Olusola Adigun Ogundipe stated that there were 40,240 inmates in the country's prisons, 27,287 of whom were awaiting trial. Multiple adjournments in some cases led to serious delays. Police cited their inability to provide secure transportation to court for detainees on their trial dates as one reason why so many were denied a trial. The NHRC reported that some detainees were held because their case files had been lost. Some state governments released inmates already detained for longer than the potential maximum sentence would be if they were convicted. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could try to complain to the courts, but often found this impossible. Even detainees with legal representation often waited years to gain access to the courts.

On April 14, the local NGO New Initiative for Social Development (NISD) facilitated the bail and release of 11 prisoners as a result of a March 12 workshop entitled "Stakeholders in Access to Justice for Prisoners Awaiting Trial in Ekiti State" that brought together representatives from the prisons service, police, and judiciary to discuss issues related to prisoners awaiting trial.

Amnesty.—Despite the Government's announcement in 2006 that it planned to relieve prison overcrowding by granting amnesty to 25,000 of the country's 40,000 prisoners, little progress was made. However, the Government often extended amnesties to those whose pretrial detention period exceeded the maximum sentence they would have received if convicted. In May 2007 the Government announced that it would free all prisoners over age 70 and all those over 60 who had been on death row for more than a decade; however, there was no evidence that any inmates were released by year's end.

On April 14, Lagos State Chief Judge Ade Alabi released 36 inmates from Ikoyi Prison in Lagos due to time already served.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling. Judges frequently failed to appear for trials, often because they were pursuing other sources of income, and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation. During the year Supreme Court judges called for a more independent judiciary.

The Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state level; however, there were no requirements or monitoring body for judges at the local level, leading to corruption and miscarriages of justice in those courts.

The regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Supreme Court. There are Shari'a and customary (traditional) courts of appeal in states that use Shari'a for civil or criminal law, including a customary court in the FCT. Courts of first instance include magistrate or District Courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The constitution also provides that the Government establish a Federal Shari'a Court of Appeal and Final Court of Appeal, but these courts had not been established by year's end.

The constitution provides that states may establish courts based on common law or customary law systems. The law also provides that states may elect to use the Shari'a Penal Code in the courts. While Shari'a courts had been in operation throughout the northern part of the country for centuries, in 2000, Shari'a courts were empowered to also hear criminal cases and pass sentences based on the Shari'a penal code, which outlines hadd offenses and punishments, including caning, death by stoning, and amputation.

The nature of a case usually determined which court had jurisdiction. The return to the Shari'a courts stemmed at least in part from inefficiency and corruption in the regular court system.

Defendants have the right to challenge the constitutionality of Shari'a criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The constitution also provides for the Government to establish a federal Shari'a court of appeal; however, this had not been done by year's end. The highest appellate court for Shari'a remained the Supreme Court, staffed by common law judges who were not required to have any formal training in the Shari'a penal code.

Trial Procedures.—According to the constitution, defendants have the right to an expeditious trial. The law requires a trial within three months of arraignment for most crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial. The law does not provide for juries. Most detainees were poor and could not afford to pay the informal costs, such as transportation to the court house or bribes, associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants who were not detained employed numerous delaying tactics and in many cases bribed judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting or progressing.

Although the constitution provides for public trials in the regular court system and individual rights in criminal cases, including a presumption of innocence, the right to be present, confront witnesses, present evidence and witnesses, be represented by legal counsel and have access to government-held evidence; these rights were not always respected or observed due to corruption and lack of institutional capacity within the judiciary. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases, and stipulates that a trial should not go forward without it.

In both common law and Shari'a courts, indigent persons without representation were more likely to have their sentences carried out immediately upon being sentenced, although all convicted persons have the right to appeal. The federal government instituted a panel of legal scholars in 2003 to draft a uniform Shari'a penal code to replace divergent Shari'a codes adopted by various northern states; however, the panel did not produce a report during the year, and states continued to apply their individual codes.

There were no legal provisions in common law barring women or other groups from testifying in civil or criminal proceedings or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. Some "qadis" (Shari'a court judges) allowed separate evidentiary requirements to prove adultery or fornication for male and female defendants. For women, pregnancy was deemed permissible evidence in some Shari'a courts. By contrast, men could only be convicted by confessing to the crime or if there was eyewitness testimony. However, Shari'a courts did provide women with some benefits, including increased access to divorce, child custody, and alimony, because it was significantly easier, faster, and cheaper to get an audience in a Shari'a court than a common law court.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees; however, persons arrested in previous years for alleged treason remained in detention at year's end.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent judiciary in civil matters; however, the executive and the legislature also exerted undue influence and pressure in civil cases. A widespread lack of will by authorities to implement court decisions, and corruption, also interfered with due process. The law provides for access to the courts for the redress of grievances, and courts can award damages and issue injunctions to stop or prevent a human rights violation. However, the decisions of civil courts were extremely difficult to enforce.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, but authorities at times continued to infringe on these rights. Police raided homes without warrants.

The Federal Capital Development Authority (FCDA) continued to illegally demolish homes and businesses in the FCT. The Government typically claimed that the homes or offices that were demolished lacked proper permits and consequently did not provide compensation to the owners, even sometimes to those able to produce paperwork indicating the structures were built legally. There was no transparent legal process for deciding which homes would be bulldozed, and those who had their homes bulldozed had no recourse to appeal and received no compensation. The FCDA maintained the public position that the homes and offices did not comply with the master plan for the city. According to the Swiss-based Centre on Housing Rights and Evictions, authorities demolished more than 800,000 homes in the Abuja area since 2003. There was widespread opinion that the demolitions were primarily motivated by corruption and discrimination based on socioeconomic class, since mostly lower and middle class persons lost their homes and property, which was sold to wealthy persons with connections to government officials once vacated.

In June bulldozers accompanied by police officers razed hundreds of homes and displaced approximately 2,000 persons living in the Toge area of Abuja. Although authorities apparently alerted residents months in advance by marking each home with a giant red X, many residents remained due to poverty.

On August 4, authorities demolished homes in Gabi and Karamagigi villages in Abuja. The district officer in charge of the demolition team reportedly claimed that the residents were given two weeks' notice and that these villages had in fact been demolished two years ago, but the residents illegally rebuilt in the same location.

During the week of November 14, the Lagos State government demolished an estimated 2,000 homes despite a Lagos High Court ruling in May that called for a stay of action until a hearing scheduled for November 18. The Lagos State Ministry of Lands claimed the houses, which had been there over 25 years, were illegal structures and that government was recovering its land.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The Niger Delta region was home to one of Africa's largest oil industries, which exported nearly 2 million barrels of crude per day. Particularly since 2006, militant groups increasingly employed violence, including kidnapping of oil company workers, to demand greater control of the region's resources. Abductions for ransom, armed robberies, gang turf wars, and fighting connected to the theft of crude oil, known as illegal oil bunkering, continued during the year and contributed to the region's general insecurity and lack of economic vitality.

Criminal gangs in areas such as Port Harcourt, Rivers State, were widely believed to have been sponsored initially by politicians to intimidate opponents and aid election rigging, but have since engaged in crimes unrelated to political objectives. Some of these gangs (locally called "cult.") had amassed significant wealth and power. Power struggles between gangs resulted in hundreds of deaths, including of civilian bystanders, and reportedly damaged personal property and homes.

Numerous hostage takings occurred during the year, including the abduction of 82 expatriates, five of whom continued to be held by their kidnappers at year's end. There were four expatriate fatalities in connection with attacks on oil facilities or hostage taking incidents. An estimated 400 persons (nationals and expatriates) were kidnapped in approximately 100 incidents during the year. Some kidnappings were perpetrated by militant groups trying to force the Government to develop local economies, increase local control of oil revenues, or release prisoners; others were conducted for financial gain. Oil facility guards and JTF soldiers were among those killed in these incidents. During the year Niger Delta criminals continued to kidnap the relatives (usually children or mothers) of prominent state politicians for ransom or to force payment for services, such as protection details and voter intimidation, which were rendered during the elections. In some areas tensions remained high between oil producing communities and oil company employees and contractors.

Government authorities responded to some incidents by deploying the JTF, a unit composed of the various military branches, security services and the Nigerian Police Force and established by the Government in 2003 to restore stability in the Niger

Delta region. The JTF reportedly used excessive force and engaged militants and criminals in gun battles, which occasionally resulted in civilian casualties and worsened security. Credible reports indicate the JTF's participation in violent clashes resulted in the destruction of communities.

Multinational and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region.

According to a report from the international NGO Doctors Without Borders, violence in Port Harcourt reached unusually high levels in August 2007, resulting in 71 gunshot wounds, 27 stabbings, 16 serious beatings, and one rape; seven persons died from their injuries. Most of the injured were bystanders who were either at a market or near a bus station when armed gangs began shooting indiscriminately into crowds. The Government deployed troops and helicopter gunships to the city. There were numerous reports that military fire struck civilian bystanders.

Killings.—On March 24, the JTF reportedly killed four men near Isaka in the Okrika Local Government Area, Rivers State, when they confronted them and other armed men attempting to hijack a barge. There was no investigation conducted.

On July 24, the JTF reportedly killed 12 suspected militants and arrested 48 others during an attempted crackdown in Bayelsa and Rivers states. No investigation of the incident occurred.

On August 30, a series of violent clashes erupted between the military and militant groups in Bayelsa, Delta, and Rivers states, allegedly resulting in the deaths of 35 persons. Authorities did not investigate the killings.

On September 13, confrontations between the JTF and armed militants in the Elem Tombia and Ogboma communities of Rivers State resulted in an estimated 15–30 deaths, hundreds of displaced persons, and the destruction of homes and property worth millions of naira.

There were no developments in the March 2007 incident in which 10 persons were killed during several days of rival gang clashes in Port Harcourt; or the May 2007 incident in which gang leader Prince Igodo was killed during a gun battle allegedly led by militant Soboma George.

There were no developments in the June 2007 incident in which JTF troops killed a dozen gunmen who were holding two dozen workers and soldiers hostage at a flow station run by Italian energy company Eni; the August 2007 incident in which the JTF launched a raid on an alleged hideout of militants who had been fighting in Port Harcourt for days, resulting in the deaths of at least 40 persons, including innocent civilian bystanders; or the September 2007 incident in which the JTF launched an attack on a suspected criminal hideout near Ogbogoro, Rivers State, using helicopter gunships and ground troops, resulting in an undetermined number of deaths.

Although the JTF perpetrated violence in some situations, some observers reported that the force added to the region's overall level of security by filling a void left by the ineffective NPF.

There were no developments in the 2006 case in which military forces in the Niger Delta opened fire on a boat carrying suspected militants, killing 10 persons.

Abductions.—Militants and criminals abducted approximately 400 persons during the year, including women, children, foreign citizens, and an increasing number of prominent citizens or their family members. Many abductions took place at oil facilities despite the presence of armed guards and military police escorts.

On June 19, Movement for the Emancipation of the Niger Delta (MEND) rebels claimed responsibility for an attack on Royal Dutch Shell's offshore Bonga oilfield and in the kidnapping of a U.S. citizen captain of a nearby supply ship. The captain was later released unharmed.

On July 24, armed men attacked a vessel off Bonny Island and kidnapped 11 Russians and one Ukrainian. Seven were released the next day and the remaining five were released on July 28.

On August 2, gunmen attacked a bar in Onne, Rivers State, and kidnapped two French expatriates, who were later released. The attack also resulted in three other deaths.

On September 9, unidentified gunmen seized the vessel "Blue Ocean" with a crew of 23 including five expatriates. One crew member was killed during the seizure. All other crew members were released, except for two British citizens who remained captive at year's end.

On November 3, armed gunmen kidnapped a Lebanese employee of a construction company, killing one and injuring two bystanders during the incident. The Lebanese employee was later released.

On December 2, two Russian employees of Aluminium Smelter Company of Nigeria were abducted from their housing compound in Akwa Ibom State. They had not been released by year's end.

Other Conflict-Related Abuses.—Violent conflict between the JTF and Niger Delta militants resulted in forcible displacement of persons and substantial property destruction.

For example, on August 4, the 78th Battalion of the JTF stormed Agge in Bayelsa State in attempt to flush out armed youths who supposedly were hiding there, resulting in a gun battle that destroyed approximately 500 homes. Bayelsa State JTF Commander Lt. Col. Chris Musa claimed that the community was harboring the criminals and that the JTF was justified in its attack.

Section 2. Respect for Civil Liberties, Including:

Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, some of whom practiced self-censorship. Some journalists were harassed, intimidated, threatened or detained for reporting on sensitive issues such as President Yar'Adua's health.

There was a large and vibrant private domestic press that frequently criticized the Government. Only one national, government-owned daily newspaper was published. Several state governments owned daily or weekly newspapers. These state-owned publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. There were more than 14 privately owned major daily newspapers, six weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

There were 19 independently owned private radio stations. The Government owned one radio network with 34 stations.

There were 14 independently owned private TV stations, and two privately owned direct to home satellite network stations. The Government owned one TV network, the Nigerian Television Authority, with 96 affiliate stations. The law requires local television stations to limit programming from other countries to 40 percent and restricts the foreign content of satellite broadcasting to 20 percent. On December 16, Chief Executive of National Broadcasting Commission (NBC) Yomi Bolarinwa issued a statement that, starting in 2009, all prime time news broadcast by local stations must be 100 percent local content. The NBC 2004 ban on live broadcast of foreign news and programs remained in force, but it did not apply to international cable or satellite services.

Because newspapers and television were relatively expensive and literacy levels low, radio remained the most important medium of mass communication and information. The Government controlled much of the electronic media through the NBC, which was responsible for monitoring and deregulation of broadcast media.

In contrast to the previous year, there were reports that journalists were killed.

On August 17, unknown assassins killed Paul Abayomi Ogundeji, a reporter for the privately owned This Day newspaper and member of its editorial board. The August 19 issues of two other papers, The Punch and The Nigerian Compass, quoted an unidentified source stating that a uniformed police officer shot Ogundeji. Although the NPF began an investigation, there were no further developments at year's end.

On October 15, six unknown assailants shot and killed the chairman of the Credential Committee of the Nigeria Union of Journalists and Nasarawa State Broadcasting Service, radio journalist Eiphraim Audu in Lafia, Nasarawa State. An investigation was launched but provided no results by year's end.

There were no developments in the 2006 killing by unknown assailants of Godwin Aybroko, editor and columnist of This Day newspaper in Lagos.

Security forces beat journalists. For example, on August 1, security operatives beat a Channels TV cameraman who attempted to take pictures of a raid on the house of Niger Delta Peoples Volunteer Force leader Asari Dokubo in Abuja. There were no additional developments at year's end.

On September 4, police officers in Lagos reportedly beat three journalists, Adewole Ajayi from the Nigeria Tribune, Emmanuel Oladesu from The Nation, and Bimbo Ogunnaike with the Nigerian Compass, for attempting to cover an Action Congress (AC) political rally. The officers were escorting a politician from the AC. Joe Igboke, the AC Publicity Secretary in the State, offered an apology after the incident. No further action was taken by year's end.

There were no developments in the May 2007 case in which journalist Dare Folorunso was taken to a hospital in a coma after several Ondo State policemen, including Deputy Commissioner Joshua Mumbo, beat him. Folorunso later recovered and was discharged. The local Union of Journalists asked police to pay compensa-

tion and offer Folorunso a public apology; however, no action was taken by year's end.

Security forces detained journalists and seized newspapers during the year. Several journalists were detained and their media outlets seized for reporting on President Yar'Adua's health.

On January 24, Akwa Ibom State security operatives arrested Essien Asuquo Ewoh, a newspaper distributor in Uyo, and on January 27 arrested Sam Asowata, chairman of the editorial board of the weekly newspaper Fresh Facts. Police allegedly also ransacked Fresh Facts' office. Both were charged with sedition and "conspiracy to distribute copies of Fresh Facts newspaper with the intent to bring hatred or contempt to the governor of the state" with a story about Akwa Ibom State Governor Akpabio's alleged ties to corrupt persons. Owoh and Asowata were later released.

In March the Kano State government arrested Hausa filmmaker Hamisu Lamido, known as Iyan Tama, for operating his company Iyan Tama Multimedia without registration and for releasing the film "Tsintsiya," a Hausa adaptation of the film "West Side Story," in Kano without having it first reviewed by the state censorship board. The trial initially was scheduled for May 12, but was moved to a new location without notification to the defendant, resulting in Lamido's arrest for violation of bail by not appearing. Lamido was later released on bail and the trial was rescheduled. On December 30, a Kano magistrate court found Iyan Tama guilty and sentenced him to 15 months in prison and a 300,000 naira fine. Attorneys for the defendant filed an appeal to the High Court and the case was ongoing at year's end.

On April 12, security forces arrested four U.S. filmmakers and one Nigerian for attempting to make a documentary about the effects of the oil industry on the Niger Delta region. Charges were later dropped and all five were released after four days in detention.

On October 18, SSS operatives arrested Jonathan Elendu, owner of the Elendu Reports, an on-line publication, when he arrived at the airport in Abuja from abroad. Elendu was detained for nearly two weeks without charge, reportedly due to several reports published speculating about President Yar'Adua's health, before being released. Authorities seized his passport to prevent his travel outside the country until the investigation, which continued at year's end, concluded.

On October 28, the SSS arrested a dual U.S.-Nigerian citizen upon his arrival at the Murtala Muhammad International Airport in Lagos allegedly for running several items about President Yar'Adua's health on his online magazine website. The accused was released on bail on November 4; but the SSS retained his passport and prevented him from leaving the country until an investigation was concluded.

On November 14, SSS officials detained Leadership newspaper publisher Sam Nda Isaiah and questioned him for two days regarding a November 8 story reporting that President Yar'Adua was critically ill. On November 27, President Yar'Adua issued a directive for the NPF to arrest Isaiah, Daily Editor Abdulrazaque Bello-Barkindo, Weekend Editor Laura Olugbemi, and former Associate Editor Simon Imoboswam for alleged "defamation of character and injurious falsehood," over the story. All four were released on bail pending trial which was postponed until 2009.

There were no developments in the January 2007 case in which SSS agents raided the offices of daily newspaper Leadership, seized documents, and detained reporter Danladi Ndayebo for nine hours.

There were no developments in the January 2007 case in which SSS officials detained Abuja Inquirer publisher Dan Akpovwa and editor Sode Abbah in connection with a story that claimed a military coup was possible because of a public disagreement between former president Obasanjo and former vice president Atiku Abubakar. SSS agents sealed the newspaper's office and seized computer discs, a hard drive, and copies of the newspaper. Akpovwa was released after 36 hours, and Abbah 12 hours later.

There were no developments in the June 2007 case in which 15 armed men, including two uniformed police officers, stormed the printing plant of privately owned weekly paper Events in Uyo, Akwa Ibom State, and allegedly seized an estimated 5,000 copies of the newspaper.

There were no developments in the October 2007 case in which the SSS arrested Events editor Jerome Imeime and charged him with sedition for criticizing the state's governor on the front page of the paper. Imeime was released three weeks later.

The Government suspended television and radio stations during the year.

For example, on September 17, the NBC announced the suspension of operations and revocation of license for Channels TV following its September 16 closure by the SSS. Federal agents, led by Minister of Information Odey, shut down Channels TV in Lagos and Abuja for broadcasting a "false news story." Channels TV had broad-

cast a story stating the president might resign due to health reasons. The station and many other news outlets apparently received the information from an email address claiming to be News Agency of Nigeria (NAN). NAN denied any involvement and stated that the e-mail address did not belong to it. Five staff members of Channels TV were detained for three days. On September 19, NBC gave Channels TV permission to resume broadcasting and confirmed the release of all journalists without charges.

In April 2007 SSS backed by police forcefully entered the studio of AIT and forced the staff to stop transmitting a documentary critical of President Obasanjo and the ruling PDP. SSS agents seized tapes of all commercially sponsored programs that were scheduled for that day and shut down AIT's sister radio station, Ray Power FM. Press reports quoted an SSS spokesman as saying that the programming had "security implications." The NBC warned the station that it would face "serious sanction" if it aired the program again.

In May 2007 armed men invaded the Broadcasting Corporation of Oyo State, where the Oyo State radio and television stations were located. Some workers were injured as the men vandalized the studios, carted away broadcast equipment, and disrupted broadcasting. The affiliation of the armed men had not been determined by year's end.

Local NGOs suggested that newspaper editors and owners underreported killings and other human rights abuses, due in part to government intimidation.

The law criminalizes libel and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limited the circumstances in which media defendants could rely on the defense of "fair comment on matters of public interest" and restricted the right to freedom of expression. Penalties for libel ranged from one to seven years' imprisonment.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. However, several Internet news sites critical of the Government experienced server problems which site owners attributed to government interference. Such disruptions in service usually lasted a few hours to a day.

Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. A 2006 survey revealed that only 1.3 percent of households owned a personal computer and that 1.5 percent had fixed line telephone service. Cyber cafes, unmonitored by the Government, were widely available in metropolitan areas.

Academic Freedom and Cultural Events.—State governments continued to restrict academic freedom by controlling curriculum at all levels, including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of gangs on campuses, particularly in the south, continued to hamper educational progress.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution and law provide for freedom of assembly, and the Government generally respected this right for progovernment rallies, while opposition gatherings continued to be restricted. In areas that experienced societal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

Police frequently cited the 1990 Public Order Act to disband meetings critical of the Government, in spite of the Abuja High Court's 2005 decision to strike down the act, which required a police permit to be issued for all public rallies and processions. The attorney general and the NPF appealed the decision, and in December 2007 the Court of Appeal in Abuja declared that a permit would no longer be necessary for any assembly, and that the Public Order Act infringed upon fundamental constitutional rights. Following the ruling, however, the inspector general of police announced that the NPF would appeal to the Supreme Court. There were no developments in the case at year's end.

The Government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

There were no developments in the March 2007 case in which groups affiliated with the PDP and DPP went on a 48-hour vandalism spree in Sokoto, destroying each other's party offices and members' vehicles. Several injuries were reported, and the police responded by banning all political rallies in the state through the April 2007 elections.

Security forces forcibly dispersed and arrested demonstrators during the year, resulting in numerous injuries.

There were no developments in the May 2007 case in which Abuja police detained more than 235 persons for attempting to protest the recent elections, and police in Lagos arrested approximately 80 others during the nationwide Labor Day celebrations, or the July 2007 case in which a team of mobile police officers accompanied by officials on the Abuja Environmental Protection Board (AEPB) disbanded an Abuja rally held to draw attention to hunger in the country. AEPB officers arrested Ojobo Atuluku, the country's nominee to the UN Committee on the Rights of the Child, and 20 other employees of ActionAid International, Nigeria (AAIN). AEPB official Muhammed Abuja, who led the arrest, stated that the march was illegal since the organizers did not obtain the board's permission. Police officers roughly handled the AAIN employees and used teargas to disperse the crowd.

Freedom of Association.—The constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice. The constitution and law allow the free formation of political parties. There were 50 parties registered with the Independent National Electoral Commission (INEC) at year's end.

c. Freedom of Religion.—The constitution and law provide for freedom of religion. Although the federal government generally respected religious freedom, there were instances in which limits were placed on religious activity to address security and public safety concerns.

The constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community; however, states, whether predominantly Christian or Muslim, generally favored the faith practiced by the majority of their residents. Many Christians alleged that the 2000 reintroduction and enforcement of criminal aspects of the Shari'a legal system and the continued use of state resources to fund the construction of mosques, the teaching of qadis (Shari'a court judges), and subsidies for the pilgrimage to Mecca in the 12 northern states amounted to the adoption of Islam as a de facto state religion. Moreover, the NGO Civil Liberties Organization (CLO) contended that the establishment of a Ministry of Religious Affairs and the creation of a preacher's council in Zamfara State were tantamount to adopting Islam as a state religion. However, several states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches.

The constitution provides that states may establish courts based on the common law or customary court law systems. Individual states in the north had elected to create Shari'a courts alongside the common law and customary courts. Many other states, including central states Benue and Plateau, had Shari'a appellate courts. In 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) reintroduced criminal law aspects of the Shari'a legal system. Prior to 2000 the courts used the Shari'a system to adjudicate civil matters only. Adherence to Shari'a criminal law was compulsory for Muslims in some states and optional in others. While the constitution technically does not permit non-Muslims to consent to Shari'a jurisdiction, in practice non-Muslims have the option of doing so when the penalty under Shari'a is less severe than under civil law (e.g., a fine rather than a prison sentence).

Although several northern states continued to ban public proselytizing to forestall ethno-religious violence, some Christian proselytizing groups nonetheless remained active. The bans generally were enforced on a case-by-case basis.

The constitution does not require students to receive religious instruction in secular public schools. However, state governments occasionally passed laws seeking to incorporate religious studies into the curriculum. NGOs such as the CLO claimed that the 12 northern states had made Islamic religious education compulsory in previously secular public schools. Authorities of several of these states claimed that schools did not require students to attend classes of a religious group other than their own, and that students could request a teacher of their own religious beliefs to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools.

Although the Government generally did not restrict distribution of religious publications, it sporadically enforced a ban against broadcasting religious notices on state-owned radio and television stations. Private radio stations regularly broadcast religious programming.

Although the expanded jurisdiction of Shari'a did not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Shari'a, such as the

separation of the sexes in public schools, health care, and public transport, also affected non-Muslim minorities in the north at times.

A number of states with expanded Shari'a laws sanctioned enforcement by private groups known as the Hisbah, which were funded by state governments. In some cases these groups had authority to make arrests, but they primarily served as traffic wardens and helped regulate commercial activity in the marketplace. Hisbah groups were active during the year in Zamfara, Niger, and Kano states.

Although most Shari'a states did not criminalize alcohol consumption by non-Muslims, Kano State maintained laws providing for steep fines and prison sentences for the distribution and public consumption of alcohol. However, there were no reports of non-Muslims being penalized during the year. In spite of the ban, alcohol was available in Kano at some hotel bars and restaurants and in the Sabon Gari area of Kano, where a majority of non-Muslims lived. During the year, however, the governor and state Hisbah began cracking down on the import of alcohol into Sabon Gari by mounting checkpoints and impounding vehicles carrying alcohol. The Legal Director of the Hisbah Board reportedly claimed the Hisbah had authority to operate throughout the state. Others responded that the federal constitution, which permits the sale of alcohol, has priority over the Hisbah's mandate. In some northern states, government officials restricted the sale and public consumption of alcohol to federal government installations, such as military and police barracks.

On November 17, press reports indicated that the Chairman of the Liquor Licensing Board announced that 427 persons were arrested and 54 convicted in Minna, Niger State for violating the state liquor law which prohibits the sale and consumption of alcohol in specified areas. The sentences for those convicted could not be confirmed.

Societal Abuses and Discrimination.—The law prohibits religious discrimination in employment and other practices; however, private businesses frequently discriminated on the basis of religion or ethnicity in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between “indigenes” and “settlers” led to some societal discrimination against minority ethnic and religious groups.

Religious differences often mirrored regional, tribal-ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups. Interreligious tension between Christians and Muslims remained in some areas, and conflicts of a socioeconomic or political nature often divided persons along religious lines.

There were a few instances of societal abuse and discrimination against members of Jehovah's Witnesses who refused for religious reasons to join local age-grade associations or women's associations.

Ethno-religious violence resulted in numerous deaths and the displacement of thousands of persons throughout the country.

On November 27, in Jos, ethno-religious violence erupted during the vote tabulation for the Jos North Local Government Area elections, resulting in the deaths of approximately 300 persons. As with previous such outbreaks, local elites may have exploited underlying tensions between the Muslim Hausa-Fulani in Jos North and surrounding Christian ethnic groups for political purposes. Credible reports indicate police used lethal force during attempts to quell the violence, killing many civilians (See Section 1.a.).

On August 31, Muslims in Ilorin, Kwara State, allegedly set fire to the four-year-old, 20 million naira (approximately \$170,575), Christ Apostolic Church building in the Baboko area due to its proximity to a mosque. Local Muslim leaders had complained to the Inter-Religious Committee, an interfaith panel established by the state government to mediate Muslim-Christian conflicts, and after initially rejecting their complaint, the committee offered the congregation 3 million naira (\$24,580) and ordered them to relocate. The church leadership rejected the directive and appealed to the committee to reconsider. There were no additional developments at year's end.

There were no reports of anti-Semitic acts during the year. There are an estimated 30,000 members of the Jewish community and 26 synagogues in the country.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and while the Government generally respected these rights, police occasionally restricted freedom of movement by enforcing

curfews in areas experiencing ethno-religious violence, and routinely set up roadblocks and checkpoints to extort money from travelers. Security officials continued to use excessive force at checkpoints and roadblocks. On some roads police maintained checkpoints every few miles.

Following the November ethno-religious riots in Jos, security forces instituted a 7:00 pm to 6:00 am curfew throughout Jos. The curfew remained in place at year's end.

The FCDA continued to demolish homes and businesses illegally in the FCT, which left numerous persons homeless.

Internally Displaced Persons (IDPs).—Ethnic conflict along the borders of Benue, Taraba, and Ebonyi states resulted in the displacement of hundreds of persons throughout the year as they fled their homes to avoid further persecution in the decades-old ethnic disputes over farmland and political power. The governors of Benue, Taraba, and Ebonyi states attempted to quell the violence through meetings with local leaders, curfews, and development programs. The federal government deployed mobile police units to affected areas to prevent further violence.

For example, on January 19, a week of renewed hostilities erupted between the Agile community in Benue State and their Mgbo neighbors in Ebonyi State. Residents of Agile fled their homes; schools, churches and homes were destroyed; and five persons were reported killed.

On March 25, violence erupted between the Jukun and Kuteb communities of Taraba State, which reportedly resulted in the deaths of seven persons, destruction of property, and displacement of the Kuteb community. The Government deployed mobile policemen to the area to prevent further violence. On December 28, the violence reignited when the Kuteb protested the Jukun trying to hold a cultural festival known as Puje. The Kuteb were previously prohibited by the Government from holding their own cultural festival, Kuchicheb, earlier in the year. The clash reportedly resulted in millions of naira worth of damage, thousands of residents fleeing for safety, and seven deaths.

On July 23, a violent clash between the Atagenyi and Omelemu communities of Benue State resulted in attacks and counterattacks that left five persons dead, property destroyed, and which displaced all residents of Atagenyi, Omelemu, and neighboring Ojantle.

On August 14, the federal government ceded the Bakassi Peninsula to Cameroon in accordance with a 2002 International Court of Justice decision. The Cross River State Emergency Management Agency estimated that 3,855 Nigerians were displaced and resettled in the Ekpiri Ikang Local Government Area (renamed the Bakassi Local Government Area) of Cross River State, where the federal government was constructing homes and facilities for the IDPs. A majority of the IDPs, however, did not remain in the resettlement center and relocated on their own, claiming that the facilities were inadequate and that they would rather decide for themselves where to live. By October, all non-native Cross River IDPs had reportedly resettled in Delta, Bayelsa, Rivers, and Akwa Ibom States.

Protection of Refugees.—The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and granted refugee status or asylum. The Government cooperated with Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, its federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications.

Refugee camps were generally overcrowded, and refugees' requests for police and judicial assistance usually received no attention. Refugees, like citizens, had poor access to the courts.

In early February, due to escalating violence in neighboring Chad, more than 2,000 refugees fled to Gamboru-Ngala in Borno State. According to the ICRC, the State of Borno housed the refugees in an abandoned building and new camp on the outskirts of town, while the Nigerian Red Cross and the Nigeria Immigration Service registered all the refugees. By February 10, after the violence subsided, most refugees had returned to Chad.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to a few hundred persons during the year.

In August 2007 the Government signed a multipartite agreement with the Governments of Liberia and Sierra Leone, the Economic Community of West African States, and UNHCR to locally integrate Liberian and Sierra Leonean refugees. In November 2007 the Government held a national conference in Abuja to develop a plan to implement the integration; however, the plan had not been implemented by year's end.

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

The constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage; however, citizens' right to change their government was abridged during the most recent national and state elections in April 2007, which were conducted amid widespread fraud and numerous incidents of violence.

Elections and Political Participation.—In May 2007 Umaru Musa Yar'Adua was sworn in as president with his Vice President Goodluck Jonathan. The inauguration marked the first transition from one elected presidential administration to another since the country gained independence from Britain in 1960. However, the 2007 election that brought them to power was deemed fundamentally flawed by citizens and international observers alike. In August 2007, as part of his pledge to address the shortcomings in the electoral system, President Yar'Adua established the Electoral Reforms Committee (ERC), consisting of governmental and NGO representatives, which was charged with bringing the electoral process up to international standards. On December 11, following regular meetings throughout the year and public hearings across the country in May and June, the ERC submitted its report to President Yar'Adua. The report cited the lack of independence for INEC and state electoral committees as key deficiencies in the April 2007 electoral process, and it recommended a system of proportional representation for both legislative and local elections as well as the reinstatement of independent candidacies. The report also called for the creation of three new commissions that would alleviate INEC of many responsibilities, in an effort to allow it to focus solely on conducting elections.

The April 2007 presidential, national assembly, gubernatorial, and state-level elections were marred by poor organization, widespread fraud, and numerous incidents of violence. The Government, through INEC, undertook voter registration; however, this effort was poorly organized, seriously flawed, incomplete, and not widely publicized. Although INEC claimed 60 percent voter turnout nationwide, most independent observers estimated it at less than 20 percent. In some states, local and international observers reported that they were unable to locate any open polling stations where voting was supposed to be taking place, despite INEC's later claims of voter turnout well above 50 percent for those polling stations. In other states, observers noted polling stations did not open until the late afternoon and were forced to close in the early evening due to darkness or state curfews, thereby restricting the number of voters who could be processed and allowed to vote.

A total of 43 parties participated in the national assembly elections, and 24 parties in the presidential election. The European Union Election Observation Mission stated that the elections "fell far short of basic international and regional standards for democratic elections," while the Transition Monitoring Group—a coalition of over 60 organizations throughout the country that monitors elections, encourages voter participation, and promotes proper voting procedures—described the elections as "a charade." All major independent observer groups, international and domestic, issued statements questioning the fairness of the elections and cited problems throughout the country including ballot stuffing, intentional miscounting at both polling stations and ballot compilation stages, underage voting, multiple voting, intimidation, violence, and at least 300 deaths, including some politically motivated killings. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those by other parties.

Following the elections, election tribunals received over 1,250 legal motions filed across the country to overturn the results of individual elections for all levels of government posts, including the presidency. Both major rival candidates of Yar'Adua—Atiku Abubakar and Muhammadu Buhari—petitioned for the annulment of the presidential race. The tribunal upheld the election, but Abubakar and Buhari appealed to the Supreme Court. On December 12, the Supreme Court rejected the appeals, thereby upholding the election of President Yar'Adua in a 4–3 decision. The cases filed to overturn National Assembly results included a case contesting the election of Senate President David Mark in Benue State. Although the tribunal challenged the results of Mark's election in part of the district, this ruling was overturned by the Court of Appeal. By year's end several tribunals had concluded their deliberations, resulting in the nullification of nine local-level elections, nine senatorial elec-

tions, and 11 gubernatorial elections. Due to discrepancies during the 2003 elections, the Government passed the Electoral Act of 2006, which outlines the legal procedures for conducting and contesting an election. Although it was widely accepted that the 2007 elections were fraudulent, most of the tribunals overturned elections based on technicalities such as lacking the party logo on the ballot or not having the party name listed, rather than for criminal activity or fraud related to the elections.

In some cases in which elections were rerun after the original results were annulled by tribunals, observers noted the same type of irregularities repeated as witnessed during the April 2007 elections.

Political violence occurred at federal, state, and local levels, as well as within political parties. However, NGOs could not agree on what constituted political violence or how many such incidents occurred. By March 2007, 51 cases of killings, kidnappings, and clashes among supporters in Bayelsa, Bauchi, Benue, Rivers, and Delta states were recorded by the Nigerian Alliance for Peaceful Elections. The South Africa-based Institute for Democracy claimed that as many as 280 persons were killed in the country between February and March 2007. The Government made little effort to investigate or bring charges in any of these cases of political violence.

On January 24, 10 persons were wounded when members of the PDP and AC clashed in Ibadan, Oyo State.

There were no developments in the February 2007 case in which at least 35 persons were killed during seven days of clashes in the Ogoni region of Rivers State, where two of former Governor Peter Odili's associates were fighting over political control; the March 2007 case in which fighting broke out between PDP and ANPP supporters in Abeokuta, Ogun State, resulting in the death of four persons; or the March 2007 case in which armed DPP supporters in Gombe stormed a magistrate's court, forcibly freeing DPP gubernatorial candidate Abubakar Habu Hashidu and wounding the judge presiding over his case.

There were no developments in the 2006 cases in which violence marred PDP local government congresses in several states.

The electoral law allowed those who felt they had been disenfranchised to leave their existing party and form a new one. Parties generally formed around individuals rather than on ideological grounds. There were allegations that new parties were established by the PDP for the purpose of confusing voters with large numbers of candidates.

There were no developments in the 2006 cases in which the SSS detained and questioned the leader of the Advanced Congress of Democrats, a political party that had recently been formed by former members of the ruling PDP; or in which eight leaders of the Turaki Vanguard, a campaign group supporting the vice president, were charged with belonging to an unlawful society.

Although there were more than 500 ministerial and National Assembly positions, men still accounted for more than 90 percent of the country's appointed and elected officials. There were only six female ministers out of 42, nine female senators out of 109 and 30 female representatives out of 360 at year's end. Although there were no female governors, five out of 36 states had female deputy governors.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country—this is referred to as Federal Character. The Yar'Adua administration was an example of this diversity: President Yar'Adua is a Fulani from the northern city of Katsina, the vice president is an Ijaw from the southern state of Bayelsa, and the senate president is an Idoma from the central state of Benue. The Government also attempted to balance other key positions among the different regions and ethnic groups. The political parties also engaged in "zoning," a practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the Government.

Government Corruption and Transparency.—Corruption was massive, widespread, and pervasive, at all levels of government and society. The constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors while in office.

The EFCC's anticorruption efforts waned, with little progress on prosecutions of federal, state, and local officials accused of corruption. On May 15, President Yar'Adua appointed Farida Waziri, a former assistant inspector general of police, as the new EFCC chairman. The Yar'Adua administration continued to voice publicly its commitment to fighting corruption at all levels; however, critics continued to

claim that some EFCC investigations were politically motivated, singling out political opponents of the administration while turning a blind eye to actions of those in favor, and that the EFCC did not always follow proper criminal procedure. Penalties for corruption, if found guilty, remained insufficient to serve as a deterrent.

On June 30, the EFCC arrested former ministers of aviation Femi Fani-Kayode and Babalola Borishade following a Senate probe into the 19.5 billion naira (approximately \$166 million) Aviation Intervention Fund. The two former ministers were charged with conspiracy and diversion of public funds due to inflating a 6.5 million naira (\$55,000) contract. On July 10, both Fani-Kayode and Borishade were released on bail. On December 22, however, the EFCC rearrested Fani-Kayode on charges of corruption and violations to the EFCC Money Laundering Act and Lagos Federal High Court remanded him to Ikoyi Prison in Lagos where he remained in custody at year's end. Trials for both defendants remained pending at year's end.

On July 31, the EFCC arrested former Adamawa governor Boni Haruna on a 21-count charge of misappropriating 93 million naira (approximately \$790,000) of the state's money. He was released on bail on August 8, and his trial was pending at year's end.

On August 7, the EFCC arrested former chairman of the Nigeria Ports Authority (NPA) Board of Directors Bode George and five other members of the NPA on a 163-count charge of abuse of office with the intent to defraud and illegal award of contracts worth 84 billion naira (approximately \$700 million). On October 28, the charges were reduced from 163 to 68 counts and the defendants were granted bail. The trial was pending at year's end.

On December 18, a Federal High Court in Enugu convicted former Edo State governor Lucky Igbinedion on only one-count of corruption despite the 142 counts filed alleging embezzlement of over 3.6 billion naira (approximately \$24 million). The court released Igbinedion and fined him 3.5 million naira (\$23,000), which he paid immediately. The EFCC was appealing the verdict due to the meager sentence.

There were no new developments in the July 2007 arrest on money laundering charges of four former governors- Chief Orji Kalu of Abia State, Saminu Turaki of Jigawa State, Reverend Jolly Nyame of Taraba State, and Joshua Dariye of Plateau State.

The EFCC prosecuted former governor of Abia State Orji Kalu for allegedly laundering an estimated 3.1 billion naira (approximately \$24.5 million) of Abia State funds. The Federal High Court in Abuja remanded Kalu to Kuje Medium Security Prison, where he spent 16 days before posting bail in August 2007. The attorney general attempted to have the trial discontinued based on an earlier Abia State High Court ruling that was intended to shield Kalu from arrest and trial. In September 2007 the EFCC appealed and insisted it had the right to arrest and prosecute Kalu. There were no new developments at year's end.

The trial of former Delta State governor James Ibori on a 103-count charge of abuse of office, corruption, and money laundering continued to be delayed at year's end. The EFCC arrested Ibori in December 2007 and remanded him to Kaduna Central prison until February 10, when a Federal High Court granted him bail.

The EFCC also investigated numerous federal government officials for allegedly accepting bribes from international companies. In December 2007 the Government suspended dealings and canceled a supply contract with Siemens Telecommunications pending an investigation into allegations it paid more than 687 million naira (approximately \$4.5 million) in bribes to federal officials in connection with four telecommunications contracts valued at 20 billion naira (\$130 million). Also in December 2007 the EFCC investigated numerous federal officials over a 700 million naira (\$6 million) bribe allegedly paid by Wilbros Group to facilitate a gas pipeline contract. Investigations were ongoing at year's end.

The trial of former governor of Ekiti State Ayodele Fayose was repeatedly delayed and rescheduled for February 2009. On January 7 a Lagos High Court granted Fayose bail and later gave him permission to travel abroad for medical treatment. In December 2007 Fayose surrendered to the EFCC to defend himself against allegations that he fraudulently obtained 11.8 billion naira (approximately \$101 million) from Ekiti State funds. The Federal High Court in Lagos remanded Fayose to Ikoyi Prison in Lagos on a 51-count charge of fraud, money laundering, and illegal diversion of public funds. Fayose pleaded not guilty but was denied bail. While still in custody, the Ekiti High Court issued a warrant for Fayose's arrest for the murder of Tunde Omojola, a former AC gubernatorial candidate who reportedly tried to stop Fayose from stealing a ballot box during local government elections in 2005.

There were no developments in the 2007 case involving the former Plateau State governor Joshua Dariye, who was arrested and later released on bail for alleged corruption.

There were no further developments concerning the July 2007 case of former Bayelsa State governor Diepreye Alamieyeseigha, who was arrested in 2005 on charges of money laundering, denied bail in 2006, pleaded guilty to six of the charges, was sentenced to 12 years in prison, but was released due to time already served. The court also ordered the confiscation and forfeiture of his assets, which allegedly consisted of six companies, nine properties located in several countries, and funds in excess of 2.4 billion naira (approximately \$20.4 million).

There were no laws providing for access to information, and the Government provided limited access in practice.

On September 23, President Yar'Adua required approximately 70 political office holders within the Presidency to take an oath of secrecy. Although a presidential spokesman downplayed the event as routine, NGOs and the press criticized the move as an attempt to limit transparency within the Government.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; but the Government's capacity, and at times willingness, to follow through on necessary reforms was lacking.

In September 2007 in an incident that observers described as a government effort to intimidate local civil society groups, the SSS detained and charged with espionage the American director of an NGO that worked to promote conflict management in the Delta region, her Nigerian colleague, and two German filmmakers for filming oil installations in the Delta. However, the Government later claimed that the filmmakers deliberately falsified their reason for entry into the country on their visa applications and were caught filming sensitive installations in the Delta without permission. In the process of trying to collect evidence, the SSS searched other NGO offices in the Port Harcourt area that were known to have a connection to the American. In November 2007 the attorney general filed a motion for the dismissal of the charges and all were released.

Numerous domestic and international NGOs were active in the country. Significant NGOs included AI, Civil Society Legislative Advocacy Center, the Alliance for Credible Elections, the Open Society Institute, ActionAid, the Campaign for Democracy, the Center for Law Enforcement Education, the Committee for the Defense of Human Rights, Global Rights, Human Rights Watch (HRW), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women's Consortium of Nigeria. NGOs were generally independent of the Government although some, such as WOTCLEF, which the previous vice president's wife chaired, had close government ties.

The Government frequently met with NGOs and civil society organizations; but few results came from their communications.

International NGOs, including AI and HRW, as well as the UN Special Rapporteur on Torture, actively addressed human rights issues in the country during the year.

The NHRC, which the Government tasked with monitoring and protecting human rights, had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC's operations were limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the Government. The commission published an annual report detailing specific human rights abuses including torture, prison conditions and extra-judicial killings.

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

The constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the Government did not enforce the law effectively.

Women.—The law criminalizes rape and provides penalties of 10 years to life imprisonment and/or 200,000 naira (approximately \$1,560) fine, but societal pressures and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for conviction. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. Rape continued to be epidemic in universities. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions. Although the occurrence of rape is widespread, the stigma attached to victims, rather than

the attackers, deters many from reporting crimes or pressing charges as perpetrators are rarely brought to justice.

The constitution provides for equality and freedom from discrimination; but there are no laws that criminalize gender-based violence, while some federal laws condone such violence. Domestic violence was widespread and often considered socially acceptable. Reports of spousal abuse were common, especially wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code, Northern Nigeria law 1963 cap 89, permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. In more rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse, if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.

Project Alert on Violence Against Women, a local NGO, initiated various outreach efforts to combat domestic violence. During the year they conducted training programs with the police in an effort to sensitize them to domestic violence, a "Catch Them Young" project that aimed to educate young people about physical and sexual abuse, and assisted faith-based organizations on providing counsel to victims of domestic abuse. Project Alert also maintained a shelter, called Sophia's Place, specifically for victims of domestic violence, which offered services such as counseling, legal aid, and skills acquisition. The Women's Rights Advancement and Protection Alternative was also a leading voice in the campaign on violence against women and continuously engaged in legislative advocacy for the passage of various bills on the protection of women's rights.

AI estimated in 2005 that two-thirds of the women in certain communities in Lagos State experienced physical, sexual, or psychological violence in the family, with husbands, partners, and fathers responsible for most of the violence. Discriminatory laws exacerbated the problem. For example, the penalty for sexual assault of a man is more severe than the penalty for the same offense against a woman.

The NDHS estimated that 19 percent of females had been subjected to FGM, although the incidence had declined steadily in recent years. While practiced in all parts of the country, FGM was much more prevalent in the southern region among the Yoruba and Igbo. Women from northern states were less likely to undergo the most severe type of FGM, infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had been subjected to it before their first birthday.

The federal government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable impediments that anti-FGM groups faced at the federal level, most refocused their energies on combating the practice at the state and local levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers states banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the local government area authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice, but financial and logistical obstacles limited their contact with health care workers on the harmful effects of FGM.

During the year there were no known prosecutions resulting from a 2005 Osun State law intended to punish persons who encouraged FGM. The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; and any person who other than for medical reasons performs an operation removing part of a woman or girl's sexual organs. The law provides for a fine of 50,000 naira (approximately \$385), one year's imprisonment, or both for a first offense, and doubled penalties for a second conviction.

FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention) during childbirth as scar tissue from the cutting often opens and tears. Additionally, women who suffered from fistula were often victims of other forms of abuse and neglect. The three delays that caused most fistulas were: delay in seeking care; delay in reaching a health facility; and delay in receiving care. Overcoming the first two delays in many Nigerian homes is dependent on the husband or male relative permitting the women to seek skilled care and providing resources for transportation. Most fistulas re-

sulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. Fistula sufferers were often abandoned or neglected by their husbands and families and ostracized by their communities. Without treatment, prospects for work and family life were greatly diminished and the women were often left to rely on charity.

Prostitution was pervasive, particularly in urban areas. There are statutes at both the federal and state levels criminalizing prostitution. All states that had adopted Shari'a had criminalized prostitution, and this ban was enforced with varying degrees of success. The police frequently used the antiprostitution statutes as tools for harassment, arresting prostitutes and holding them until they paid a bribe, but rarely prosecuting the cases in court. Corporate prostitution—the hiring of women as corporate employees in the formal sector to perform sexual acts to attract or retain clients to a company—was a problem, particularly in the banking industry.

Sexual harassment was a common problem. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common. In some parts of the country, women continued to be harassed for social and religious reasons. *Purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north. Although women's movement was restricted during daylight hours, many women pursued economic and social activities outside the home in the evening.

Women also experienced considerable economic discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination under traditional and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that many businesses operated with a “get pregnant, get fired” policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work. According to the Human Development Report 2007/2008 published by the United Nations Development Program, women earned only 40 percent of what men did and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

Although some women made considerable progress in both the academic and business worlds, women overall remained marginalized. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property.

In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. “Confinement,” which occurred predominantly in the east, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as one year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas a widow was considered a part of her husband's property, to be “inherited” by his family.

Polygyny is legal and continued to be practiced widely among many ethnic and religious groups.

Women in the 12 northern states were affected to varying degrees by Shari'a. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. Kano State's 2005 ban prohibiting commercial motorcycle taxis from taking women as passengers remained in place; however, it was not strictly enforced.

The testimony of women was given less weight than that of men in many criminal courts.

Children.—The Government seldom enforced even the inadequate laws designed to protect the rights of children.

Public schools continued to be substandard, and limited facilities precluded access to education for many children. The law calls for the Government, “when practical,” to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided, and the numerous required school fees

meant schooling was not free. A 2004 NDHS survey showed primary school net attendance rates of 64 percent for boys and 57 percent for girls, with approximately 96 percent of those attending completing five years of primary education. Secondary school net attendance was considerably lower, at 38 percent for boys and 33 percent for girls. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send children to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools. The literacy rate was 58 percent for men but only 41 percent for women.

While most schools in the north traditionally separated children by gender, the law requires this practice in Zamfara, Sokoto, and Kebbi state schools. In August, Bauchi State banned coeducation at all junior and senior level schools. The law listed the need to fight teenage pregnancy and poor performance as justification. Private schools were exempt.

To lessen the gap between boys' and girls' access to education, the UN Children's Fund (UNICEF) collaborated with the Government on a Strategy for Acceleration of Girls' Education in Nigeria, which resulted in the launch of the Girls' Education Project (GEP) in 2004. The GEP proved to be a successful pilot, and enrollment for girls improved as did attendance and retention rates. In 2007 the Government allocated 822 million naira (approximately \$7 million) for the provision of water and sanitation facilities at schools. However, the GEP program ended in 2007, leaving the local governments responsible for maintaining the progress. During the year, the GEP was only implemented in a small number of schools in a few states.

Girls and boys had equal access to government health care. However, girls were much more likely than boys to receive complete immunization series against childhood diseases. Complete immunization rates were 17 percent for girls and 9.1 percent for boys.

FGM was commonly performed on girls in southern areas of the country.

Cases of child abuse, abandoned infants, child prostitution, and physically dangerous child labor practices remained common throughout the country. The Government criticized child abuse and neglect but did not undertake any significant measures to stop traditional practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north. On January 3, Kano State Deputy Police Chief Suleiman Abba reported an upsurge of child rape, noting that the 54 recorded cases during the final six months of 2007 accounted for two thirds more than the number recorded for the first six months.

Many children were homeless and lived on the streets. There were no known statistics on their numbers. Major factors that caused children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community. HIV/AIDS also greatly increased the numbers of orphaned street children.

In the north, an estimated two million children were "almajirai," or children whose parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars who were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almajirai with sufficient shelter or food, and many of these children were effectively homeless. During the year the Government distributed 90 million naira (approximately \$770,000) to 15 states for the induction of Koranic education into the mainstream educational system. Officials at the Universal Basic Education agency reported that each participating state received six million naira (\$51,300) for the project which was targeted at the rehabilitation, integration, and education of the almajirai.

Trafficking in Persons.—Although the law prohibits trafficking in persons, persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for trafficked persons during the year. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National

Agency for Prohibition of Trafficking in Persons (NAPTIP) came from Akwa Ibom and Edo states. In 2006 the executive director of the Women's Consortium for Nigeria stated that the country, and Ogun State in particular, was a strategic location for traffickers engaged in trafficking to, from, and within the country. In 2005 the International Labor Organization (ILO) estimated that 40 percent of child street peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution and domestic labor to Italy, Austria, Spain, Norway, Belgium, the Netherlands, Greece, the United Kingdom, Russia, and countries in West and Central Africa. UNICEF estimated between 50,000 and 70,000 African female trafficking victims were in Italy for prostitution, of whom 70 percent were from Nigeria. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated 5,000 Beninese children were trafficked into Abeokuta, Ogun State, and forced to work in the granite mines.

Women and children were most at risk of being trafficked. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country's borders. Children in rural areas were trafficked to urban centers to work as domestics, street peddlers, and beggars.

The UN Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other persons already known to the victims. Traffickers employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and pay. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases, traffickers employed practitioners of traditional magic to threaten victims with curses to procure their silence. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, Libya, and Morocco.

Child trafficking increased in the southeast states of Abia, Ebonyi, and Enugu, specifically the selling of babies through illegal and unregistered hospitals and maternity homes. Many young girls, upon discovering they were pregnant, decided to enter these hospitals in order to make money from selling the baby. NAPTIP officials reported that the girls received 20–30,000 naira (approximately \$170–\$255) for selling the baby; the baby was then resold for 300–400,000 naira (\$2550–\$3400) in illegal and undocumented transactions. Reportedly babies were sometimes sold to legitimate couples who wanted a child, but also many babies were sold for use in rituals during which they were killed.

The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Prison terms range from 12 months to life, while fines range from 50,000–200,000 naira (approximately \$375 to \$1,500).

NAPTIP, a 585-employee agency nationwide with 109 investigators and 27 prosecutors dedicated to trafficking, bears primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also had antitrafficking units.

On August 20, the federal government passed the National Plan of Action (NPA) on Trafficking In Persons that was presented initially to former President Obasanjo in 2006. The NPA is a broad framework of action that covers research, prevention, prosecution, and protection and requires coordination between government, law enforcement agencies, the legislature, NGOs. Despite the passage of the NPA, implementation had not begun by year's end as the Government continued to devote inadequate resources to curb trafficking. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and recordkeeping improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events. On September 4, NAPTIP, in association with the American Bar Association-Rule of Law Initiative, commissioned the Trafficking in

Persons database, Very Small Aperture Terminal (VSAT) and solar power project. The database connected all NAPTIP zonal offices via VSAT with a solar-powered server, providing 24 hour access and operational capacity, despite frequent power outages. The database was established to allow law enforcement and civil society across the country to collect and collate data in an effective and efficient manner to better track both criminals and victims, enhancing both prosecution and protection.

Preliminary data indicated that during the year NAPTIP investigated 149 new cases, prosecuted 37 new cases, and obtained 20 convictions. At year's end there were 66 cases pending. Observers attributed the low conviction rate to witnesses' reluctance to testify and the slow progress of cases through the courts.

The NPF Antitrafficking Task Force was established in 2005 and staffed 22 units in states with the worst trafficking problems. Officials complained of insufficient funding to support investigative field work.

The Government increased collaboration on investigations with law enforcement agencies in the Netherlands, France, Spain, Italy, and Benin. Officials attended international workshops on trafficking, and the Government collaborated with Benin to arrest traffickers and repatriate trafficking victims. In August 2007 UNICEF and NAPTIP held a border coordination forum along the Nigeria-Benin border to discuss crossborder trafficking issues. During the year officials from NAPTIP conducted digital video conferences with Ghanaian officials and civil society members to instruct them on how Ghana's newly formed antitrafficking task force could best combat trafficking and create an agency similar to NAPTIP.

On September 10, NAPTIP announced the arrest of 60 Nigerians in eight European countries for human trafficking. In coordination with international agencies, NAPTIP had co-organized Operation Koovis, which was carried out in Belgium, France, Spain, Italy, Ireland, Germany, the Netherlands, and Britain, where the offenders faced prosecution.

Reports continued from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking persons across the country's borders. NAPTIP provided training to police and customs officials on trafficking. The law provides punitive measures for officials who aid or abet trafficking; however, NAPTIP and NPF found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges. In 2006 one police inspector was arrested in Abuja for releasing two trafficking suspects after receiving specific orders to hold them, but he was later released due to lack of evidence.

On November 12, the Government passed the National Policy on Protection and Assistance to Trafficked Persons in Nigeria which focused on the protection and rehabilitation of victims; but continued to provide limited funding for assistance. NAPTIP served as the point of contact for immigration and police officials when victims were found; 867 victims passed through the agency during the year. NAPTIP provided overnight shelter to victims, and agency officials connected victims to non-governmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP maintained a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received approximately 77 calls during the year. During the year the Government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families.

The Ministry of Employment, Labor, and Productivity, in collaboration with the ILO, NAPTIP, the police, and other federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families. In 2006 the ministry used funding from the ILO International Program on the Elimination of Child Labor (IPEC) to repatriate 350 trafficked child laborers to their countries of origin; however, this funding was not available for subsequent years, and the ministry did not repatriate any child trafficking victims during the year. The Government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration and the American Bar Association. NAPTIP also operated shelter facilities at secure locations in Abuja, Benin City, Uyo, Enugu, Sokoto, and Kano. The Ministry of Women Affairs operated two shelters, one in Kano and another in Benin City.

The Government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the police officers worked together to provide assistance. NAPTIP organized "town hall" meetings with NGOs to bring together community and traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued efforts to protect victims. An Edo

State NGO, Idia Renaissance, operated a youth resource center, funded by UNICEF and foreign organizations, which provided job-skills training and counseling to trafficking victims and other youths. The Society for the Empowerment of Young Persons, with support from the American Bar Association, provided vocational training and business mentoring support to trafficking victims in Edo State.

The stakeholder forum, established by NAPTIP in 2003 to conduct training of security and immigration officials and hold meetings with local government leaders to raise awareness of trafficking issues, was supposed to meet monthly in each state and quarterly in Abuja; however, involvement at the state level waned over the year. Two national forums were held in Abuja during the year, both with large attendance by law enforcement officials, ministerial and government representatives, NGO groups and diplomatic missions. NAPTIP officials met with several major traditional leaders to raise their awareness regarding trafficking and the antitrafficking law. NAPTIP also worked with the media to raise awareness among the public, and officials appeared on national talk shows and state programs. On August 5–6, NAPTIP conducted the First Anti-Human Trafficking Awareness Week in Abuja to celebrate the fifth anniversary of the agency and to launch the Red Card to Human Trafficking. The Red Card is an informational card for distribution that includes facts about trafficking and phone numbers for NAPTIP's zonal hotlines. Events consisted of press conferences, a charity walk, a two-day sensitization workshop, a benefit dinner, an awards dinner, and the launch of the Victims Trust Fund. The Government continued implementing the ILO/IPEC West Africa Cocoa Agriculture Project to prevent the trafficking or employment of children in commercial agriculture, especially cocoa production.

State-level antitrafficking committees consisting of immigration officials, civil society organizations, law enforcement agents, and federal ministries existed in 26 states; but not all were active. These groups were charged with coordinating action in trafficking cases among their respective organizations. Several state governments continued significant prevention efforts during the year, including awareness campaigns among at-risk populations. NAPTIP's Public Enlightenment Unit conducted several awareness events throughout the country.

Persons With Disabilities.—There are no laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. There are no laws requiring physical accessibility for person with disabilities.

Persons with disabilities faced social stigma, exploitation, and discrimination, and were often regarded by their own families as a source of shame. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Many indigent persons with disabilities begged on the streets.

The Government ran vocational training centers in Abuja and Lagos to train indigent persons with disabilities. Individual states also provided facilities to assist blind and otherwise physically incapacitated individuals to become self-supporting. Persons with disabilities established a growing number of self-help NGOs such as the Hope for the Blind Foundation in Zaria, the Kano Polio Victims Trust Association, the Joint National Association of Persons with Disabilities, and Comprehensive Empowerment of Nigerians with Disabilities.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group; however the three major groups-Hausa, Igbo, and Yoruba- jointly constituted approximately half the population. Ethnic discrimination was practiced widely by members of all ethnic groups and was evident in private-sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a low rate of intermarriage across major ethnic and regional lines. There was a long history of tension among some ethnic groups.

Many groups complained of insufficient representation in government.

The law prohibits ethnic discrimination by the Government, but claims of marginalization continued, particularly by members of southern groups and Igbos. In particular the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum agencies and committees and within the security forces. The constitution requires that the Government have a "national character," meaning that cabinet and other high-level positions are distributed to persons representing each of the 36 states. Traditional relationships continued to be used to impose pressure on individual government officials to favor their own ethnic groups for important positions and other patronage.

In 2006 HRW published a report on discrimination against nonindigenes. While all citizens have the right to live in any part of the country, state and local governments frequently discriminated against those whose ethnic group was not judged to be indigenous to the area, occasionally compelling individuals to return to a part of the country where their ethnic group originated but to which they had no personal ties. The Government sometimes compelled nonindigenes to move by use of bulldozers, threats with clubs and torches, and discrimination in hiring and employment. When they were allowed to stay, these persons experienced discrimination including denial of scholarships and exclusion from employment in the civil service, police, and the military.

In Plateau State, the Hausa and Fulani, most of whom were Muslim and considered nonindigenes, claimed to face significant discrimination from the local government in scholarships and government representation.

Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups continued to express unhappiness regarding the economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area.

Religious differences often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year.

Interethnic fighting in Warri, Delta State, continued to wane following a 2004 ceasefire.

Interethnic fighting elsewhere displaced thousands of persons. For example, on October 2, Ebonyi State Governor Martin Elechi announced the immediate relocation of the Ezza-Ezillo community to Egu-Echara, a nearby village, for no less than 90 days. The governor also declared a dusk to dawn curfew and asked for military assistance to restore normalcy after months of continued violence. The tensions began on May 10, when approximately 200 homes were razed due to a clash over control of the local market land. On November 27, ethno-religious fighting in Jos resulted in the killings of hundreds of persons and the displacement of thousands to makeshift camps, in which access to food, water, and other necessities was sporadic. Most of the displaced persons had vacated the camps and returned to their homes by year's end.

Conflict over land rights continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups living near the convergence of Nassarawa, Benue, and Taraba states.

Other Societal Abuses and Discrimination.—Homosexuality is illegal under federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted Shari'a law, adults convicted of engaging in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed during the year. Because of widespread taboos against homosexuality, very few persons were openly homosexual.

On September 12, local newspapers Nation, Vanguard, PM News and the Sunday Sun published photos, names, and addresses of members of the House of Rainbow Metropolitan Community Church, a lesbian, gay, bisexual, and transgendered-friendly church in Lagos. Following publication, persons started harassing the 12 members. One woman was attacked by 11 men, while others were threatened, stoned, and beaten. No investigation was initiated by year's end.

There were repeated delays in the trial of 18 men arrested in August 2007 by Bauchi State police and charged with "addressing each other as women and dressing themselves as women," which is illegal under the Shari'a penal code. The men, all in their twenties, also were charged originally with sodomy, but the charges were later changed to "vagrancy" under the Bauchi State Islamic code. All 18 accused remained free on bail at year's end, but no developments occurred in their trial.

There was widespread discrimination against persons living with HIV/AIDS, which the public considered a disease resulting from immoral behavior. Persons living with HIV/AIDS often lost their jobs or were denied health care services. Public education campaigns were implemented to reduce stigma and change perceptions of the disease.

In September the Bauchi State Agency for the Control of HIV/AIDS, Tuberculosis, Leprosy, and Malaria announced an initiative to pair up HIV-positive couples for marriage in an attempt to reduce the spread of the disease. The couples were introduced during counseling sessions and had the right to say yes or no to a partner suggestion. By year's end more than 70 HIV positive couples were matched and married. UNAIDS voiced concern over the plan due to the increased risk of passing the virus on to any children born and the possibility of leaving the children orphaned.

Section 6. Worker Rights

a. The Right of Association.—The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, some statutory limitations on the right of association and on trade unions restricted this right. Some of these restrictions were put in place to curb the practice of forming thousands of small unions with as few as three or four employees each.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the federal mint, and the Central Bank. The Government's application of the "essential worker" designation was broad compared to the ILO definition. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the establishment of the enterprise.

According to figures provided by the Michael Imoudu National Institute for Labor Studies, eight million workers belonged to unions. Approximately 60 percent of formal sector workers belonged to a union. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employed most workers, was not organized. The agriculture sector is considered both formal and informal. Farmers that produced at subsistence level are mostly considered informal; while commercial farmers, particularly plantation owners, government extension workers, and mechanized farmers, are mostly considered formal, since they pay wages. There is no law that forbids the informal sector from organizing, but it is a difficult group to define into recognized sectors, and as a result not easy to organize. Most workers in the informal sector operate through thrift and cooperative societies, which help with daily savings and loans to meet business needs.

Trade union federations, now called "central labor organizations," must be registered formally by the Government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union.

The law allows unions to conduct their activities without interference; however, the law also narrowly defines what union activity is legal.

The law limits the right to strike to matters pertaining to breach of contract or wages and conditions of work, thereby prohibiting strikes over matters of national economic policy; however, the ILO ruled that this policy is contrary to ILO conventions. The Government chose not to enforce this provision of the law during the June 2007 strike over fuel prices and other national policy issues.

Workers outside the legally defined category of "essential" had the right to strike, although they were required to provide advance notice. A worker under a collective bargaining agreement cannot participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government. Workers can bring labor grievances to the judicial system for review; however, the courts did not ensure due process in the protection of workers' rights. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed under the law. Despite this restriction, workers successfully closed airports during the June 2007 national strike without punitive reaction from the Government.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to the Industrial Arbitration Panel (IAP), with the approval of the Labor Ministry. The IAP's decisions were binding on parties but could be appealed to the National Industrial Court. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome, time-consuming, and an ineffective deterrent to retribution against strikers.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to both organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. However, collective bargaining in the private sector was restricted.

The Ministry of Labor is responsible for monitoring and addressing reported cases of antiunion discrimination, but in most cases workers' fears of negative repercussions prohibited them from reporting antiunion activities.

There were reported cases of Chinese employers failing to comply with labor laws pertaining to the protection of union organizing, especially in the construction sector.

Workers and employers in EPZs were subject to sections of the national labor laws pertaining to EPZs, which provided for a 10-year prohibition on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition the law allows the Nigerian Export Processing Zones Authority, which was created by the federal government to oversee management and operations of EPZs, to handle the resolution of disputes between employers and employees, instead of workers' organizations or unions.

c. Prohibition of Forced or Compulsory Labor.—Although the law prohibits forced or compulsory labor, including by children, there were reports that it occurred. Enforcement of the law was not effective in many parts of the country. During the year the Government undertook training and sensitization programs in several regions to improve enforcement.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Nigeria Labour Act sets a general minimum age for employment of 12 years. Young persons under age 14 may only be employed on a daily basis, and must receive the day's wages at the end of each work day, and be able to return each night to their parents' or guardian's residence, but these regulations do not apply to domestic service. The Act also provides exceptions for light work in agriculture and horticulture for work in which the employer is a family member.

For industries and work on vessels, where a family member is not employed, the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.

High numbers of children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Children also worked in the agricultural sector and in mines. Boys were forced to work as bondage laborers on farms, in restaurants, small businesses and granite mines, street peddlers, and beggars; while girls were forced to work as domestic servants, street peddlers, and were exploited for commercial sex purposes. The 2005 UNICEF State of the World's Children report estimates that 39 percent of children aged five to 14 were involved in child labor (not necessarily exploitative) in the country. Similarly, a 2003 study conducted by the Nigerian National Bureau of Statistics in conjunction with the International Labor Organization (ILO) estimated as many as 15 million children were working in Nigeria, with as many as 40 percent of them at risk of being trafficked for forced labor. The same study estimated as many as two million children work more than 15 hours a day.

In addition to Nigerian children, there were reports of thousands of trafficked Beninese children forced to work in granite mines in Abeokuta, Ogun State. In Abakaliki, Ebonyi State, children could be seen from the road hammering down large pieces of rocks, bundling them into bunches, and carrying them on their heads; but there were no official statistics on their country of origin.

The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems and had an inspections department responsible for enforcement of legal provisions relating to conditions of work and protection of workers. Although the inspectorate employed nearly 400 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Complaints rarely were made by victims or their guardians due to intimidation and fear of losing their jobs. Labor inspections were mostly random, but occasionally occurred when there is suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. NAPTIP bears some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

The Government's child labor policy focused on intervention, advocacy, sensitization, legislation, the withdrawal of children from potentially harmful labor situations, and rehabilitation and education for children following their withdrawal. The Ministry of Employment, Labor, and Productivity was responsible for enforcement of the law. During 2007 the ministry conducted 110 child labor inspections, 410 regular labor inspections, and four comprehensive inspections. In 2006 the ministry also trained approximately 120 labor inspection officers on child labor laws; trained 80 officers to perform inspections in high-risk activities in agriculture, mining, and the informal sector; and trained 20 officers to perform rapid assessment surveys in these critical sectors. As of year's end the exact amount of funding for continued training programs could not be confirmed; however, the ministry reported that 10

training and awareness raising programs and additional child labor staff were funded by the Government during the year.

Public awareness of child labor increased, and the Government demonstrated its commitment to addressing the problem throughout the year. The federal government passed the Child Rights Act in 2003; but it required state level ratification for full implementation. Four states passed the law during the year: Akwa Ibom, Benue, Osun, and Edo; bringing the total to 20 states plus the FCT. The following states previously ratified the Child Rights Act: Abia, Anambra, Bayelsa, Delta, Ebonyi, Ekiti, Imo, Jigawa, Kwara, Lagos, Nasarawa, Ogun, Ondo, Oyo, Plateau, and Taraba. UNICEF continued work with stakeholders to ensure enforcement of the law in these states and advocate for passage in the others.

In an effort to keep them from and withdraw children from the worst forms of child labor, the Ministry of Labor established and upgraded skills acquisition and vocational training centers.

Private and government initiatives to stem the incidence of child employment continued but were ineffective. The Government continued to gradually implement the ILO/IPEC Sustainable Tree Crop Program (STCP) in the cocoa and other agricultural subsectors, a component of which was to sensitize farmers on hazardous child labor and child trafficking for labor exploitation issues. Akwa Ibom, Ondo, Cross River, and Abia states participated in the STCP during the year.

e. Acceptable Conditions of Work.—The law sets a minimum wage, which was reviewed infrequently by a tripartite committee which provides recommendations to the National Assembly. The national minimum wage did not provide a decent standard of living for a worker and family. The Government directed each state administration to establish its own salary structure based on its ability to pay, with a floor of at least the national minimum wage. Some federal ministries, states, and private sector companies raised their monthly minimum wage for all employees to 9,000 naira (approximately \$71.42). However, there were complaints that the minimum wage was not being implemented in some states. Following the June national labor strike, the monthly minimum wage increased 15 percent to 8,625 naira (\$68.45) with a 13-month year as the law mandates and extra month's pay for the Christmas holiday. On June 28, the National Union of Teachers began a nationwide strike which lasted almost two months, closing schools and sending pupils home. The union called for a standardized national wage structure and an increase in salaries to a living wage. The Government, through the Ministry of Labor and the Ministry of Education, refused to negotiate with the union, since teachers' wages are set at the state level. The Ministry of Employment, Labor, and Productivity is responsible for monitoring compliance with the minimum wage, which was strictly enforced for companies with more than 50 employees. When a company with fewer than 50 employees was found to pay less than the minimum wage, the ministry reviewed the company's records to determine whether it was capable of paying the minimum wage and then issued a ruling.

The law mandates a 40-hour workweek, two to four weeks' annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law prohibits excessive compulsory overtime for civilian government employees. Labor leaders reported that the law can be interpreted as prohibiting some forms of excessive, compulsory overtime; however, workplace health and safety conditions were not properly monitored, and enforcement was irregular due to insufficient police and factory inspectors. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the inspectorate division of the Ministry of Employment, Labor, and Productivity inspect factories for compliance with health and safety standards. However, this agency was greatly underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety oversight at most enterprises, particularly construction sites and other nonfactory work locations. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents; however, the law was not strictly enforced. The Factories Law provides for the protection of employees in hazardous situations, including the right to remove themselves from such situations; however, the law did not provide similar provisions for other workers.

The labor laws apply to legal foreign workers, but not all companies respected these laws in practice.

RWANDA

Rwanda is a constitutional republic dominated by a strong presidency. The population was approximately nine million. In 2003 President Paul Kagame was elected to a seven-year term in largely peaceful but seriously marred elections. Chamber of Deputies elections took place on September 15 and were peaceful and orderly, despite irregularities. The Rwanda Patriotic Front (RPF) dominated the legislature, and the September elections further cemented its position. Civilian authorities did not always maintain effective control of the security forces, and security forces acted independently.

Significant human rights abuses occurred, although there were improvements in some areas. Citizens' right to change their government was restricted, and local defense forces (LDF) personnel were responsible for four killings during the year. Violence against genocide survivors and witnesses by unknown assailants claimed at least 16 lives. There were reports of torture and abuse of suspects, although significantly fewer than in previous years. Prison and detention center conditions remained harsh. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem, and government officials attempted to influence judicial outcomes, mostly regarding the community-based justice system known as *gacaca*. There continued to be limits on freedom of speech and of association, and restrictions on the press increased. The Government limited religious freedom, and official corruption was a problem. Restrictions on civil society, societal violence and discrimination against women, recruitment of child soldiers by representatives of a Democratic Republic of the Congo (DRC)-based armed group, trafficking in persons, child labor, and restrictions on labor rights occurred.

On December 12, the UN Group of Experts on the Democratic Republic of Congo Report Pursuant to UNSCR Resolution 1807 reported that Rwandan authorities have supplied military equipment and been complicit in recruiting soldiers, including children, to support the Congolese rebel National Congress in Defense of the People, led by a former general of the Congolese Armed Forces, Laurent Nkunda. Also in December the Rwandan and Congolese governments met to develop a joint strategy to eliminate the Democratic Forces for the Liberation of Rwanda.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reported political killings by the Government or its agents; however, the LDF allegedly committed four unlawful killings during the year. The Government generally investigated security force killings and prosecuted perpetrators; however, no action was taken against police officers responsible for the 2007 shooting deaths of 22 criminal suspects.

LDF personnel shot and killed local residents. For example, in July, in Kigali's Nyagatare sector, an LDF member shot and killed a university student fleeing an altercation. The LDF member was detained, but there were no details on the status of the investigation at year's end. Following the death of the student and three other killings by the LDF in a six-month period in the same district, police disarmed all LDF members in the district.

Unidentified individuals reportedly killed several witnesses to the 1994 genocide throughout the country to prevent testimony and undermine the *gacaca* process, which the Government established to address certain categories of crimes related to the genocide (*See* Section 1.e.).

The Government investigated and prosecuted individuals accused of threatening, harming, or killing genocide survivors and witnesses or of exhibiting "genocide ideology." A special protection bureau in the Prosecutor General's Office investigated 794 cases, 269 of which were filed in court.

There were no further investigations of police for the shooting deaths of 22 criminal suspects between January and May 2007, despite a 2007 Human Rights Watch (HRW) report asserting that many of the killings appeared to be extrajudicial executions and recommending an independent investigation and prosecution of perpetrators. The National Police claimed they had insufficient resources to increase training for officers, upgrade detention facilities, and acquire restraint devices, as recommended by a 2007 police report.

There were no further developments after the 2007 police arrests of seven additional suspects in the reprisal killings of eight persons following the November 2006 killing of genocide survivor Frederic Murasira.

In June four members of the Rwanda Defense Forces (RDF) were arrested for complicity in the 1994 murders of 15 civilians, 13 of whom were clergymen, in Kabgayi district in the Southern Province. Two of the officers pled guilty to the

charges, and two denied guilt. In October the two officers who pled guilty were sentenced to eight years in prison for their role; the other two were acquitted.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit torture, and instances of torture and abuse of detainees and prisoners by police or prison officials were rare and not tolerated by officials, according to international observers and local human rights groups. A local nongovernmental organization (NGO) that assists torture victims confirmed that incidents and severity of abuse by authorities continued to decline. Authorities dismissed or disciplined some police officers for use of excessive force and other abuses during the year and transferred criminal cases for prosecution; however, impunity was a problem.

There were reports that police beat and detained members of the Jehovah's Witnesses who refused to participate in nighttime security patrols.

Isolated reports of torture and abuse by the LDF continued; however, unlike in the previous year, there were no reports of the collective punishment of residents by local authorities. In a July 2007 report, HRW noted several cases in which local authorities collectively punished residents through fines, involuntary labor, or beatings, generally in cases where violence or threats had been reported against genocide survivors or witnesses.

No action was taken against LDF members who in 2006 allegedly tortured a 17-year-old boy accused of theft in Muhanga District.

There were reports that unknown assailants on occasion harassed and threatened journalists and citizens.

Unlike in the previous year, there were no reports of injuries resulting from mob violence.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers were harsh. Individuals convicted of genocide-related offenses since gacaca hearings began nationwide in July 2006 comprised the majority of the approximately 59,000 prisoners in the country's 14 prisons. Police in a few police detention facilities sometimes beat newly arrested suspects to obtain confessions, and in July a senate committee called for the closure of the Gikondo transit center, where street children, vagrants, and street sellers were held in substandard conditions (*See Section 1.d.*). The Government remained committed to improving prison and detention center conditions, and reports of abuse of prisoners and detainees continued to decline.

The Government continued to improve prison healthcare but was unable to provide adequate medical treatment. The Government increased its food budget when in July it discontinued food contributions from family members of prisoners and instituted a prepaid canteen system that families could access. At year's end human rights groups monitoring the Government's ability to provide adequate nutrition to prisoners—especially those previously receiving family farm contributions—found no signs of malnutrition or other nutritional problems. Pregnant and breastfeeding prisoners, as well as female prisoners with small children, continued to receive food supplements from family members. The Government provided no food to prisoners in smaller jails or detainees in police stations awaiting hearings or transfers. Police regularly told crime victims that if they did not provide food to the accused, the accused would be released. Some prisoners transferred from police jails to national prisons had not been fed for several days.

The International Committee of the Red Cross (ICRC) provided additional expertise and medical, logistical, and material support to improve conditions for inmates, including hygiene supplies, education programs, health monitoring, and construction programs to improve prison infrastructure.

There were a number of deaths in prison during the year, largely the result of preventable diseases and suspected cases of HIV/AIDS. The Government operated HIV/AIDS counseling and treatment programs in five of the country's prisons, and prison deaths from preventable disease and other causes had stabilized at rates approximately similar to those found in the general population.

National prison policy prohibits the hiring of prisoners to perform work at private residences and businesses. However, community service was often part of a prison sentence for those who confessed to genocide-related crimes, and prisoners may work (uncompensated) on community projects such as building roads and bridges. Prisoners charged with criminal offenses unrelated to the genocide were not eligible to volunteer for work details. Prisoners often volunteered for such details, which provided time away from overcrowded prisons and in some cases extra privileges.

In some cases adult prisoners had access to the juvenile wards. There were reports of abuse of minors, both by other minors and by the adult prison population, especially among males.

Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial. The remaining high-profile political prisoner was kept in a special section of the Kigali "1930" prison.

The ICRC reported unimpeded access on an unannounced basis to the country's 14 prisons during the year. Local human rights NGO Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) reported similar ease of access to all prisons and was granted accreditation for an entire year, in contrast to previous years in which they had to reapply every three months. The Government also permitted independent monitoring of prison conditions by diplomats and journalists. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest or Detention.—The constitution and law provide legal safeguards against arbitrary arrest and detention; however, security forces arrested and detained persons arbitrarily and without due process. Some police officers were disciplined and dismissed for such activities.

Role of Police and Security Apparatus.—The RDF maintains external security. The Rwanda National Police (RNP), under the Ministry of Internal Security, has responsibility for internal security and is headed by a commissioner general and two deputy commissioners, one for operations and another for administration. Five assistant commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lacked basic resources such as handcuffs, radios, and patrol cars. During the year there were reports of arbitrary arrest, beatings, corruption, and lack of discipline within the police force. The police Office of Internal Affairs, which reports directly to the RNP commissioner general, investigated many of them.

The Prosecutor General's Office under the Ministry of Justice is responsible for prosecuting police abuse cases. A special Internal Affairs Office conducted investigations. There were six internal investigations referred to the courts by the Office of Internal Affairs at year's end, and 60 officers received administrative punishment on various counts of indiscipline, including the solicitation of bribes, beating persons, and absconding from duty. During the year 44 police officers were fired for misconduct. Acts which rose to the level of criminal offenses were referred to the Prosecutor General's Office, and several prosecutions were underway at year's end. The RNP advertised a toll-free number in the local radio and press encouraging citizens to report problems regarding police and the LDF.

During the year 305 officers received training on community relations, which included proper use of force and human rights; female officers participated in several RNP-sponsored workshops on professionalism and service provision.

Members of local communities chose community volunteers to serve in the LDF, a statutorily established law enforcement organization of approximately 20,000 members under the Ministry of Local Government that assisted police. The RNP exercised tactical control of the LDF, while local officials had responsibility for operational oversight. LDF members performed basic security guard duties throughout the country, including maintaining a presence at gacaca proceedings. LDF members were ordinarily unpaid and received less training than RNP officers. They did not have powers of arrest, but in practice they made arrests on orders from local administrative officers and on their own. Among its various duties, the LDF chased illegal street vendors, petty criminals, and prostitutes away from public areas. There were reports that the LDF acted with impunity when dealing with street vendors, street children, vagrants, undocumented residents, and some religious groups. During the year the Government publicly warned the LDF against involvement in criminal activity, prosecuted LDF members who committed crimes, and disarmed LDF members after unauthorized use of firearms; however, some human rights groups accused the Government of not taking sufficiently strong action against some LDF members and considered the organization abusive.

After LDF personnel shot and killed a student and three other persons during the year, police disarmed LDF members in the district (*See* Section 1.a.); in 2007 police removed weapons from LDF personnel in Musenze and Gicumbi districts after similar killings. The RNP began nationwide training and counseling to LDF members following such infractions, using military training facilities.

Arrest and Detention.—The law requires that authorities investigate and obtain a warrant before arresting a suspect. Police may detain persons for up to 72 hours without a warrant, and prosecutors must bring formal charges within 10 days of arrest. These provisions were sometimes disregarded during the year. At times police

used extrajudicial punishment when minor criminals confessed and the victims agreed to the police officer's recommended penalty, such as week-long detention or restitution. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is bail for minor crimes (with a maximum sentence of five years); authorities may otherwise release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order. Family members generally were promptly allowed to visit detained relatives. By law detainees are allowed access to lawyers, although are not allowed formal representation in the gacaca process. In practice, however, access to legal representation was impeded by the scarcity of lawyers (there were only 305 attorneys in the country, and most were located in Kigali). The Government did not provide indigent persons with free access to lawyers, but a Legal Aid Forum composed of 36 organizations, including domestic and international NGOs, the Bar Association, and university law faculties, provided legal aid services to indigent and vulnerable groups. Such resources were insufficient to provide lawyers to every indigent person. One international NGO also provided limited access to defense counsel outside the forum and assisted more than 1,200 clients during the year. The law requires the Government to provide minors with legal representation, which judicial observers cited as a factor in juvenile trial delays.

Security forces briefly detained several opposition campaign workers prior to the September 15 Chamber of Deputies elections (*See* Section 3).

Security forces also arbitrarily arrested members of Jehovah's Witnesses during the year and attempted to arrest at least one journalist (*See* Sections 2.a. and 2.c.).

The Government enforced ill-defined laws against vagrancy and illegal street vending. On several occasions police and the LDF detained street children, vendors, beggars, and undocumented nonresidents in Kigali, Butare, and other larger towns and charged them with illegal street vending or "vagrancy." Adults who could produce identification were released. Street children were transported directly to their home districts, to government-run or government-affiliated shelters, or for processing into vocational and educational programs.

In 2007 the Kigali municipal government reopened the Gikondo transit center, which was closed in 2006 after an HRW report detailed substandard conditions and abuses, including inadequate food and beatings of the street children, vagrants, and street vendors temporarily detained in the facility. Government officials asserted that persons placed in the facility were held for no more than one to three weeks at a time. However, relatives of those detained were commonly denied access, and detainees sometimes waited several months before release. In July a senate committee publicly investigated and released a report on street children and called for the closure of the transit center, citing detainees with children under a year old and detentions of up to six months. The report added that Gikondo did not provide necessary social services and violated the rights of detainees.

Lengthy pretrial detention, including the detention of persons whose unresolved cases dated from 1994, was a serious problem and a consequence of the large number of persons suspected of committing genocide who continued to be held in prisons and detention centers. (The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the gacaca system, which began operating nationwide in 2006.) Primarily as a result of the March 2007 gacaca law that moved thousands of the less severe genocide cases from the prisons to the gacaca courts, the Government made significant progress in reducing the case backlog. The continuing efforts of the National Service of Gacaca Jurisdictions to expedite genocide-related cases also helped reduce the backlog. The majority of convicted prisoners (those who had confessed their genocide crimes) were sent home to their families, with actual prison time to be served after the suspended and community service portions of their sentences had expired. After reaching a high of 98,000 prisoners in June 2007, the prison population leveled off and began to decline as the Government began to examine the cases and release those prisoners who had previously confessed to genocide crimes.

By the end of 2007, the prison population stood at approximately 59,000 and continued at that level throughout the year. As of October the prison population consisted of 43,376 convicted prisoners (including 34,141 genocide prisoners and 9,235 ordinary prisoners) and 15,935 criminal suspects (including 2,846 genocide suspects and 13,089 ordinary suspects).

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the judiciary operated in most cases without government interference; however, there were constraints on judicial independence. Government officials sometimes attempted to influence individual cases, primarily in gacaca cases. There were reports that some members of the executive branch considered it

appropriate to call judges to discuss ongoing cases privately and to express executive preferences.

During the year the country passed a constitutional amendment that reduces most judicial appointments from life to four or five years, potentially limiting judicial independence.

In its July report entitled *Law and Reality: Progress in Judicial Reform in Rwanda*, HRW cited continuing lack of judicial independence and concerns about basic trial rights, including the presumption of innocence, the right to present defense witnesses, the right to equal access to justice, and the right to protection from double jeopardy. Among its recommendations, HRW suggested that “the legislature revise the penal code to make intimidating or tampering with witnesses or judicial personnel a crime” and that “the Government order government officials to end interference in judicial proceedings.”

The three International Criminal Tribunal for Rwanda (ICTR) panels considering case transfers to Rwanda and a British court evaluating an extradition request by the Government of several genocide suspects found adequate judicial independence in the country. The ICTR panels nevertheless denied case transfer, citing fair trial concerns, including inadequate witness protection and improper sentencing guidelines.

In October the Military Court in Kigali acquitted two senior RPF officers for the June 1994 killings of 15 civilians, including high officials of the Catholic Church; the case had been referred by the prosecutor for the ICTR. The two junior RPF officers who pled guilty to the crimes were given reduced sentences of eight years on grounds that the crimes were not premeditated. The prosecutor appealed the decision to a higher court.

During the year the Ombudsman’s Office conducted several dozen investigations into judicial corruption and referred them to the Prosecutor General’s Office. Several judges and court registrars were dismissed for abuse of office or corruption after investigations by the judicial council, a body charged with oversight and discipline of the judicial branch.

The constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts include the Supreme Court, the High Court, provincial courts, and District Courts. Specialized courts include gacaca courts and military courts. During the year the Government established commercial courts to address a backlog of commercial disputes.

By year’s end there were 47,000 criminal and civil cases pending in the regular courts; approximately 39,000 such cases were pending at the end of 2007.

Trial Procedures.—In the conventional court system, the law provides for public trials, although courts closed proceedings in cases involving minors, to protect witnesses, or at the request of defendants. The law provides for a presumption of innocence, although the Government sometimes restricted this provision, according to HRW. Juries are not used. Defendants have the right to be present, question witnesses used against them, and to present witnesses and evidence on their own behalf. Defendants have the right to consult with an attorney, although few defendants could afford counsel. The law provides for the right to appeal, and this provision was generally respected. Lawyers without Borders continued to provide legal assistance to some indigent defendants and to train gacaca judges but lacked the resources to provide defense counsel to all those in need. The law does not provide for an attorney at state expense for indigent defendants. Defendants and their attorneys have access to government-held evidence relevant to their cases. New court officers continued to be sworn in and assigned to courts across the country, but the Government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable period of time.

The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both. Military courts provided defendants with an attorney at public expense, and defendants have the right of appeal and had access to government-held evidence relevant to their cases. The law stipulates that military courts should try civilian accomplices of soldiers accused of crimes. Military courts tried 48 civilians as co-perpetrators or accomplices of military personnel during the year.

Gacaca courts served as the Government’s primary judicial process for adjudicating hundreds of thousands of genocide cases and were created to ensure that those who participated in the genocide were brought to trial. (The Government estimated that adjudicating the caseload in conventional courts would have taken decades.) Defendants in gacaca courts can present witnesses and evidence on their own behalf, although witnesses were sometimes reluctant to testify for fear of reprisals, mainly in the form of accusations of complicity in the alleged crimes at issue. De-

defendants can appeal gacaca proceedings at sector-level courts. Lawyers are not permitted to participate officially in gacaca but can testify as private citizens.

Genocide law is designed to encourage confessions in exchange for reduced sentences for individuals accused of genocide-related crimes other than Category I crimes (the most severe crimes, including rape, murder, genocide instigation, or playing a leadership role in the genocide). The majority of individuals charged with genocide-related crimes have been classified as Categories II or III, and their cases were either tried in gacaca courts (Category II cases) or settled through gacaca mediation (Category III cases). In March 2007 the Government passed legislation to lessen overall sentences and increase the suspended sentence and community service portions of those sentences. The March 2007 sentencing guidelines, which were created to alleviate prison overcrowding, allow all persons convicted by gacaca courts to serve their community service and suspended portions of their sentences first, resulting in the release of thousands of prisoners, some of whom had been held since 1994. Prisoners who confess can go home, serve their jail sentences later, and may serve no more than one-sixth of a 15- or 20-year sentence; suspects who do not confess may be sentenced to decades in jail.

In June the law was further amended to move approximately 6,900 Category I cases—most involving rape—from regular courts to the gacaca system. The law also provides for the transfer of approximately 1,200 genocide Category I cases already begun in the regular courts to the gacaca courts. The law provides for the commutation of custodial sentences and replaces remaining jail terms with community service once the original community service portion of a sentence is completed.

By year's end gacaca officials claimed that more than 99 percent of the genocide-related cases dating back to 2002, when the first gacaca courts began operating, had been completed in gacaca courts, and under 10,000 remained to be heard under the statute revised in June.

There were 169,442 gacaca judges (seven per cell-level gacaca court), or “persons of integrity” elected by the community and provided with gacaca law training, serving in 12,103 cell-level gacaca courts across the country. There were 1,545 appellate courts that heard appeals from the 3,000 gacaca trial courts.

During the year one lawyer fled the country as a result of threats or harassment by unknown persons resulting from his defense of persons accused of genocide or related crimes; one fled in 2007.

Some gacaca judges denied defendants the right to present witnesses and ordered the imprisonment of those who questioned the impartiality of gacaca judges. Poorly qualified or trained judges and ill-defined guidelines on evidence and hearsay were problems. During the year there were reports that local gacaca officials and citizens abused the process to pursue personal matters and settle grudges unrelated to the genocide, including making false accusations to acquire land.

Unlike in the previous year, no gacaca judges were implicated in the genocide and subsequently replaced. Some government officials reportedly unduly influenced gacaca judges during the course of hearings, although there were far fewer such reports than in previous years.

Because the Government has not authorized gacaca courts to consider human rights abuses allegedly committed by the RPF during the 1994 genocide, some human rights groups criticized the gacaca courts for representing a form of incomplete or one-sided justice and for being biased against those who acted on behalf of the former government. HRW claimed that only 32 soldiers had been brought to trial for crimes committed against civilians during the genocide and attributed the number to government reluctance to try RPA soldiers for such crimes. The Government, which claimed 46 soldiers had been prosecuted, countered that RPF abuses have been addressed by requisite civil and military authorities and that such abuses could not be equated with the genocide. In June the Government brought charges against four former RPA soldiers for their alleged role in the deaths of 15 civilians in Kabgayi in June 1994. Two of the officers were sentenced to eight years in prison after pleading guilty; two were acquitted (*See* Section 1.a.).

Most gacaca hearings were held without incident, but violence and threats of violence—usually perpetrated by persons accused of crimes related to genocide—against genocide witnesses were serious problems. Some citizens were too frightened to testify in gacaca courts; however, unlike in the previous year, there were no reports of suicides among genocide survivors. The Government reported that 16 genocide survivors and witnesses were killed in attacks during the year; the survivors' organization Ibuka reported 22 killings of survivors from January through December. Conventional courts handled the cases of hundreds of persons accused of participating in the killing, injuring, or threatening of witnesses, survivors, and judges. During the year police processed 794 cases involving such violence against survivors and witnesses, 269 of which were filed in court, and 340 cases of “divisionism” (a

poorly defined term commonly used in relation to the offense of sectarianism), 140 of which were filed in court; nearly all cases involved gacaca proceedings. The Government also continued to conduct criminal investigations of organized groups that targeted and killed genocide witnesses in certain provinces. Criminal investigations resulted in the prosecution of some persons.

The Government held local communities responsible for protecting witnesses and relied on the LDF, local leaders, police, and community members to ensure the safety of witnesses. A task force to monitor genocide survivors continued efforts to enhance surveillance of genocide survivors deemed most at risk and genocide suspects considered most likely to: commit violent attacks; increase joint patrols in rural areas by survivors and security personnel; use preventive detention of genocide suspects to prevent attacks deemed imminent by security officials; expand hot lines; and expedite gacaca hearings for those cases deemed most likely to involve the risk of violence against survivors and witnesses.

Ibuka, an umbrella association for genocide survivors, criticized the Government for not doing enough to prevent such killings. IBUKA also continued to call for increased cooperation between gacaca courts, police, conventional courts, and mediators and for the creation of a survivors' compensation fund.

There were continuing concerns among observers and analysts over what was believed to be a sizable number of gacaca cases in which persons had provided false testimony, despite the penalties for such conduct. Some human rights observers expressed concern that suspects confessed to avoid lengthy prison terms. There also were reports during the year that some persons had been tried in both conventional and gacaca courts for the same crimes.

The March 2007 amendments to the gacaca law dropped the previous provision that anyone convicted of a Category I or II genocide-related crime is no longer eligible to vote. However, those convicted of Category I or II crimes may not run for public office or hold certain positions, such as soldier, police officer, prosecutor, or community leader. In anticipation of legislative changes to the Electoral Code, the National Electoral Commission in early summer allowed 300,000 voters convicted of Category III genocide crimes to register to vote in the September parliamentary elections. In August the Parliament changed the Electoral Code to allow these Category III persons to vote.

During the year the National Unity and Reconciliation Commission released the results of a survey on the gacaca process and national unity and reconciliation. The overwhelming majority (99 percent of the general population and 92 percent of survivors) expressed the belief that the gacaca process "is an essential step toward peace and reconciliation in Rwanda," and 98 percent of the general population reported gacaca "is a more effective way" to deal with genocide crimes than the formal court system.

The ICTR, based in Tanzania, continued to prosecute genocide suspects during the year (See Section 4).

Political Prisoners and Detainees.—Local human rights NGOs reported that local officials briefly detained some individuals who disagreed publicly with government decisions or policies.

Former transport minister Ntakirutinka was sentenced to 10 years' imprisonment in 2004 in a trial that did not meet international standards; he was charged with incitement of civil disobedience, formation of a criminal association, and embezzlement of public funds. Ntakirutinka and former president Bizimungu, who was released in 2007, had sought to establish the Party for Democratic Renewal. The Government permitted the ICRC access to Ntakirutinka.

Civil Judicial Procedures and Remedies.—The judiciary was generally independent and impartial in civil matters. There are mechanisms for citizens to file lawsuits in civil matters, including violations of their constitutional rights. The Office of the Ombudsman processes claims of judicial wrongdoing on an administrative basis. There continued to be problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The constitution and law prohibit such practices, and authorities generally respected these prohibitions; however, there were some reports that the Government monitored homes and telephone calls.

Due in part to the insurgency in the late 1990s, government policy requires male citizens above the age of 18 to participate in night watch patrols. During the year the Government sometimes arrested, detained, and allegedly beat individuals who refused to participate (See Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press “in conditions prescribed by the la.”; however, the Government at times restricted these rights by enforcing overly broad and vaguely defined laws, excluding journalists from government events, and expelling foreign journalists. Press freedom decreased during the year. While the press regularly published articles critical of senior government officials and government policy, the Government continued to harass, convict, fine, and intimidate independent journalists who expressed views that were deemed critical of the Government on sensitive topics or who were believed to have violated law or journalistic standards monitored by a semi-independent media regulatory council. Numerous journalists practiced self-censorship.

The law prohibits the propagation of discrimination or sectarianism based on “ethnic, regional, racial, religious, language, or other divisive characteristics.” Public incitement to what is commonly termed “divisionism” is punishable by up to five years in prison, heavy fines, or both. Individuals could criticize the Government publicly or privately on most topics; however, the laws prohibiting divisionism, genocide ideology, and genocide denial continued to discourage citizens from expressing viewpoints that might be construed as promoting societal divisions. Other statutes forbid criticism “attacking the dignity of a high authority.” During the year the expression of such viewpoints sometimes resulted in imprisonment, harassment, or intimidation.

In April a Catholic priest was sentenced to 30 days in prison for comments that could be construed as negating the 1994 genocide (*See* Section 2.c.).

There were both private and government-owned newspapers, published in English, French, and Kinyarwanda. The New Times, an English-language paper with close ties to the Government and whose shareholders reportedly included senior government officials, was the only newspaper published daily. There were 36 newspapers, journals, and other publications registered with the Government. The country’s sporadically-published independent newspapers—including Umuseso, Umuco, and Umuvugizi—maintained positions contrary to or critical of the Government, including pointed criticism of the performance of senior government ministers and President Kagame. The New Times also criticized government policies and officials. Some journalists said government officials pressured government institutions to withhold advertising from independent newspapers that criticized the Government. Journalists from international media outlets reported being denied access to cover certain government events and difficulty reaching officials.

During the year the Government either prosecuted or expelled members of the press from the country for articles deemed in violation of the divisionism statute, the press law, or other articles of the criminal code.

For example, in July the Directorate of Immigration and Emigration deported Umuseso chief editor Furaha Mugisha, claiming that he was a Tanzanian with fraudulent Rwandan identity papers illegally living and practicing journalism in the country.

On May 2, the Government expelled three local journalists—Charles Kabonero of Umuseso, Jean Bosco Gasasira of Umuvugizi, and Jean Gaubert Burasa of Rushyasha—midway through a government event celebrating World Press Freedom Day. The three and Bonaventure Bizumuremyi of Umuco were subsequently excluded from covering government events.

The Government continued to use a media law that imposes criminal sanctions on the media for libel and other forms of defamation to suppress criticism and limit press freedom.

For example, in February local journalists Charles Kabonero and Didas Gasana were convicted of libel for critical articles written about a prominent businessman. They were given a one-year suspended sentence and issued a fine. The journalists appealed, and the case had been postponed indefinitely at year’s end.

In March Umuco editor Bizumuremyi fled the country after his newspaper ran side-by-side photos and an article equating President Kagame with Adolf Hitler. The Rwanda Media Ethics Committee and the High Council of the Media (formerly named the High Council of the Press) called for the suspension of the publication. Police raided his residence seeking his arrest, and the RNP spokesman publicly called for assistance in apprehending Bizumuremyi on defamation charges. His whereabouts were unknown at year’s end. In April 2007 the Government began prosecuting Bizumuremyi for defamation, divisionism, and disobeying public authorities stemming from 2005 and 2006 Umuco articles that “insulted President Kagame,” and also from Bizumuremyi’s noncompliance with a police summons in 2006.

Police harassed, intimidated, and detained journalists for questioning. For example, in October police and immigration officials seized an edition of Umuco at the

country's border with Uganda (many papers are printed in Kampala) and held the chief editor for questioning for several days. Umuco was not published after October.

In January Umurabyo editor Agnes Nkusi-Uwimana, who was arrested in January 2007 for divisionism, defamation, and passing a bad check, was released from prison after serving a one-year sentence.

In October former Radio Rwanda journalist Dominique Makeli, who had been held since 1994 for inciting genocide in his reporting, was released from prison.

There were no developments in the September 2007 legal action taken by the Weekly Post against the former minister of information who closed the publication after one issue, citing irregularities in its application for registration.

The High Council of the Media, which reports to the Office of the President and has four government representatives among its nine members, occasionally requested clarification from journalists on articles that potentially violated the media law or criminal libel statutes. Press freedom advocates continued to criticize the council for its lack of independence and for monitoring journalists while failing to defend their rights or to investigate possible infringements of press freedom. The council occasionally sent representatives to accompany journalists called by the police for questioning.

According to some journalists, government officials pressured government institutions and local businesses to withhold advertising from newspapers critical of the Government, affecting the newspapers' revenue. Print media often published abroad to avoid more expensive local publishing costs.

The law authorizes private radio and TV broadcasting, subject to the approval of the Government, although some have complained that the licensing fees remained prohibitively high. Although the Government authorized the licensing of private television stations, it owned and operated the country's only television station. In addition to Radio Rwanda, which was owned and operated by the Government, there were four community radio stations, five religious stations, one university station, and four independent FM radio stations broadcasting during the year, focused primarily on music and talk shows. Foreign media groups, including Voice of America (VOA), the BBC, and Deutsche Welle broadcast throughout the year and were among the few stations in the country that regularly broadcast independent news; however, journalists from the BBC and VOA Kinyarwanda radio services were sometimes not allowed to operate freely after a September cabinet decision to exclude them from government events.

Radio stations broadcast increased criticism of government policies during the year, including through the use of popular citizen call-in shows featuring criticism on local government, health, media, gacaca, and other issues.

Radio France Internationale, which was closed after the November 2006 break in diplomatic relations with France, remained closed during the year.

In some cases journalists were harassed and threatened by unidentified individuals. For example, several journalists reported receiving threatening telephone calls from unidentified individuals or being followed by unknown vehicles. One journalist said he was falsely accused of rape; the accusation was dropped by the alleged victim when other witnesses disputed the claim.

Internet Freedom.—There were no government restrictions on the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet cafes were common and used regularly in the largest towns, although the Internet was generally unavailable to the majority of people living in rural areas.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom or cultural events; however, there were several reports of authorities suspending secondary school students on accusations of engaging in genocide ideology. The National University of Rwanda expelled two students accused of divisionism and genocide ideology in June.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected this right in practice; however, there were some exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings.

Local government officials reportedly prevented opposition meetings preceding the September 15 Chamber of Deputies elections.

The Government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason. Authorities also reportedly prohibited nighttime meetings of some religious groups (See Section 2.c.).

Freedom of Association.—The constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register, and the Government generally granted licenses without undue delay; however, there were some exceptions. The Government restricted political party activities by requiring membership in the Political Party Forum.

The Government generally imposed difficult and burdensome NGO registration and renewal requirements, as well as time-consuming requirements to submit annual financial and activity reports.

c. Freedom of Religion.—The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion; however, there were some exceptions. Local government officials detained members of Jehovah's Witnesses for refusing to participate in security patrols and fired Jehovah's Witnesses teachers for not participating in government-sponsored solidarity camps.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Local Government and the Ministry of Justice to acquire the status of "legal entity." There were reports that some religious organizations operated without legal recognition because the registration process was arduous, which government officials confirmed. Members of unregistered groups were vulnerable to censorship and possible detention. The Government did not deny any new applications during the year.

In April Catholic priest Edward Sentarure was sentenced to 30 days in prison for comments that could be construed as negating the 1994 genocide.

The Government continued to require religious groups to hold services at their established places of worship and to ban the use of private homes for this purpose. Some small religious groups that met in private homes were forced to move to new locations.

In July police briefly arrested 112 residents, including women and children, in Rusizi District for holding night prayers in a private home.

There were reports of police detaining and arresting members of Jehovah's Witnesses because they refused on religious grounds to participate in nighttime security patrols. Two individuals were also beaten for refusing to participate in these patrols. Such abuses occurred despite a 2005 government ruling that the Prosecutor's Office had wrongly applied to religious groups a law requiring some form of community work.

For example, on June 5, police arrested and detained four members of Jehovah's Witnesses while they were in local government offices waiting to get their identity cards; they were informed the arrest was a result of their failure to participate in nighttime security patrols. At a July 15 court hearing, their attorney argued that the four had performed alternative community work, pursuant to an agreement with the Government, and that the arrest and detention had been illegal. On July 16, the High Court in Gisenyi ruled that the four should be released, which occurred on July 18.

On two occasions in August local authorities briefly detained between 70 and 150 members of Jehovah's Witnesses, including women and children, for "congregating" at night and consequently not participating in evening patrols. Both groups were released without charge the next morning. There was one report of two members of Jehovah's Witnesses being arrested and held for four days in Nyanza for failure to provide evidence they had voted in the September 15 legislative elections.

In April 215 Jehovah's Witnesses teachers were fired for failing to participate in government-sponsored solidarity camps on religious grounds. None of the teachers had been reinstated by year's end, and some reported difficulty finding alternative employment as a result of the incident.

Church officials reported that since May 2, 112 children of Jehovah's Witnesses were expelled from school for refusing to sing the national anthem. None had been readmitted by year's end, despite repeated attempts by church officials to engage government officials.

Government officials presiding over wedding ceremonies generally required couples to take an oath while touching the national flag, a practice that members of Jehovah's Witnesses objected to on religious grounds. This practice made it difficult for church members to marry as they had to find officials willing to perform the ceremony without the flag requirement.

During the year government authorities and Jehovah's Witnesses leaders continued to address problems and misunderstandings through a collaborative mechanism begun in 2005. However, church leaders reportedly found officials less willing to respond to their concerns, particularly regarding the fired teachers.

Societal Abuses and Discrimination.—There was a very small Jewish community, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government generally cooperated with the UNHCR.

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

Internally Displaced Persons (IDPs).—In July the Government demolished homes and businesses in an impoverished section of Kigali's Kiyovu neighborhood, as part of the city's master development plan. Some residents claimed they were given very little notice to vacate, and in some cases received insufficient compensation for their property and, in the case of business owners, loss of livelihood. Residents moved to new government-built housing on the outskirts of Kigali or in with family members around the city.

During the year the country accepted 8,205 citizens returning from other countries, all but approximately 500 from the DRC; most were settled in their districts of origin. The Government worked with the UNHCR and other aid organizations to assist the returnees who were resettled. Government mediators handled land disputes resulting from the large number of returnees.

The Government continued to accept former combatants who returned to the country from the DRC as part of the ongoing peace process between the two countries. A total of 6,812 former combatants from armed groups in the DRC, including 699 former child soldiers, have been demobilized and peacefully resettled in Rwanda since the beginning of the disarmament, demobilization, and reintegration program in 2001. During the year 136 adult former combatants from armed groups and 28 children were demobilized; 969 RDF soldiers were demobilized during the year. With international support, the Government's Demobilization and Reintegration Commission, the lead agency for the reinsertion of returned former combatants, placed such persons in a two-month reeducation program at demobilization and reintegration centers in the Northern Province. There also was a center solely for former child combatants in the Eastern Province. After the two-month reeducation period, each adult former combatant was given approximately 50,000 Rwandan francs (approximately \$90) and allowed to return to his village. Returnees who were accused of committing genocide and were over 28 years of age (or 14 years old at the time of the genocide) were subject to gacaca trials.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The constitution recognizes the right to asylum "under conditions determined by law," and there was a law in place to recognize refugees. However, the Government was slow to implement refugee registration procedures, and most persons seeking asylum or refugee status had to seek private assistance (finding housing, food, and other supplies) while awaiting formal recognition by the Government.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The UNHCR, with government support, continued to assist refugees and asylum seekers and provided temporary protection to 55,926 persons as of November 26; the vast majority were refugees from the DRC.

Some refugees seeking third-country resettlement reportedly had difficulty obtaining exit visas from the Government. Lack of government-issued ID cards also created difficulties for refugees when they were outside the camps.

During the year there were reports that representatives of a DRC-based armed group recruited children and adults from Rwandan refugee camps to be combatants or forced laborers. The Government noted that it was difficult to control camps that had no fences and populations that regularly crossed borders. Refugees had access to primary schools and health care, but few were able to find jobs, although there were no laws denying them access to employment.

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

The constitution and law provide for the right of citizens to change their government peacefully; however, this right was effectively restricted.

Elections and Political Participation.—Chamber of Deputies elections took place on September 15 and were peaceful and orderly, with a heavy turnout; however, observers noted irregularities in the electoral process. The RPF won 42 of 53 directly elected seats (79 percent of the vote), the Social Democratic Party (PSD) won seven seats (13 percent), and the Liberal Party (PL) won four (7.5 percent). On September 16 and 17, the councils of women and persons with disabilities elected the other 27 chamber members. A total of nine political parties contested the elections, with six of them having joined in coalition with the RPF rather than field independent lists of candidates. Two parties, the PL and PSD, ran separate slates of candidates. One independent candidate also contested.

National Electoral Commission (NEC) rulings restricted the ability of the PSD and the PL to effectively spread their message, allowing the RPF to dominate the 22-day electoral campaign. The media devoted the bulk of its coverage to the RPF. There were credible reports of local government interference with PL and PSD rallies and meetings, and security forces briefly detained several campaign workers.

According to observers many voting stations opened early, did not make proper use of forms, and did not initially seal ballot boxes. Observers were often prevented by NEC and other government officials from monitoring the ballot counting above the polling station and polling center level (the first two levels). The Civil Society Election Observation Mission observed in its Statement of Preliminary Findings that “in a significant proportion of cases, it was not possible to confirm the accuracy of consolidated results at any stage beyond polling center consolidation.”

In 2003 President Paul Kagame won a landslide victory against two independent presidential candidates, receiving 95 percent of the vote in a largely peaceful but seriously marred election.

The constitution provides for a multiparty system but offers few rights for parties and their candidates. According to the 2006 African Peer Review Mechanism report, released by the New Partnership for Africa’s Development, a mandated initiative of the African Union, the country had made significant progress toward political pluralism, but parties were still “not able to operate freely” and faced legal sanctions if accused of engaging in divisive acts. The Government’s continuing campaign against divisionism discouraged debate or criticism of the Government and resulted in brief detentions and the holding of one political prisoner, former minister Ntakirutinka.

All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to limit competitive political pluralism, according to the 2006 APRM report. Despite a June 2007 law allowing political parties to open offices at every administrative level, local officials on occasion reportedly prevented opposition meetings preceding the September parliamentary elections, citing improper paperwork or venue booking conflicts. During the year there were no reported efforts to form any new parties or efforts by the Government to deny registration to any party.

In accordance with the constitution, which states that “a political organization holding the majority of seats in the Chamber of Deputies may not exceed 50 percent of all the members of the Cabinet,” independents and members of other political parties held key positions in government and parliament, including that of the prime minister and the speaker of the Chamber of Deputies.

The constitution requires that at least 30 percent of the seats in parliament be reserved for women. At year’s end there were nine women in the 26-seat Senate and 45 women in the 80-seat Chamber of Deputies. There were 10 women in ministerial positions, representing 38 percent of cabinet positions.

There was one member of the Batwa ethnic group in the 26-seat Senate but none in the Chamber of Deputies.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government implemented these laws with increasing effectiveness; however, corruption was a problem.

During the year the Government investigated several senior officials on corruption charges, including two vice-mayors and the executive secretary of Gasabo district in Kigali. In January Kigali authorities asked Andre Bizimana, the vice-mayor of social affairs, to resign and suspended other officials. In March the former director general of the Rwanda Bureau of Standards was sentenced in absentia to 7.5 years in prison on corruption charges. In May the minister of trade suspended an agricultural cooperative of demobilized RPA soldiers and arrested 13 members on charges of corruption and price fixing. In June senior police officials, including the commissioner general and the head of the Criminal Investigation Department, were suspended for abuse of office, reportedly related to tendering irregularities. Investigation of their alleged offenses continued at year’s end.

The inspector general of government worked to prevent corruption, including through investigations of improper tendering practices at government ministries. The Government's Office of the Ombudsman had an active good governance program and several anticorruption units that worked at the local level. Although the office does not have the authority to prosecute cases, it can recommend cases to the Prosecutor General's Office, and during the year the office pursued several thousand corruption cases, the majority of which involved land. For example, in October, 32 local government officials were investigated for embezzlement as part of a land expropriation exercise in Kigali; 16 were held as investigations continued at year's end. The Government continued a broad inquiry into misuse of public funds by 46 government institutions; some corruption charges and prosecutions reportedly were directed at political opponents of the RPF. During the year the police and prosecution service used the auditor general's annual report to pursue investigations into the conduct of government businesses. The law provides for annual reporting of assets by public officials but not public disclosure of those assets; most public officials complied.

The law does not provide for access to government information, and it remained difficult for citizens and foreigners, including journalists, to obtain access to government information.

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

A variety of international NGOs and several increasingly independent domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases. Domestic NGOs noted that relations with the Government were generally positive; however, some indicated that the Government was intolerant of criticism and suspicious of local and international human rights observers, often rejecting their criticism as biased and uninformed. During the year some NGOs expressed fear of the Government and self-censored their activities and comments. International and local NGOs reported unfettered access to the country's prisons.

Domestic NGOs LIPRODHOR and the League for Human Rights in the Great Lakes Region (LDGL) focused on human rights abuses. Other local NGOs dealt with at least some human rights issues and conducted activities such as lobbying the legislature to provide more protection for vulnerable groups; observing elections; raising awareness of human rights among youth; and providing explanations of legislation, legal advice, and advocacy. LIPRODHOR employed its 400 members and 106 district volunteers to conduct field investigations of alleged abuses, and both LIPRODHOR and LDGL published their findings and discussed them with government officials—including on sensitive cases—and raised concerns about false accusations in *gacaca* trials. A few domestic NGOs produced publications regularly on general human rights issues.

The law on nonprofit associations permits government authorities to control projects, budgets, and the hiring of personnel. NGOs often found the registration process difficult, and one domestic human rights NGO reported it had not been able to register by year's end. To obtain a provisional six-month approval, domestic NGOs must present their objectives, plan of action, and financial information to local authorities of every district in which the organizations intend to work. After obtaining provisional agreement, domestic NGOs must apply for registration (legal recognition) each year under the authority of the Ministry of Justice. If a local NGO is initially denied registration, the NGO sometimes must renew its registration documents. Domestic NGOs also were required to submit financial and activity reports each year to the national government. NGOs complained that these requirements and near-compulsory participation in the Joint Action Forum strained their limited resources. While there was no legal requirement to contribute financially to the forum, some organizations felt pressured to do so.

The Government also requires international organizations to register each year and to obtain yearly provisional authorization from the local governments of every district in which the organizations intend to work, followed by final authorization from the requisite ministry. This requirement made registration difficult for some organizations. The Government also requires international organizations to submit yearly reports with the relevant local governments and national level ministries. The paperwork involved was burdensome.

Civil society groups were required to submit quarterly financial statements and lists of staff and assets in each of the districts where projects occurred.

A progovernment NGO platform group, the Civil Society Platform, continued to manage and direct some NGOs through the use of umbrella groups, which theoreti-

cally aggregated NGOs working in particular thematic sectors; however, many observers believed that the Government controlled some of these umbrella NGOs.

The Government continued to claim that calls by human rights groups or opposition figures for investigations of alleged RPF war crimes constituted attempts to equate the genocide with abuses committed by RPF soldiers who stopped the genocide. There were reports that some NGOs were pressured to cooperate with the Government to provide information on the activities of other NGOs.

Government officials sometimes criticized domestic NGOs that sought assistance from international NGOs and the diplomatic corps in resolving disputes with the Government.

During the year two NGOs reported government harassment and surveillance.

The Government generally cooperated with international NGOs; however it criticized HRW throughout the year, particularly after HRW's July report on judicial reform (See Section 1.e.).

In September and again in December, the Government denied an entry visa to a senior HRW researcher who had travelled extensively in the country; no reason for the denials was provided.

The National Human Rights Commission (NHRC) did not have adequate resources to investigate all reported cases of violations and remained biased towards the Government, according to some observers.

The Office of the Ombudsman existed with government cooperation and took action on cases of corruption and other abuses, including of human rights (See Sections 1.e. and 3).

Parliamentary human rights committees issued recommendations during the year. For example, in July a senate committee on social welfare and human rights issued a report on street children (See Section 1.d.).

The ICTR in Tanzania continued to prosecute genocide suspects during the year. Since 1994 the ICTR has completed 36 cases, with 31 convictions and five acquittals. At year's end there were 31 individuals on trial, nine individuals awaiting trial, and 13 fugitives. Despite continued government efforts to prepare its facilities and legal system to meet international standards, the ICTR rejected four applications to transfer genocide suspects to Rwanda for trial; the cases remained under appeal at year's end (See Section 1.d.).

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

The constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or physical or mental disability. The Government generally enforced these provisions; however, problems remained.

Women.—The law criminalizes rape, and the Government handled rape cases as a priority within its courts and tribunals. In recent years those convicted of rape generally received sentences of between 20 and 30 years' imprisonment. Rape and other crimes of sexual violence committed during the genocide are classified as a Category I genocide crime. The Government also improved protection at the local level for rape victims testifying at gacaca courts. For example, a law passed in May provides that gacaca cases involving rape be heard "in camera" and that persons who reveal the contents of such proceedings be subject to penalty. During the year police investigated 1,500 rape cases.

The law does not specifically prohibit domestic violence, and domestic violence against women, including wife beating, was common. Figures from the National Institute of Statistics indicate that 31 percent of women over age 15 were victims of domestic violence, and 10.2 percent of women experienced domestic violence during pregnancy. Cases normally were handled within the context of the extended family. In 2007 officials at police headquarters in Kigali established a hot line for domestic violence together with an examination room, trained counselors, and provided access to a police hospital for more intensive interventions. Each of the 62 police stations nationwide had its own gender desk, trained officer, and public outreach program. The national gender desk in Kigali also monitored investigations and prosecutions nationwide into gender-based violence. Drawing from a 2007 workshop for senior officials on gender-based violence, the Government in June produced a comprehensive guide to investigation and prosecution of gender-based crime, including appropriate treatment of victims.

Prostitution is illegal, but was prevalent.

The law does not prohibit sexual harassment, and it occurred.

The law allows women to inherit property from their fathers and husbands, and couples may make their own legal property arrangements; however, women had serious difficulties pursuing property claims. Since the 1994 genocide, which left nu-

merous women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. Despite the election in September of a Chamber of Deputies with a female majority, women continued to have limited opportunities for education, employment, and promotion. Women performed most of the subsistence farming in the country. The Government-funded Women's Council served as a forum for women's issues and consulted with the Government on land, inheritance, and child protection laws. A minister of gender and family promotion in the Office of the Prime Minister headed government programs to address women's issues and coordinated programs with other ministries, police, and NGOs. The Government also provided scholarships for girls in primary and secondary school and loans to rural women. A number of women's groups were active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children. In April the Government sponsored a workshop on the rights of female workers and admonished employers against paying insufficient salaries to women on maternity leave.

Children.—The Government was committed to children's rights and welfare and worked to improve education and health care for children, who headed at least 106,000 households. The Government worked closely with international NGOs to secure assistance for children who were heads of households and sensitized local officials to the needs of children in such situations.

While primary school fees were abolished, most parents still had to pay unofficial fees to support basic school operations. According to the UN Children's Fund (UNICEF), the net primary school attendance/enrollment ratio was 75 percent. Of the children who entered the first grade, 46 percent reached the fifth grade. Equal numbers of boys and girls began primary school, but attendance by girls declined at a faster rate than boys. Only 17 percent of secondary school-age children were enrolled in school during the year.

There were no statistics available on child abuse; however, it was a problem.

According to UNICEF, 20 percent of women between the ages of 20 and 24 had married or entered into a union before they were 18 years old. The legal age for marriage for both males and females is 21.

Due to the genocide and deaths from HIV/AIDS, there were numerous households headed by children, some of whom resorted to prostitution to survive.

During the year there were reports that representatives of an armed group from the DRC recruited children from Rwandan refugee camps for use as combatants or forced laborers (*See* Section 2.d.).

The Government continued to support the Muhazi demobilization center for children in the Eastern Province, which provided care and reintegration preparation during the year for 41 children who had served as soldiers in the DRC; 12 of the 28 child soldiers received at the center during the year were reunited with their families.

There were approximately 7,000 street children throughout the country. Authorities rounded up street children and placed them in foster homes or government-run facilities. In July a senate committee called for the closure of the Gikondo transit center, where street children, vagrants, and street sellers were held in substandard conditions (*See* Section 1.d.). The Government also supported 12 childcare institutions across the country that provided shelter, basic needs, and rehabilitation for 2,950 street children. The Government worked with international organizations and NGOs to provide vocational training and psychosocial support to street children, to reintegrate them into their communities, and to educate parents on prevention of street children.

Trafficking in Persons.—While there was no specific antitrafficking law, laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers. There were reports that persons were trafficked from and within the country during the year.

The country was a source for small numbers of women and children trafficked for sexual exploitation, domestic labor, and soldiering. The largest trafficking problem was underage prostitution; small numbers of impoverished girls, typically between the ages of 14 and 18, used prostitution as a means of survival, and some were exploited by loosely organized prostitution networks. Due to the genocide and deaths from HIV/AIDS, numerous children headed households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. While police reportedly conducted regular operations against prostitution, no statistics were available on prosecutions of those who utilized or exploited children in prostitution.

The RNP is the lead government agency responsible for combating trafficking of persons.

Traffickers prosecuted under laws against prostitution by coercion, slavery, kidnapping, rape, and defilement were subject to criminal penalties, including imprisonment.

In May a man was sentenced to 30 years in prison by a Gasabo District Court for operating an underage prostitution ring; several investigations into other trafficking cases were ongoing at year's end.

When the Government dismantled prostitution rings, it offered women rehabilitation programs that included employment training and were sponsored by the Ministry of Gender and Family Promotion. The Government provided training on sex crimes and crimes against children as part of the police training curriculum. During the year the police offered specialized training in recognizing trafficking, particularly trafficking involving children, to many police cadets. The Government also monitored immigration and emigration patterns, as well as border areas that were accessible by road. The RNP conducted sensitization programs against prostitution and warned hotel owners against allowing underage girls to frequent them.

Persons With Disabilities.—The law specifically prohibits discrimination against persons with disabilities in regard to employment, education, and access to social services, and the Government generally enforced these provisions. The constitution prohibits discrimination on the basis of physical or mental disability. The law also mandates access to public facilities, accommodations for taking national exams, provision of medical care by the Government, and monitoring of implementation by the NHRC; these provisions generally were implemented. One member of the Chamber of Deputies is appointed by the Federation of the Associations of Persons with Disabilities.

In March the National University of Rwanda began admitting blind students, becoming the second public higher education institution (behind the Kigali Institute of Education) to do so.

National/Racial/Ethnic Minorities.—Large-scale interethnic violence in the country between Hutus and Tutsis culminated in the 1994 genocide, renamed the “Tutsi Genocide” by a constitutional amendment passed during the year. Genocidal killing of much of the resident Tutsi population and moderate Hutus under the direction of a Hutu-dominated rump government and in large part implemented by the Hutu-dominated national army and Interahamwe armed youth militia resulted in up to a million people killed. The genocide ended later the same year when the predominantly Tutsi Rwandan Patriotic Army (RPA), operating out of Uganda, occupied Rwandan territory, defeated the national army and Hutu militias, and established an RPF-led government of National Unity, which was composed of members of eight political parties and which ruled until the 2003 elections.

Since 1994 the Government has called for national reconciliation and abolished policies of the former government that created and deepened ethnic cleavages. The Government eliminated all references to ethnicity in written and nonwritten official discourse. There was no government policy of ethnic quotas for education, training, or government employment. The constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals continued to accuse the Government of favoring Tutsis—particularly English-speaking Tutsis—in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters. However, there was no evidence suggesting that the Government practiced ethnic favoritism.

Indigenous People.—Prior to the 1994 genocide, citizens were required to carry identity cards that indicated ethnicity—Hutu, Tutsi, and Twa. Following the genocide the Government banned all identity card references to ethnic affiliation as divisionist or contributing to genocide ideology. As a result the Batwa, purported descendants of Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000, were no longer designated as an ethnic group. On this basis the Government no longer recognized groups advocating for Batwa needs. Some Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. The Government recognized the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization, although it was not formally acknowledged as an organization supporting an indigenous group. Despite the recognition of CAURWA and joint health and education projects with the Government, most Batwa continued to live on the margins of society with very limited access to education, and they continued to be treated as inferior citizens.

Other Societal Abuses and Discrimination.—Discrimination based on sexual orientation occurred, and in September 2007 some members of parliament publicly called for legislation criminalizing homosexuality.

During the year security forces detained two women for several days upon their return from a conference on lesbians in Africa; security forces also reportedly searched their e-mail.

Unlike in the previous year, there were no reports that police officers assaulted homosexuals or that landlords evicted homosexual tenants.

Discrimination against persons living with HIV/AIDS occurred, although such incidents continued to decrease. The Government actively supported public education campaigns on the issue, including the establishment of HIV/AIDS awareness clubs in secondary schools and making public pronouncements against the stigmatization of the disease. Members of the military with HIV/AIDS are not permitted to participate in peacekeeping missions abroad, but remain in the military.

Section 6. Worker Rights

a. The Right of Association.—The law provides all salaried workers, except for civil servants, the right to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. The law allows unions to conduct their activities without interference, and while the Government respected this right in practice, some private sector employers did not and often harassed union members to discourage their activities. Between 20 and 30 percent of the total workforce, including agricultural workers, was unionized.

All unions must register with the Ministry of Labor for official recognition, and the application process was reportedly more difficult than in previous years.

The law provides some workers the right to strike, but this right was severely restricted; civil servants were not allowed to strike. Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management following a process prescribed by the Ministry of Labor; this process effectively prohibited strikes.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, but this right was severely limited. The Government was heavily involved in the collective bargaining process since most union members were in the public sector. Only the Central Union of Rwandan Workers (CESTRAR) had an established collective bargaining agreement with the Government.

The law prohibits antiunion discrimination, but there were no functioning labor courts to resolve complaints involving discrimination against unions. According to CESTRAR, employers frequently intimidated unionists through the use of transfers, demotions, and dismissals, though less often than in the previous year. The law requires employers to reinstate workers fired for union activity; however, this law was seldom enforced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and the Government generally enforced this right; however, prisoners were assigned work details that generally involved uncompensated public maintenance duties. Gacaca courts sentenced convicts to perform community service, and those suspected of committing genocide who confessed were given sentences involving community service. By year's end approximately 54,000 persons had been formally registered for community service; of these, approximately 28,000 were either working as day laborers or as residents in one of 64 community service camps, while the rest were awaiting community service assignments.

There were reports indicating that representatives of an armed group based in the DRC recruited children from Rwandan refugee camps for labor and soldiering in the DRC (See Section 2.d.).

Forced child labor and trafficking of children for sexual exploitation occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—While the law does not specifically prohibit forced or compulsory labor by children, there are laws to protect children from exploitation in the workplace; however, the Government did not effectively enforce them. During the year the Government increased efforts to stop child prostitution; however, child labor, including forced prostitution, was prevalent. In June 2007 the Government indicated that approximately 450,000 children (approximately 9 percent of the country's four million children under 18) were engaged in all forms of child labor. However, a 2006 UN report suggested that 36 percent of children between the ages of five and 14 (approximately one million children) were engaged in child labor.

Except for subsistence agricultural workers, who account for more than 85 percent of the workforce, the law prohibits children under the age of 16 from working with-

out their parents' or guardians' permission and prohibits children under 16 from participating in night work (between 7 p.m. and 5 a.m.) or any work deemed hazardous or difficult by the minister of labor. Children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment is 18 years (14 years for apprenticeships), provided that the child has completed primary school.

The Government identified five forms of child labor as those that should be considered as the "worst forms of labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; and prostitution. During the year child labor persisted in the agricultural sector (particularly on tea plantations), among household domestics, in small companies, and in the brick-making industry. Children received low wages, and abuse was common. In addition child prostitution and trafficking of children were problems. There were reports of representatives of a DRC-based armed group recruiting children in refugee camps to be used as combatants or forced laborers.

A National Advisory Committee on Child Labor comprising various government ministries, the NHRC, the RNP, trade unions, and NGOs met regularly to provide guidance and technical assistance to the Government on child labor issues and to develop a national child labor policy. The Government continued to support 30 child labor inspectors in 12 regional offices; however, the Government was unable to provide them with adequate resources to effectively identify and prevent the use of child labor. Some districts established by-laws to prevent child labor, and child labor reduction benchmarks were integrated into district performance contracts.

The Government worked with NGOs to raise awareness of the problem, to identify children involved in child labor, and to send them to school or vocational training. Since March 2005, in collaboration with multiple NGOs, the Government rescued 3,485 children from exploitative labor conditions and provided training and prevention services to another 2,582 children considered at risk for trafficking or other exploitation. The Government imposed fines against those who illegally employed children or sent their children to work instead of to school. During the year teachers and local authorities received training on the rights of children.

e. Acceptable Conditions of Work.—There was no single minimum wage, but minimum wages in the formal economy did not provide a decent standard of living for a worker and his family. For example, minimum wage in the tea industry ranged from 500 to 750 Rwandan francs per day (approximately \$0.90 to \$1.35), while in the construction industry it ranged from 1000 to 1500 francs a day (\$1.80 to \$2.70). Minimum wages, however, provided a higher standard of living than that of the 85 percent of the population relying only on subsistence farming. The Ministry of Public Service, Skills Development, and Labor set minimum wages in the small formal sector. The Government, the main employer, effectively set most other wage rates as well. In practice some workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture.

Officially, government offices and private-sector entities had a 40-hour workweek; the maximum workweek was 45 hours. Aside from a 30-minute break for lunch, there is no mandated rest period. The law does not provide for premium pay for overtime, but there are prohibitions on excessive compulsory overtime. The law regulates hours of work and occupational health and safety standards in the formal wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers did not have the right to remove themselves from dangerous work situations without jeopardizing their jobs; however, the Government established a list of dangerous professions subject to heightened safety scrutiny. The same standards applied to migrant and foreign workers.

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty constitutional democracy with a population of approximately 206,000. The chief of state is President Fradique De Menezes, and the head of government, chosen by the National Assembly and approved by the president, is Prime Minister Joachim Rafael Branco. International observers deemed presidential and legislative elections, held in 2006, to have been free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, there were problems in some areas, including harsh prison conditions, prolonged pretrial detention, official corruption, impunity, violence and discrimination against women, child labor, and harsh labor conditions.

RESPECT FOR HUMAN RIGHTS

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

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

Police officer Larry Alberto Paris remained in pretrial detention for the 2006 shooting of Gustavo Sidonio Pinto.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and security forces generally observed these prohibitions.

The public prosecutor's investigation into the 2006 shooting of Argentino dos Ramos Taty remained open. Soldiers accompanying forestry guards shot and injured Taty, who was cutting a log on private property.

Prison and Detention Center Conditions.—Prison conditions were harsh but generally not life threatening. Facilities were overcrowded, sanitary and medical conditions were poor, and food was inadequate. Pretrial prisoners were held with convicted prisoners, and juveniles were held with adults. There was one prison and no jails or detention centers. In general police stations had a small room or space to incarcerate an offender for brief periods.

The Government permitted human rights monitors to visit the prison; however, there were no visits during the year.

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

Role of the Police and Security Apparatus.—In June, with the formation of the 13th constitutional government in the country's history, the national police and immigration service came under the control of a new ministry, the Ministry of Internal Affairs, Government Reforms, and Civilian Protection. The Ministry of National Defense continues to supervise and control the military. Despite increased personnel and training offered throughout the year, the police remained ineffective and were widely viewed as corrupt. Impunity was a problem, and efforts to reform the Criminal Investigation Police, a separate agency under the Ministry of Justice, were unsuccessful, primarily due to inadequate resources.

In January the Supreme Court ruled that 10 members of the now-disbanded Special Intervention Police Unit ("Ninja") should be released on probation; they had been arrested in October and November 2007 for a series of armed sieges of police headquarters in a dispute over back pay, which also culminated in the death of one Ninja.

Arrest and Detention.—The law requires arrest warrants issued by an authorized official to apprehend suspects, unless the suspect is caught during the commission of a crime. The law requires a determination within 48 hours of the legality of a detention, and authorities generally respected this right. Detainees are to be informed promptly of charges against them. There was a functioning bail system.

Severe budgetary constraints, inadequate facilities, a shortage of trained judges and lawyers, and political instability resulted in lengthy pretrial detention. According to the director of the Sao Tome prison, 34 percent of the country's prisoners were awaiting trial in 2007, and some pretrial detainees had been held for more than a year.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, at times the judicial system was subject to political influence or manipulation. Judicial salaries remained low, and credible suspicions persisted that judges were tempted to accept bribes. In 2006 the Government took steps that proved somewhat helpful to strengthen the judiciary by creating the new Constitutional Court and decreasing docket backlogs to reduce the number of persons in pretrial detention.

The legal system is based on the Portuguese model. The court system has three levels: circuit courts, the Supreme Court, and the Constitutional Court, which is the highest judicial authority.

Trial Procedures.—The constitution provides for the right to a fair public trial by a judge (juries are not used), the right of appeal, the right to legal representation,

and, if a person is indigent, the right to an attorney provided by the state. Defendants are presumed innocent, have the right to confront their accusers, confront witnesses, access government evidence, and present evidence and witnesses on their own behalf. However, inadequate resources continued to result in lengthy pretrial detention and greatly hindered investigations in criminal cases.

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

Civil Judicial Procedures and Remedies.—The same courts consider both criminal and civil cases, but different procedures are used in civil cases. Plaintiffs may bring lawsuits seeking damages for, or cessation of, a human rights violation; there are also administrative and judicial remedies for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights; however, journalists practiced self-censorship.

Individuals could privately or publicly criticize the Government, including specific officials, without fear of reprisal. There were no reports of the Government impeding criticism.

Two government-run and seven independent newspapers and newsletters were published sporadically, usually on a monthly or biweekly basis; resource constraints determined publishing frequency. International media operated freely.

The Government operated television and radio stations. The Voice of America, Radio International Portugal, and Radio France International also were rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of three minutes per month on television.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Severe lack of infrastructure, including inadequate electricity and communications networks, limited public access to the Internet.

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

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of peaceful assembly and association, and the Government generally respected these rights.

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

Societal Abuses and Discrimination.—There were no reports of discrimination against members of religious groups. There was no known Jewish community and no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights.

The law does not prohibit forced exile; however, there were no reports that the Government used it.

Protection of Refugees.—The law does not specifically provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year there were no known requests for refugee or asylum status. In the past the Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation.—The 2006 legislative elections gave a plurality of seats in the National Assembly to a coalition of parties, the Democratic Movement of Forces for Change/Party for Democratic Convergence (MDFM/PCD), supporting President De Menezes. The MDFM/PCD subsequently formed a government. President De Menezes was reelected in 2006 with 60 percent of the vote. International observers deemed both elections generally free and fair. Also in 2006, for the first time in more than a decade, local elections were held; on the same date, regional elections were held on the island of Principe. The MDFM/PCD won control of five of the six districts in these elections; the principal opposition party, the Movement for the Liberation of Sao Tome and Principe (MLSTP/PSD), won one district, and a new party, Novo Rumo, won the presidency of the regional government on Principe.

Political parties operated without restriction or government interference.

Women held positions throughout the Government, including two seats in the 55-seat National Assembly, four of 13 cabinet positions, one seat on the three-member Supreme Court, and two judgeships in the circuit courts.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Official corruption was widespread. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a serious problem. Several high-level officials, including one former prime minister, were brought before the tribunal on corruption charges for their alleged involvement in the disappearance of millions of dollars from the Government's foreign aid fund. The trial was suspended December 22 and was set to resume on January 30, 2009.

In 2005 the attorney general presented to the National Assembly the results of his investigation into allegations of corruption in the awarding of exploration and/or production rights to certain oil blocks. The investigation uncovered serious procedural deficiencies in the process and raised questions about the actions of members of the current and former governments. Lack of cooperation from Nigerian authorities (whose government shares control of some of the oil blocks) impeded follow-up, and no further action was taken by year's end. Low salaries for civil servants contributed to public corruption.

Public officials were not subject to financial disclosure laws.

There are no laws that provide for public access to government information; however, there were no reports that the Government restricted access to information by citizens or noncitizens, including foreign media.

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

In the past a small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Because of the general improvement in respect for human rights, such groups generally remained inactive. Government officials generally were cooperative and responsive to their views.

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

The constitution provides for the equality of all citizens regardless of gender, race, social origin or status, political views, creed, philosophical convictions, disability, or language; nevertheless, women faced discrimination. The Gender Equality Institute within the Office of Women's Affairs held numerous seminars and workshops to raise awareness about discrimination against women.

Women.—Rape, including spousal rape, is illegal and punishable by two to 12 years' imprisonment. Rape occurred occasionally, with prosecution most likely in cases where there was evidence of violent assault as well as rape or if the victim was a minor. However, no statistics on prosecutions were available. Government family planning clinics and nongovernmental organizations (NGOs) sought to combat rape by raising awareness of the problem.

Reports of domestic violence, including rape, against women increased. Although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Tradition inhibited women from taking domestic disputes outside the family. The law does not

specifically address domestic violence; however, there are provisions for assault that may be used in cases of domestic violence. If the victim misses fewer than 10 days of work, the penalty for assault is six months in prison, while for 10 to 20 workdays missed the sentence is one year, and so forth. The law was strictly enforced, including in cases of domestic violence, but there was no data on the number of prosecutions for domestic violence. The Office of Women's Affairs maintained a counseling center with a hot line. While the hot line did not receive many calls due to unreliable telephone service, the counseling center received numerous walk-ins.

Prostitution is illegal but did occur. Prostitution was rare in the past, but observers estimated its prevalence was increasing with the growing number of foreign workers in the country.

The law does not prohibit sexual harassment, and it was a problem. No data was available on its extent.

The constitution stipulates that women and men have equal political, economic, and social rights. While many women have access to opportunities in education, business, and government, women in general continued to encounter significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities and with less access to education or entry into the professions. A high teenage pregnancy rate further reduced economic opportunities for women.

Children.—A number of government- and donor-funded programs operated to improve conditions for children, notably an ongoing malaria control project and a program for acquisition of school and medical equipment.

By law education is universal, compulsory through sixth grade, and tuition-free to the age of 15 or sixth grade. In practice many rural students stopped attending school after the fourth grade.

Mistreatment of children was not widespread; however, there were few protections for orphans and abandoned children.

Child labor was a problem.

In 2007 the Ministry of Labor and Solidarity began a social services program that collected street children in three centers, where they attended classes and received training. Conditions at the centers were good; however, because of overcrowding, some children were returned to their families to sleep at night, and a few of these children ran away.

Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. In 2007 the UN Children's Fund and the Economic Community of Central African States held a conference in the country that addressed trafficking in persons.

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

Persons With Disabilities.—The law does not prohibit discrimination against persons with physical or mental disabilities; however, there were no reports of discrimination against such persons. The law does not mandate access to buildings, transportation, or services for persons with disabilities. Local NGOs that criticized the Government in the past for not implementing accessibility programs for such persons were not active during the year.

Other Societal Abuses and Discrimination.—There was societal discrimination based on sexual orientation.

Persons with HIV/AIDS were often rejected by their communities and shunned by their families. However, there were no reports that workers were discriminated against due to their HIV/AIDS status. As in the previous year, there were a number of government-sponsored workshops and awareness campaigns to reduce such instances. The Government also provided free AIDS testing and distributed antiretroviral drugs to all recognized patients.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law allow workers to form and join unions of their choice without previous authorization or excessive requirements, and workers generally exercised this right in practice. Only two unions existed in the very small formal wage sector: the General Union of Workers and the National Organization of Workers of Sao Tome and Principe. Both represented government workers, who constituted the majority of formal sector wage earners, and members of farmers' cooperatives.

The constitution provides for the freedom to strike, including by government employees and other essential workers, although during the year no strikes occurred.

b. The Right to Organize and Bargain Collectively.—The constitution and law state that workers may organize and bargain collectively; however, due to its role

as the principal employer in the formal wage sector, the Government remained the key interlocutor for organized labor on all matters, including wages.

The law does not prohibit retaliation against strikers, but there were no reports of such actions during the year.

There were no laws prohibiting antiunion discrimination; however, there were no reports such discrimination occurred.

There are no export processing zones.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—Employers in the formal wage sector generally respected the legally mandated minimum employment age of 18; however, child labor was a problem. The law prohibits minors from working more than seven hours a day and 35 hours a week. Children worked in subsistence agriculture, on plantations, in informal commerce, and in domestic work. No cases of child labor abuses were prosecuted, although the law states that employers of underage workers can be fined. The Ministry of Labor is responsible for enforcing child labor laws.

There were initiatives taken to prevent child labor. The Ministry of Education extended compulsory school attendance from the fourth to the sixth grade, and the Government granted some assistance to several low-income families to keep their children in school. The Ministry of Labor also created teams of labor inspectors to increase inspections at work sites.

e. Acceptable Conditions of Work.—There is no national minimum wage. Although the legal minimum wage for civil servants increased in 2007 from 500,000 dobras (\$35) to 650,000 dobras (\$46) per month, it was insufficient to provide a decent standard of living for a worker and family. Working two or more jobs was common. The labor law specifies occupations in which civil servants may work if they pursue a second job. Civil servants in “strategic sectors,” such as the court system, the Ministries of Finance, Customs, and Education, and the Criminal Investigation Police, earned up to 400 percent more than other public sector employees.

Working conditions on many of the cocoa plantations—the largest informal wage sector—were extremely harsh. The average salary for plantation workers did not provide a decent standard of living for a worker and family, and the purchasing power of their pay was further eroded by a high rate of inflation.

The legal workweek is 40 hours, with 48 consecutive hours mandated for rest. However, shopkeepers could work 48 hours a week. The law provides for compensation for overtime work. The law prescribes basic occupational health and safety standards; however, due to resource constraints, the Ministry of Justice and the Ministry of Labor and Solidarity’s enforcement of these standards was not effective. Employees have the right to leave unsafe working conditions, but none sought to do so, and enforcement of the right was very limited.

SENEGAL

Senegal, with an estimated population of 12.5 million, is a moderately decentralized republic dominated by a strong executive branch. In February 2007 Abdoulaye Wade was reelected president in an election generally viewed as free and fair despite sporadic incidents of violence and intimidation. In June 2007 the ruling Senegalese Democratic Party (PDS) won the majority of seats in National Assembly elections that were boycotted by the leading opposition parties. However, international observers characterized the elections as generally free and transparent. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected citizens’ rights; however, there were problems in some areas, including: inhuman and degrading treatment of detainees and prisoners; overcrowded prisons; questionable investigative detention and long pretrial detention; corruption and impunity; limits on freedoms of speech, press, and assembly; domestic violence, rape, sexual harassment, and discrimination against women; female genital mutilation (FGM); child abuse, child marriage, infanticide, trafficking in persons, and child labor.

Rebels from the Movement of Democratic Forces of Casamance (MFDC) and a splinter group, the Movement for the Liberation of the People of the Casamance, killed civilians, committed robberies, and harassed local populations while fighting each other.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Neither the Government nor its agents committed any politically motivated killings. Unlike previous years, there were no reports of arbitrary killings by security forces.

There were no developments in the following 2007 cases: the January killing of a young man by a police officer in Diourbel; the April death in police custody of Dominique Lopy in Kolda; the June killing of Cheikh Ahmet Tidian Fall by customs officers in Mbour; the July killing of Abdoulaye Seck in Bignona; and the December death in police custody of Badara Diop in Kaolack. The December 2007 killings of Mamadou Sakho Badji and the Government's special advisor for the Casamance peace process, Cherif Samesidine Nema Aidara, were still under investigation at year's end; one suspect remained in pretrial detention.

During the year the Criminal Investigations Division (DIC) did not release the results of the 2006 investigation into the police killing of a merchant in Dakar, and no action was taken against those responsible.

According to statistics from Handicap International, there were four separate landmine accidents in the Casamance region during the year which resulted in one killing and four injuries. The killing occurred on May 1, when a passenger vehicle from Sindian traveling to The Gambia hit a landmine near the village of Toukara. There were no government efforts to remove landmines during the year.

During the year MFDC rebels reportedly attacked civilians and committed highway robberies in the Casamance.

On May 15, MFDC rebels allegedly shot at a group of villagers harvesting in Camaracounda, resulting in the death of Frederic Mendy.

On May 20, fighting between MFDC rebels and soldiers in the village of Niassaran (Djibidione) north of Ziguinchor resulted in the deaths of two soldiers. Local media reported at least seven rebels also died in the attack.

On July 22, armed men attacked dozens of cars and robbed passengers between Teubi and Tobor, north of Ziguinchor, killing one passenger.

On December 23, Mamdaou Sinna Sidibe was shot and killed during a violent riot to protest poor living conditions and lack of jobs in the mineral-rich region of Kedougou. An investigation into his death was ongoing at year's end.

There were no developments in the January 2006 case of MFDC rebels killing the subprefect of Diouloulou.

Suspects had not been identified by year's end in the December 2006 kidnapping and killing of Oumar Lamine Badji, president of the Regional Council of Ziguinchor.

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

The Government did not take any action to resolve older cases of disappearances, particularly in the Casamance, linked to government security forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were occasional reports that government officials employed them.

Human rights groups noted examples of physical abuse committed by security forces, including cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip-search and other interrogation methods. Police also reportedly forced detainees to sleep on bare floors, directed bright lights at their pupils, beat them with batons, and kept them in cells with minimal access to air. During the year authorities took no action against police involved in these abuses.

Human rights organizations highlighted the lack of supervision and impunity with which security forces treated persons in police custody. The African Assembly for Human Rights (RADDHO) continued to demand prosecutions for the deaths of two suspects in police custody in 2007. During the year they also denounced the abusive treatment inflicted by gendarmes in Dakar on the city's former mayor, Mamadou Diop, who indicated that he was stripped and made to lie on a stone floor.

Human rights organizations reported cases of torture by security forces following a riot in the city of Kedougou on December 23. According to nongovernmental organization (NGO) reports, security force members wearing masks broke into homes of suspects, beat, arrested, and subjected persons to long interrogations. Physical evidence of suspects' beatings was displayed during their trials; however, the court dismissed the allegations of torture made by attorneys.

On May 7, in Camaracounda, armed men allegedly belonging to the MFDC mutilated 16 persons by cutting off one ear of each as punishment for harvesting in the forest occupied by rebels.

On July 23, the National Assembly and the Senate jointly amended the constitution to allow retroactive prosecution of genocide and crimes against humanity. On July 29, the National Assembly passed a law introducing new provisions in the Code of Criminal Procedure whereby defendants have the right to appeal in a case heard before the Court of Appeals and juries were replaced with magistrates. These legal provisions lifted the last obstacles to the prosecution of former Chadian dictator Hissene Habre on charges of torture and crimes against humanity. Habre has lived in exile in the country for 19 years. During the year authorities appointed judges to investigate the Habre case; however, in mid-October, the Government stated Habre's prosecution could not take place without international donor funding. No further government action was taken by year's end.

An increase in alleged rebel attacks in the Casamance on vehicles was noted during the year. These attacks resulted in injuries and theft of money, jewelry, and cell phones. No arrests were made during the year.

There were several cases of mob violence. Due to a weak judiciary and widespread impunity, civilians often administered punishment by beating presumed thieves before handing them over to security forces.

Prison and Detention Center Conditions.—Prison and detention center conditions were poor, in part because no prisons have been built since the colonial era. The National Organization for Human Rights (ONDH) identified overcrowding and lack of adequate sanitation as major problems. Dakar's Central Prison, which had a maximum capacity of 700 persons, held approximately 1,400, while the penal camp in Dakar, which had a capacity of 400, held an estimated 800 detainees. To alleviate overcrowded prisons in Dakar, authorities transferred some prisoners to Thies, which resulted in overcrowded prisons in that city. Human rights activists noted that Niour Prison was severely overcrowded and resembled "a chicken coop" more than a prison. Detainees in Diourbel were sometimes held in a former horse stable; detention conditions in Tambacounda were also extremely poor.

Prisons lacked doctors and medicine. The ONDH reported a national ratio of one doctor per 5,000 inmates and that the Government spent only 450 CFAF (approximately \$1) a day per inmate to cover all costs including medical care. There was one mattress for every five detainees. Due to an old and overburdened infrastructure, prisons experienced drainage problems during the rainy season and stifling heat during the summer. Prisons also were infested by bugs, and prisoners suffered sexual assault and extremely low quality food.

As part of a three-year investment plan, government funds were provided to prisons for renovations and refurbishment. During the year Dakar's central prison received new mattresses and inmates were able to create more space by building bunk beds. The ONDH, which visited six prisons during the year, reported that the Diourbel Prison also received new mattresses. The ONDH also noted that, for the first time, prison inspectors were recruited from penitentiary officers, which resulted in prison personnel attaining the same level of law enforcement authority as the police and gendarmes.

Human rights organizations highlighted that some children, who committed crimes or who were found by police late at night in the street, were kept in custody for long periods because their parents could not be located or identified.

Local NGOs reported that prisoner separation regulations were not always enforced. Pretrial detainees were occasionally held with convicted prisoners, and juveniles were occasionally held with adults.

Local NGOs reported that the rape of female prisoners was a serious issue not addressed by government authorities during the year.

During the year the Government permitted prison visits by local and international human rights groups, which also provided humanitarian support to inmates.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, authorities at times arbitrarily arrested and detained persons. Human rights groups described arbitrary detention as a growing problem.

Role of the Police and Security Apparatus.—Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The police force includes 10 departments which constitute the Directorate General of National Safety. In each of the country's 11 regions, there is at least one police station and at least one mobile safety brigade. Dakar has more than 15 police stations. The police force effectively maintained law and order.

Impunity and corruption were problems. An amnesty law covers police and security personnel involved in "political crimes," except those who committed assassinations "in cold blood."

According to human rights groups, attorneys, and victims, security forces regularly extorted money from detainees in exchange for release and from prostitutes to overlook noncompliance with prostitution regulations and other.

The DIC is in charge of investigating police abuses. According to human rights groups, new members of the police force received training in human rights protection.

Arrest and Detention.—Although the law specifies that warrants issued by judges are required for arrests, in practice police often lacked warrants when detaining individuals. The law grants police broad powers to detain prisoners for long periods of time before filing formal charges. The DIC may hold persons up to 24 hours before releasing them. Many detainees were not promptly informed of the charges against them. Police officers, including DIC may double the detention period from 24–48 hours without charges, but they must obtain authorization from the prosecutor. Investigators can request that a prosecutor double this period to 96 hours. For cases involving claimed threats to state security, the detention period can be further doubled. Thus, someone accused of plotting to overthrow the Government or undermining national defense can be held up to 192 hours.

The detention period does not formally begin until authorities officially declare that an individual is being detained, a practice human rights groups criticized for resulting in unjustly long detention periods. Bail is rarely available. In the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family; however, family access was not generally allowed. The accused has the right to an attorney at the accused's expense after this initial period of detention. Attorneys are provided at public expense to all criminal defendants who cannot afford one. A number of NGOs also provided legal assistance or counseling to those charged with crimes.

The Government used security forces, especially the DIC, to harass journalists and arrest political opponents and civil society leaders (See Section 2.b.).

Judicial backlogs and absenteeism of judges contributed to long pretrial detention periods. The law states that an accused person may not be held in pretrial detention for more than six months for minor crimes; however, persons were routinely held in custody until a court demanded their release. Despite the six-month limit on detention for most crimes, the average time between charging and trial was two years. In many cases persons are freed without charges being filed. In such circumstances there is no compensation paid by the state.

In cases involving murder, threats to state security and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases, but may order release pending trial with the prosecutor's consent. If a prosecutor opposes release, the order is frozen until an appeals court decides whether to grant release. Under the law, the prosecutor has total discretion to deny provisional release pending trial for cases involving threats to state security, murder and embezzlement. However, since judges lacked sufficient time to review all cases, orders to extend detention were often signed without consideration of the facts to avoid releasing potentially guilty detainees.

During the year the Supreme Court heard an ONDH case regarding 23 detainees who had been held in pretrial detention between two and six years for felonies including murder, gang rape, robberies, and criminal conspiracies. The Supreme Court released six detainees and sentenced the remaining 18 to various jail terms.

e. Denial of Fair Public Trial.—Although the constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence.

Magistrates continued to publicly criticize their working conditions, including overwhelming case loads, lack of equipment, and inadequate transportation. Magistrates also openly questioned the Government's commitment to judicial independence.

After a long hiatus, the High Council of the Magistrature met during the year and made several decisions including the appointment of the head of the new Supreme Court. Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts. In July the constitution was amended to reintroduce a Supreme Court. The new Supreme Court is the final court of appeal for all judicial and civil cases and is the highest judicial institution. Other components of the judiciary include the Constitutional Council, which has jurisdiction over all constitutional and electoral issues, and the Accounting Court that has jurisdiction on financial and budgetary affairs.

In July the Cour d'Assises was also reformed. It is a specialized court attached to the Court of Appeals, which meets twice a year to prosecute felony cases. Jurors

were eliminated from the Cour d'Assises so that only judges deliberate on the cases. It is possible to appeal verdicts of the Cour d'Assises.

The High Court of Justice presides over cases against senior government officials concerning acts committed in an official capacity. The court has the authority to convict and sentence or acquit. It is composed of eight national assembly deputies and one judge. The National Assembly elects the eight deputy members of the High Court and eight substitutes, at the beginning of each session. Three-fifths of all deputies must vote to pass a resolution to permit prosecution of a head of state or minister. If a resolution is so passed, the High Court can convene.

While civil court judges preside over civil and customary law cases; plaintiffs can also bring disputes involving family matters to religious judges, who act as advisors. Religious law has been incorporated into the country's laws. Individuals and companies can also refer commercial disputes to arbitration courts and some citizens still rely on tribal leaders to settle family and community disputes.

The Regional Court of Dakar includes a military tribunal, which has jurisdiction over crimes that are military in nature. The tribunal is composed of a civilian judge, a civilian prosecutor, and two military assistants to advise the judge, one of whom must be of equal rank to the defendant. The tribunal may try civilians only if they were involved with military personnel who violated military law.

Trial Procedures.—All defendants have the right to a public trial, to be present in court, confront witnesses, present evidence and witnesses, and have an attorney in felony cases.

Evidentiary hearings may be closed to the public and the press. Although defendant and counsel may introduce evidence before the investigating judge who decides to refer a case for trial, they do not always have access to all evidence presented prior to trial. Access to evidence may be limited by police who want to protect their informants. A panel of judges presides over ordinary courts in civil and criminal cases since trials by jury were eliminated by a law passed on July 28. Defendants are presumed innocent. The right of appeal exists in all courts, except for the High Court of Justice. All of these extend to all citizens.

Political Prisoners and Detainees.—On October 10, the Government arrested five members of the Socialist Party for distributing pamphlets in front of the National Assembly. The detainees were held for eight days on charges of unlawful gathering, before they were granted bail. On October 22, a judge on the regional court of Dakar dismissed the case. There were no other known political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Citizens may seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Administrative remedies also can be sought by filing a complaint with the High Commission for Peace and Human Rights based in the Office of the President. However, corruption and lack of independence hampered judicial and administrative handling of these cases. At times prosecutors refused to prosecute security officials, and violators often went unpunished. In addition, there were problems in enforcing court orders, since the Government can ignore court orders without legal consequences.

g. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice; however, human rights organizations stated that illegal phone monitoring by security services was common practice.

Section 2. Respect for Civil Liberties, Including:

Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government limited these rights in practice, and security forces and politicians intimidated or harassed journalists during the year. Journalists also practiced self-censorship.

Individuals could generally criticize the Government publicly or privately without reprisals.

There were several independent and three government-affiliated, newspapers. Due to high illiteracy rates, radio was the most important medium of mass information and source of news.

There were approximately 80 community, public, and private commercial radio stations. Although an administrative law is in place to regulate radio frequency assignments, community radio operators claimed there was a lack of transparency in the allocation of frequencies. Radio stations were often controlled by a single religious, political, or ethnic group.

Although the Government continued to maintain a monopoly on locally televised information and opinion through Radio Television Senegal (RTS), three privately-owned television channels broadcast during the year. Under law the Government must hold a majority interest in RTS, and the president directly or indirectly con-

trolled selection of all members of the 12-person RTS executive staff. Several human rights and journalist groups criticized the fact that some religious leaders were able to broadcast on government-controlled TV and radio without charge, while other groups were obliged to pay.

Government failure to enforce regulations on establishing media outlets and government-provided media assistance resulted in an increase of unprofessional or politicized media. Journalists and human rights groups maintained that some media outlets—such as the dailies *Express News* and *Le Messenger* and FM radio stations *Anur* and *RMD*—were created solely to refute antigovernment criticism.

Journalists continued to criticize government efforts to control media content by selectively granting or withholding state subsidies, which were given to both government-affiliated and private independent media. The Government frequently used subsidies, and in a few cases threats and intimidation, to pressure the media not to publicize certain issues.

The international media were active and expressed a wide variety of views without restriction.

During the year a number of journalists were intimidated, beaten, and jailed, leading to a two-month period of demonstrations against the Government by media organizations. In addition there was growing concern about the culture of impunity for crimes and threats by government and religious leaders against journalists.

On April 10, Madiambal Diagne, publisher of the weekly magazine *Weekend*, filed a complaint after receiving death threats from Mouride disciples over an interview with one of the wives of Caliph-General Serigne Bara Mbacke. No one was charged by year's end.

On April 16, in Dakar, police forcibly entered independent television station *Wal Fadjiri* and terminated its live broadcast of a demonstration by the Consumer Association. The police seized the television station's videotapes without a court order.

On April 18, PDS political leader Moustapha Cisse threatened to shoot Ibrahim Benjamin Diagne, a reporter for the Diourbel-based *Radio Disso* FM station, after a listener criticized Cisse during a radio talk show.

Following the June 1 national political dialogue known as *Les Assises Nationales*, the Government threatened to punish all those who attended, including members of the diplomatic corps. The dialogue was organized by political opponents of the Government and included a number of civil society members seeking political reforms.

On June 3, President Wade threatened Yakhm Mbaye, editor of the daily newspaper *Le Populaire*. Mbaye had tried to question the president during a press conference at an international World Food Security conference in Rome.

On June 13, Caliph-General Serigne Bara Mbacke, the Mouride Brotherhood leader, grabbed reporter Babou Birame Faye of the *Weekend* magazine in the region of Diourbel. Caliph Mbacke was reportedly unhappy with a report about his private life. Some of his disciples attempted to beat Faye, but the caliph stopped them. Although not injured, Faye was intimidated with the threat of possible further reprisals by the caliph's disciples. The caliph later apologized and the journalists' union refrained from filing a complaint against him.

On June 21, police attacked Boubacar Campbell Dieng and Karamokho Thioune, journalists of *Radio Futurs Media* and *West Africa Democracy Radio* respectively, after a soccer match at Senghor stadium in Dakar. The attack occurred in an area where the media was allowed to interview players. There were no investigations or charges filed against perpetrators by the end of the year.

On August 7, the minister of transportation threatened to beat a journalist from the daily newspaper *Walf Grand-Place* after the journalist reportedly accused the minister of lying about his educational degree. On August 17, 12 men led by the driver of the Minister of Air Transportation, Farba Senghor, invaded and ransacked the premises of *24 Heures Chrono* and *L'As*, two privately owned Dakar-based daily newspapers. The men were later sentenced to jail terms of between five to six years. They appealed the sentencing, but there were no further case developments by year's end. On August 28, Senghor resigned his post; no charges had been filed against him by year's end.

On August 28, the police closed down the office of *24 Heures Chrono*, arrested editor-in-chief El Malick Seck, and seized the August 28th edition of the publication. The newspaper had published an old, vaguely sourced story claiming the president and his son Karim had been involved in laundering money stolen from the Central Bank for West African Countries. On September 12, the court found Seck guilty of "disseminating false news" and "public insult." Seck received a three-year prison term, which he appealed, and the newspaper was suspended for three months. The newspaper did not resume publishing by year's end and there were no further developments in the Seck case by year's end.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. With more than a dozen Internet service providers and an estimated 2.3 million subscribers, the country had extensive online access. Cyber cafes were numerous in Dakar and often found in provincial centers. Approximately 60 percent of the country, however, was not connected to the country's electrical grid.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Although the constitution and law provide for freedom of assembly, the Government interfered with this right in practice. During the year the Government repeatedly denied public permits for civil society and opposition demonstrations. Opposition groups complained of undue delays when waiting for a government response to authorization requests.

On March 30, in Dakar, police beat and detained Momar Ndao and Jean Pierre Dieng, leaders of the Consumer Association, following a protest staged by their organization to demand that the Government lower the prices of certain commodities. On April 16, Ndao and Dieng were prosecuted and each received a one-month suspended sentence.

During the year police used excessive force to disperse unauthorized demonstrations, resulting in injuries. No action was taken against the perpetrators.

On July 28, gendarmes opened fire against demonstrators in Marsassoum, in the region of Sedhiou, injuring 10 persons. The demonstrators had blocked roads to pressure central government authorities to grant their area higher priority in the ongoing decentralization process.

There were no developments in the April 2007 killing by Kolda police of Dioutala Mane, who had been participating in a demonstration against the death of Dominique Lopy in police custody.

During the year there was no action taken against the Ziguinchor riot police who beat seven female elementary teachers in May 2007.

During the year no action was taken against police who beat with clubs a group of disabled former servicemen in September 2006.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice.

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

Any religious group seeking to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

Unlike other religious groups, Muslims have the right to choose Muslim-based laws contained in the family code for marriage and inheritance cases. Civil court judges can preside over civil and customary law cases, but many disputes were turned over to religious leaders for adjudication, particularly in rural areas.

Muslims and Christians continued to enjoy harmonious relationships. On September 26, Muslims and Christian leaders led a joint prayer to commemorate the anniversary of the sinking of the ferry Joola.

During the year the Agency for the Organization of the Islamic Conference (ANOCI) provided support to mosques damaged by floods and built a parking lot for Dakar's main Christian cemetery. The Government provided some financial support for both Muslim and Christian pilgrimages.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were approximately 120 resident Jews in country; there were no reports of anti-Semitic activities during the year.

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

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

The Government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and stateless persons.

Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, this law was not generally enforced.

The constitution and law prohibit forced exile, and the Government did not employ it.

Some local leaders advised NGOs to gauge MFDC reaction in the Casamance region before undertaking projects or traveling in areas with a strong rebel presence. Military check points were still erected by the army, but no restriction of movement was noted. Highway robberies deterred many from traveling by road.

Internally Displaced Persons (IDPs).—During the 23-year-old Casamance conflict, tens of thousands of persons have left villages in the region due to fighting, forced removal, and landmines, and many persons were reportedly displaced during the year in the region. The Government estimated that there were approximately 10,000 IDPs in the Casamance. Some IDPs who attempted to return to their villages met hostility from MFDC combatants in rural communities south of Ziguinchor. On March 16, MFDC forces reportedly detained for three days 12 IDPs who had returned to their village of Mbissine to prepare their land for farming.

Protection of Refugees.—The law provides for the granting of refugee or asylum status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. Since the president must approve each case, delays of one to two years in granting refugee status remained a problem. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government generally granted refugee status or asylum, and provided refugees with food and nonfood assistance.

The Government violated the rights of some asylum seekers by not offering them due process or security since appeals filed by denied asylum seekers were examined by the same committee that examined their original cases, and a denied asylum seeker can be arrested for staying illegally in the country. Those arrested sometimes remained in “administrative detention” for up to three months before being deported.

Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the river valley along the Mauritanian border and enjoyed free movement within the country. However, most refugees could not obtain refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. On January 29, UNHCR began a repatriation program of Afro-Mauritanians from the country to Mauritania, resulting in approximately 5,000 persons returned during the year. In addition the Government continued to permit generally unsupervised and largely informal repatriation.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right in February presidential elections and June legislative elections. For the first time, military and paramilitary forces were allowed to vote.

Elections and Political Participation.—The National Assembly postponed local elections that were scheduled for May to March 2009.

In February 2007 President Wade was reelected to a second term with approximately 55 percent of the vote, which ensured him a first round victory over 14 other candidates. International observers declared the voting to be generally free and fair; however, there was preelection violence and irregularities, especially in the issuance of voter cards. Noting that numerous persons voted multiple times and that voter registration cards were deliberately issued late in non PDS-dominated areas, many opposition parties did not accept the election results. The parties petitioned the Constitutional Council to void the election; however, the council rejected their petition. In the June 2007 legislative election, President Wade's PDS coalition won 131 of 150 seats. International observers declared the elections to be generally free and fair. Opposition parties, organized under the umbrella organization “Front Siggil Senegal,” boycotted the elections, resulting in a historically low turnout of 34.7 percent. Senate elections were held in August 2007 after a January 2007 law reestablished the Senate. Thirty five senators are indirectly elected by local officials and members of parliament; the remaining 65 senate seats are filled by the president. The PDS won 34 of the 35 contested seats. The main opposition parties boycotted the elections, since the majority of senate seats are appointed.

The 100 registered political parties operated without restriction or outside interference.

At year's end there were 34 women in the 150-seat National Assembly and five women in the 31-member cabinet. Only 13 percent of locally elected leaders were women. The 100-member Senate included 37 women. Women's groups argued that the current apportionment of Senate seats should be declared unconstitutional, as the constitution states that two-fifths of seats should be allocated to women.

There were approximately 39 members of minority groups in the 150-seat National Assembly and an estimated 12 members in the 39-member cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively and officials often engaged in corrupt practices with impunity.

The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a serious problem, and there was widespread public perception of government corruption. The perception was exacerbated by officials granting themselves salary increases, vehicles, and land over the last few years to National Assembly deputies and civil servants at all levels.

The National Commission to Fight Non-Transparency, Corruption, and Government Fraud had no authority to investigate or prosecute. It remained inefficient in fighting corruption, and no government officials were prosecuted for the crime. However, on July 28, the Government passed a law giving commission members financial benefits and extending their terms of office for another six years from 2007.

In July President Wade circulated a petition calling for the resignation of the National Assembly President Macky Sall. Sall, who previously served as prime minister, had supported a call for the president's son, as the head of ANOCI, to testify about the use of funds for infrastructure. Wade's petition was unsuccessful in removing Sall; however, in October the National Assembly passed a bill reducing the tenure of office of the National Assembly presidency and voted to dismiss Sall. Sall subsequently resigned from the PDS ruling party and created a new political party called the Alliance for the Republic.

The 2006 case of Pape Malick Ndiaye was still pending at year's end, although Ndiaye was freed on bail in January 2007 and remained free at year's end. Ndiaye was originally charged with libel and fraud for accusing Abdoulaye Balde, the Secretary General of ANOCI, of taking a kickback related to ANOCI-related public works.

The constitution and law provide citizens the right to access government information freely; however, the Government rarely provided access in practice.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their findings. However, some human rights organizations alleged that their telephones were regularly tapped during the year.

Local independent NGOs included Tostan, the Committee to Combat Violence Against Women and Children (CLVF), ONDH, RADDHO, Terre des Hommes International Federation, and Plan International Senegal.

The Government's National Committee on Human Rights (NCHR) includes government representatives, civil society groups, and independent human rights organizations. The NCHR has the authority to investigate abuses; however, it lacked credibility since it was poorly funded, did not meet regularly, and did not conduct investigations or release a report during the year.

According to the NCHR, the Government met regularly with civil society and human rights NGOs to discuss topics including discrimination (racial, gender, and religious), migration, and domestic violence. The Government was somewhat responsive to inquiries by NGOs and held meetings with them to discuss rights issues such as torture, domestic violence, and the Hissein Habre case.

Death threats against leaders of opposition political parties, unions, journalists, NGOs and even a senior official were common and generally were believed to originate in circles close to the ruling party.

Although the Government did not prevent visits by international organizations, no such visits were reported during the year.

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

The constitution provides that men and women are equal under the law and prohibits all forms of discrimination. However, gender discrimination was widespread in practice, and antidiscrimination laws often were not enforced.

Women.—Rape was a widespread problem, while spousal rape remained difficult to quantify since it was a taboo subject and very seldom reported. The law prohibits rape, but not spousal rape; however, the Government rarely enforced the law. A women's rights NGO criticized the country's lack of rape shield laws which allow the common practice of using a woman's sexual history to defend men accused of rape. Prosecutions for rape remained minimal since judges seldom have sufficient proof that rape occurred, especially when rape happens within a family. It is common to settle rape cases out of court to avoid the publicity and costs associated with prosecution. Ministry of Justice statistics estimate that 47 percent of accused rapists go unpunished and released without going to trial. According to APROFES, a women's NGO, there were 195 documented cases of rape and sexual abuses during the year.

Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the NGO CLVF reported a rise in violence against women during the year. Violence against women is against the law, but the law was not enforced. The law criminalizes assaults and provides for a punishment of one to five years in prison and a fine. If the victim is a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years; if an act of domestic violence causes death, the law prescribes life imprisonment. The CLVF criticized the failure of some judges to apply the law, citing cases where judges claimed lack of adequate evidence as a reason to issue lenient sentences.

Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. There were no statistics available on the number of abusers prosecuted under the law. The CLVF indicated that the availability of more shelters and its successful campaign to sensitize women to their rights resulted in a substantial increase in reports of domestic violence.

Organizations combating violence criticized the Government's failure to permit associations to bring suit on behalf of victims. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship was responsible for ensuring the rights of women.

There were no government programs to combat domestic violence during the year.

Although soliciting customers is illegal, prostitution is legal if individuals are at least 21 years of age, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections. NGOs working with prostitutes claimed that police targeted prostitutes for abuse and extortion. There were arrests of illegal foreign prostitutes, underage prostitutes, and pimps during the year. Evidence suggested foreign prostitutes' entry into the country was professionally organized.

The law mandates prison terms of five months to three years, and fines of 50,000 to 500,000 CFAF (approximately \$100 to \$1,000) for sexual harassment; however, the practice was common. The Government did not effectively enforce the law, and women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present sufficient proof to secure prosecutions.

Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The law prohibits marriage for girls younger than 16, although this law was not enforced in some communities where marriages were arranged. Under certain conditions, a judge may grant a special dispensation for marriage to a person below the age of consent. Women typically married young, usually by the age of 16 in rural areas.

Women faced pervasive discrimination, especially in rural areas where traditional customs, including polygyny and rules of inheritance, were strongest. According to the law, a woman's approval is required for a polygynous union, but once in such a union, a woman need not be notified nor give prior consent for the man's subsequent marriage. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to sociocultural pressures, judicial reluctance to enforce the law, and a lack of information on marriage laws.

The Family Code's definition of paternal rights remains an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can only become the legal head of family when the father formally renounces his authority before the administration. This makes it particularly difficult for the 20 percent of families that are supported and led by women. Problems in both the law and traditional practices also made it difficult for women to purchase property.

Women represented 52 percent of the population, but performed 90 percent of domestic work and 85 percent of agricultural work.

Children.—The Government was somewhat committed to children's rights and welfare. The Ministry of Women's Affairs, Family, Social Development, and Women's Entrepreneurship was responsible for promoting children's welfare and was assisted by the health, education, and labor ministries.

The law provides for free education, and education is compulsory for all children ages six to 16; however, many children did not attend school due to lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to efforts of the Government, NGOs, and international donors, primary school enrollment reached 82.3 percent during the year.

The highest level of education attained by most children was primary school. The middle school enrollment rate was 31.9 percent, and the secondary school enrollment rate was 10.9 percent. During the 2006–07 academic year, more girls than boys were enrolled in elementary school; however, young girls still encountered greater difficulties in receiving an education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters rather than sons from school. Only 23 percent of women and girls over 15 years of age were literate, compared with 43 percent of men. However, this differential is decreasing as a result of a UNICEF program, currently active in Tambacounda, Kolda, and Ziguinchor, to enroll girls in schools. A foreign government supported a middle school construction program to increase girls' enrollment.

The Government took steps to provide religious education classes in the formal school system as an alternative to parents sending their children to Koranic schools, where trafficking in the form of forced begging often occurred. The Government also has a program to provide education and social services to at-risk children.

Child abuse was common. Easily observable were the many poorly dressed, barefoot young boys, known as talibes, begging on street corners for food or money for their Koranic teachers, known as marabouts. These children were exploited by their teachers and exposed to dangers. Physical abuse of talibes was widely known and discussed. A 2007 joint study by UNICEF, the International Labor Organization (ILO), and the World Bank identified 7,600 child-beggars in the Dakar area. Most of these children were around 10-years-old, although some as young as two were reported. In general they were undernourished and prone to sickness. Since they beg full time they devote almost no time to Koranic studies, and are forced to give the proceeds of their begging to their teachers. The average that each child was expected to collect per day was 400 CFA (approximately \$0.80).

On July 3, a marabout severely beat an eight-year-old talibe for collecting less than the daily quota. Police arrested the marabout and he was prosecuted on October 2; he received a five-year sentence in November.

The law punishes sexual abusers of children with five to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years' imprisonment. Any offense against the decency of a child is punishable by imprisonment for two to five years and in certain aggravated cases up to 10 years. Procuring a minor for prostitution is punishable by imprisonment for two to five years and a fine of 300,000 to 4 million CFAF (approximately \$575 to \$7,600). However, the law was not effectively enforced in general.

There were periodic reports of child rape and pedophilia. On March 6, a 13-year-old girl was raped in Keur Massar and, on May 17, a nine-year-old girl was kidnapped, raped, and abandoned in Guediawaye. In both cases the alleged perpetrators were arrested by the police; however, neither had been tried by year's end.

On October 3, an individual named Abdoulaye Wade, who was reportedly mentally ill, raped and killed an 11-year-old girl in Dakar. Wade was subsequently beaten to death by a local mob.

On October 12, a 14-year-old girl was killed by her uncle in Ziguinchor. The man was arrested and was awaiting trial at year's end.

The media reported that on October 18, a man reportedly posing as a police officer raped a 17-year-old girl in Dakar. No arrest was made by year's end.

Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. A women's rights NGO stated that, of all cases of violence committed against girls, paternal incest was increasing the fastest.

The NGO Tostan and UNICEF estimated that FGM was practiced in thousands of villages throughout the country. Some girls were as young as one when FGM was performed on them. Almost all women in the country's northern Fouta region were FGM victims, as were 60 to 70 percent of women in the south and southeast. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, Peul, and Bambara ethnicities, particularly in rural and some urban areas.

FGM is a criminal offense under the law, carrying a prison sentence of six months to five years for those directly practicing it or ordering it to be carried out on a third

person. However, many persons still practiced FGM openly and with impunity. The Government prosecuted those caught engaging in the practice and fought to end FGM by collaborating with the NGO Tostan and other groups to educate people about its inherent dangers. Tostan reported that 3,307 out of an estimated 5,000 communities had formally abandoned the practice by year's end. According to Tostan the movement to abandon FGM accelerated, with 60 percent of previously FGM-practicing communities in the country ending the harmful practice.

Family ministry officials and women's rights groups considered child marriage a significant problem in parts of the country, particularly in rural areas, although child marriage is against the law. Girls, sometimes as young as nine-years-old, were married to older men due to religious, economic, and cultural reasons.

Women's rights groups highlighted infanticide, usually due to poverty or embarrassment, as a continuing problem. Domestic workers or women from villages working in cities who became pregnant sometimes killed their babies, since they could not care for them. Others, who were married to men working outside the country, killed their infants out of shame. In some cases, the families of the women shamed them into killing their own babies. Methods ranged from burying them alive, putting them in septic tanks, or simply abandoning them along the road. When the identity of the mother was discovered, the police arrested and prosecuted her.

Many children were displaced due to the Casamance conflict and often lived with extended family members, neighbors, in children's homes, or on the streets. The Government lacked adequate resources to effectively support these children. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health. According to UNICEF there were an estimated 100,000 talibe boys and 10,000 street children.

Trafficking in Persons.—The constitution and law prohibit trafficking in persons; however, persons were trafficked to, within, and from the country. Laws that prohibit pimping and kidnapping can be used in some trafficking cases.

Trafficking in and through the country was significant, especially with regard to child begging. Talibes were trafficked from neighboring countries, including The Gambia, Mali, Guinea, and Guinea-Bissau, and internally to participate in exploitive begging for some Koranic schools.

Young girls were trafficked from villages in the Diourbel, Fatick, Kaolack, Thies, and Ziguinchor regions to urban centers for work as underage domestics.

Young girls from both urban and rural areas were involved in prostitution, which NGOs stated involved an adult pimp to facilitate commercial sex transactions or provide shelter. Young boys also were involved in prostitution, particularly to support their families.

The country was believed to be a transit point for women en route to Europe for sexual purposes.

Under the law, those who recruit, transport, transfer, or harbor persons, whether by means of violence, fraud, abuse of authority, or otherwise for the purposes of sexual exploitation, labor, forced servitude, or slavery are subject to punishment of five to 10 years' imprisonment and a fine of five to 20 million CFAF (approximately \$10,000 to \$40,000). When the crime involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, prison terms range from 10 to 30 years. The Government did not effectively enforce the law. There was no available data as to who were principal traffickers.

The human rights commissioner and the family ministry were the Government coordinators on human trafficking issues.

Most government efforts to combat trafficking in persons were centered in the Ministry of Women, Family, Social Development, and Women's Entrepreneurship. The ministry operated the Ginddi Center in Dakar, a children's center where child trafficking victims received nutritional, medical, and other assistance. The center accommodated children from The Gambia, Mali, Guinea-Bissau, and Guinea. The center also operated a toll-free child protection hot line that fielded many calls. With assistance from a foreign government, the police have established a trafficking-in-persons database. There were no government programs to protect or assist trafficked women.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced it. The law also mandates accessibility for persons with disabilities; however, there was a lack of infrastructure to assist them. The Ministry of National Solidarity is responsible for protecting the rights of persons with disabilities.

The law reserves 15 percent of new civil service positions for persons with disabilities. However, according to the Senegalese National Association of People with Physical Disabilities, the National Assembly must pass a pending implementation bill to make the law operational. The Government operated schools for children with disabilities, provided grants for persons with disabilities to receive vocational training, and managed regional centers for persons with disabilities to receive training and funding for establishing businesses.

Several government programs, which appeared to be earmarked for persons with disabilities, offered services to other vulnerable populations, reducing resources for persons with disabilities. Due to a lack of special education training for teachers and a lack of facilities accessible to children with disabilities, only approximately 40 percent of such children were enrolled in primary school.

During the year the Government completed construction of five multipurpose social centers in the country as part of its five-year national program for community-based rehabilitation of persons with disabilities.

During the year the Association of Handicapped Students of the University of Dakar demanded better living conditions, noting that many of their members had to abandon their studies due to poor lodging and working conditions. The 210 students of the university lived six persons to a room that was built to house two. In March the Association of Female Handicapped of MBour denounced the stigmatization they suffered from employment discrimination and mobility problems.

The following May 2006 cases remained pending at year's end: the rape of a 16-year-old deaf and mute girl in Thiaroye, and the rape of a 15-year-old girl with disabilities in Yeumbeul.

National/Racial/Ethnic Minorities.—While the country's many ethnic groups have coexisted relatively peacefully, interethnic tensions between Wolofs and southern ethnic groups played a significant role in the long-running Casamance rebellion that was characterized by grievous human rights abuses.

Other Societal Abuses and Discrimination.—As a result of both government and NGO HIV/AIDS awareness campaigns, persons with HIV or AIDS were increasingly accepted in society.

Homosexuality, which is indirectly referred to in the law as “unnatural sexual intercourse,” is a criminal offense. This article of the criminal code has been used to prosecute homosexuals. Homosexuals faced widespread discrimination, social intolerance, and acts of violence.

On February 2, the DIC arrested Pape Mbaye, a well-known homosexual entertainer, and five of his friends after a magazine published photos of Mbaye attending a 2006 homosexual marriage ceremony. Mbaye was jailed for five days before being released. He was not formally charged, and his friends also were released after they threatened to identify influential persons as being homosexual. After police and Ministry of the Interior officials reportedly told Mbaye that they could not protect him against subsequent societal harassment, Mbaye fled to Ziguinchor and The Gambia. Mbaye returned to Dakar on May 16, and the NGO RADDHO took up his case. On June 9, authorities issued Mbaye a passport and he later left the country.

On February 15, the Government did not authorize an attempt by an Islamic group to stage an antigay demonstration at the Grand Mosque of Dakar.

On April 2, three homosexuals reportedly were attacked in Ziguinchor. One of them was severely injured and taken to a hospital. No arrests occurred by year's end.

On August 12, a mob attacked a suspected homosexual man in the Dakar suburb of Patte D'Oie. The man sustained injuries and was treated at a hospital. No arrests occurred by year's end.

On December 19, police raided the home of Diadji Diouf, the director of AIDES Senegal, an NGO provides HIV prevention services. The police arrested Diouf and seven men; they remained in custody at the end of the year.

Section 6. Worker Rights

a. The Right of Association.—By law, all workers, except security forces, including police and gendarmes, customs officers and judges, are free to form and join unions, and workers exercised this right in practice. However, the labor code requires the interior minister to give prior authorization before a trade union can exist legally. The Government can also dissolve trade unions by administrative order, but did not do so during the year. The labor code does not apply to the agricultural or informal sectors, and thus the majority of the workforce. Approximately 4 percent of the workforce was employed in the private industrial sector, of which 40–50 percent belonged to unions.

The law provides for the right to strike, and workers exercised this right; however, there were significant restrictions. The law states that workplaces may not be occupied during a strike. Several strikes were staged during the year by transportation, health, education, bakery, and waste collection workers. Unions representing members of the civil service must notify the Government of their intent to strike at least one month in advance; private sector unions must notify the Government three days in advance.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to collective bargaining, and it was freely practiced everywhere but in private security companies. Collective bargaining agreements applied to approximately 44 percent of union workers.

Antiunion discrimination is prohibited by law; and no antiunion discrimination occurred during the year.

There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law bans the exploitation of child labor, and there are regulations on child labor that set the minimum working age, working hours, working conditions, and bar children from performing particularly dangerous jobs; however, child labor was a problem. Most child labor occurred in the informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize labor over education for their children.

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, particularly in rural areas where there was no enforcement of child labor laws.

In August the Government's National Agency of Demography and Statistics published a national child labor survey which measured the economic activities of children during the prior 12 months. According to the survey 1,378,724 of the country's 3,759,074 children between the ages of five and 17 years worked. Child labor was especially common in the regions of Tambacounda, Louga, and Fatick. Child labor is prevalent in many informal and family-based sectors such as agriculture, fishing, artisanal gold mining, garage mechanics, and metal and wood working shops.

Many religious instructors in Koranic schools brought young boys from rural villages to urban areas and held them under conditions of servitude, forcing them to beg on a daily basis in unsanitary and dangerous conditions or work in the agriculture sector under the threat of physical punishment.

One particularly egregious area of child labor was in the mining and rock quarry sector. Child gold washers, mostly between the ages of 10 and 14, worked approximately eight hours a day without training or protective equipment. Children worked long hours in rock quarries, crushing rock, and carrying heavy loads without protection. Both types of work resulted in serious accidents and long-term illness.

According to an October 2007 government survey, 90 percent of children in Kaolack, Fatick, and Ziguinchor carry out tasks detrimental to their health and education. The study also found that 75 percent of girls were responsible for domestic chores, leading to many dropping out of school.

The labor ministry and social security inspectors were in charge of investigating and initiating lawsuits in child labor cases. Inspectors can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens. In practice inspectors did not initiate visits because of a lack of resources and relied on unions to report violators. Labor inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives. However, there were no statistics available on the number of violations found.

The Government has raised awareness of the dangers of child labor and exploitive begging through seminars with local officials, NGOs, and civil society. The Government also participated in a project funded by a foreign government to withdraw 3,000 children from and prevent 6,000 others from entering exploitive child labor in agriculture, fishing, begging, and domestic service. The Government also participated in an ILO project to combat child labor.

To reduce the incidence of exploitive begging, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship is implementing a program to help support 48 Koranic schools whose teachers do not force their students to engage in begging.

e. Acceptable Conditions of Work.—The national minimum wage was 209 CFAF (approximately \$0.42) per hour, which did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage. Labor unions also acted as watchdogs and contributed to effective implementation of minimum wage in the formal sector. The minimum wage was not respected in the informal sector, especially for domestic workers.

Within the formal sector, the law mandates for most occupations a standard workweek of 40–48 hours with at least one 24-hour rest period, one month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Workers, including foreign or migrant workers, had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment; however, it was seldom exercised due to high unemployment and a slow legal system. The Ministry of Labor, through the Labor Inspection Office, enforced labor standards. However, labor inspectors had very poor working conditions and lacked transportation to conduct their mission effectively.

SEYCHELLES

Seychelles is a multiparty republic of approximately 82,000 citizens. In 2006 voters elected President James Michel, who assumed power in 2004 when former president France Albert Rene resigned. International observers deemed the process credible, although there were complaints of unfair campaign practices. The president and the Seychelles People's Progressive Front (SPPF) dominated the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The May 2007 National Assembly elections did not result in any change in the balance of power between the ruling SPPF and the opposition Seychelles National Party (SNP). Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, the following human rights problems were reported: prolonged pretrial detention; abuse of detainees; arbitrary arrest and detention; an inefficient and politically influenced court system; restrictions on speech, press, and assembly; official corruption; violence against women and children; violations of and restrictions on labor rights; and discrimination against foreign workers.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, but police and prison officers were accused of inhumane treatment of detainees.

On April 11, *Le Nouveau Seychelles Weekly* reported that Special Support Unit (SSU) police officers beat and robbed 10 youths after they had been asked to kneel and pray. The 10 young persons spent the night in a police cell and were released without charges the following day.

On May 1, *Le Nouveau Seychelles Weekly* reported that five soldiers arrested eight persons and handed them over to Central Police Station officers, who beat the detainees. One individual passed out from the beatings and was transferred to the hospital. Authorities charged the man with threatening violence and fined him SRS 500 (approximately \$63) before releasing him the next day.

On July 15, *Italian Life*, an online Italian magazine, and local newspapers reported that prison guards and other detainees at the Montagne Posee Prison physically abused and extorted money from an Italian prisoner awaiting trial. The prisoner subsequently was tried and sentenced to one year in prison; he was released on August 16 following completion of his prison sentence, which was reduced to reflect time served before sentencing.

On August 6, Regar, a local newspaper, reported that four police officers assaulted a man, sprayed him with tear gas, and took him to the Central Police Station where he was beaten. He was held overnight at Beau Vallon Police Station and released without charges the following morning.

The Seychellois Muslim detainee who had his beard shaved and was allegedly abused physically by prison guards in July 2007 reported no further discrimination since an imam visited prison authorities in April.

Prison and Detention Center Conditions.—Detention centers included the Grand Police High Security Prison for violent inmates and the Montagne Posee Prison for all other prisoners and those awaiting trial or sentencing. In June 2007 the Grand Police High Security Prison began transitioning all inmates to the newly opened Montagne Posee Prison. This transition was completed in August 2007, and the Grand Police High Security Prison was shut down, effectively leaving Montagne Posee Prison as the only prison. Prison officials stated that staff shortages forced guards to limit prisoner time outside their cells. The new facility housed high security and ordinary prisoners, including female prisoners, as well as those in pretrial detention. The prison, which had a maximum capacity of 400, held 305, including 185 men in pretrial detention and seven women. Male and female prisoners were held separately; however, remand prisoners were still kept with convicted criminals. On September 18, there were reports from foreign observers of hygienic problems at the prison. On a November 25 prison visit, foreign observers noted that there were inadequate sanitation facilities as a result of irregular water supply. On December 16, Le Nouveau Seychelles Weekly reported that prisoners held hunger strikes to protest against the hygiene and sanitation conditions, as well as food shortages. The same newspaper reported that on November 17, a South African prison consultant beat unconscious a prisoner who was later taken to hospital for treatment.

The Government generally permitted independent monitoring of prison conditions by local and international human rights groups; however, on September 10, authorities denied a visit request by diplomatic observers. An Internal Affairs official said that the decision was due to the alleged absence of the prison superintendent. During the year the International Committee of the Red Cross (ICRC) did not make any request for prison visits.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, the Government did not always observe these prohibitions (See Section 1.c.).

On August 6, four police officers reportedly assaulted and sprayed a man with tear gas; he was taken to the police station, beaten again, held overnight, and released without charges.

On April 11, Special Support Unit (SSU) police officers reportedly beat and robbed 10 youths, who spent the night in a police cell and then were released without charges.

Role of the Police and Security Apparatus.—The president has complete control over the security apparatus, which includes the National Guard, the Seychelles People Defense Forces (SPDF), the Presidential Protection Unit, the Coast Guard, and the police. The police commissioner, who reports directly to the president, commands the unarmed police and the armed paramilitary Police Mobile Unit, which together have primary responsibility for internal security. When necessary, police were assisted by the SPDF on matters of internal security. In February 2007 authorities incorporated the SSU, a division of the police force formerly responsible for crowd and riot control, into the Public Security Support Wing, as part of a restructuring program of the Police Department.

Corruption remained a problem. The Enquiry Board, a police complaint office, existed but was rarely used. In practice private attorneys filed complaints or published them in the opposition party newspapers Regar and Le Nouveau Seychelles Weekly. Although human rights is included as a core precept in officer training, such training was limited in practice.

Arrest and Detention.—The constitution and law provide that persons arrested must be brought before a magistrate within 24 hours, with allowances for boat travel from distant islands; however, police did not always respect this requirement. The constitution and law also provide for detention without charge for up to seven days if authorized by court order, and police generally respected this provision. Detainees have the right to legal counsel. Free counsel is not a legal right, but courts usually provided it to the indigent. Courts provided bail for most offenses. Although warrants are required by law, police made some arrests and detentions without a warrant.

The constitution provides for remand prisoners to be released after six months detention if their case had not been heard within that period; however, prolonged pretrial detention was a problem. Prisoners often waited more than three years for trial or sentencing due to the inefficiency of the judicial system. Approximately 36 percent of the prison population consisted of pretrial detainees.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to executive influence. Both civil and criminal court cases generally lasted years. There were no reports of judicial corruption, although there was a widespread public perception that some judges were corrupt.

The judicial system includes magistrates' courts (or small-claims courts), the Supreme (or trial) Court, the Constitution and Law Court, and the Court of Appeal.

One supreme court judge, one appeals court judge, and two magistrate court judges were citizens of the country by birth. All others were either naturalized citizens or citizens of other Commonwealth countries. The bar association criticized the Government for not advertising domestically that judicial positions were available. Critics widely believed that some foreign justices bent to the will of the executive branch due to fear of deportation.

Several justices of the peace were responsible for small-claims cases, and there were allegations that many of the justices were appointed because of their affiliation with the SPPF.

An 18-member, part-time family tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remained under the courts. The Government empowered the family tribunal to offer protection orders to victims of family violence. Most members of the tribunal were not legally trained and were affiliated with the SPPF.

Trial Procedures.—Defendants have the right to a fair public trial, and trials were public in practice. A magistrates' court or the Supreme Court heard criminal cases, depending on the gravity of the offense. Cases involving murder or treason use juries. Defendants are considered innocent until proven guilty. Defendants have the right to be present at their trial, to confront witnesses, and to appeal. The constitution makes provision for defendants to present evidence and witnesses and cross-examine witnesses in court. The law provides for defendants to consult with an attorney in a timely manner. Defendants have the right to access government-held evidence; however, in practice, such requests are often delayed. The above rights are enjoyed equally by all citizens.

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

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent and impartial judiciary in civil matters; however, the judiciary was inefficient and subject to executive influence.

There is no institution to examine cases of human rights abuses. However, citizens have turned to the Ombudsman Office to investigate human rights abuses and to seek redress for other issues.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. However, there remained widespread suspicion of government monitoring of private communication without legal process.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government did not respect these rights in practice. The law provides restrictions "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health." As a result, civil lawsuits could be filed to penalize journalists for alleged libel. Journalists practiced self-censorship.

Individuals could not criticize the Government publicly or privately for fear of reprisal. On November 5, the editor of *Le Nouveau Seychelles Weekly* was arrested and detained in a police cell, after he publicly spoke against the Government's economic reforms using a speakerphone. On November 6, police interrogated him and searched the newspaper's building and the editor's house for the speakerphone. He was released the same day without charge.

The only daily newspaper was the Government-owned *Nation*, which generally supported government policies, gave limited attention to the opposition, and generally ignored news that reflected adversely on the Government. There were three

weekly political party newspapers: Regar, The People, and Le Nouveau Seychelles Weekly.

The law allows the minister of information technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable.” The law also requires telecommunications companies to submit subscriber information to the Government.

Unlike in previous years, there were no reports that security agents harassed employees of Le Nouveau Seychelles Weekly.

The Government owns the only television station and all radio stations. The law allows for independent radio and television, but the licensing fee of approximately 800,000 rupees (approximately \$51,480) per year discouraged the opening of any independent outlets. Following the 2006 elections, the opposition Seychelles National Party (SNP) collected funds for the radio licensing fee and announced plans to apply for a license. The National Assembly subsequently passed an amendment to the Broadcasting and Telecommunications Act that prevents political parties and religious groups from obtaining radio licenses.

In 2007 the president established a law and order committee in response to a 2006 SNP demonstration against the amendment to the Broadcasting and Telecommunications Act. The committee, composed of government officials, representatives of opposition parties, and members of the clergy, by year’s end had not made recommendations on the amendment to the Telecommunications Act.

Internet Freedom.—There were no government restrictions on access to the Internet; however, there were reports that the Government monitored e-mail and Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available to the public.

Academic Freedom and Cultural Events.—Opposition activists claimed that the Government limited academic freedom by reportedly not allowing academic professionals to reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. The Government controlled faculty appointments to the Polytechnic, the most advanced learning institution; there were no universities.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly and association; however, the Government did not always respect it.

Freedom of Association.—The constitution and law provide for freedom of association; however, the Government did not always respect this right. There were complaints that government officials intimidated and even dismissed civil servants who participated in opposition political party activities.

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

Other Societal Abuses and Discrimination.—The Jewish community numbered fewer than 10 persons, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Although it was not used during the year, the law allows the Government to deny passports to any citizen if the minister of defense finds that such denial is “in the national interest.”

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

Protection of Refugees.—The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in the 2007 National Assembly election and the 2006 presidential elections, both deemed credible by international observers.

Elections and Political Participation.—On July 19, an SNP candidate won a national assembly by-election by an 87 percent margin. Prior to the vote, the SPPF leader, former president France Albert Rene, called on voters to boycott the by-election, and only candidates from the SNP and the Democratic Party (DP) contested the election. There were reports that SPPF partisans harassed opposition supporters in the days prior to the voting, and both the SNP and DP filed complaints with the Electoral Commissioner's Office.

The 2007 national assembly elections produced no change in the balance of power between the ruling SPPF and the opposition SNP. International observers found the elections to be credible. Minor complaints of electoral irregularities were filed with the electoral commissioner.

In 2006 approximately 88 percent of eligible voters elected incumbent and SPPF presidential candidate James Michel with 54 percent of the vote. International observers characterized the electoral process as credible and well-organized; however, campaign and electoral practices reportedly were not fair.

The ruling SPPF, which assumed power in a 1977 coup, continued to use its political resources and those of the Government to develop and maintain a nationwide organization that extended to the village level.

There were reports that SPPF membership conferred business and political advantage; for example, some members of opposition parties claimed that they lost their government jobs because of their political affiliation and were at a disadvantage when applying for government licenses and loans. On June 8, the Immigration Division of the Internal Affairs Department terminated a Russian citizen's residence permit, even though she did not violate any laws and was gainfully employed. The decision to expel the Russian citizen and prohibit her reentry was maintained even though the court of appeal struck down the Immigration Division's ruling. Local press reports, civil society members, and opposition leaders allege that the Russian citizen was being treated unfairly due to her husband's SNP membership.

There were 10 women in the 34-seat National Assembly, seven elected by direct election and three by proportional representation. Following the July cabinet reshuffle, there were two women in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a problem. There were reports of rewards to SPPF supporters in the form of job assistance, land distribution, free building materials, and monetary payments. An ombudsman has legal authority to investigate and report on allegations of official fraud and corruption. He investigated approximately 90 cases during the year involving problems such as labor law litigation, allegations of fraud and corruption, human rights abuse, and land and property disputes.

The liquidation and subsequent sell-off of the Plantation Club, formerly the country's second largest hotel, raised suspicions of government corruption among many local press outlets and business institutions, including the chamber of commerce. The former owner of the hotel claimed that he was threatened into selling the hotel by a businessman with ties to the Government. On September 4, the person who is now chief justice ordered the hotel sold, and the local press speculated that the Government appointed the chief justice to his position because of his order. The purchasers of the hotel were the lowest bidder, a newly formed group allegedly led by the same businessman with close government ties who threatened the previous owner.

There are laws allowing public access to government information, although the Government did not enforce them, and citizens routinely did not have access to such information.

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

A small number of international human rights nongovernmental organizations (NGOs) and one domestic human rights group, the Centre for Rights and Development (CEFRAD), generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to the views of international NGOs; however, cooperation with CEFRAD, which was perceived as being aligned with the opposition, was limited. For example, the Government refused to permit CEFRAD and other local groups to observe the 2006 presidential election or the May 2007 legislative elections.

A government-run National Humanitarian Affairs Committee (NHAC) operated with a range of members from both civil society and the Government. The ICRC acted as a technical adviser to the NHAC.

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

The constitution and law affirm the right to be free from all types of discrimination but do not prohibit discrimination based on specific factors. In practice there was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, nationality, or disability.

Women.—Rape, spousal rape, and domestic abuse are criminal offenses punishable by a maximum of 20 years' imprisonment. The Government enforced the law effectively. During the year the Family Tribunal registered 186 domestic violence complaints. The police registered five rape cases for the year. The Social Affairs Division of the Ministry of Health and Social Development, and Women in Action and Solidarity Organization, a local NGO, provided counseling services to rape victims. During the year one sexual abuser was prosecuted, but had not been convicted by year's end.

Domestic violence against women was a continuing problem. Police rarely intervened in domestic disputes unless it involved a weapon or major assault. The authorities often dismissed the few cases that reached a prosecutor, or the court gave the perpetrator a light sentence. On July 16, the Ministry of Health and Social Development launched the 2008–12 National Strategy Plan on Domestic Violence. A local NGO, GEMSA Plus Seychelles, carried out three information sessions with 20 civil society representatives on the domestic violence strategy plan in order to raise awareness of the issue.

Prostitution is illegal but remained prevalent. Any person found guilty of prostitution is liable to imprisonment for two years. Police generally did not apprehend prostitutes unless their actions involved other crimes.

The law prohibits sexual harassment but was rarely enforced. The Penal Code does not provide any penalty for persons found guilty of sexual harassment; however, the court can order a person accused of sexual harassment to keep a bond of peace.

Women enjoyed the same rights as men. The society is largely matriarchal. Unwed mothers are the societal norm, and the law requires fathers to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. There is no economic discrimination against women in employment, access to credit, equal pay for equal work, or owning or managing a business. Inheritance laws do not discriminate against women.

Children.—The Division of Social Affairs in the Ministry of Health and Social Development worked to protect children's rights, and in practice it was somewhat effective.

The Government requires children to attend school through the 10th grade and made tuition-free public education available through the secondary level until age 18.

The law prohibits physical abuse of children; however, child abuse was a problem and was rarely reported. Sexual abuse of children, usually perpetrated by step-fathers and older brothers, was a problem. Rape of girls under the age of 15 continued to be a problem, according to the Ministry of Health and Social Development. Authorities prosecuted very few child abuse cases in court due to lack of efficient working relations among government agencies and departments. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children.

The age of consent for marriage is 15 years. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child.

There were no reports of street children.

Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

Persons With Disabilities.—The constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving the quality of life; however, there were no laws providing for access to public buildings, transportation, or state services, and the Government did not provide such access for persons with disabilities. There was no discrimination reported against persons with disabilities in housing, employment, or education, or in the provision of other state services.

Other Societal Abuses and Discrimination.—There were no reports of discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire fighting personnel may not unionize. The law is silent regarding the rights of foreign or migrant workers to join a union. Some citizens were reluctant to join the Seychelles National Trade Union (SNTU), a nongovernment-sponsored labor union, due to fear of government reprisal. Unions organized between 15 and 20 percent of the workforce.

The Seychelles Federation of Workers Union (SPPF-associated) is the only trade union in active operation; the SNP-associated SNTU ceased operations in February 2007. Despite the legal provisions allowing workers to form and join unions, membership in the SNTU had continued to decrease because workers feared losing their jobs. The SNTU claimed that employers did not reinstate workers fired for union activity.

Strikes are illegal unless arbitration procedures are first exhausted. Observers noted that the Industrial Relations Act provisions regarding the holding of strikes hinder unions' right to strike.

b. The Right to Organize and Bargain Collectively.—The law allows for unions to organize and conduct their activities without interference. The law provides workers with the right to engage in collective bargaining, but this seldom occurred. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed over 50 percent of the labor force, the Government set mandatory wage scales for employees. The employer generally set wages in the private sector through individual agreements with the employee, but the Government set wage rates in the few larger businesses.

The law authorizes the Ministry of Employment and Human Resource Development to establish and enforce employment terms, conditions, and benefits, and in practice workers frequently obtained recourse against their employers through the ministry.

Unions engaged in collective bargaining in the private sector; however, observers noted that private sector employers were reluctant to do so.

The law prohibits antiunion discrimination, and there were no reports of it during the year.

There was one export processing zone, the Seychelles International Trade Zone (SITZ), with 25 participating companies. Only the Seychelles Trade Zone Act applied in the SITZ, and the Government did not require the SITZ to adhere to labor, property, tax, business, or immigration laws.

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

d. Prohibition of Child Labor and Minimum Age for Employment.—The law states that the minimum age for employment is 15, "subject to exceptions for children who are employed part-time in light work prescribed by law without harm to their health, morals, or education"; in practice the Government followed these requirements. It is otherwise a criminal offense punishable by a fine of 6,000 rupees (approximately \$386) to employ a child under the age of 15. The Ministry of Employment and Human Resource Development enforced child labor laws. The ministry handled such complaints within its general budget and staffing and did not report any case requiring investigation. No children were found working in the fishing, tourism, agricultural, boat building, and processing industries, as the Ministry of Education carried out regular checks to ensure that children were actually attending school.

e. Acceptable Conditions of Work.—There is no official private sector minimum wage. The Government encouraged but did not require the private sector to grant the minimum public sector wage. As of 2006 the minimum public sector wage was 2,325 rupees (approximately \$149) per month. Even with free public services, primarily health care and education, a single salary at the low end of the pay scale did not provide a decent standard of living for a worker and family. Private employers generally paid higher wages than the Government to attract qualified workers.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector; in practice some workers worked up to 60 hours per week. Government employees worked fewer hours. Regulations entitled each full-time worker to a 30-minute break per day and a minimum of 21 days of paid annual leave. The

Government permitted workers to work overtime up to 60 additional hours per month. The Government generally enforced these regulations. The law requires premium pay for overtime work.

Foreign workers—mainly employed in the construction and commercial fishing sectors—did not enjoy the same legal protections as citizens. Companies sometimes paid foreign workers lower wages, forced them to work longer hours, and provided them with inadequate housing.

The Ministry of Health and Social Development has formal responsibility for drafting the Government's comprehensive occupational health and safety regulations, and the ministry enforced these standards, although safety and health inspectors rarely visited job sites. Occupational injuries were most common in the construction, marine, and port industries. The law has been amended to allow workers to remove themselves from dangerous or unhealthy work situations, report the employer to the Health and Safety Commission, and seek compensation without jeopardizing their employment.

SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected president, a unicameral legislature, and a population of approximately six million. In peaceful presidential and parliamentary elections held in August and September 2007, the opposition All People's Congress (APC) won a majority in parliament, and citizens elected party leader Ernest Bai Koroma president. Domestic and international observers characterized the elections as credible and free but noted irregularities that did not affect the outcome. In 2002 the devastating 11-year civil conflict officially ended, and the Government, backed by a United Nations peacekeeping force (UNAMSIL), asserted control over the whole country. In 2004 UNAMSIL handed responsibility for security countrywide to the Republic of Sierra Leone Armed Forces (RSLAF) and Sierra Leone Police (SLP). In 2005 UNAMSIL withdrew all remaining peacekeepers and transferred nonpeacekeeping responsibilities to a follow-on peacebuilding UN mission (UNIOSIL). In September UNIOSIL's mandate ended, and the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) was established to support government institutions and monitor and protect human rights and the rule of law. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, there were serious problems in a number of areas, including: security force abuse and use of excessive force with detainees, including juveniles; police theft and extortion; harsh conditions in prisons and jails; official impunity; arbitrary arrest and detention; prolonged detention, excessive bail, and insufficient legal representation; restrictions on freedom of speech and press; forcible dispersion of demonstrators; harassment of opposition party supporters by ruling party members; widespread official corruption; societal discrimination and violence against women; female genital mutilation (FGM); child abuse; trafficking in persons, including children; and child labor.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that security and police forces used excessive force, and stole, extorted, and demanded bribes. The Corporal Punishment Act allows up to 36 lashes as punishment. Although NGO sources state that such incidents occurred less frequently than previous years, prison guards reportedly beat prisoners with impunity.

In July an inmate was severely beaten by a prison warden and was taken to the hospital for medical attention. No action was taken against the warden.

No action was taken in any of the 2007 cases involving police use of excessive force.

The trial of the police officer who raped a 10-year-old Liberian refugee in 2006 concluded, but no details were available at year's end.

Police use of excessive force to disperse demonstrators resulted in injuries.

In August police and security officials forcibly dispersed a crowd of protestors at the State House, resulting in several journalists being injured. A joint investigation

between police and journalists resolved the matter with the journalists receiving compensation.

During the year men and women were forcibly initiated into tribal secret societies, a process that for women usually involved FGM.

Vigilante violence was common in urban areas, particularly for suspected thieves and unsettled debts. Suspected thieves were often set upon by crowds. In March a thief was murdered by a mob in Eastern Freetown. At year's end no one had been charged for the crime.

There were several reports that Guinean troops along the eastern border harassed local residents.

Prison and Detention Center Conditions.—Prison conditions were harsh and sometimes life threatening. Overcrowding was a major problem. The Pademba Road Prison, which was designed to house 324 prisoners, held 1,229, according to Prison Watch, a local independent organization. In some cases, cells measuring six feet by nine feet housed nine prisoners. According to UNIOSIL's 2007 assessment of prisons, corporal punishment, solitary confinement, reduction in diets, loss of visits, and loss of exercise were routine disciplinary measures. In Kabala and Port Loko Prisons, UNIOSIL reported that officers in charge were present when guards beat inmates with canes and plastic water pipes. While such practices continued, nongovernmental organizations (NGOs) reported that training and monitoring resulted in a reduction of such incidents.

Human rights observers reported that detention conditions frequently fell below minimum international standards because of overcrowding, lack of access to food, unhygienic conditions, and insufficient medical attention. Prison cells often lacked proper lighting, bedding, ventilation, and protection from mosquitoes.

Few prisoners had access to adequate medical facilities, and clinics lacked supplies and medical personnel. Only patients with emergency situations were allowed to visit the clinic outside of the assigned schedule. Women were treated as outpatients or were referred to the local hospitals for special care. However, prisoners often were refused treatment or received inferior care from doctors and nurses in these hospitals because of the social stigma associated with assisting criminals.

Prison Watch reported that there was a shortage of prison staff, and sometimes officers were not paid regularly. Consequently, guards provided only minimal security, and abuse of prisoners and prison breaks occurred. Prison Watch received reports that prison guards sold prisoner food rations to supplement their meager salaries.

Conditions in holding cells in police stations were poor, especially in small stations outside Freetown. Cells were dark with little ventilation. However, overcrowding in some police cells improved during the year due to magistrate judges deployed to the districts to process cases.

Twenty-six prisoner deaths occurred during the year, allegedly as a result of acute malnutrition, lack of hygienic conditions, malaria, and heart failure.

Men and women were held in separate cells; however, in many of the prisons, men and women were held in the same block and shared facilities. During the year the Pademba Road and Kenema Prisons held several infants, most of whom were born in the prison and continued to be detained there with their mothers. While the women's section of the prison in Pademba Road was significantly less crowded with better facilities than the male section, officials detained together persons being tried for petty and serious offenses; the section had no shower facilities, no exercise area, and few rehabilitation programs.

While an effort was made to prevent juveniles from being detained with adults, minors were regularly imprisoned with adult offenders in Pademba, Bo, Makeni, Kambia, Kenema, and Kailahun. Police sometimes released juveniles suspected of committing crimes to avoid incarcerating them with adults. At the same time, when questioned by Prison Watch about detaining juveniles, officers alleged that in some cases, police officers inflated the ages of juveniles to escape blame for detaining and prosecuting minors. In the three juvenile facilities, detainees did not have adequate access to food, education, or vocational training, and sometimes were unable to attend court hearings due to lack of transportation. Violence among youth was a problem, and small riots occurred in some facilities. Juveniles housed with adults and then moved to age-appropriate facilities were often instigators of violence, as noted by the Justice Sector Development Program (JSDP).

In most cases pretrial detainees were held with convicted prisoners. According to Prison Watch, only 200 of the 1,229 prisoners in Pademba Road Prison had been convicted.

The Government permitted family visits, but according to NGO reports, family members had to bribe prison guards to visit in some prisons. The International

Committee of the Red Cross (ICRC) provided a message delivery service that allowed prisoners housed in all district prisons to communicate with their families on a quarterly basis.

International monitors, including UNIOSIL and the ICRC, had unrestricted access to the prisons, detention centers, and police holding cells. Additionally, some NGOs such as Prison Watch, JSDP, and Lawyers Center for Legal Assistance (LAWCLA) monitored the prisons. Amnesty International (AI), however, reported that the Government refused to grant permission to visit any of the prisons despite several requests.

Since the July incarceration of 21 suspects involved in the country's largest drug trafficking case, the Government has denied most requests to visit the Pademba Road Prison.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

Role of the Police and Security Apparatus.—The SLP has primary responsibility for maintaining internal order but was poorly equipped and lacked investigative, forensic, and riot control capabilities. The military is responsible for external security; however, the "Military Assistance to the Police Program" provided additional assistance to police in extraordinary circumstances, such as during the local elections.

There were fewer cases of police brutality during the year, but police corruption was a serious problem, in part exacerbated by low salaries. There were continued reports that police officers took bribes at checkpoints, falsely charged motorists with violations, and impounded vehicles to extort money. Police also accepted bribes from criminal suspects in exchange for dropping charges or having their rivals arrested and charged with crimes.

Police were frequently not present or chose not to intervene when crowds beat alleged thieves. There were numerous instances in which police refused to make arrests when warranted, or arrested persons without charge for civil causes, such as alleged breach of contract or failure to satisfy debt, in exchange for kickbacks.

During the year there were still many who feared the SLP, particularly traffic officials who were notorious for harassing motorists, taking bribes at checkpoints, falsely charging motorists with violations, and impounding vehicles to extort money. Police also accepted bribes from criminal suspects in exchange for dropping charges and/or having their rivals arrested and charged with crimes.

According to the JSDP, impunity was less of a problem than in the past, and there were several mechanisms available to investigate police abuses. The Police Complaints Commission and the Complaints, Discipline and Internal Investigations Department (CDIID) heard complaints against police officers. There was also a Police Council, composed of the vice president, minister of internal affairs, inspector general, and others who accepted written complaints against police officers. The CDIID facilitated all hearings and trials related to police officer complaints. An appeals process was available. After disciplinary measures by the CDIID were issued, the SLP officer was subject to the civilian court if criminal action was involved. SLP newsletter published disciplinary action against officers.

Between January and July CDIID received 1,273 complaints countrywide, resulting in at least 176 officers being either dismissed, demoted, suspended, or officially warned. The other cases were at various stages of investigation or review. The most common complaints lodged against police were corruption, unfair treatment, lack of professionalism, and assault. Cases requiring dismissal of an officer most commonly involved criminal cases or officers fraudulently posing as land owners or businessmen to extort money.

Police continued to receive professional, leadership, and human rights training, and new recruits received a six-month introductory course before deployment. The SLP retained a full-time UN technical advisor and a number of UN Civil Police advisors. As a result of training programs during the year and the introduction of community policing conducted by the Department for International Development, the Commonwealth, and the JSDP, professional conduct of the police force improved.

Until its mandate ended in September, UNIOSIL worked with the JSDP to implement its strategic plan and develop a training program to enhance the SLP's capacity to provide security for the presidential and parliamentary elections.

Arrest and Detention.—The law requires warrants for searches and arrests in many cases; however, arrest without warrant was common. According to UNIOSIL's 2007 assessment of prison conditions, adjournment dates on some warrants were altered and not endorsed by the magistrate, while other warrants were signed, but not by the presiding magistrate. Prison Watch and LAWCLA reported that most ar-

rests were made without warrants and that the SLP rarely followed proper arrest procedures.

Once arrested, a detainee must be told the reason for arrest within 24 hours, and a case must be charged to court within 72 hours, or in the case of serious crimes, within 10 days. According to LAWCLA, remanded prisoners were routinely brought to court on a weekly basis to be re-remanded to bypass the legal restrictions.

Detainees have the right of access to family and legal representation; however, due to a lack of financial resources, only 10 percent of inmates had access to legal representation. Lawyers were generally allowed unrestricted access to detainees; however, during the year lawyers representing accused drug traffickers in a high-profile case publicly claimed that they had limited opportunities to meet with clients. Although the constitution provides for legal aid, there were only 10 state counsels serving the entire country, and they were only available for more serious criminal cases. Regular family visits were permitted with the frequency and duration of the visits varying from prison to prison. According to NGO reports, however, family members were required to pay bribes to gain visitation rights.

There were provisions for bail, and there was a functioning bail system; however, the bail regime was rigorous, excessive, and inconsistent.

Lengthy pretrial detention was a problem. According to AI, as a result of case backlogs in the courts, pretrial and remand detainees spent an average of three to five years in pretrial detention before courts examined their cases or filed formal charges. Approximately 60 percent of the country's detainees in prison were in pretrial detention. According to the Open Society Initiative for West Africa, remand prisoners frequently changed their pleas from "not guilty" to "guilty" to be removed from the remand section to the better areas of the prison.

Amnesty.—Unlike in the previous year, the president granted no amnesties.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision; however, the judiciary at times was subject to government influence and corruption. The Sierra Leone Bar Association complained in September that high-level political interference was impacting the higher and lower courts' decisions, although no specific cases were cited.

The judicial system consists of the Supreme Court, Court of Appeal, High Court of Justice, and magistrate courts in each of the 12 districts and the Western Area. There was also one juvenile court. The president appoints and parliament approves justices for the courts. Local chieftaincy courts administer customary law with lay judges; appeals from these lower courts are heard by the superior courts.

The rotation system between wards in specific districts continued to improve magistrate presence. However, with inexperienced new magistrates, high court fees, and fewer than 20 lawyers practicing outside of Freetown, access to justice remained limited for most citizens.

Traditional justice systems supplemented the central government judiciary, especially in rural areas. Paramount chiefs maintained their own police and courts to enforce uncodified local laws, which acted in parallel with the Government's own civil police and court system. Chieftaincy police and courts exercised the authority to arrest, try, and incarcerate individuals, and sometimes abused that power. However, traditional justice systems improved in rural areas during the year due to government and NGO training of traditional elders and an influx of paralegals.

Trial Procedures.—The law provides for a fair trial; however, in practice, the lack of judicial officers and facilities often produced long delays. Trials are public, and the accused have a limited right to a trial by jury in the magistrate courts. Juries were drawn from a list maintained by the master and registrar of active and retired civil servants and youth groups; however, the attorney general frequently exercised his power to determine that cases be heard by a judge alone. Defendants generally enjoyed a presumption of innocence. While defendants have the right to be present and to consult with an attorney in a timely manner, access to counsel often was delayed. The law provides for attorneys at public expense if defendants could not afford their own; however, state-appointed attorneys often were overburdened and poorly paid, and indigent detainees usually did not receive legal advice prior to trial. Defendants can confront or question witnesses against them, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Trials were generally fair; however, there was credible evidence that corruption influenced many cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training. Although the law provides defendants with the right to appeal, the appeals process was excessively delayed, sometimes over two years.

Human rights NGOs noted wide disparities in sentencing patterns from district to district. There were numerous cases in which sentences imposed were grossly disproportionate to the offenses. Many prisoners were serving excessively long sentences for non-capital offenses, such as sacrilege (50 years), larceny (25 years), and larceny and burglary (45 years). Many attributed the inconsistent sentencing to the defendant's ability to pay a fine or bribe.

Traditional justice systems continued to supplement extensively the central government judiciary, especially in rural areas, in cases involving family law, inheritance, and land tenure. However, the customary law guiding these courts is not codified, and decisions in similar cases were inconsistent. Paramount chiefs acting as judges were notorious for accepting bribes and favoring wealthier defendants. Local chieftains at times exceeded their mandates and administered harsh punishments.

There are a number of civil laws and customary laws that discriminate against women, and many traditional courts continued to ignore the rights of women regarding family law and inheritance.

Trials continued before the Special Court for Sierra Leone (SCSL) of those bearing the greatest responsibility for crimes against humanity, war crimes, and other serious violations against international law committed during the civil war.

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

Civil Judicial Procedures and Remedies.—Both the central government judiciary and customary law courts handled civil complaints; however, corruption influenced some cases and sentencing was inconsistent. Administrative and judicial remedies were available for alleged wrongs, but enforcement was difficult. Victims of human rights abuses have access to the regular courts to seek redress for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and unlike in the previous year, the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government at times restricted these rights in practice. Journalists practiced self-censorship.

The Government rarely attempted to impede criticism. However, reporting on press conditions, the Society for Democracy Initiative noted that its members received telephonic death threats for several weeks. The calls were not traced to members of the Government and an investigation was inconclusive.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with opposition political parties. Reporting was often politicized and inaccurate, in large part because of poor journalistic skills, insufficient resources, and lack of professional ethics. Corruption among journalists was widespread. Newspapers openly and routinely criticized the Government and its officials, as well as opposition parties, but also libeled individuals.

International media could operate freely but were required to register with the Ministry of Information and Broadcasting and the Independent Media Commission (IMC) to obtain a license. Nine new local newspapers registered with the IMC during the year. Although the IMC instituted stricter registration requirements, there were no cases of local or international media being denied registration.

On August 13, security forces attacked and beat several journalists for allegedly criticizing the SLP's handling of a party fracas outside the State House between members of the opposition APC and the ruling Sierra Leone People's Party (SLPP). Following an investigation, the journalists were compensated (*See* Section 1.c.).

The Public Order Act of 1965 criminalizes both defamatory and seditious libel; however, the law was rarely applied. Punishment for first-time offenders can be up to three years' imprisonment, and subsequent seditious libel convictions are punishable by prison terms of up to seven years. The IMC and the Sierra Leone Association of Journalists continued to lobby parliament to amend the act without success.

The IMC regulated independent media organizations and demonstrated independence from government influence. During the year the IMC considered multiple government claims of libel or false reporting in various newspapers, but rejected government requests to close the media outlet. The IMC also received increased libel complaints from the public, largely due to increased public confidence and awareness of the organization.

Due to the low level of literacy and the relatively high cost of newspapers and televisions, radio remained the most important medium for public dissemination of

information. During the year over 45 government and private radio and television stations provided domestic news and political commentary. The APC and the SLPP set up radio stations; however, there were calls from different sectors of the society to ban them as they continued to broadcast propaganda that could incite violence such as libeling political party leaders. UN Radio provided additional coverage of news and other current events.

The 2007 case against Philip Neville, editor of the Standard Times, was dropped after the newspaper published a retraction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were at least five Internet service providers in the country. In Freetown there were many Internet cafes but few in rural areas due to infrastructure constraints.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected this right in practice. Unlike in the previous year, there were no reports that the Government monitored or prevented opposition meetings.

Occasionally, police forcibly dispersed demonstrators, resulting in injuries. Police were sometimes unable to control demonstration violence, and demonstrators at times attacked police stations.

In the run-up to the July local elections, police clashed with demonstrators protesting allegations that SLPP supporters had defaced the president's portrait.

In August police used tear gas and forcible means to end a clash between SLPP and APC members.

In November students from a high school in Freetown attacked a police barrack after police used excessive force on a student accused of assaulting an officer. The incident resulted in a number of injuries to both police and students.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice; however, there were some reports that under the ruling APC, members of opposition parties lost or were denied government jobs and government benefits.

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

Societal Abuses and Discrimination.—There were no reports of discrimination against members of religious groups.

There reportedly was a small Jewish community; there were no reports of anti-Semitic acts.

An application filed in 2006 to the Inter-Religious Council for official recognition of the approximately 20 Jews in Makeni remained pending at year's end.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for the freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, there were reports that police officers who operated security roadblocks outside of the capital often extorted money from motorists.

The border shared with Liberia was officially open, and authorities generally admitted refugees, returnees, and other persons to move regularly between the two countries; however, there were reports that police, customs, and army personnel demanded bribes at border crossing points.

The law does not provide for forced exile, and the Government did not use it.

Internally Displaced Persons (IDPs).—No officially registered IDPs remained. During the year, the last remaining settlement for war-wounded persons and their families closed in Grafton, which subsequently housed persons officially settled on the land on a permanent basis with the help of the Government.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The Government has established a system

for providing protection to refugees and cooperated with the UN High Commissioner for Refugees (UNHCR) and other organizations in assisting refugees.

The 2007 Refugee Protection Act, which entered into force during the year, provides for refugee status, as defined by international convention, to be granted to eligible asylum seekers. UNHCR worked with government authorities to develop standard operating procedures for refugee status determination.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

According to UNHCR, the Government did not provide temporary protection to certain individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The Government assisted the safe, voluntary return of Liberian refugees to Liberia and facilitated local integration for Liberian refugees unwilling or unable to return to their homes.

On December 31, the UNHCR declared the cessation of refugee status for Sierra Leonean refugees, citing legal and social reforms and progress in fundamental rights and freedoms since the civil war. UNHCR announced that Sierra Leonean refugees remaining outside the country after December 31 would no longer be entitled to claim international protection as refugee. During the year, the Government, with UNHCR, facilitated the repatriation of Sierra Leonean refugees wishing to return home before the cessation of their refugee status.

There were no further developments in the 2007 sexual abuse case of two Liberian refugee minors or the rape of host community minors by a refugee in Tobanda Refugee Camp.

Two lawyers were kept on retainer by UNHCR during the year to represent victims of rape; however, few were willing to pursue legal action because of cultural pressure from elders and community members. UNHCR worked closely with the Network Movement for Justice and Democracy in educating refugees and the host community through educational workshops focused on sexual and gender-based violence.

The case was concluded against a police officer who raped a 10-year-old Liberian refugee near the Liberian border at Zimmi in 2006, but details of the outcome of the case were unavailable.

There were no reports of discrimination against refugees with regards to employment, access to social services, and arbitrary arrest.

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

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

Elections and Political Participation.—Domestic and international observers characterized the July 5 local elections as generally free and fair, although there were irregularities that did not affect the final outcome.

During the year there were multiple reports of harassment and intimidation of members of opposition parties. In other instances, independent and female candidates were forced to drop out of the race due to intimidation by APC and SLPP supporters.

There also were reports of voter coercion by party bosses and traditional leaders. The Political Parties Registration Commission (PPRC) reported one case of a family being banished by a paramount chief in Kambia until after the election cycle.

In peaceful presidential and parliamentary elections held in August and September 2007, the opposition APC won a majority in parliament, and party leader Ernest Bai Koroma was elected president with 54 percent of the vote. There were multiple reports of harassment and intimidation of members of opposition parties. There were also reports of voter coercion by party bosses and traditional leaders. Domestic and international observers characterized the elections as generally free and fair, noting that irregularities did not affect the outcome.

The PPRC, which governed the behavior of political parties, did not sanction any political party for inappropriate behavior despite numerous complaints of abuse.

A parallel unit of local government is the paramount chief, who is elected for a life term. Candidates for the position are limited to members of local ruling houses. Only tribal authorities (those who collected local taxes from at least 20 taxpayers) were allowed to vote for paramount chief, and in the north only men could be designated as tribal authorities. Although paramount chiefs' authority exists independently of the central government and local councils, they frequently displayed party affiliations, were influenced by the party in power, and allegedly influenced the

votes of their constituents. The election of paramount chiefs at times exacerbated ethnic tensions.

Women are permitted to vote, but there were numerous allegations that their votes were dictated by husbands or other patriarchal figures. Of the 124 parliamentary members, 16 were women. Four women held cabinet positions. There were four female judges out of seven judges on the High Court, and the acting chief justice is a woman. Three out of six judges on the Court of Appeal were women.

Only citizens can vote, and the Citizenship Act restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." Legal requirements for naturalization effectively denied citizenship to many long-term residents, and a large number of persons of Lebanese ancestry, who were born and resided in the country, could not vote. While a small percentage of the Lebanese population was naturalized, some insisted that naturalization implied second-class citizenship and refused to vote.

Ethnic affiliations have traditionally been a strong influence in political party membership for the country's two dominant ethnic groups, the Mende and Temne, each of which included approximately 30 percent of the population. The Mende traditionally supported the SLPP and the Temne the APC. Other than ethnic Limbas, the third most populous ethnic group who have traditionally supported the APC, the country's other ethnic minority groups had no strong political party affiliations. The new cabinet consisted of 12 Temnes, three Mends, one Fullahs, and three Krios.

Government Corruption and Transparency.—Corruption in the executive, legislative, and judicial branches was widespread. Official corruption was exacerbated by low salaries and a lack of accountability. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

The Anticorruption Commission (ACC) made little progress in curbing corruption during the year or in improving transparency. Many observers complained that the work of the ACC's investigations department was politicized and ineffective. However, on September 1, a new ACC Act came into force with new offenses, tougher penalties, and broader prosecutorial powers. The law expands the appointed members of the Advisory Committee to include representatives of civil society, professional bodies, religious organizations, educational institutions, and the media. It also broadens the mandate of the ACC Board to annually assess the work of the Commission.

During the year the Government developed and approved a five-year national action plan to combat corruption and ministries began including anticorruption activities into their strategic plans. Besides passing the revised law, the ACC has taken several steps to implement the action plan, including an internal restructuring to improve its effectiveness, conducting sensitization campaigns with the public and government ministries, and enforcing whistleblower protection measures.

Corrupt procurement practices were a problem, and several ministries, including the Ministry of Health and Energy, were under investigation. During the year 10 cases of corruption were forwarded to the Ministry of Justice for authorization to prosecute; five received authorization, and five were pending at year's end.

The new ACC law also provides for public officers, their spouses, and children to declare their assets and liabilities to encourage integrity in public life. The president declared his assets the day the law came into force, and all other public servants are required to declare their assets before year's end.

There is no provision in the law for public access to government information; however, the Government at times provided access to citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. There were 41 human rights NGOs registered with the NFHR, and all reportedly were active. Most domestic human rights NGOs focused on human rights education. A few NGOs, including the Campaign for Good Governance, LAWCLA, and Access to Justice, monitored and reported on human rights abuses.

Human rights monitors traveled freely throughout the country. Representatives of international and domestic NGOs, foreign diplomats, the ICRC, and UN human rights officers monitored trials and visited prisons and custodial facilities during the

year; however, AI reported that the Government refused to grant permission to visit any prisons, despite multiple requests.

The National Human Rights Commission, which became operational during the year, generally operated without government interference; however, government agencies were slow to support the commission, and it was also hampered by lack of funds. The commission published a report on the status of human rights which recommended, among other things, increased funding for agencies and NGOs involved in human rights and making the protection of women's and children's rights a priority.

The Parliamentary Human Rights Committee was active in protecting human rights, and it operated without government or party interference. The committee's resources were limited, but it received support from the UN Nations Development Program and the UNHCR.

The trial before the SCSL in The Hague of former Liberian president Charles Taylor resumed in January and was ongoing at year's end. In an appeals judgment issued February 22, the SCSL upheld the July 2007 convictions of Alex Brima, Brima Kamara, and Santigie Kanu, senior commanders of the AFRC. In the first such finding in an international court, the appeals judgment stated that acts of forced marriage should be considered different from acts of sexual slavery and must be considered a crime against humanity in their own right.

In a May 28 appeals judgment, the SCSL reversed the October 2007 conviction of Allielu Kondewa of the Civil Defence Force (CDF) for enlisting child soldiers, and his and CDF Moinina Fofanah's convictions for using collective punishment. However, Kondewa and Fofanah received new convictions for murder and inhumane acts for crimes against humanity. Their sentences were lengthened to 15 years for Fofanah, and 20 years for Kondewa.

The trial phase of the case against RUF leaders Issa Sesay, Morris Kallon, and Augustine Gbao ended August 5. At year's end judgments were pending.

Recommendations of the Truth and Reconciliation Commission (TRC), established to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators during the civil war, were being implemented. The Human Rights Commission continued its work, including ensuring enforcement of the Child Rights Bill and three gender bills, and there was increased use of its human rights violations reporting system. The Government took steps to implement a reparations program for the victims of the conflict, as recommended by the TRC. Efforts were underway to establish a trust fund for war victims. However, many NGOs continue to be disappointed at the slow implementation of some of the TRC recommendations, such as the trust fund, identification database of war victims, and splitting of the attorney general and minister of justice positions, requiring constitutional reform.

The UN and numerous NGOs, domestic and international, continued to educate and sensitize the population about the TRC and the SCSL, and the Government generally supported these efforts.

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

The law prohibits discrimination on the basis of race, tribe, sex, place of origin, political opinions, color (although citizenship is generally limited to persons of "patrilineal Negro-African descen."), or creed; however, the Government did not effectively enforce these provisions, and a number of legal acts and customary laws contravene these constitutional provisions.

Women.—The law prohibits rape, which is punishable by up to 14 years' imprisonment; however, rape was common and viewed more as a societal norm than a criminal problem. The law does not specifically prohibit spousal rape. Cases of rape were underreported and indictments were rare, especially in rural areas; this reluctance to pursue justice for women, combined with a lack of income and economic independence, helped perpetuate a cycle of violence and a culture of impunity for violence against women. Since the establishment of the Family Support Units (FSUs) and the passage of the Gender Acts in 2007, however, reports of rapes, especially involving child victims, steadily increased. Rapes were documented of children as young as a few months old. An NGO providing services to rape victims reported that 6 to 7 percent of the cases seen involved victims under age five. Rape victims, especially when pregnancy occurred, were encouraged to marry their attackers.

During the year FSU recorded 1,186 cases of sexual assault. Of these cases, 437 perpetrators were charged, while 555 are still under investigation. The International Rescue Committee (IRC) reported that at least 25 cases resulted in convictions, with perpetrators receiving sentences between 18 months to seven years. Rape cases were frequently settled out of court, or did not make it to trial because of inefficiencies in the judicial system. Most legal advisors assigned to prosecute

rape cases had only three weeks' training and could not compete against well trained defense lawyers. Most perpetrators were known to their victims and included teachers, family friends, relatives, and neighbors. The JSDP noted an increase in adolescent boys as perpetrators.

Medical and psychological services for rape victims were limited. Rape victims were required to obtain a medical report to file charges, and most government doctors still charged up to 35,000 leones (approximately \$11.50) per report, which was prohibitively expensive for most victims. The IRC ran centers in Freetown, Kenema, and Koidu to perform medical examinations, provide counseling for victims of sexual assault, and offer legal assistance for victims who wanted to prosecute their cases. However, these Rainbo Centers were the only such centers in the country and many victims had no access to medical attention or services. During the year the Rainbo Centers worked with 1,235 sexual assault clients, the vast majority of whom were 11–15 years old, with almost all under 20 years of age. Approximately 7 percent of the victims were between one to five years old, with the youngest client being only one year old at the time of the incident.

Despite the passage of the Domestic Violence Bill in 2007, domestic violence against women, especially wife beating and rape, was common and often surrounded by a culture of silence. The police were unlikely to intervene in domestic disputes except in cases involving injury or death. The SLP used mediation as their primary tool for handling domestic violence. During the year FSUs noted that 2,738 women reported domestic violence. Of these cases, 360 perpetrators were charged and 1,434 were under investigation at year's end. The FSU does not maintain conviction rate statistics, but NGO reports indicate that few perpetrators were convicted due to poorly trained prosecutors and out-of-court settlements. Awareness of the Domestic Violence Act has resulted in an increase in reported cases in urban areas around the country; however, most human rights organizations note that domestic violence continues to be most prevalent and largely underreported in the northern provinces.

According to UNICEF, 85 percent of women felt that domestic beating was justified for actions such as going out without telling a husband, neglecting the children, refusing sex, or burning food. Women suspected of marital infidelity often were subjected to physical abuse. Because husbands could claim monetary indemnities from their wives' partners, beatings often continued until the women named several men, even if there were no such relationships. There were also reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Prostitution was widespread and not prohibited by law; however, prostitutes sometimes were arrested and charged with loitering or vagrancy. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution to support themselves and their children.

Sexual harassment is not specifically prohibited by law, and it was widespread.

The 2007 bill on customary marriages and divorce empowers either spouse to acquire property and guarantees that gifts, payments, or dowries upon marriage are non-refundable allowing women in unhappy marriages to divorce without being forced to make decisions based on paid dowries.

The 2007 Devolution of Estate Act provides for intestate succession including the transmission of property to the deceased's spouse and/or children as well as to single persons who cohabited with the deceased for 10 or more years. The Ministry of Social Welfare, Gender, and Children's Affairs finalized their action plan for the implementation of the Gender Acts in October. However, paramount chiefs and local magistrates had not been given the forms or training to register people under the Customary Marriage Act and none of the Acts had been implemented by year's end.

Women faced widespread legal and societal discrimination, particularly in matters of marriage, divorce, property, and inheritance, which are guided by customary law in all areas except for the capital. Formal laws, such as the Gender Acts of 2007, apply in customary as well as formal courts, but customary judges had limited to no legal training and often were unaware or could choose to ignore formal laws. Chiefs sometimes colluded with men to forcibly evict women and children from their homes or subject them to arbitrary detention. In some cases chiefs imposed arbitrary and exorbitant fines, imprisoned women unlawfully in their homes or "chiefdom jails," and expelled them from the community. Their rights and status under customary law varied significantly depending upon the ethnic group to which they belonged, but was routinely inferior to that of men. Under customary law women's status in society is equal to that of a minor. A woman was frequently perceived to be the property of her husband, to be inherited on his death with his other property. In rural areas polygyny was widespread; UNICEF estimated in 2007 that 43 percent of women were involved in polygynous unions. All women in the Western (Freetown) Area, which is governed by general law, had a statutory right to own

property in their own names. Women in the provinces, which are governed by customary laws that vary from chiefdom to chiefdom, did not.

In the Temne ethnic group, women could not become paramount chiefs, subordinate chiefs, or chiefdom authorities; however, in the Mende tribe, there were several female leaders. Efforts by international and domestic NGOs to promote female candidates during the run up to July local council elections resulted in the election in every council of at least one female representative.

Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas women performed much of the subsistence farming and had little opportunity for formal education. Women also experienced discrimination in access to employment, credit, pay for similar work, and owning and/or managing business.

The Ministry of Social Welfare, Gender and Children's Affairs has a mandate to protect the rights of women; however, the Government cut the ministry's budget despite increasing its responsibilities. Most international and domestic NGOs complained that the ministry lacked the resources, infrastructure, and support of other ministries to effectively handle its projects assigned. The ministry routinely relied on the assistance of international organizations and NGOs to help combat women's rights violations.

Women were active in civic and philanthropic organizations. Domestic NGOs, such as 50/50, the Forum for African Women Educationalists, and Women's Forum raised awareness of the lack of gender equality and other women's issues, and they encouraged women to enter politics as candidates for mayoral positions and local councils.

Children.—The Government was committed to improving children's education and welfare; however, it lacked the means to provide basic education and health services.

Although birth registration was not universal, lack of registration did not impact access to public services.

Primary school education is tuition-free countrywide, and secondary school education is tuition-free for girls in the north. However, many parents were unable to put their children through primary school because they could not afford school uniforms, books, and other fees charged by school authorities. The average educational level for girls was markedly below that of boys, and only 25 percent of women were literate. At the secondary level, pregnancy forced many girls out of school. New laws were enacted to allow girls to return to school after giving birth, but many communities did not abide by this.

Sexual violence against children was a problem, and the Government took few steps to address the issue. The FSUs received training in dealing with sexual violence against children, and cases of child sexual abuse were generally taken more seriously than adult rape cases. However, in many cases of sexual assault against children, parents accept payment instead of taking the perpetrator to court due to difficulties dealing with the justice system.

No law specifically prohibits FGM, and it was practiced widely and supported by politicians and community members. UNICEF and other groups estimated that 80 to 90 percent of women and girls had been victims of the practice; however, some local groups believed that this figure was overstated. FGM was practiced on girls as young as five years old, and UNIOSIL reported cases in which one and two-year-old children underwent FGM because their young age made it cheaper for parents.

Although police occasionally detained practitioners on accusations of forced mutilation or manslaughter, human rights workers reported that police remained hesitant to interfere in cultural practices.

In October a 10-year-old girl in Port Loko District died as a result of FGM. At year's end the SLP were still investigating.

In 2007 the parliament passed the Child Rights Act, which makes it illegal to subject anybody under the age of 18 to harmful treatment, including any cultural practice which dehumanizes or is injurious to the physical and mental welfare of the child; however, the act does not explicitly address FGM. The act prohibits marriage of girls under the age of 18, including forced marriage, as did the 2007 Act on registration of customary marriages and divorce. Despite the new legislation forced child marriage continued to be a problem. UNICEF estimated that 62 percent of females under the age of 18 were married.

The Child Rights Act also provides for the creation of family courts and child committees at the local government level. As of October the FSU reported 136 cases of child cruelty, of which nine had been charged in court. There were no convictions.

Child prostitution continued to be a problem. A UNICEF analysis of Freetown and Bo indicated that over half of the street children survived through prostitution.

The number and plight of street children were problems. Many are forced to engage in petty trading and other economic activities to survive, and are vulnerable to trafficking and other exploitive practices.

According to UNICEF, there were 48 residential homes for orphans. The quality of care at the facilities varied, but met most minimum standards. Each facility provided at least one meal a day, some health care, and some type of education.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country continued to be a source, transit point, and destination for internationally trafficked persons. The majority of victims were women and children, and the majority of traffickers were family members or friends who lured victims from their home villages with false promises of education, caretaking, or employment. Orphaned children were the most vulnerable population for trafficking. There was no evidence of trafficking through employment agencies, organized crime, or marriage brokers.

Reports indicated that women and children were trafficked from the provinces to work in the capital as laborers and commercial sex workers and to diamond areas for labor and sex work; persons were trafficked from neighboring countries for domestic and street labor and for commercial sex work; persons were trafficked out of the country to destinations in west Africa, including Liberia, Nigeria, Cote d'Ivoire, Guinea, Guinea-Bissau, and the Gambia for labor and sexual exploitation; persons were also trafficked to Lebanon, Europe, and North America; and the country served as a transit point for persons trafficked from elsewhere in west Africa and possibly the Middle East. According to a center for street children, 80 to 90 percent of the cases they dealt with involved internal trafficking.

A person convicted of trafficking can be sentenced to up to 10 years in prison. During the year FSU reported 38 cases of human trafficking, of which more than half were girls under the age of 16. Of the cases reported, 12 individuals were charged with trafficking but none were convicted.

There were no further developments in the 2007 case of two minors, Abu Bakarr Koroma and Nasira Mansaray, who were arrested for trafficking a five-year-old boy.

A number of government agencies are responsible for combating trafficking, including the SLP, Ministry of Social Welfare, Gender and Children's Affairs, the Immigration Department, and the Office of National Security. The Government assisted in reintegrating trafficking victims when requested; however, there were no known requests for assistance with international investigations or extraditions.

Document fraud was common and government registry officials, police, immigration officials, and border guards frequently accepted bribes. Although there was no proof that forged documents were used to facilitate trafficking, government officials who forged documents such as birth, marriage, and death certificates rarely suffered punishment.

A shelter for trafficking victims, run by the International Organization for Migration, has been operational since late 2006 and provided safe haven, medical care, counseling, and reintegration for over 145 victims of trafficking during the year. There were gaps in the services they were able to provide due to limited funding and the lack of shelter facilities outside of Freetown.

Government officials continued to work with NGOs on trafficking-related issues and attended NGO training sessions on trafficking. The Ministry of Social Welfare, Gender, and Children's Affairs and the SLP publicly supported NGO anti-trafficking efforts. However, the trafficking secretariat, established by the 2005 law, had yet to be funded, and the three-year work plan developed by the antitrafficking task force remained largely unfunded.

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

Persons With Disabilities.—The law does not prohibit discrimination against persons with physical and mental disabilities. No law mandates accessibility to buildings or assistance to disabled persons. There was no government policy or program to assist persons with disabilities; public facility access and discrimination against persons with disabilities were not considered public policy priorities. A few private agencies and organizations provided job training for such persons.

There was no outright discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, given the high rate of general unemployment, work opportunities for persons with disabilities were few. Despite the sizeable numbers of persons disabled by polio, there was little government assistance to this group.

Psychiatric patients at the Kissy Mental Hospital were usually restrained by being chained to their cots for the first few weeks of treatment due to the lack of soft restraints.

Some of the many individuals maimed in the civil war, or who had their limbs amputated by rebel forces, received special assistance from local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to former combatants, who received aid through the demobilization process. In response to TRC recommendations, the Government accepted in principle the need to develop an aid program for war wounded, amputees, and victims of sexual violence; however, assistance to these groups remained limited and mostly funded by outside entities.

National/Racial/Ethnic Minorities.—The ethnically diverse population consists of about 18 ethnic groups of African origin, many of whom spoke distinct languages and were concentrated outside urban areas. In addition there are significant Lebanese and Indian minorities, and small groups of European and Pakistani origin. Little ethnic segregation was apparent in urban areas, where interethnic marriage was common. The two largest ethnic groups were the Temne in the north and the Mende in the south. These groups each constituted an estimated 30 percent of the population; however, the Krio, who constituted 10 percent of the population, have historically dominated the civil service and judiciary. Strong ethnic loyalties, bias, and stereotypes existed among all ethnic groups. The Temne and Mende have vied historically for political power, and the violence during the 11-year civil war had some ethnic undertones. Ethnic loyalty remained an important factor in the Government, armed forces, and business. Complaints of ethnic discrimination in government appointments, contract assignment, and military promotions were common both with the former SLPP and current APC ruling parties.

Ethnic clashes between Limbas and Mandingos resulted in injuries and property damage, including killed livestock and burned homes and villages.

Residents of non-African descent faced institutionalized political restrictions. Legal requirements for naturalization, such as continuous residence in the country for 15 years, or the past 12 months and 15 of the previous 20 years, effectively denied citizenship to many locally born residents, most notably members of the Lebanese community.

Other Societal Abuses and Discrimination.—The law prohibits discrimination based on actual, perceived, or suspected HIV status; however, persons with HIV/AIDS were stigmatized in society. There was no official discrimination against HIV/AIDS positive persons.

The law prohibits homosexual acts, and there was official and societal discrimination based on sexual orientation. Many homosexuals concealed their sexual orientation.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to join unions of their choice without prior authorization or excessive requirements; however, civil service, police, and members of the armed services are prohibited from joining unions. The law allows unions to conduct their activities without interference, and the Government generally protected this right; however, by year's end the Government had not granted a bargaining certificate to the Civil Servant's Union, whose application had been on file since 1986. According to the Ministry of Labor, approximately 35 to 40 percent of workers were unionized, including mainly agricultural workers, mineworkers, and health workers.

Unions have the right to strike, although the Government could require 21 days' notice, and workers exercised this right in practice. The law does not prohibit retaliation against strikers, even for a lawful strike.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and the Government protected this right in practice. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. Collective bargaining was widespread in the formal sector, and most enterprises were covered by collective bargaining agreements on wages and working conditions. No reliable data was available on the percentage of workers covered by collective agreements.

The law does not prohibit antiunion discrimination against union members nor employer interference in the establishment of unions; however, during the year there were no reports of such occurrences.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, the Government did not effectively enforce the law, and forced and bonded child labor remained a largely unquantifiable problem. Under the Chiefdom's Council Act, individual chiefs may impose forced labor as punishment and have done so in the past; however, there were no reported occurrences during the year. Chiefs also may require villagers to contribute to the improvement of common areas, a practice that occurred in rural areas. There is no penalty for noncompliance.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits forced and bonded labor by children; however, the Government did not effectively enforce the law, and child labor remained a problem due to strong tradition and high levels of extreme poverty. Almost half of children aged 14–15 years were engaged in some form of child labor, but the rate varied from 27 percent in urban areas to 57 percent in rural areas. The law limits child labor, allowing light work at age 13, full-time work at age 15, and hazardous work at age 18. The law states that children under 13 should not be employed in any capacity; however, enforcement was not effective.

Children aged 15 may be apprenticed (provided they have finished schooling) and employed full-time in non-hazardous work. The law also proscribes work by any children under 18 between 8 p.m. and 6 a.m. The law sets health and safety standards and requires school attendance through the age of 15, but the Government did not enforce this. Many of the laws were not enforced because of lack of knowledge, societal perception of children's roles, and poverty.

In many cases children worked alongside parents or relatives and these children abandoned educational or vocational training. There were no reports that authorities conducted any child labor inspections during the year.

In rural areas children worked seasonally on family subsistence farms. Children also routinely assisted in family businesses and worked as petty vendors. Adults engaged a large number of street children to sell, steal, and beg. Because the adult unemployment rate remained high, few children were involved in the industrial sector or elsewhere in the formal economy.

There were reports that foreign employers hired local children to work as domestic laborers outside the country at extremely low wages and in poor conditions. The Ministry of Social Welfare, Gender, and Children's Affairs was responsible for reviewing the issuance of passports to minors, but did not do so effectively, and the prevalence of document fraud made effective government oversight difficult.

There were reports that children whose parents sent them to friends or relatives in urban areas for education were forced to work on the street. There also were reports that adults asked orphanages for children to be used as household help.

Many girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means to support themselves.

In remote villages, children are made to carry heavy loads as porters resulting in stunted growth and development. Children are also engaged in sand mining, fishing, hawking, mining, and prostitution. Some of the children who were hired by employers outside the country may have been victims of trafficking.

The Ministry of Labor was responsible for enforcing child labor laws. The Ministry of Mineral Resources enforced regulatory prohibitions against the worst forms of child labor. The ministry also was charged with protecting children working in the diamond mining areas; however, enforcement was not effective.

An initiative called "chiefs as champions for children" used traditional leaders to advocate for children's rights. The Freetown City Council contributed non-financial support to programs that provide free schooling and services to at-risk youth.

e. Acceptable Conditions of Work.—The national minimum wage, covering all occupations, including in the informal sector, was set at 25,000 leones (approximately \$8.30) per month, which did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage, but it lacked the resources to effectively do so, and compliance was difficult to monitor in the informal sector. Most workers supported an extended family, often including relatives who had been displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor.

Although not stipulated by law, the standard workweek was 40 hours (60 hours for security personnel). Employers negotiated work hours with employees at the time of hiring, and overtime was to be paid if an employee's work hours exceeded the standard workweek. There was no prohibition on excessive compulsory overtime.

The Ministry of Health and Sanitation was responsible for setting and enforcing health and safety standards. Although the Government set these standards, it

lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially, a union could make a formal complaint about a hazardous working condition; if this complaint was rejected, the union could issue a 21-day strike notice; however, no such actions were reported during the year. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.

SOMALIA

Somalia¹ has an estimated population of seven million. The territory, which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: the Transitional Federal Institutions, with the Transitional Federal Parliament (TFP) in Baidoa, and the presidency and most of the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of Puntland in the northeast. The TFG was formed in late 2004, with a five-year transitional mandate to establish permanent, representative government institutions and organize national elections.

A political process to establish peace and stability in the country continued as the TFG and the Alliance for the Re-liberation of Somalia (ARS) reached the Djibouti Agreement on June 9 and began to implement its terms; however, significant problems remained. Ethiopian National Defense Forces (ENDF) entered the country in 2006 at the request of the TFG to combat the Council of Islamic Courts and its associated armed militants, who had captured Mogadishu and were expanding control in south central Somalia. During the year the ENDF remained in south central Somalia, and an influx of weapons and small arms to all parties contributed to the conflict. Fighting between TFG/ENDF forces and their militias against antigovernment forces, terrorist groups, and extremist elements increased and resulted in widespread human rights abuses, including the killing of thousands of civilians (there are no reliable estimates for the number and most presented vary widely), the displacement of over one million persons, and widespread property damage, particularly in Mogadishu. The larger clans had armed militias at their disposal, and personal quarrels and clan disputes frequently escalated into killings. Targeted assassinations, once rare, became frequent. Roadside bombings increased and there were four suicide bombings reported during the year. Civilian authorities did not maintain effective control of the security forces in any area of the country, although elected civilian authorities in Somaliland and Puntland maintained some control over security forces in their respective regions.

The country's poor human rights situation deteriorated further during the year, exacerbated by the absence of effective governance institutions and rule of law, the widespread availability of small arms and light weapons, and ongoing conflicts. As a consequence citizens were unable to change their government. Human rights abuses included unlawful and politically motivated killings; kidnapping, torture, rape, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest and detention. In part due to the absence of functioning institutions, the perpetrators of human rights abuses were rarely punished. Denial of fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rape; female genital mutilation (FGM); child abuse; recruitment of child soldiers; trafficking in persons; abuse and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor were also problems.

In its March report, the UN Independent Expert on Human Rights in Somalia (UNIE) noted that despite the overall deteriorated situation, very small yet incremental changes in terms of human rights awareness and knowledge were taking place in small areas.

Members of antigovernment, extremist groups, and terrorist organizations like al-Shabaab, some of whose members were affiliated with al-Qa'ida, committed numerous human rights violations, including killings of TFG members and civilians;

¹The United States does not have diplomatic representation in Somalia, and U.S. government personnel were not permitted to travel regularly into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U.S. government sources.

kidnappings and disappearances; restrictions on freedom of movement; displacement of civilians; and attacks on journalists, aid workers, civil society leaders, and human rights activists.

RESPECT FOR HUMAN RIGHTS

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

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

Fighting between TFG/ENDF forces and antigovernment groups resulted in thousands of civilian deaths in south central Somalia, particularly Mogadishu; political killings and assassinations also occurred (*See* Section 1.g.).

Politically motivated killings by antigovernment groups, extremist elements, and terrorist organizations resulted in the deaths of approximately 20 senior TFG officials (*See* Section 1.g.).

Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their role in peace-building. There were no confirmed reports of government involvement in these killings, but the Government neither identified nor punished the perpetrators. On March 10, two unidentified gunmen killed Sheikh Muhammad Ahmed “Kashka,” a prominent cleric and peace activist as he left a mosque in Mogadishu. Sheikh Ahmed’s killing immediately followed his sermon condemning groups behind assassinations of TFG officials. On June 22, unknown gunmen assassinated Mohamed Hassan Kulmiye, director of the central office of the Center for Research and Dialogue (CRD) in Beletweyn. Kulmiye was leading a foreign government-funded dialogue and was reportedly targeted for his work. As in all previous killings of peace activists, the perpetrators were not arrested by year’s end.

The Government summarily executed persons during the year. For example, on January 13, a firing squad executed Hussein Mohamed, a government security officer, for killing a woman. On March 31, authorities in the semiautonomous region of Puntland executed Jamal Jabir after local courts convicted him of murdering Said Shire six days earlier. Clan elders did not allow Jabir to present a full defense in his case.

Use of excessive force by government forces, militia associated with members of the TFG, and ENDF troops resulted in the deaths of demonstrators during the year (*See* Section 2.b.).

Throughout the year government and ENDF security forces killed street children. On February 9, TFG forces at a checkpoint near Villa Somalia, the presidential palace in Mogadishu, reportedly killed two children, ages seven and eight, on their way to madrassa in Mogadishu’s Wardhigley district. On August 27, TFG forces on search operations in Mogadishu’s Zobe neighborhood deliberately targeted and killed a street boy. Many children were caught in crossfire during ongoing fighting.

On January 20, militants fired mortars at Villa Somalia, the presidential palace in Mogadishu, killing four TFG security officers and wounding another. The attack occurred shortly after Prime Minister Hassan Hussein and his cabinet relocated to the capital. On March 29, President Yusuf was targeted in a mortar attack on Villa Somalia while he was meeting with Ethiopia’s foreign minister. Several of Yusuf’s bodyguards were killed and others reportedly hurt in the attack. A TFG/ENDF counterattack against insurgents killed a number of fighters and civilians in Bakara market. On June 1, President Yusuf’s convoy was attacked along Maka-al-Mukarama road on its way to Mogadishu airport, and on the same day, mortar rounds were fired at a plane the president had boarded. On July 7, armed militias attacked TFG security forces at Villa Baidoa, the presidential residence, and at the Baidoa airstrip. On December 30, six persons were killed and scores injured in a restaurant in Bakara market during a TFG counterattack against al-Shabaab militants.

Senior members of the TFG were killed. On March 25, in Baidoa, three unidentified men shot and killed TFG national security officer Colonel Mohamed Abdi “Shikshigow.” In Baidoa members of parliament were killed and their family members threatened. On August 26, a grenade attack on the home of parliamentarian Mohamed Hussien Rage killed his son and a security guard. Also on August 26, unidentified gunmen attacked the homes of Mohamed Omar Dhalha, deputy speaker of parliament, and Osman Ali “Atto,” before they were repulsed by security guards. A security guard at Ali’s residence was injured in the attack. On September 10, unknown gunmen killed parliamentarian Mohamed Osman Maye outside a Baidoa mosque after evening prayers. A few days prior to his death, Maye reportedly made a speech before parliament on the deteriorating security situation in the country. On December 27, in Baidoa unknown assailants killed the deputy minister for con-

stitution, federal affairs, reconciliation, and regional development, Ismail Hassan Mohamud “Timir,” as he left a mosque.

Several deaths resulted from random shootings by Islamic extremists trying to impose strict social edicts. For example, in February at least 20 persons were killed and 100 others injured after two successive explosions in the port city of Bossaso, Puntland. Many of the victims were Ethiopians believed to be on their way to Yemen and other countries on the Arabian Peninsula. Some reports suggest they were targeted because of “sinful” behavior. Puntland police arrested six suspects linked to the explosion who were released after several months without trial. Also on February 17, at least four persons were injured when armed extremist groups simultaneously attacked four cinemas in Mogadishu that were screening a sports match. In another February incident, militia associated with Hassan al-Turki killed a teenager and injured three others for sitting in a tea shop in Doblay where music was being played. On April 13, an assailant lobbed a grenade at a cinema in Merka, killing five persons, including three children, and wounding 18 others. Also in April in Hudur, al-Shabaab militia shut down cinemas, burnt down khat stores, forcefully shaved the heads of persons they accused of wearing inappropriate hairstyles, and imposed a ban on smoking and music.

There were several killings of prominent persons by unknown assailants. On February 8, unknown assassins killed Hussein Gorgor, a TFG colonel, and injured his bodyguard in Lower Shabelle’s Wanlaweyn district. In February unknown assailants killed a TFG national security officer in Baidoa. On March 12, the TFG Balad police chief in Middle Shabelle region was beheaded by unknown assailants. On May 11, unknown assailants killed Mohamed Abdulle Mahdi, a civil society activist and chairman of Women and Child Care Association (WOCCA) in Beletweyn. On July 2, unknown gunmen killed Abdikarim Ibrahim, a prominent Mogadishu businessman. On September 16, unidentified gunmen in Galkayo killed Abdiduh Himbil, a prominent businessman, when they opened fire on his vehicle on his way home from a mosque.

During the year two journalists and media owners were killed, generally by unknown assailants (See Section 2.a.).

Attacks on humanitarian workers, NGO employees, and foreign peacekeepers resulted in deaths during the year (See Section 4).

During the year hundreds of civilians were killed in inter- or intraclan militia clashes. The killings resulted from clan militias fighting for political power and control of territory and resources; revenge attacks; criminal activities and banditry; private disputes over property and marriage; and vendettas after such incidents as rapes, family disagreements, killings, and abductions. With the breakdown of law and order, very few of these cases were investigated by the authorities, and there were few reports that those cases resulted in formal action by the local justice system.

On March 18, a land dispute escalated into interclan conflict between Sa’ad and Dir in Galkayo that resulted in the deaths of 10 persons. Twenty others were injured. On April 11, clashes over water and pasture between two Abgaal subclans in the Middle Shabelle region killed 15 persons. On May 14, interclan clashes between Biyamal and Somali Bantu in Jamaame, in Lower Juba, killed 10 persons and injured an estimated 20. The clashes also displaced hundreds of Somali Bantu families.

In June conflict between the Gadhweyn and Warsangeli subclans in Erigavo in the disputed Sanaag region between Somaliland and Puntland displaced approximately 600 persons from their homes. Clashes continued between the Marehan and Majerten over control of Kismayo, escalating into a fierce battle in August that resulted in the deaths of more than 100 fighters and civilians and injury to more than 300. While the conflict had its roots in internal clan conflict, al-Shabaab took advantage of the fighting to back a loose coalition of clan militia that eventually established control over the port city.

In September Darood and Hawiye subclans in Galkayo exchanged captives and vehicles seized from each other in earlier conflicts. No action was taken against the responsible members of the security forces or militias who committed killings in 2007 or 2006, nor were there any developments in the reported killings due to inter- or intraclan fighting in prior years.

Landmines throughout the country resulted in numerous civilian deaths (See Section 1.g.).

b. Disappearance.—There were no reports of politically motivated disappearances, although cases could be concealed due to the separation from their families of thousands of refugees and IDPs. Abductions to extort ransom increased. Abduction as a tactic in clan disputes or to attain political ends was less frequent. The Somali

NGO Safety Preparedness and Support Program (SPAS) reported increased incidences of kidnapping.

During the year there were a few kidnappings by militia groups and armed assailants who demanded ransom for hostages. The majority of reported kidnappings were in the Puntland and southern regions, especially in areas surrounding Mogadishu, where ransoms allegedly funded purchases of weapons and ammunition. More than 25 aid workers and nongovernmental organization (NGO) workers were kidnapped during the year (*See* Section 4).

Maritime piracy and the kidnapping of crews increased dramatically, especially along the eastern and northeastern coasts, hampering humanitarian efforts to provide essential commodities to thousands of IDPs in the country (*See* Section 1.g.).

There were no investigations or action taken against the perpetrators of any kidnappings during the year, nor were there any developments in the cases of kidnappings from previous years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture “unless sentenced by Islamic Shari’a courts in accordance with Islamic law.” However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other and against civilians. Observers believed that many incidents of torture were not reported. The TFG, militias allied with the TFG, and various clan militias across the country tortured and abused detainees. Unlike previous years, there were no reports of public floggings by persons affiliated with the TFG.

Persons assembled at food distribution centers were killed and injured. On April 24, in Baidoa, ENDF killed two persons and injured another at a WFP food distribution point when they opened fire in response to a grenade attack against them.

On May 14, in Kismayo, a woman was killed and three other persons injured when security escorts opened fire on a crowd attempting to steal food.

Police raped women, and there continued to be reports of militias using rape to punish and intimidate rivals. Rape was commonly perpetrated in interclan conflicts.

There were no reports of action taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2007 or 2006. There also was no action taken against members of the defunct Council of Islamic Courts for torture and abuse committed in 2006.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards was common. Detainees’ families and clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.

Prisons were not properly secured and there were several instances when prisoners escaped. For example, on March 5, armed militias opened fire on the Kismayo prison and forcefully released four prisoners who had been detained for a March carjacking. The assailants and prisoners remain at large. On April 10, armed men stormed Garowe prison and released a fellow militia member who was detained for selling a vehicle and weapons belonging to the Puntland administration. Outraged by the incident, the prison director opened the prison gate for all the other detainees to escape. The director and the police commander were subsequently fired.

TFG-allied militias, antigovernment groups, extremist elements, warlords, and clan leaders reportedly ran their own detention centers, in which conditions were harsh and guards frequently abused detainees. Human rights organizations and civil society leaders in Mogadishu reported the existence of makeshift detention centers in Mogadishu where prisoners were held during and after episodes of heavy fighting.

In prisons and detention centers, juveniles frequently were held with adults. The incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem. Female prisoners were separated from males; however, particularly in south central Somalia, pretrial detainees were not necessarily separated from convicted prisoners.

The Puntland administration permitted prison visits by independent monitors. An agreement between Somaliland and the UN Development Program (UNDP) allows for the monitoring of prison conditions. There were no visits by the International Committee of the Red Cross to prisons in Somaliland or in the rest of Somalia during the year, but a Prisons Conditions Management Committee organized by the

UNDP and comprised of medical doctors, government officials, and civil society representatives continued to visit prisons in Somaliland. During the year UNDP managed a program to improve the Somaliland prisons by building new facilities and assisting in training wardens and judicial officials.

d. Arbitrary Arrest or Detention.—In the absence of enforced constitutional or other legal protections, the TFG, militias allied to it, and various clan militias across the country continued to engage in arbitrary arrest and detention, and there was no system of due process. Although precise figures were unobtainable, local human rights organizations and international organizations reported that, although there were fewer arrests than last year, TFG and ENDF forces had arrested thousands of persons, most of whom were quickly released. However, many were detained for longer periods in up to eight detention facilities and allegedly subjected to beatings, mistreatment, and torture. A 2008 Human Rights Watch report stated that released individuals described serious abuses of detainees by TFG and ENDF forces. The same report accused TFG police of arbitrarily arresting civilians to extort money from their families. Reports by NGOs and other international organizations indicate that mistreatment continued during the year.

In January 13, TFG forces arrested 35 persons at a Baidoa mosque after evening prayer. The TFG regional security commander reportedly stated they were looking for criminal suspects in the congregation.

On April 19, ENDF detained for several days an estimated 40 madrassa children after a raid in Hidaya following clashes with antigovernment groups.

Role of the Police and Security Apparatus.—The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2,000 UN-trained police known as the Somali Police Unit, members of the TFG titular police forces throughout the country often directly participated in politically based conflict and owed their positions largely to clan and familial links to government authorities. There were continued allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, rape, extortion, looting, and harassment.

In Somaliland an estimated 60 percent of the budget was allocated to maintaining a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.

On January 27, Puntland military elements stormed the Puntland Central Bank in Garowe, blocked all vehicular and pedestrian routes, and held employees hostage to protest several months of unpaid salaries. After approximately one hour, the military dispersed after negotiations with Puntland authorities. The Puntland police force has never been paid on a regular basis, and the armed militia was not aligned with the Somali National Army.

Arrest and Detention.—Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most areas of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt notification of charges and judicial determinations; prompt access to lawyers and family members; and other legal protections for the detained. However, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.

Arbitrary arrest was a problem countrywide.

Authorities in each region arbitrarily arrested journalists during the year (See Section 2.a.). TFG forces also arrested NGO and UN employees during the year (See Section 4.).

TFG-allied militia, who were not paid wages, arrested persons at random and demanded "bail" from their family members as a condition for their release, according to international and local NGOs. In May an investigative journalist reported that TFG paramilitary groups under the command of the Mogadishu mayor, the police commissioner, and the head of national security extorted money from relatives of detainees in their custody to secure their release.

TFG police often detained persons without charge. For example, on January 22, the TFG police released Yusuf Mohamed Barow, director of Holy Quran radio in Mogadishu after two months of detention. On January 27, TFG released Ahmed Dirie, spokesman for the Hawiye Traditional and Unity Council (HTUC), and several other Hawiye clan elders after they were detained for three months. On April 24, TFG security released Mohamed Shidane Daban, Banadir Radio reporter, from detention three months after he was arrested at Mogadishu airport in connection with the death of Mohamed Ali, a Banadir administration official who was killed

in a roadside bomb explosion in January. None of these persons was charged with a crime.

There also were reports of politically motivated arrests. In April Yusuf Ali Harun, the TFG's former chief justice, and Justice Mohamed Nur were released. Harun and Nur were arrested in September 2007 by the TFG National Security Service on orders from Abdullahi Barre, the attorney general, on charges of corruption and misuse of office. There were reports that arrested persons were sometimes held for extended periods while awaiting trial. Militias and factions held pretrial detainees without charge and for lengthy periods.

Authorities in Somalia arrested or detained numerous persons accused of terrorism and support for the former Islamic Courts and al-Shabaab. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia. According to media reports and human rights NGOs, some of those detained in 2007 were released, while others were transferred without judicial process to Ethiopia. There were no reports of new transfers. In May 2007 Ethiopian authorities acknowledged that 41 suspected foreign terrorists were being held and investigated, although most were released by the end of 2007. In June more of these suspects were released.

Irregular forces and extremist elements arrested and detained persons. For example, on August 15, in Jowhar town in Middle Shabelle Region, forces affiliated with the Islamic Courts Union (ICU) arrested 12 persons who were allegedly consuming and selling drugs. There was no further information as to the whereabouts of those arrested at year's end.

e. Denial of Fair Public Trial.—The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a five-year transitional process that includes the drafting of a new constitution to replace the 1960 constitution that was in force prior to the 1991 collapse of the Barre regime; however, for many issues not addressed in the charter, the former constitution still applies in principle.

The TFC provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference; however, in practice no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government.

The Somaliland constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland constitution is based on democratic principles, but the region continued to use laws that predate the constitution, some of which contradict democratic principles. Functional courts exist though there was a serious lack of trained judges and a shortage of legal documentation to build judicial precedence in Somaliland. Untrained police and other unqualified persons reportedly served as judges. International NGOs reported that local officials often interfered with legal matters and that the Public Order Law in Somaliland was often used to detain and imprison persons without trial.

The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance. These courts function, though they lack the capacity to provide equal protections under the law.

Clans and subclans frequently used traditional justice, which was swift. For example, in March a militia leader was publicly executed in Kismayo for killing another militia member in Jilib. Traditional judgments sometimes held entire opposing clans or subclans responsible for alleged violations by individuals.

Trial Procedures.—The TFC provides for the right to be represented by counsel. That right and the right to appeal did not exist in those areas that applied traditional and customary practices or Shari'a.

In Somaliland the rights to be represented by counsel and to appeal were more often respected. Authorities in this region did not recognize the TFC and continued to apply the Somaliland constitution, as well as pre-1991 laws.

In Puntland, as in most other areas of Somalia, clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system.

Political Prisoners and Detainees.—There were no official reports of political prisoners or detainees, although some arrests and detentions appeared to be politically motivated.

Civil Judicial Procedures and Remedies.—The inability of the judiciary to handle civil cases involving such matters as defaulted loans or contract disputes encouraged

clans to take matters into their own hands and led to increased interclan conflict. There were no lawsuits seeking damages for, or cessation of, a human rights violation. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The TFC provides for the sanctity of private property and privacy; however, looting, land seizure, and forced entry into private property continued in Mogadishu and elsewhere with impunity. The Puntland Charter and the Somaliland constitution recognize the right to private property; however, authorities did not generally respect this right in practice.

On March 4, armed militia associated with the TFG opened fire and looted Bakara market, Mogadishu's main market. Dressed in civilian clothes, the armed men burglarized shops and seized valuable goods. A combined contingent of ENDF and TFG forces cordoned off the market, providing cover for those looting the market. Despite promises by the prime minister, there was no investigation and no perpetrators were punished.

Throughout the year TFG forces extorted money from public service vehicles and truck drivers transporting goods. On February 26, a TFG soldier manning a checkpoint in Hodan district of Mogadishu shot and killed a bus driver for not paying the extortion fee.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Killings.—Fighting during the year among TFG/ENDF troops, extremist elements, antigovernment groups, and al-Shabaab in south central Somalia resulted in the deaths of at least 3,000 persons, as reported by the Somalia-based Elman Human Rights Organization. An estimated 5,000 others were injured, and the UN High Commissioner for Refugees (UNHCR) reported that over one million civilians were displaced, some several times, as a result of conflict during the year. All parties to the conflict employed indiscriminate, lethal tactics. Antigovernment and extremist groups, including al-Shabaab, were accused of launching mortar attacks from hidden sites within civilian populated areas, and using civilians as human shields. In addition, such groups reportedly conducted suicide bombings, used landmines and remote controlled roadside bombs, and conducted targeted killings of journalists, aid workers, and civil society leaders. TFG/ENDF forces often responded to such attacks with disproportionate force and indiscriminate shelling of civilian populated areas. The NGO Human Rights Watch accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and a failure to take steps to minimize civilian harm. As a result homes, hospitals, schools, mosques, and other infrastructure were destroyed in Mogadishu. Since the collapse of the Government in 1991, tens of thousands of persons, mostly noncombatants, have died in interclan and intraclan fighting. No action was generally taken against those responsible for the violence.

For example, on March 18, in Mogadishu, three unidentified men shot and killed an old man at Kah-Sheekhal IDP camp. At year's end there were no developments in the case. On March 26, ICU sympathizers believed to be from an Abgal/Agonyar sub-clan militia of the Hawiye clan attacked Jowhar. Unconfirmed reports indicated that four persons died and three were injured in the incident.

On December 13, at least 12 civilians who were at a water collection point in Kaba Hirig in Lower Shabelle region died during shelling in response to a roadside bomb targeting TFG/ENDF forces.

In its December report, Human Rights Watch documented numerous killings including summary executions of civilians by members of the ENDF, TFG forces, and antigovernment and extremist groups. The report detailed cases of indiscriminate attacks by these groups and disproportionate responses by security forces.

For example, on March 20, in the Heliwa District of Mogadishu, Ethiopian Troops shot and killed Ali Dheere, a medical doctor.

On March 23, in the Wardhigley District of Mogadishu, TFG forces shot and killed a three-year-old boy standing at the gate of his house (See Section 5).

On March 28, in the Yaqshid District of Mogadishu, Ethiopian troops opened fire on a public bus, causing the death of three passengers and injuries to six others.

Roadside bombings, suicide attacks, and armed raids targeting TFG officials and sympathizers as well as civil society groups continued throughout the year. Antigovernment and extremist groups were responsible for numerous killings of government officials and police. Politically motivated killings by antigovernment groups resulted in the deaths of several (senior TFG officials and members of the Banadir regional administration, including district commissioners and their deputies, and security and court officials. For example, on March 19, unidentified armed men shot

and killed Moallim Osman, a neighborhood leader, in the Waberi district of Mogadishu. More than 10 district or deputy district commissioners in and around Mogadishu were targeted by armed gunmen, bombs, or remote-controlled explosive devices. On January 5, unknown gunmen killed Sheikh Ibrahim Goole, Beletweyn district judge. On February 1, gunmen killed Abbas Nur Galeyr, spokesman for the Mogadishu mayor, only a month after his predecessor was killed. Also in February gunmen in Mogadishu's Yaqshid district killed Abdullahi Muhammad Qasim, Banadir region director of social affairs. None of the assailants were identified by year's end. Al-Shabaab claimed responsibility for several attacks against the TFG and its supporters during the year.

During attacks on police stations in Mogadishu and elsewhere, antigovernment groups summarily executed police officers. In a June 27 attack on Dayniile police station, 10 police officers were killed and five were injured.

There were numerous reported cases of TFG security forces killing civilians whom they suspected of planning attacks or giving information to antigovernment forces. For example, on February 27, TFG forces killed Abukar Abdisalan Adan in front of his Mogadishu home. On March 13, militia associated with the TFG killed a madrassa teacher. On March 20, police killed two armed militia and arrested 10 at Alhamdulillah police barracks after they attempted to use force to pass a roadblock.

On August 9, near Elasha Biyaha, Ethiopian-trained TFG police reportedly killed four civilians and injured women operating a nearby restaurant in response to an explosion targeting them.

During the year security forces killed persons waiting for food aid.

No action was taken against security officials responsible for civilian deaths during the year.

On April 15, one person was killed and seven injured when police manning a checkpoint opened fire on a minibus that apparently did not stop.

During the year attacks on Ugandan and Burundian troops participating in the African Union's Peace Support Mission (AMISOM) increased. On April 8, a suicide car bomb explosion in Mogadishu killed a Burundian peacekeeper. On May 23, an AMISOM vehicle hit a roadside mine while on a mine clearing operation in Mogadishu, injuring four Ugandan peacekeepers. On September 14 and 15, two Ugandan soldiers were killed and two injured in separate attacks.

Landmines throughout the country resulted in human and livestock casualties, denial of access to grazing and arable land, and road closures. The UN Children's Fund (UNICEF) reported a continued proliferation of mines and ordnance during the year resulting in numerous deaths and injuries due to landmines. Antipersonnel and antivehicle landmines, most of them remotely controlled, were frequently deployed by antigovernment groups against TFG forces, ENDF troops, and civilians.

For example, on January 12, Osman Mohamed Barre, Hiran regional supreme court chairman, escaped with minor wounds when a remote controlled roadside bomb destroyed his car in Beletweyn; the explosion also injured two civilians. On April 7, a land mine in Beletweyn killed six civilians and injured 27. On August 3, a roadside bomb killed 20 women cleaning Mogadishu streets and injured 47 others. Al-Shabaab reportedly warned the women against cleaning the streets as their actions might trigger landmines laid for TFG/ENDF. Also in August an al-Shabaab gunman shot and killed a businesswoman in Afgoe for selling eggs to Ethiopian troops.

Attacks on and harassment of humanitarian, religious, and NGO workers resulted in numerous deaths.

Numerous children were killed while playing with unexploded ordnance (UXO). For example, on February 23, a multiple land mine explosion in Ashagabi, a remote village in Baidoa, injured eight children. On March 18, three children were killed and another injured in Balguri village in Afgoe while playing with unexploded ordnance. On July 10, in Hawlwadag District in Nugal Region, four children were killed and nine injured when an UXO they found detonated. In Somaliland, as in previous years, children continued to be the largest casualty group in accidents caused by UXO.

Police officers and local administrators also were killed by landmines. For example, on July 5, a Yaqshid deputy district commissioner, his wife, and three guards were killed and five others injured when their vehicle hit a roadside mine.

Physical Abuse, Punishment, and Torture.—On February 2, TFG security forces beat, harassed, and briefly detained a Somali medical doctor who worked in Madina Hospital. After several hours and intervention by the police commissioner, the doctor was released.

Throughout the year Ethiopian forces clashed with armed militias, causing civilian deaths, destruction of property and displacement. Local human rights groups ac-

cused ENDF of committing abuses including indiscriminate and excessive use of force, shelling residential areas and market places, arbitrary arrests, and aiding TFG forces in looting. Many of these incidents occurred in reaction to an attack by insurgents or other antigovernment groups.

For example, on April 19, ENDF reportedly killed 21 civilians in Mogadishu, including Sheikh Said Yahya, a prominent Tabligh cleric, and several members of his congregation in Hidaya mosque. On the same day, ENDF detained over 40 children who were at the mosque's school. The children were released after several days. In July ENDF reportedly fired several artillery shells in the western districts of Beletweyn before deploying ground forces to combat insurgent groups in the town. The incident resulted in civilian deaths and displaced approximately 70,000 persons. On August 16, ENDF opened fire on two minibuses following a roadside explosion, reportedly killing 60 civilians. On August 21, after an attack on Villa Somalia, ENDF shelling in Bakara market reportedly killed at least 10 civilians and injured several others at Bakara mosque. Local human rights organizations reported 80 civilians killed and more than 100 injured during an August ENDF offensive against insurgents in the Yaqshid, Heliwa, Hodan, and Wardigley districts of Mogadishu.

Child Soldiers.—The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Children continued to be recruited into militias by the TFG and its related forces, as well as by clan militias and antigovernment groups. This recruitment was on occasion forced. The May UN Security Council report of the secretary general on children and armed conflict in Somalia cited TFG, local administrations, former Union of Islamic Courts (UIC) and al-Shabaab as having continued recruitment of boys and girls as young as eight into their militias. According to the report, a boy of 14 orphaned in the conflict worked at a TFG checkpoint and was paid 30,000 Somali shillings (\$0.50) a day. The report also mentions a 16-year-old girl who was recruited, trained for three weeks in Hilweyne, and officially became a member of the TFG military. Similarly, al-Shabaab conscripted children into armed conflict and military operations in addition to using them to plant roadside bombs and other explosive devices. According to the UN report, al-Shabaab recruited children as young as eight from schools and madrassas and trained them to plant bombs and carry out assassinations for financial reward.

In July 2007 the UN Security Council Working Group on Children and Armed Conflict called on all parties to stop recruiting children and demobilize those serving as soldiers. In some administrations in Somalia, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF's assistance; however, there was no progress in demobilizing child soldiers.

The TFG pledged to address child recruitment when ministers signed the Paris Commitments in February 2007; however, all parties to the conflict, including the TFG, continued to recruit child soldiers during the year. UNICEF continued its public outreach program with radio broadcasts to highlight the problem of child soldiers.

The Somaliland constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces; however, an inadequate system of birth registration made it difficult to establish the exact age of recruits.

Other Conflict Related Abuses.—Security problems complicated the work of local and international organizations, especially in the south. Attacks on NGOs, looting, and piracy disrupted flights and food distribution during the year. As a result of threats and harassment, some organizations evacuated their staffs or halted relief food distribution and other aid-related activities.

During the year piracy off the coast of Somalia significantly increased, and the International Maritime Bureau identified Somali territorial waters as the most dangerous in the world. Pirates conducted 42 successful hijackings and 69 unsuccessful attacks on vessels off the Somali coast. Many incidents occurred in the Gulf of Aden, and most of the ships were brought into the waters off the coast of Puntland and held near the coastal town of Eyl. Fueled by lucrative ransoms, Eyl developed a burgeoning industry to support the pirates and their hostages. Following ransom payments that in some cases reached several millions of dollars, the hijacked vessels were released. In each instance crews were held hostage until ransom was paid. In April Puntland security forces stormed a hijacked ship and rescued its crew members. They arrested seven pirates, and Puntland courts sentenced the perpetrators to life in prison. In September Somaliland authorities arrested and sentenced five suspected pirates to five-year prison terms for plotting to conduct piracy off the coast of Berbera. At year's end 15 vessels and more than 200 crew members remained in the custody of Somali pirates.

The TFG improved its treatment of humanitarian agency personnel and ceased much of the rhetoric against NGOs common in the previous year, but has been unable to prevent attacks against them. During the year attacks on aid workers increased. The deteriorating security situation and continued targeting of national and international relief workers presented significant challenges to humanitarian operations in Somalia. During the year 36 aid workers were killed and 28 kidnapped, 10 of whom remained captive at year's end. In addition, 22 humanitarian vehicles were hijacked. As a result relief agencies significantly reduced or relocated international staff. Aid agencies increasingly relied on national staff, who were equally under threat, and partnerships with local implementing organizations to deliver relief assistance to vulnerable beneficiaries.

On April 6, armed militiamen in Garowe, Puntland, opened fire on a UNHCR vehicle. The passengers were not injured.

On April 14, four expatriates working for a private "Christian" school in Koshiin village of Beletweyn town were killed by remnants of an ICU militia who moved into the town after Ethiopian forces based in the town reinforced Ethiopian troops who were attacked en route Buloburte district (See Section 2.c.).

On May 17, unknown assailants killed Ahmed Bario, an educator who had been managing the operations of the Promotion of Employment Through Training project in Kismayo run by the Horn Relief Organization.

On June 22, the same day that unknown gunmen assassinated human rights activist Engineer Mohamed Hassan Kulmiye in Beletweyn, unknown gunmen in Mogadishu abducted Hassan Mohamed Ali "Kenyan," head of UNHCR Somalia, and held him at an undisclosed location for two months until his August release.

On July 6, unidentified gunmen killed Osman Ali Ahmed, head of the United Nations Development Program (UNDP) office in Mogadishu, as he exited a mosque with his son and brother.

On August 4, in the Dharkenly district of the Banadir Region, eight civilians were killed and 11 injured as a result of indiscriminate fire between armed opposition groups, the TFG, and Ethiopian forces.

On August 14, at KM8 in Mogadishu, Ethiopian Forces opened fire on a minibus en route to a hospital. The patient and six of his relatives were killed.

On October 29, simultaneous explosions in Hargeisa targeting the UNDP, Somaliland Elections Commission, and the Ethiopian embassy and offices in Bossasso killed 20 persons and injured 37.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The TFC and the Somaliland constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom "as long as they respect the law"; however, this right was not respected in practice. Freedom House has classified Somalia as "not free" every year from 1972 to 2008. Reporters Without Borders also gave the country a low rating for press freedom. Journalists engaged in rigorous self-censorship to avoid reprisals.

The print media consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one or another of the factions. Several of these dailies were nominally independent and published criticism of prominent persons and political leaders.

In Somaliland there were six independent daily newspapers. There was also one government daily and two English-language weekly newspapers. There were two independent television stations, Hargeisa TV and Hargeisa Cable TV, and one government-owned station, Somaliland National TV. Although the Somaliland constitution permits independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland was the Government-owned Radio Hargeisa.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC's Somali Service and the Voice of America's Somali service that transmitted daily Somali-language programs. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least six independent radio stations in Puntland.

Opposition elements, many affiliated with the former UIC and other extremists, continued to harass journalists. Journalists reported that antigovernment groups threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Journalists added that publishing criticism of the opposition ingratiated them with the TFG but subjected them to opposition threats, and vice versa.

In September the Kismayo administration established rules for journalists, including a requirement to refrain from reporting news that undermines Islamic law.

Journalists and media organizations in all regions reported harassment including killings, kidnappings, detention without charge, and assaults on persons and property. Most of the experienced field reporters and senior editors have fled the country due to direct threats from both the TFG security forces and antigovernment groups. Two journalists have been killed in Somalia. In Baidoa and Mogadishu, the TFG continued to enforce strict orders against reporting or photographing ENDF security operations.

There was one targeted killing of a journalist during the year, compared to eight such killings in 2007. There was also one death due to an attack unrelated to journalism. On January 28, Hassan Kafi Hared, a Somali News Agency employee, was killed when a bomb exploded under a passing vehicle. In June, Nasteah Dahir Farah of the BBC Somali Service was killed in what appeared to be a targeted operation. In addition, Bisharo Mohammed Waeys, the last woman in Puntland working openly as a journalist, escaped an assassination attempt in May. There were no arrests in connection with any killings or attempted killings of journalists during the year.

Numerous journalists were arrested and detained during the year. For example, on January 13 an editor, Bashir Mohammed Abdulkadir, and the director, Abdirahman Mohamed Hassan (Hudeyfi), of Somaliweyn Radio were arrested in Mogadishu for unknown reasons by TFG personnel. They were released after 19 and 14 days, respectively. On January 15, BBC freelance reporter Ayanle Hussien Abdi was arrested in Beledweyne in Hiran Region, allegedly for failing to attend a press conference called by the regional governor. He was released after two days in custody. In April Somaliland police arrested Jamhuuriya newspaper reporter Abdirahman Muhammad Habbane in Awdal Region for unknown reasons and reportedly released him after a few days in custody. In April five journalists from Radio Voice of Peace were arrested after a raid on the station, which led to the station's temporary closure. They were held for four days, and the station resumed broadcasting shortly after the raid. On May 9, Director of the Somali Broadcasting Corporation (SBC) Mowlid Haji Abdi was detained for approximately 12 hours by the Puntland Regional State police for SBC's reporting on armed conflict in Puntland. In June Abdulkadir Mohamed Nunow, deputy director of Horseed Media and a VOA Somali Service correspondent, was arrested and held for one day after an interview with kidnapped Westerners.

On August 23, Canadian journalist Amanda Lindhout, Australian photojournalist Nigel Brenan, and Abdifatah Mohammed Elmi were abducted; no claim of responsibility was made, and the motive for the kidnappings remained unknown. At year's end the journalists were reportedly being held in northern Mogadishu.

Also in August Somaliland police forces in Burao arrested Universal TV reporter Fosi Suleyman Aw Bindhe at the venue where the opposition Kulmiye political party was holding its central committee meeting. He was held for six days.

In February the Waayaha Press newspaper office was attacked and looted by TFG security forces, who allegedly threatened the journalists with reprisal if they reported the incident.

On September 17, Abdiqani Ismail Goh was arrested by Somaliland Police after head of Somali Red Crescent (SRC) in Las Anod Dakir Ali Nur filed a complaint against Goh for his Internet reporting on SRC's food distribution. Goh was released on September 22 without trial or further explanation.

On November 3, Hadis Mohammed Hadis was arrested at Igal International Airport by Somaliland Criminal Investigations Department (CID) agents. According to journalists in Hargeisa, Hadis was arrested after local residents saw him filming the sites of the dual bombings on October 29 in Hargeisa and then followed the journalist while speaking on a telephone about the bombings. He was released on November 18.

On November 16, Radio Galkayo was shut down by Puntland police and Hassan Mohammed Jama, director of Radio Galkayo, was arrested and detained for five days. These actions were reportedly in response to Radio Galkayo's reporting on the upcoming Puntland presidential election, an activity that had been prohibited by the Puntland regional government.

On November 26, a British and a Spanish journalist were abducted in Bosasso.

Several broadcasting stations were closed during the year. In March, Radio Simba, Radio Shabelle, and Horn Afrik were forcibly closed by TFG forces, who removed equipment, disabling stations. In April Radio Voice of Peace was reportedly raided and closed, and five journalists were arrested and held for four days.

At least two radio stations were closed by Islamic administrations. On December 10, Radio Markabley in Bardhere district in Gedo region was closed by an al-Shabaab administration that claimed the station was broadcasting forbidden music.

On December 13, the Kismayo branch of Horn Afrik was closed for undisclosed reasons.

Journalists report continued pressure from both the TFG and opposition elements to provide favorable reporting for each side, with threats of reprisal if reporting was perceived to be critical of them.

Internet Freedom.—There were no government restrictions on access to the Internet, but opposition elements in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists. Media outlets continue to create Web sites associated with their broadcast operations, resulting in a proliferation of news-oriented Somali language Web sites. The Web sites are widely viewed, and Internet use was widespread in both rural and urban areas.

Academic Freedom and Cultural Events.—There were few functioning universities in Somalia—three in Mogadishu, three in Somaliland, and three in Puntland. There were dozens of others that existed only in name. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required to conduct academic research.

There were no official restrictions on attending cultural events, playing music, or going to the cinema, although the security situation effectively restricted access to and organization of cultural events. In certain areas local Islamic groups established rules for public conduct, similar to 2006, when the (UIC) controlled much of south central Somalia. For example, in September the Islamic administration that controls Kismayo asked that radio stations cease playing “immoral” music.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The TFC, the Somaliland constitution, and the Puntland Charter provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use of excessive force by security personnel to disperse demonstrators resulted in numerous deaths and injuries.

For example, on May 6, TFG police killed five demonstrators when thousands marched in the streets of Mogadishu to demonstrate against rising food prices and merchants’ refusal to accept old currency notes.

On April 27, Somaliland police killed three persons and injured several others while dispersing a demonstration. On July 18, police in Hargeisa killed two civilians and injured an estimated seven after firing into a group of youth demonstrators.

The use of excessive force by security forces in south central Somalia resulted in the deaths and injuries of persons assembled at food distribution centers. On June 25, TFG forces reportedly killed an estimated five persons while dispersing a crowd gathered at a food distribution center.

Freedom of Association.—The TFC provides for freedom of association; however, the TFG did not permit freedom of association during the year. The Puntland Charter provides for freedom of association; however, the Puntland administration continued to ban all political parties.

The Somaliland constitution provides for freedom of association, and this right was generally respected in practice; however, in July 2007 Somaliland authorities arrested three opposition politicians who were planning to form a new political party. These persons were released in December 2007. President Riyale stated that he issued an official pardon; however, their judicial record was not cleared, and the leaders were effectively blocked from participating in the electoral process as candidates for any party.

Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties.

c. Freedom of Religion.—While the TFC provides for religious freedom, this right was widely ignored in practice. The TFG generally did not enforce legal restrictions or protections concerning religious freedom.

Militia groups, particularly those associated with al-Shabaab and individuals previously affiliated with the UIC, at times imposed a strict interpretation of Islam on communities under their control. There were reports that individuals who did not practice Islam were discriminated against, and at least four nonobservant Somalis may have been killed.

The TFC, Somaliland constitution, and Puntland Charter establish Islam as the official religion. Somalis are overwhelmingly Sunni Muslims of a Sufi tradition.

There also is a very small, extremely low-profile Christian community, in addition to small numbers of followers of other religions. The constitution and/or charters governing the various regions provide the right to study and discuss the religion of one's choice. However, the Government does not permit freedom of worship. The number of adherents of strains of conservative Islam and the number of Islamic schools supported by religiously conservative sources continued to grow.

In Puntland, only Shafi'iyyah, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, but such permission was granted routinely to schools and mosques espousing Shafi'iyyah.

In Somaliland religious schools and places of worship must obtain the Ministry of Religion's permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing. However, on April 13, a militia reportedly affiliated with al-Shabaab killed four Christian teachers at their school in Beledweyne.

Societal Abuses and Discrimination.—During the year, in the Bay and Lower Juba regions as well as in Mogadishu, Muslim extremists killed several prominent clerics. On August 15, armed youth lobbed grenades at a mosque in Doblai. The mosque is used by members of the Takfir, a Muslim sect that brands all other Muslims “unbelievers,” killing two persons.

Suspected Islamic extremists bombed cinemas and attacked persons whom they asserted were not behaving “appropriately.” On March 26, in Shalmbot town of Lower Shabelle, unidentified UIC supporters hurled a hand grenade to a cinema house resulting in four persons injured. During the year clan-based militias and militias associated with the former UIC and al-Shabaab temporarily occupied several towns, closing institutions and regulating behavior deemed un-Islamic.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. Non-Muslims who practiced their religion openly faced societal harassment. Although not legally prohibited, conversion from Islam to another religion was considered socially unacceptable. Those suspected of conversion faced harassment or even death from members of their community.

In April a worshipper was stabbed in a mosque in Somaliland after two groups clashed in a mosque over differences in interpretation of Islamic beliefs.

The small Christian community kept a low profile. There were no public places of worship for non-Muslims in Somalia. Christians, as well as other non-Muslims who proclaim their religion, faced harassment or even death.

There is no known Jewish community in the country, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The TFC and the Puntland Charter provide for freedom of movement within the country; however, this right continued to be restricted in some parts of the country. Checkpoints operated by the TFG, TFG-allied militias, and armed clan factions inhibited passage and exposed travelers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict. For example, on March 23, militias in Kismayo put local checkpoints within the town, halting local transportation and attacking community elders. According to the UN, checkpoints increased to over 400 in south and central Somalia. In the absence of effective governance institutions, few citizens had the documents needed for international travel.

The law does not prohibit forced exile; however, none of the authorities used forced exile during the year.

There were no organized repatriations to any region of Somalia during the year.

Internally Displaced Persons (IDPs).—UN agencies estimated that since January 2007 approximately 870,000 persons had fled their homes in Mogadishu and its surroundings as a result of ongoing conflicts between TFG/ENDF forces and antigovernment groups. The Somalia office of the UNHCR, based in Kenya, estimated that there were approximately 1.1 million IDPs in the country as a result of internal conflict, flooding, droughts, and other causes going back to the early 1990s.

Many of the newly displaced lived without basic services, primarily settling on the Afgoye corridor between Mogadishu and Baidoa. Militia groups, aligned with both sides of the conflict, have restricted access during food distributions. During the

year Puntland authorities in Galkayo and Garowe forcibly repatriated Somalis from south central Somalia.

Protection of Refugees.—The 1990 constitution and TFC do not include provisions for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and in practice the authorities granted refugee status or asylum. The UNHCR reported approximately 9,600 refugees and asylum seekers in northern Somalia; other estimates were as high as 1.5 million displaced due to conflict, food shortages, and inflation, which made it impossible to purchase rations. An additional 3.5 million Somalis were in need of humanitarian assistance; however, insecurity in south and central Somalia has limited the access of UN and international aid workers. UN agencies reported that 36 humanitarian workers were killed in Somalia during the year.

Somaliland authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that more than 31,375 Somalis attempted to cross illegally from Somaliland and Puntland, and Djibouti to Yemen during the year, resulting in at least 328 confirmed deaths and another 359 missing and presumed dead.

In January 2007 the Kenyan government closed its border to all traffic to and from Somalia, although it later allowed humanitarian relief supplies to enter Somalia on a case-by-case basis. Despite the border closure, an estimated 60,000 asylum seekers made their way to the already overcrowded Dadaab refugee camps in Kenya through the porous border during the year, significantly more than in 2007. The UNHCR estimated that more than 80,000 Somalis sought refuge in neighboring countries.

There continued to be reports that Somali women, girls, and in isolated cases men, were raped in refugee camps in Kenya during the year.

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

In the absence of effective governance institutions, citizens could not exercise the right to change their government. The country was governed by an internationally recognized, although unelected, TFG with a mandate until 2009 to prepare the country for national elections. Clan leaders operated as de facto rulers in most regions under the nominal control of the TFG. Although many such leaders derived their authority from the traditional deference given to clan elders, they often faced opposition from intraclan groups and political factions, as well as from the perceived central authority of the TFG.

Elections and Political Participation.—The TFG was formed in late 2004 and early 2005 following two years of negotiations in Kenya, which were led by the Intergovernmental Authority on Development. The TFC is the legal framework for the transitional federal institutions of parliament and government, which operate under a five-year mandate that expires in 2009. In 2004 the clan-based TFP elected Abdullahi Yusuf Ahmed, the former president of Puntland, as transitional federal president, and he then appointed Ali Mohammed Gedi as prime minister. After Gedi resigned in October 2007, in November 2007 President Yusuf appointed Nur “Adde” Hassan Hussein as prime minister. Yusuf attempted to remove Prime Minister Hussein, first by supporting a parliamentary vote of “no-confidence” and then by dismissing him through a presidential decree. Both plans backfired and after significant discord within the TFG, on December 29, Abdullahi Yusuf resigned. Elected in January 2007 as speaker of parliament, Sheikh Adan Mohamed Nur became interim president following Yusuf’s resignation. The TFC stipulates that the interim president remain in office for 30 days until the parliament selects a new president. At year’s end Nur remained the interim president.

Following the TFG/ENDF defeat of the UIC in late 2006, the Government moved its base from Baidoa to Mogadishu; however, the TFP remained in Baidoa. One of the key outcomes of the 2007 National Reconciliation Congress (NRC) to reconcile all Somali clans and build support for the transitional process was the appointment of government ministers from outside parliament.

In January, after consulting with members of parliament and clan leaders, Prime Minister Hussein appointed a new, smaller cabinet. Many of the ministers were from outside the TFP. Also in January the prime minister effectively established all executive operations in Mogadishu. After taking office the prime minister began advancing the cause of reconciliation, particularly in Mogadishu, reaching out to the business community, clan elders, and civil society.

In September 2007 ousted parliamentarians, significant elements from the former UIC, and civil society leaders held a conference in Asmara and formed a political organization called the Alliance for the Re-liberation of Somalia (ARS). Sheikh Sharif Ahmed, former UIC Chairman, became the chairman of the ARS and Sharif Hassan Sheikh Adan, the first speaker of the TFP, became the chairman of the ARS Central Committee. In May the TFG and the ARS began UN-facilitated discussions in Djibouti to establish a peace process. During the first stage of meetings, the majority of the ARS leadership relocated from Eritrea to Djibouti, where many were granted citizenship. The ARS also committed to taking part in a political transition through elections.

On June 9, the leaders of the TFG and the ARS agreed to an 11-point UN-brokered agreement to cease all armed confrontation, ensure unhindered humanitarian access, and work toward a durable peace. The formal signing of the agreement took place on August 18, during the first meetings of the High Level Committee and the Joint Security Committee that were charged with implementing the agreement. The committees met several more times during the year to draft a ceasefire agreement and establish subcommittees to develop a peace process inside Somalia. On October 26, the TFG and the ARS agreed to form a unity government and support a cessation of armed confrontation. On November 25, the High Level Committee recommended a unity government consisting of an expanded parliament and to extend the transitional period by two years. At year's end the committees were working together to ensure that the Djibouti Process and the presidential succession were mutually supportive.

While Prime Minister Hussein enjoyed high marks for his reconciliation efforts, he drew intense criticism from President Yusuf and the TFP for not addressing financial and budgetary issues and the deteriorating security situation. Differences between Yusuf and Hussein on security and other issues led to an intractable rift between the two leaders. Internal conflicts deepened with an August attempt by the TFP to pass a no-confidence motion against the prime minister, thus removing him from office. Following Ethiopian mediation, President Yusuf, the prime minister and the TFP speaker signed an agreement on August 26 to resolve internal crises, hold elections for a new Banadir administration, improve revenue collection, redeploy security forces, withdraw Ethiopian troops, and support the Djibouti agreement. On November 16, Prime Minister Hussein named a new cabinet consisting of 18 ministers and 18 deputy ministers. Yusuf rejected these appointments, but on December 15 parliament ratified the cabinet at the same time it passed a vote of confidence in Prime Minister Hussein and his government. The conflict between the two leaders culminated in the December presidential decree dismissing the prime minister and Yusuf's attempted appointment of Mohammed Mahmud Guled "Gamadheere" as prime minister. Few recognized Gamadheere's appointment, and Mogadishu residents launched public demonstrations of support for Prime Minister Hussein. The outcry against Yusuf, including the threat of sanctions against the former president and his allies, led to his resignation.

The Banadir regional elections were delayed by several weeks but eventually took place on November 23 through secret ballot. Three elected officials assumed the positions of Mogadishu mayor and Banadir governor and first and second deputy mayor/governor. These officials would lead the counselors in a 69-member Banadir administration who were selected by the prime minister and an interim governing body through complex clan negotiations.

Somaliland has a constitution and bicameral parliament with proportional clan representation and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

In 2006 President of Somaliland Dahir Riyale Kahin postponed elections for the parliament's House of Elders and initiated a process to extend the mandate of the unelected upper house, or Guurti, for four years. On April 10, presidential and local elections scheduled for July and August were again postponed, this time by the Guurti. As in 2006, opposition parties again declared the process illegal. The Guurti decided to extend President Riyale's term in office for an additional year. Subsequent to international mediation the stakeholders agreed to a new electoral timetable and a national voter registration process where each Somaliland citizen would also receive a national ID card. By year's end the registration process had concluded successfully in most of Somaliland's regions. During the year it was reported that presidential elections were scheduled for April 6, 2009, and were to be followed by local elections.

In December 2007 Somaliland opposition figures Mohamed Abdi Gaboose, Mohamed Hashi Elmi, and Jamal Aideed Ibrahim were released from prison after serving three months on charges of founding an illegal organization and creating instability. At year's end the three leader's political rights were not fully restored. They were able to register to vote, but they were not allowed to participate in the electoral process as a candidate for any party.

In 1998 Puntland declared itself a semiautonomous regional government during a consultative conference of delegates from six regions that included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in 2005. Parliamentary representatives are seated by their respective clan elders, and on December 30, Puntland's election and ratification commission announced the names of 66 new members of parliament selected by clan elders in the six administrative regions.

Some Puntland cabinet ministers had their own militias, which contributed to a general lack of security. As part of the election process, each presidential candidate was required to pay a \$5,000 qualification fee and each vice-presidential candidate a \$2,500 fee. Some of these funds were to be used for security during the proceedings.

Somaliland and Puntland continued to contest parts of Sanaag region, as well as the Sool region and the Buhodle district of Togdheer region during the year. Both governments maintained elements of their administrations in the Sanaag and Sool regions, and both governments exerted influence in various communities. During the year there were renewed hostilities in Las Anod, Sool region. On January 13, Puntland militia attacked Somaliland troops stationed near Dhabansaar village, southeast of Las Anod. There were no reports of casualties, but Somaliland forces took an estimated 40 of the Puntland troops prisoner. Tensions between pro-Puntland and pro-Somaliland militias remained high in the Las Anod area. Humanitarian aid agencies reported that approximately 9,000 families (22,000–54,000 persons) were displaced by the fighting. On March 21, Somaliland authorities released 79 prisoners captured in 2007 during fighting between Somaliland and Puntland forces in Las Anod. Somaliland forces remained in control of Las Anod although Puntland forces threatened attack and had reportedly expanded their security presence in the surrounding areas.

There were 23 women in the 275-seat TFP; the number fell short of the TFC requirement that at least 12 percent of parliamentary seats be reserved for women. In the 23-member cabinet appointed in January, there was only one woman minister, the minister for gender and family affairs, and one deputy minister. In the 36-member cabinet ratified by parliament on December 15, there was still only one woman minister and one deputy minister. In the Somaliland government consisting of 28 ministers, a woman held the post of gender and family minister, and two women were elected to the 82-member lower house of parliament. In Puntland there have never been any women on the Puntland Council of Elders, and in December there were two women selected as representatives of the 66-member parliament. These two women served in the previous Puntland parliament from 2005 to 2008. Asha Gelle held the position of minister of gender and family and was the only female minister in the Puntland administration. On August 8, Gelle resigned from her position as special representative of the president for Mudug region because of executive interference in government affairs. She maintained her ministerial position.

There were 31 members of the minority Bantu and Arab ethnic groups in the TFP and only one in the TFG cabinet. There were no members of minority groups in the Somaliland parliament and cabinet. There are 136 distinct sub-clan groups in Puntland, 46 of which are represented in parliament. These are the largest sub-clan groups and each have between one to four representatives in the 66-member body. The other smaller sub-clans do not necessarily consider themselves as "minorities," and most believe they represented within the larger Darod/Harti clan and the parliamentary body.

Government Corruption and Transparency.—Official corruption was endemic throughout the country. The law does not provide criminal penalties for official corruption and officials frequently engaged in corrupt practices with impunity. Corruption exists in almost every transaction in Somalia and there is no regulatory or penal framework in place to combat it. This is true even in the provision of humanitarian assistance. The 2008 World Bank Worldwide Governance Indicators reflected that corruption was a severe problem.

There were no laws providing for public access to government information.

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

A number of domestic and international human rights groups operated throughout the country investigating and publishing their findings on human rights cases. However, security considerations constrained their ability to operate freely. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC) and Elman Peace and Human Rights Organization, Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, and other local human rights groups were active during the year, although less than previously. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area and conducted human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, several women's NGOs, and other civil society organizations also played a role in promoting intraclan dialogue, national reconciliation, and dialogue between the TFG/Ethiopians and elders of the dominant Hawiye clan in Mogadishu.

Somaliland human rights organizations accused authorities of meddling in their internal affairs and fomenting conflict among them.

Attacks and incidents of harassment of humanitarian, religious, civil society, and NGO workers resulted in at least 52 deaths during the year. TFG officials accused NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces. The TFG intimidated and arrested NGO workers, who also received death threats from regional administrators, clan militias, and criminals.

On January 18 in Kismayo, a roadside bomb explosion killed three aid workers from Medecins Sans Frontieres-Holland (MSF): Victor Okunnu, a Kenyan medical doctor; Damien Lehalle, a French logistician; and Billan, a Somali driver. MSF subsequently closed its operations in Kismayo.

There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments during the year. For example, on April 1, two UN staff were hijacked and abducted 15 kilometers south of Sakow town in Middle Juba. One of the two expatriates, thought to be British, was injured in the incident, which was orchestrated by local militia.

On May 20, a senior national project officer for an international NGO was shot and killed outside his house. Clan militias reportedly were involved in the killing.

On May 21, an unidentified armed militia group attacked an international NGO guest house compound where two expatriates and a Somali national were residing in Awdigley, Lower Shabelle Region. Documents and laptops were reportedly taken during the incident with one security guard injured. The three staff were allegedly blindfolded and taken away to an unknown destination. The two internationals were allegedly freed after a ransom of 1 million dollars was paid, according to local media sources.

On July 12, in the Gal-hareri District of the Galgaduud Region unidentified gunmen at a checkpoint shot and killed a senior national staff member of a local NGO. At year's end there were no arrests or developments in this killing.

Somaliland authorities continued to hold convicted murderers Jama Abdi Ismail and Mohamed Ali Isse, who were sentenced to death in November 2005 for the killing of four foreign aid workers in 2003 and 2004.

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

The TFC prohibits discrimination on the basis of gender or national origin; however, societal discrimination based on clan and ethnic origin, violence against women and widespread abuse of children continued to be serious problems. The Somaliland constitution and the Puntland Charter prohibit discrimination on the basis of gender or national origin, but these rights were not respected in practice.

Women.—Laws prohibiting rape exist; however, they were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape perpetrated with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in rape, and rape was commonly practiced in interclan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and the victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. In March the UNIE reported that in Mogadishu and Kismayo IDP women and girls,

particularly those belonging to minority groups, were increasingly becoming the targets of sexual violence by youth gangs. In Somaliland gang rape continued to be a problem in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and displaced rural populations living in urban areas. Many cases were not reported.

Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. The UNIE reported that "honor" or revenge killings still took place. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women have suffered disproportionately in the country's civil war and interclan fighting.

Prostitution is illegal and there were no statistics on its prevalence. In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygamy was permitted. Under laws promulgated by the former government, girls could inherit property, but only half the amount to which their brothers were entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty of the death of a woman only must pay half the amount that would be payable to the aggrieved family if the victim were male.

Women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.

Children.—Authorities generally were not committed to children's rights and welfare. There was some progress on the child justice bill in the TFP; however, it was not passed at year's end.

In the absence of a consistent central authority, births were not registered in Puntland or southern and central Somalia. Birth registration was taken seriously in Somaliland for hospital and home births; however, limited government capacity combined with the nomadic lifestyle of many persons caused numerous births to go unregistered.

During the year numerous attacks on schoolchildren, teachers, and schools were reported across the country. TFG/ENDF forces, al-Shabaab and other antigovernment groups were all responsible for targeted attacks. On August 26, TFG security forces stormed the SYL Primary and Secondary School firing indiscriminately and injuring five students and two teachers. They purposely destroyed school property and stole money. The incident occurred after an unidentified gunman killed a TFG soldier near the school. On the same day, TFG forces entered Imam Shafi'i Primary School and fired shots at the students and teachers. There were no injuries. Al-Shabaab and armed militia associated with the former UIC attacked schools and killed teachers and education workers in the country.

Less than 30 percent of the school-age population attended school, according to UNICEF. Because of insecurity, there has not been a school survey conducted in Mogadishu since 2006, but school enrollment rates were lower than in 2007. UNICEF reported that more than 60 percent of schools in Mogadishu were closed and the remaining schools operated with reduced enrollment and attendance as many parents withdrew their children because of security concerns. Since the collapse of the state in 1991, education services have been partially revived in various forms, including a traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers to teach in private Koranic schools and madrassas. These schools were inexpensive and provided basic education; however, there were reports that they required the veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.

Child abuse was a serious problem, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their families, as did 17 percent of children in the general population. During the year child abuse and rape remained a problem.

Children remained among the chief victims of continuing societal violence. Child protection monitors verified that hundreds of children were killed or injured during the year as a direct result of conflict.

Militia members raped children during the conflict and departure of civilians from Mogadishu.

The practice of FGM was widespread throughout the country. There were estimates that as many as 98 percent of women had undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland FGM is illegal; however, the law was not enforced. Puntland also has legislation prohibiting FGM, but the law was not effectively enforced. UN agencies and NGOs made intensive efforts to educate the population about the dangers of FGM, but there were no reliable statistics to measure the success of their programs.

All parties to the conflict recruited and used child soldiers (*See* Section 1.g.).

In its March report, the UNIE noted with concern the continued practice of “*asi walid*,” a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure. Many of these juveniles were incarcerated with adults.

A UNICEF monitoring trip at the beginning of the year revealed that many children were imprisoned in Somaliland, most without passing through the court system, usually for disobedience to parents or for petty crimes. UNICEF and the UNDP started a project to provide the children with legal assistance and have as many as possible released.

Child prostitution was practiced; however, because it was culturally proscribed and not reported, no statistics were available on its prevalence.

Trafficking in Persons.—The TFC does not explicitly prohibit trafficking. In February, Puntland authorities announced that persons who were caught engaging in alien smuggling would be punished by death. On April 5 in the Maydh District of the Sanaag Region seven human traffickers were captured near the coast in the Maydh District. There are no laws against slavery or forced or involuntary prostitution. Information regarding trafficking in the country’s territory was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Human smuggling was widespread, and there was evidence that traffickers utilized the same networks and methods as those used by smugglers. Dubious employment agencies were involved with or served as fronts for traffickers, especially to target individuals destined for the Gulf States. Somali women were trafficked to destinations in the Middle East, including Iraq, Lebanon, and Syria, as well as to South Africa, for domestic labor and commercial sexual exploitation. Somali men were trafficked into labor exploitation as herdsmen and menial workers in the Gulf States. Somali children were reportedly trafficked to Djibouti, Malawi, and Tanzania for commercial sexual exploitation and exploitative child labor. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Small numbers of Cambodian men were trafficked to work on long-range fishing boats operating off the coast of Somalia. Armed militias reportedly also trafficked women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.

Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country’s long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari’a and customary law, but there was no unified policing in the country to interdict these practices, nor was there an effective justice system for the prosecution of traffickers.

Because of an inability to provide care for all family members, some Somalis willingly surrender custody of their children to persons with whom they share family relations and clan linkages. Some of these children may become victims of forced labor or commercial sexual exploitation. At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Some officials in these administrations were known to facilitate or condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to

identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.

Persons With Disabilities.—The TFC, the Somaliland constitution, and the Puntland Charter all prohibit against discrimination.

The TFC states that the state will be responsible for the welfare of persons with disabilities, along with orphans, widows, heroes who contributed and fought in defense of the country, and the elderly.

The constitution indicates that the Somaliland state is be responsible for the health, care, development and education of the mother, the child, the disabled who have no one to care for them, and the mentally handicapped persons who are not able and have no one to care for them.

The Puntland Charter safeguards and advocates for the rights of the orphans, disabled persons and whoever needs the protection of the law.

In the absence of functioning governance institutions, the needs of most persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of persons with disabilities reported numerous cases of discrimination to the UNIE.

There was widespread abuse of persons with mental illness. Without a public health infrastructure, there were no specialized institutions in the country to provide care or education to the mentally ill. It was common for such persons to be chained to a tree or within their homes.

National/Racial/Ethnic Minorities.—More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. However, the UNIE estimated that minority groups constitute approximately 22 percent of the population. In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

In Galkayo on September 16, militiamen from the Omar Mohammad subclan shot and killed a taxi driver in Galkayo. The driver was from the minority Marehan clan, and most residents reported that the killing was clan-linked.

Other Societal Abuses and Discrimination.—Sexual orientation is considered a taboo topic and there is no public discussion of this issue in any region in Somalia. There were no reports of societal violence or discrimination based on sexual orientation.

Persons with HIV/AIDS continued to face discrimination and abuse in their local communities, and by employers in all parts of the country. UNICEF reported that persons with HIV/AIDS were subjected to physical abuse, rejected by their families, and subjected to workplace discrimination and dismissal. Children whose parent(s) were HIV-positive also suffered discrimination, which hindered prevention efforts and access to services.

Section 6. Worker Rights

a. The Right of Association.—The 1960 constitution allows workers to form and join unions, and the TFG respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the journalist association NUSOJ. Other unions exist in name, but had no activities during the year. The Puntland Charter and the Somaliland constitution also protect workers' freedom of association. However, labor laws were not enforced in the country, resulting in an absence of effective protection for workers' rights.

The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but there were no activities undertaken by the SOLTUO during the year.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by laws in Somalia, Somaliland, and Puntland, but they are generally not enforced.

Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan. There are no export processing zones.

The TFC allows unions to conduct their activities without interference and grants workers the right to strike. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not be confirmed if in Middle and Lower Juba, and Lower Shabelle Bantus were used as forced labor, as in previous years.

d. Prohibition of Child Labor and Minimum Age for Employment.—The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

The recruiting and use of child soldiers was a problem (See Section 1.g.). Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of five and 14 were in the workforce—31 percent of males and 41 percent of females. The actual percentage of working children was believed to be higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

In Somalia the Ministries of Labor and Social Affairs and Gender and Family Affairs were responsible for enforcing child labor laws. In Somaliland it was the Ministry of Family and Social Development and in Puntland it was the Ministry of Labor, Youth and Sports. In practice none of these ministries enforced these laws.

e. Acceptable Conditions of Work.—Although the TFC and the Somaliland constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. There was no information on the existence or status or foreign of migrant workers in Somalia. With an estimated 43 percent of the population earning less than 40,000 Somali shillings (less than \$1) per day, there was no mechanism to attain a decent standard of living for workers and their families. During the year high inflation, continued insecurity, and other factors significantly decreased the standard of living in all areas of the country. By year's end 3.5 million Somalis required emergency humanitarian assistance.

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the president and the parliament. The country has a population of approximately 48.5 million. On September 21, Thabo Mbeki resigned as president following his recall by the ruling African National Congress (ANC) and was replaced by deputy ANC president Kgalema Motlanthe on September 25. Motlanthe will serve until mid-2009 when parliamentary elections are expected to be held and followed by the parliamentary election of a new president. In December 2007 Jacob Zuma was elected president of the ANC. Also in 2007, following so-called floor-crossing periods during which legislators can switch parties while retaining their seats, the ANC increased its representation from 279 to 297 out of 400 seats. The most recent national election in 2004 was generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, the Government, nongovernmental organizations (NGOs), and local media reported the following serious human rights problems: police use of excessive force against suspects and detainees, which resulted in deaths and injuries; vigilante and mob violence; abuse of prisoners, including beatings and rape, and severe overcrowding of prisons; lengthy delays in trials and prolonged pretrial detention; forcible dispersal of demonstrations; pervasive violence against women and children and societal discrimination against women and persons with disabilities; trafficking in persons; violence resulting from racial and ethnic tensions and conflicts with foreigners; and child labor, including forced child labor and child prostitution.

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of politically motivated killings by the Government or its agents; however, police use of lethal force during apprehensions resulted in a significant number of deaths, and deaths in police custody were a problem. Police efforts to control vigilante violence also resulted in deaths. In some cases, the Government investigated and punished the perpetrators.

According to the Governmental Independent Complaints Directorate (ICD), there were 792 deaths in police custody or as a result of police action from April 2007 to March 31, 2008; a 13-percent increase from the previous year. Authorities attributed 38 percent of these deaths to natural causes, suicide, or injuries sustained prior to detention.

The ICD reported that shootings accounted for 44 percent of deaths in police custody or as a result of police action, with the majority of shootings occurring during official police operations. However, negligence was cited in six deaths, and domestic violence and off-duty shootings in 60 deaths. The ICD report also expressed concern that three innocent bystanders were killed in crossfire between the police and criminals, and that 70 civilians were killed due to being hit by police vehicles.

There were no confirmed reports of deaths from political conflict among parties, although the Inkatha Freedom Party (IFP) alleged the ANC was responsible for the killings of two IFP supporters in August. Police did not find evidence of political motivation behind the killings.

In 2007 police arrested three persons in connection with the 2006 killings of Estcourt deputy mayor Dolly Dladla and councilor Music Mchunu, both IFP members. There was no further information available by year's end.

Incidents of vigilante violence and mob killing continued, particularly in Gauteng, the Western Cape, Mpumalanga, and KwaZulu Natal (KZN) in the rural areas and townships. For example, in March in Mpumalanga, a mob stoned a man to death after he was seen burgling a house. Community members reportedly refused to cooperate with the police, who made no arrests. In June vigilantes stoned a man suspected of stabbing another man in KZN. The South African Police Service (SAPS) opened an investigation but reported that townspeople were reluctant to cooperate, and no suspects were arrested. The investigation was ongoing at year's end.

In May xenophobic attacks on foreign African migrants and ethnic minorities by South African civilians escalated, resulting in 62 deaths and the displacement of 80,000 persons.

Killings and other violent crimes against white farmers and, on occasion, their families, continued in rural areas. Despite concern among the farmers that they were targeted for racial and political reasons, studies indicated that the perpetrators generally were common criminals motivated by financial gain. Unlike in previous years, SAPS incorporated farm attacks and killings into overall statistics of violence and homicide, rather than reporting them separately. The Freedom Front Plus, an Afrikaner minority political party, and farmers' unions criticized what they viewed as an inadequate government response to the scale and brutality of farm attacks.

There were reports that persons accused of witchcraft were attacked and driven from their villages in rural communities, and in some cases murdered, particularly in Limpopo, Mpumalanga, KwaZulu Natal, and the Eastern Cape, where suspicion of witchcraft activity could lead to accusation, assault, forced exile, and killings, particularly of elderly women. Traditional leaders generally cooperated with government educational programs and reported threats against persons suspected of witchcraft. On September 4, two brothers in the Eastern Cape admitted to killing their younger brother, whom they suspected of practicing witchcraft. The court case was postponed until February 2009. In April 2007 a mob in Lusikisiki in the Eastern Cape killed three family members accused of witchcraft. Six persons were arrested. The investigation was ongoing at year's end.

Ritual killings (Muti killings), especially of children, to obtain body parts for traditional healing remained a problem. Unlike in previous years, SAPS incorporated occult-related cases into its standard crime reporting of killings and assaults and specific muti statistics were unavailable. On November 4, a 41-year-old man in the Eastern Cape survived an attack in which an assailant cut off his nose and genitalia. SAPS believed the attacker was a serial killer, who used body parts for muti purposes, and may have been responsible for multiple muti killings. A police investigation was ongoing at year's end.

In March 2007 eight gang members and a 63 year old traditional healer (sangoma), who allegedly bought body parts from them, were arrested in Umbumbulu for the alleged muti related killings and mutilations of nine women

from KZN in February 2007. Charges were dropped against seven of the accused, including the sangoma; the remaining two were charged with murder. On October 9, the two were found guilty of assault with intent to do grievous bodily harm. One was sentenced to five years in prison, while the other received a four-year sentence, of which two years were suspended. The judge found insufficient evidence to convict them of murder, and medical testimony did not support the muti allegations.

In August 2007 the South African military court found Air Force Sergeant Philippus Jacobus Venter guilty of raping and murdering a 14 year old girl while serving as a peacekeeper in Burundi in 2004. He also was found guilty of assaulting a Burundian security guard. Venter was sentenced to 24 years' imprisonment. On October 8, Venter appealed the military court's ruling, claiming his constitutional right to a fair trial was breached, as the arresting military police officer failed to follow proper procedure. The judge reserved judgment on Venter's appeal; the case was pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, some police officers reportedly tortured, beat, raped, and otherwise abused suspects. Police torture and physical abuse allegedly occurred during interrogation, arrest, detention, and searches of persons' homes. The ICD reported that 24 complaints of rape and 20 complaints of torture were filed against police officers during its 2007–08 reporting period. The ICD report did not indicate the disposition of these complaints.

On October 14, 10 police officers from the Vosloorus Tracing Unit allegedly tortured two brothers suspected of theft. On November 22, a 17-year-old alleged he was beaten and tortured by six police officers from the Diepkloof Police Station. On November 23, Tefo Kgame collapsed and died of unnatural causes after police allegedly beat him at the same station. Relatives filed murder charges, but the implicated officers were not suspended from duty. An ICD investigation was ongoing at year's end.

Incidents of police harassment of foreigners continued, particularly during coordinated police raids in areas where foreign nationals resided. Some state hospitals reportedly refused emergency treatment on a routine basis to indigent foreigners, despite regulations requiring that hospitals provide such treatment.

Asylum seekers claimed that government-contracted security forces outside immigration facilities used excessive force. On September 30 and October 22, security forces forcibly dispersed asylum seekers outside the Nyanga Refugee Reception Centre in Cape Town. The media reported that police fired rubber bullets and that contracted security employees whipped asylum seekers. The Department of Home Affairs (DHA) stated it would investigate and punish the perpetrators; no action had been taken by year's end.

Injuries resulted from vigilante and mob action against suspected criminals, in addition to acts of violence against persons suspected of being witches.

Prison and Detention Center Conditions.—The majority of the 237 operational prisons did not meet international standards, and prison conditions did not always meet the country's minimum legal requirements. According to the latest Judicial Inspectorate of Prisons (JIP) report for the period from April 2007, through March 31, 2008, there were 165,987 prisoners in facilities designed to hold 114,559. Of these, 6,615 inmates were foreign nationals, primarily from Zimbabwe and Mozambique. Due to severe overcrowding, many prisoners had less than 13 square feet in which to eat, sleep, and spend 23 hours a day. The unmet norm applied to prisons for floor space per prisoner is approximately 36 square feet for communal space and 60 for single cells. According to the JIP report, there were 1,136 prison deaths in 2007–08, 1,056 of them from natural causes, including HIV/AIDS; the remaining 80 deaths were the result of suicides, assaults, or accidents.

A 2008 Department of Correctional Services (DCS) study on HIV/AIDS indicated 19.8 percent of sentenced prisoners between the ages of 15 and 49 were HIV-positive. However, NGOs working on HIV/AIDS in prisons believed that the percentage of HIV-positive prisoners was higher than that of the general population's 25 percent. The DCS had 16 centers dispensing antiretroviral (ARV) therapy to approximately 3,500 sentenced prisoners during the year.

According to the 2007–08 JIP report, there were 1,498 complaints of assault by inmates on inmates and 1,004 complaints of assault by staff on inmates. There were several reports of physical and sexual abuse by both prison officials and prisoners. Some detainees awaiting trial reportedly contracted HIV/AIDS through rape.

Corruption remained a problem within prisons, although in most cases correctional services officials were either suspended or fired following an investigation. According to the JIP report, there were 392 complaints of corruption during the an-

nual reporting period. In November 2007 President Mbeki ordered the Special Investigating Unit (SIU) to look into allegations of tender abuse in the DCS. On May 20, SIU briefed the Parliamentary Portfolio Committee on Correctional Services. Investigations, which remain ongoing, had raised procedural concerns, identified irregularities in 23 contracts, and recommended 433 officials for discipline. On August 20, the DCS national commissioner launched an investigation into allegations of malfeasance in tendering for contracts in which funds were allegedly awarded unlawfully to a catering company.

There were allegations of corruption and abuse of detainees by officials at the overcrowded Lindela Repatriation Center, the country's largest detention facility for undocumented immigrants. Officers from Lindela were among those convicted by the DCS of corruption or abuse. Following the recommendations made by the presidentially mandated Jali Commission in 2006, DHA assigned more staff to redress the shortfall at the Lindela center, and new legislation shortened the deportation process to less than a month, significantly reducing strain on center operations.

Although the Government operated 13 youth detention facilities, the JIP reported that 1,692 children under the age of 18 were held with adults because they needed to be close to the courts; 867 of them had not been sentenced at the end of the reporting period. There were credible reports that these youths were vulnerable to sexual exploitation, including rape.

Pretrial detainees generally were held with convicted prisoners. The Government permitted independent monitoring of prison conditions, including visits by human rights organizations to 83 percent of facilities. In total the JIP received and recorded 158,362 complaints from prisoners.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; however, prolonged pretrial detention was a problem, and police arbitrarily arrested demonstrators.

Role of the Police and Security Apparatus.—The SAPS, under the Department of Safety and Security, has primary responsibility for internal security. The South African National Defense Force (SANDF), under the Department of Defense, is responsible for external security but also has domestic security responsibilities. During the year the president ordered elements of the SANDF to be deployed into townships to assist the SAPS after xenophobic violence broke out in May. Major cities, including Johannesburg, Durban, Pretoria, and Cape Town, also maintained metropolitan police forces under local control.

The NPA's Directorate of Special Operations (DSO), known as "the Scorpions," was used to coordinate efforts against organized crime and official corruption. The DSO was in the process of being disbanded under an initiative launched by the ANC. Legislation to amalgamate the DSO with the SAPS was passed by parliament in October. The political opposition and general public criticized the legislation, charging that the disbandment was retaliation for DSO investigations of high-ranking ANC officials, including party president Jacob Zuma.

During the year the ICD received 2,101 allegations of criminal offenses committed by police, a 3-percent increase over the previous year, and 2,770 complaints of police misconduct, a 3-percent decline from the previous year.

To address problems of crime and misconduct, SAPS provided its officers with comprehensive training in corruption prevention, human rights, and ethics, and with access to social workers, psychologists, and chaplains to enhance psychological well-being. The ICD investigated reports of police misconduct and crime; during the reporting period, nine officers were found guilty of murder and sentenced to imprisonment, while eight officers were found guilty of culpable homicide and sentenced to imprisonment, suspended sentences, and/or fines.

Following a presidentially mandated review of the criminal justice system in August, Deputy Justice Minister Johnny de Lange announced the need for major reforms. De Lange commissioned 10 task groups to recommend reform strategies. Their work was ongoing at year's end. SAPS continued efforts to professionalize; however, it remained ill equipped, overworked, underpaid, and poorly trained. Although SAPS made efforts to improve coverage in rural and township areas, the majority of law enforcement activities remained focused on wealthy residential and business areas.

Arrest and Detention.—The law requires arrest warrants based on sufficient evidence and issued by a magistrate or judge and provides that all detainees be informed promptly of the reasons for their detention, and of their right to remain silent and the consequences of waiving that right. Detainees must be charged within 48 hours of arrest, held in conditions respecting human dignity, allowed to consult with legal counsel at every stage of their detention, and permitted to communicate

with relatives, medical practitioners, and religious counselors. Courts and police generally respected these rights. Detainees must be released (with or without bail) unless the interests of justice require otherwise; however, bail for pretrial detainees often exceeded what suspects could pay. According to the annual JIP report, 11,941 prisoners remained in detention as of March 31 because they were unable to post bail. Some schoolchildren spent more than a year in detention because their families could not post bail.

Human rights groups, judges, and judicial scholars continued to express concern about the Criminal Procedure Second Amendment Act, which mandates minimum jail sentences and prohibits bail in certain cases.

Lengthy pretrial detention was a problem. According to the JIP annual report, detainees waited an average of three months, but some as long as two years, before a trial. The report found that 48,729 prisoners were awaiting trial as of March 31, an increase from 45,079 prisoners from the previous year.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary and the Government generally respected judicial independence in practice. However, the judiciary was understaffed and underfunded, and there were reports that legal documents used in trials were lost. In April files pertaining to the case of suspended Ekurhuleni police chief Robert McBride disappeared.

Trial Procedures.—The bill of rights provides for due process, including the right to a fair public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state funded legal counsel when “substantial injustice would otherwise result.”; however, a general lack of information for accused persons regarding their rights to legal representation and the Government’s inability to pay for these services remained problems.

There is a legal presumption of innocence for criminal defendants. Judges and magistrates hear criminal cases and determine guilt or innocence. In lieu of juries, the law requires that a panel of lay assessors and a magistrate hear cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may overrule magistrates on questions of fact. Magistrates also can use assessors in an advisory capacity in adjudicating bail applications and sentences. Defendants have the right to be present in court and can question witnesses in court and present their own witnesses and evidence. Defendants have access to government evidence before going to court. During the year the Government operated 57 justice centers that provided legal assistance to the poor in order to speed the administration of justice, reduce the court rolls, and alleviate overcrowding in prisons. However, serious delays continued to be a problem.

Political Prisoners and Detainees.—Since 2005 IFP has maintained there were 384 IFP members in prison for political reasons. In January the IFP petitioned both the president and the justice minister for their release. In February the IFP took the matter to the High Court, where the judge ordered the justice minister to consider all 384 applications for presidential pardons within three months. In April the IFP sent a letter to the NGO Amnesty International (AI) complaining that both President Mbeki and Justice Minister Mabandla had ignored the matter. There were no further developments by year’s end.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. There is access to the courts to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions. However, there were allegations of police abuse during sweeps and home searches and criticisms of police and judicial procedures, including that warrants were issued despite minimal evidence.

The law authorizes state monitoring of telecommunications systems, including cellular telephones, the Internet, and e mail, for criminal investigations. However, opposition parties and many civil society groups opposed the law, and the provisions were not implemented by year’s end.

The Promotion of Access to Information Act is intended to assist authorities in obtaining personal information in connection with criminal investigations; however, opposition parties and human rights NGOs objected to its broadly defined provision that enables the Government to access an individual’s personal information.

Farm owners continued to evict workers legally and illegally. The law requires that evictions be approved by a court; however, less than 1 percent of evictions involved a legal process, according to the Nkuzi Development Association, a domestic NGO. Nkuzi’s extensive national eviction survey indicated that farm workers were generally unaware of their right to legal counsel during eviction proceedings. In

Limpopo, where several hundred evictions took place, the NGO had only two attorneys and at times lacked funds for litigation.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. Individuals criticized the Government both publicly and privately without reprisal. However, several apartheid era laws that remained in force posed a potential threat to media independence.

The independent media expressed a wide variety of views, although some journalists expressed concern that the Government heavily influenced and tried to control the media. In November 2007 former ANC presidential candidate Tokyo Sexwale launched a successful bid for a 30 percent stake in Johncom Media, which owns the Sunday Times, the Sowetan, and part of Business Day. In November 2007 Koni Media Holdings failed in its bid to buy a controlling stake in Johncom. Koni is owned by foreign affairs spokesperson Ronnie Mamoepa, presidential adviser Titus Mafolo, and former protocol chief Billy Modise, close confidantes of former president Mbeki.

According to the South African Advertising Research Foundation, print media reached 46.4 percent of the population. Nevertheless, the majority received news through radio broadcasts from the Government owned South African Broadcasting Corporation (SABC) and community radio stations.

The SABC broadcast in the country's 11 official languages and owned and controlled the majority of television and radio outlets. The SABC signal reached 92 percent of the population, with a viewership share of 66 percent over the age of 16. SABC estimated that 75 percent of its audience was black, 12 percent white, 10 percent colored, and 3 percent Indian.

The SABC provided news coverage of the Government and the leading opposition parties. In December 2007 President Mbeki appointed new members to the SABC board. Supporters of Mbeki's rival, Jacob Zuma, accused the new board of being biased towards Mbeki. The following months saw conflict between the SABC board and Zuma allies on the Parliamentary Portfolio Committee on Communications. On April 30, the committee, led by ANC members and over the objections of opposition parties, passed a vote of no confidence in the SABC board. On November 13, parliament passed the Broadcasting Amendment Bill, allowing the president to replace any member of the board.

Low power, nonprofit community radio stations continued to play an important role in informing the mostly rural public; however, they often had difficulty producing adequate content and maintaining staff. Government broadcast regulators regularly issued new community radio licenses and withdrew others for noncompliance with the terms of issuance.

Privately owned E.tv was the second largest channel in the country with a terrestrial signal reaching 80.5 percent of the population. It was also the most-viewed English language channel with a viewership of 38.4 percent over the age of 16. E.tv estimated that 70 percent of its audience was black, with the highest growth segment being viewers from the black middle class; 13 percent was white, 13 percent colored, and 4 percent Indian.

High ranking government and political officials on occasion reacted sharply to media criticism and accused black journalists of disloyalty and white journalists of racism. Some journalists believed that the Government's sensitivity to criticism caused self censorship in the media.

On April 23, the SABC publicly defended itself against claims it favored the ANC. On November 3, the opposition party United Democratic Movement filed a complaint with the Independent Communications Authority of South Africa, accusing the SABC of granting scant airtime to smaller parties and of cutting a November 2 scheduled interview with five opposition parties in favor of live coverage of an ANC rally. The ANC later filed a complaint with ICASA accusing SABC of favoring a new party that was critical of the ANC.

Several laws remained in effect that permitted the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. There were no reports that these laws were invoked during the year; however, journalists and media managers considered them a threat to constitutional protections.

The Foreign Publication Board reviewed written and graphic materials published in, or imported into, the country. The board had the power to edit or ban books, magazines, movies, and videos, and it regularly exercised that power, mostly regarding pornographic material. Journalists, media houses, and industry associations con-

tinued to criticize efforts to extend the board's authority to newspapers and broadcast media.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. A private technology industry survey published in December estimated there were 4.5 million Internet users in the country, representing approximately 9 percent of the population. The study reported an increase in access of 12.5 percent since 2007, attributed largely to small businesses.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, police forcibly dispersed several demonstrations during the year, which resulted in injuries.

Several protests over poor delivery of basic services took place across the country, including violent demonstrations in Western Cape, Gauteng, and North West provinces. Police used batons and rubber bullets to control the demonstrations; several injuries were reported. For example, from January 28 to 31, police in Cape Town used plastic-coated steel bullets and stun grenades to disperse 900 members of the South African Municipal Workers' Union, which was protesting the city's proposed labor restructuring.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right.

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

Societal Abuses and Discrimination.—There were occasional reports of desecration and vandalism or verbal or written harassment directed against religious minorities during the year.

The Jewish community was estimated at 75,000 to 80,000, although it was contracting due to the emigration of young professionals seeking economic opportunities. According to the Jewish Board of Deputies, there were 59 anti-Semitic incidents recorded in 2007, down from a record 82 the previous year. Most of these were verbal assaults, often made by occupants of cars passing near synagogues. There were cases of hate mail and offensive anti-Jewish literature and an incident of offensive graffiti in a Jewish book at a school event. Two Johannesburg kosher butcheries received telephone threats of an anti-Israel boycott.

In April the Palestine Solidarity Committee on the campus of the University of the Witwatersrand in Johannesburg launched an anti-Israel campaign. Within 24 hours of the launch, swastikas were spray-painted on school property and anti-Semitic slogans appeared around campus. Jewish students concerned for their safety removed their yarmulkes. University administrators forced the committee to halt the campaign in response to complaints.

On September 14, during Ramadan, unknown assailants broke into a mosque in Potchefstroom, smeared the prayer room with blood and left two pig heads behind. Faith groups, including the Council of Muslim Theologians and the Bishop Desmond Tutu Diversity Trust, condemned the desecration. Police launched an investigation; it was ongoing at year's end.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government's policy prohibited encampment of foreign asylum seekers and refugees in favor of free movement and integration of documented migrants into local communities, with guarantees for the right to work and access to social services. While this generally offered greater liberty to foreigners, many NGOs criticized government protection of foreigners as inadequate during the year.

The law does not prohibit forced exile; however, the Government did not use it.

Internally Displaced Persons (IDPs).—In mid-May xenophobic attacks against foreign African migrants and ethnic minorities by South African civilians in townships in Johannesburg escalated into a national wave of violence in which 62 people were killed in Western Cape, Gauteng, and KZN provinces. Of these, 21 were South African citizens, 11 were Mozambican, five were Zimbabwean, and three were Somali. The remaining 22 bodies were not identifiable. Fifty-three of the killings took place

in Gauteng Province. An estimated 670 persons were seriously injured nationwide. On May 22, SANDF deployed in conjunction with SAPS to areas where violence had occurred.

The perpetrators blamed the immigrants for job and housing losses and increasing levels of crime. Most attacks were perpetrated by small mobs adopting vigilante tactics, in some cases under the influence of alcohol. Some victims were beaten to death, others were stabbed, and their shacks were looted and burned. In one incident on June 14, Mozambican Ernesto Alfabeto Nhamuave was beaten and then burned to death by vigilantes incited to violence by a local pastor.

According to the Department of Justice, an estimated 1,300 citizens were arrested on xenophobia-related charges in the weeks following the attacks. In total 1,446 criminal charges were brought against 421 persons in seven of the nine provinces. Of these, 82 suspects were exonerated by year's end. Only in Western Cape were special courts created to address the cases.

The estimated 80,000 migrants who were displaced by the violence fled to 72 temporary shelters set up by NGOs and the Government in the wake of the attacks. Humanitarian organizations raised concerns that government efforts did not adequately meet the UN Guiding Principles on Internal Displacement, which require states to provide food, water, shelter, medical care, and security to displaced persons. The organizations cited a lack of consultation and information-sharing with the displaced, separation of women from their children, hostility from local residents living near the relocation sites, inadequate water, and sanitation and security as serious problems.

Populations at the shelter sites gradually decreased, as some IDPs returned to their countries of origin (mainly Mozambique, Malawi, and Zimbabwe), while others returned to their former homes or sought safer accommodation in new locations.

On July 31, the Gauteng provincial government announced it would begin closing its temporary shelters by August 15, and the Western Cape followed suit. The closures drew criticism from the UN and assistance organizations, which voiced concern that government efforts to encourage host communities to accept foreigners were inadequate. The provinces argued that migrants were safe to return to the townships. However, following the killings of at least five resettled foreigners in early August, reports that IDPs feared for their lives if they returned to their host communities, and pressure from UNHCR and NGOs, the provinces extended their closure deadlines.

On September 19, the Constitutional Court ruled that all temporary shelters were to remain open until a full hearing could be held on November 20. However, the provinces began closing the sites before the hearing was held. For example, on September 23, an estimated 800 foreign migrants were left without formal shelter after workers contracted by the provincial government in Gauteng removed the army tents at Camp Akasia. On September 30, despite increasing criticism from Office of the UN High Commissioner for Refugees (UNHCR) and NGOs, Gauteng demolished three more camps at Glenanda, Boksburg, and Rand Airport. UNHCR officers provided small stipends of 500 rand (\$54) or 1,200 rand (\$129) for reintegration.

Citing the constitutional court's ruling requiring the care of asylum seekers and refugees, but not illegal aliens, provincial governments held summary reviews of hundreds of camp residents. Most were deemed not to have valid asylum claims and were thus subject to deportation. All Gauteng sites were officially closed by October 1, while the last shelter in Western Cape closed at the end of November. However, a number of foreigners refused to leave, claiming they feared reprisal if they returned to their host townships. At year's end, small groups of foreign migrants remained at two of the camps despite the lack of piped water, sanitation, or regular food deliveries.

Violence continued against Somalis during the year. On October 3, in Eastern Cape Province, Somali Sahra Omar Fara was stabbed and bludgeoned to death along with her two teenage sons and 12-year-old daughter. Also in October, three other Somali shopkeepers were killed. On October 7, UN High Commissioner for Human Rights Navi Pillay and AI condemned the killings and called on the Government to do more to stop the xenophobic violence.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The law also provides for a broader definition of refugee status to be granted if a person satisfies the definition in the 1969 Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa.

In practice, the Government generally provided protection against the expulsion or return of those recognized as refugees. However, refugee advocacy organizations charged that police and immigration officials abused refugees and asylum seekers and that they repatriated asylum seekers from throughout Africa immediately upon their arrival at airports without giving them the benefit of formal asylum processing. Daily deportations of undocumented Zimbabweans continued, even though some may have had a valid fear of persecution based on ongoing political violence in Zimbabwe. Applicants for asylum and NGOs assisting refugees also reported that immigration authorities sought bribes from those seeking permits to remain in the country. The DHA adopted anticorruption programs and imposed sanctions on officials or contracted security officers found to be accepting bribes.

On some occasions there was concern about the expulsion or return of refugees to countries where their lives or freedom would be threatened. According to the NGO Lawyers for Human Rights (LHR), 750 documented refugees were transported to Lindela repatriation center from the Rifle Range safety site for IDPs. LHR launched an urgent application in the Pretoria High Court to prevent the refugees from being deported. The 750, mainly Congolese, were released and squatted near a highway. A few days later, 208 men were arrested and detained. After charges against them were withdrawn, they were sent back to Lindela, despite having valid documents. Most of the group ultimately returned to their home countries.

Due to the growing economic and political problems in neighboring Zimbabwe, the number of Zimbabweans seeking employment in the country continued to increase. While no official statistics were released, reports by independent organizations such as UNHCR asserted that as many as 20,000 Zimbabweans entered each month. In June the UNHCR and DHA reported an increase in Zimbabwean asylum applications to an estimated 40,000. DHA struggled to keep up with processing; however, in June DHA began an operational overhaul to enable same-day adjudication of asylum claims.

Unlike in the previous year, there were no reported incidents of white farmers adopting vigilante tactics in an attempt to stem the flow of Zimbabwean migrants. Some white farmers were accused of hiring Zimbabweans at below-minimum wages at the expense of local workers.

The Government cooperated to some degree with the UNHCR and other humanitarian organizations in assisting recognized refugees and asylum seekers. The Government also offered temporary protection to some individuals who may not have qualified as refugees under the 1951 convention or the 1967 protocol. From April 2007 through March 2008, DHA, in collaboration with UNHCR, issued 1,117 UN Convention Travel Documents. DHA issued 8,322 refugee identity documents and considered 58,584 asylum applications, of which 41,684 were rejected and 9,727 were approved.

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

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

Elections and Political Participation.—The country held a largely peaceful national election in 2004; Mbeki was elected to a second five year term as president and head of state. The 2004 election was marred by a few incidents of political violence in KZN. The IFP registered complaints with the Independent Electoral Commission, including of excessive numbers of absentee ballots and incidents of political intimidation. The IPF challenged the election in KZN but later withdrew its court action and accepted the results. The ANC increased its parliamentary strength from 266 seats to 279 out of 400. Floor crossing by members initially elected as representatives of other parties increased the ANC's seats to 297 at the end of 2007. Three small parties lost their parliamentary representatives to other parties in 2007, reducing the number of parties with parliamentary representation to 15.

On September 21, Mbeki resigned the presidency following a September 20 statement by the ANC National Executive Committee recalling him. On September 23, Deputy President Phumzile Mlambo-Ngucka and a third of Mbeki's cabinet ministers and deputy ministers resigned in solidarity with Mbeki, although 18 ministers ultimately retained their positions. On September 25, parliament elected ANC Deputy President Kgalema Motlanthe as interim president until elections anticipated in 2009. Speaker of Parliament Baleka Mbete was named the new deputy president.

Incidents of violence among rival factions of the ANC occurred. On June 12, at an ANC rally in the Western Cape, ANC Provincial Secretary Mcebisi Skwatsha was stabbed in the neck by another ANC member, who was arrested and charged

with attempted murder. On August 25, the case was reassigned to a regional court and was ongoing at year's end.

On June 16, ANC Youth League President Julius Malema's vow to kill for ANC president Jacob Zuma provoked widespread alarm and criticism from political circles and civil society groups. On July 13, following the ANC North West provincial conference, two ANC members were stabbed by five suspended ANC members who were barred from attending the provincial conference.

Prior to the recall of President Mbeki and subsequent reshuffling of ministers, women held 11 of 28 ministerial positions, including the ministerial portfolios of health and foreign affairs, and nine of 21 deputy ministerial positions. There were 135 women in the 400 seat National Assembly and 22 women among the 54 permanent members of the National Council of Provinces (NCOP). Women occupied three of four parliamentary presiding officer positions, including the speaker and deputy speaker of the National Assembly and deputy chair of the NCOP.

Also prior to the recall, there were an estimated 142 members of minorities (non black citizens) in the National Assembly. There were 18 minority members among the 54 permanent members of the NCOP. The cabinet included seven members of minority groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. Public officials were subject to financial disclosure laws, and the Government continued its efforts to curb corruption; however, corruption remained a problem. The public perception of widespread official corruption, particularly in the police and the DHA, continued despite government assurances that the issue was being addressed.

The Government's anticorruption actions included ongoing investigations into the alleged misconduct of public officials. At least 10 agencies were engaged in anticorruption efforts. Some, like the Public Service Commission, the Office of the Public Prosecutor, and the Office of the Auditor General, are constitutionally mandated. SAPS had a unit dedicated to anticorruption activities.

The SIU investigated corruption in government departments and identified civil servants alleged to have improperly received state housing subsidies. The Government took administrative action to recover these subsidies. The SIU investigated 31,000 public servants and prosecuted 3,800 for fraud. Of the remainder, 443 who admitted guilt were allowed to keep their jobs if they agreed to reimburse the stolen money.

The Office of the Public Protector investigated government abuse and mismanagement and served as the office of last resort for citizens reporting unfair treatment by government entities. The office handled an increasing number of complaints but was hampered by severe resource constraints.

There were no developments in the trial, postponed since 2006, of Bloemfontein's former mayor, Pappie Mokoena, municipal manager, chief operating officer, and nine other city officials on charges of corruption and fraud.

The Government suspended prosecutions in "Travelgate," the 2004 controversy involving misuse of official funds by parliamentarians and their travel agents. In May the liquidators of Bathong Travel, the agency at the center of the scandal, announced that the parliamentary probe had been terminated. Opposition parties asked parliament to explain why all civil actions against members of parliament (MPs) were abandoned. Parliament responded that internal parliamentary proceedings against 11 implicated MPs were still ongoing. One of the MPs identified for prosecution, Mnyamezeli Boo, was recently appointed as the ANC's chief whip in the National Assembly.

The National Prosecuting Authority (NPA) continued its investigation into corruption charges against ANC President Jacob Zuma. In December 2007 the NPA indicted Zuma on 16 counts of racketeering, corruption, money laundering, and fraud. In July Zuma lost his Constitutional Court appeal to have the warrants used by the DSO to search his properties ruled invalid. On September 12, Pietermaritzburg High Court Judge Chris Nicholson dismissed the corruption charges against Zuma, ruling that the Government had mishandled the case and that Zuma had been wrongly denied a chance to give his side of the story to investigators before being charged. In his ruling, Nicholson stated he was not convinced that Zuma "was incorrect in averring political meddling in his prosecution," an inference that led the ANC to recall President Mbeki.

In his resignation speech, Mbeki disputed Nicholson's characterization and denied using the NPA to undermine Zuma. On November 12, Mbeki lost an appeal against the Nicholson ruling to the Constitutional Court, but he planned to appeal to the Supreme Court.

Separately, the NPA made two appeals to the Supreme Court. The first was regarding the Nicholson ruling. On November 28, the Supreme Court reserved judgment on this appeal until 2009. The NPA's second appeal to the Supreme Court, which opposed Mbeki's appeal, was also pending at year's end.

The law provides for access to government information; however, the Government did not always comply with the law. If a government department refuses to provide information, the requester can launch an internal appeal. If this also fails, the requester may appeal a decision to the High Court, a lengthy process that excludes groups or individuals who cannot afford it. The Open Democracy Advice Center (ODAC) continued to report that many requests for information went unanswered or were answered outside the period provided for in the legislation. However, ODAC's 2007 annual report noted that many requests were unclear or poorly drafted, making a response difficult.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Many organizations participated in governmental bodies that gathered information and developed policies related to human rights. International and domestic NGOs and UN agencies spoke out against xenophobic violence in the country during the year and criticized the Government's response.

The South African Human Rights Commission (SAHRC), which was created by the Government but operated independently, was responsible for promoting the observance of fundamental human rights at all levels of government and throughout the general population. The SAHRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. SAHRC enjoyed support from the Government without interference, and the Government reacted positively towards SAHRC reports. During the year the SAHRC issued reports on xenophobia, crime, refugees, human rights, and democracy.

The SAHRC investigated several complaints during the year, including those prompted by ANC Youth League President Julius Malema's public oath at a Youth Day rally on June 16 that he would kill for ANC President Jacob Zuma. Malema ignored SAHRC's deadline for a public apology, but he agreed not to use the term "kill." Congress of South African Trade Unions Secretary General Zwelinthini Vavi was similarly investigated for incendiary remarks at a funeral on June 21. Although Vavi did not apologize, he did meet with the SAHRC and agreed not to use the phrase "shoot to kill."

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

The constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. However, entrenched attitudes and practices sometimes restricted these rights in practice.

Women.—Rape, including spousal rape, is illegal but remained a serious problem. According to the 2007/08 SAPS annual report, the reported incidence of rape from April to December 2007 decreased 8.8 percent from the comparable nine-month period in 2006. However, over 4,000 rapes were reported on average each month, alongside 750 additional cases per month of assault.

Further, the Medical Research Council estimated that only one in nine rapes was reported to SAPS, as in most cases the attackers were friends or family members of the victims, who therefore were afraid or reluctant to press charges. This estimate implies that half a million women suffered sexual violence. The NGO Treatment Action Campaign reported that one in three South African women would be raped in her lifetime.

A poor security climate and societal attitudes condoning sexual violence against women contributed to the problem. On February 17, Nwabisa Ngcukana was stripped and sexually assaulted by men at a taxi rank in KZN who claimed her attire was indecent; she was wearing a miniskirt. In April the Taylor Nelson Sofres Research Survey found 29 percent of black men nationwide believed a woman wearing revealing clothes was asking to be raped.

Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups criticized judges for using criteria such as the victim's behavior or relationship to the rapist as a basis for imposing lighter sentences.

Allegations of rape, sexual assault, and sexual harassment of black and foreign female farm workers by farm owners, managers, and other farm workers were common.

In December 2007 parliament passed amendments to the Sexual Offences Act that broadened the physical definitions of rape and indecent assault, included males as victims, and restricted admission of victims' sexual histories as evidence in court in an effort to improve the Government's capacity to punish perpetrators and protect victims. Victims' rights groups were critical, however, of the law's conditional provision of post-exposure prophylaxis only to victims who filed charges with SAPS or reported the alleged offenses to designated health establishments.

The Government operated 64 sexual offenses courts throughout the country that included designated waiting rooms and counseling for victims. The NPA's Sexual Offences and Community Affairs Unit (SOCA) operated 20 Thuthuzela Care Centers (TCC), which specialized in rape care management and streamlined a network of existing investigative, prosecutorial, medical, and psychological services in the hospitals where they were located.

According to a 2008 study by SAPS and the Centre for the Study of Violence and Reconciliation, only 4.1 percent of reported cases resulted in convictions. One in every eight suspects was under the age of 17. In rape cases involving victims under the age of 16, one of every 10 cases resulted in a conviction.

Domestic violence was pervasive and included physical, sexual, emotional, and verbal abuse, as well as harassment and stalking by former partners. The Domestic Violence Act of 1998 defines victims of domestic violence (including persons who are not in legal or common law marriages), facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and to arrest abusers without a warrant. Violating a protection order is punishable by a prison sentence of up to five years, or 20 years if additional criminal charges are brought.

According to NGOs, about one in four women were in abusive relationships, but few reported it. TCC counselors also alleged that doctors, police officers, and judges often treated abused women poorly.

The Government financed 39 shelters for abused women, but more were needed, particularly in rural areas. The SAPS continued converting Child Protection Units to Family Violence, Child Protection, and Sexual Offences Units (FCS). FCS investigating officers and some other police officers received annual training in gender sensitivity. The Government continued to conduct domestic violence awareness campaigns.

Prostitution is illegal but was widespread and practiced openly. Women were trafficked to, from, and within the country for exploitation in prostitution.

The law prohibits sexual harassment; however, sexual harassment remained a widespread problem. The Government left enforcement primarily to employers, with criminal prosecution a rare secondary step at the initiative of the complainant. The Department of Labor (DOL) issued guidelines to employers on how to handle workplace complaints, which allowed for dismissal in some circumstances. Tougher punishments could be generated for assault, which carries a range of penalties depending on the severity of the act, but only if the complainants press charges.

Discrimination against women remained a serious problem despite their equal rights under the law governing inheritance, divorce, and child custody. Women experienced economic discrimination in areas such as wages, extension of credit, and ownership of land. For example, township housing transfer schemes favored existing titleholders, who tended to be men.

Many rural areas were administered through traditional patrilineal authorities, such as a chief or a council of elders, who did not grant land tenure to women, a precondition for access to housing subsidies. A constitutional court ruling in June upholding a tribe's decision to allow Tinyiko Shilubana to succeed her father as chief was criticized by traditional authorities who said the verdict contravened African custom.

Women, particularly black women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and micro-enterprises, which did not provide job security or benefits. The Department of Trade and Industry provided incentive grants to promote the development of small and medium-size businesses and microenterprises for women, young persons, and persons with disabilities.

According to the Businesswomen's Association 2008 census, the number of women in top leadership positions grew in recent years. Nevertheless, women held only 25.3 percent of executive level and 14.3 percent of director level positions. According to the presidency's Development Indicators Report for 2008, which cited 2006 data, women held only 27.4 percent of senior management and 21.6 percent of top management positions. The Government's Labor Force Survey published in March indicated unemployment among women was higher than among men, at 26.7 percent versus 20 percent.

Female farm workers often experienced discrimination, and their access to housing often was dependent on their relationship to male farm workers. Female farm workers on maternity leave who could not obtain timely compensation via the Unemployment Insurance Fund often had no choice but to return to work shortly after giving birth, according to NGOs working with farm workers in Limpopo Province.

A number of governmental bodies, particularly the Gender Commission and the presidential Office of the Status of Women, and numerous NGOs monitored and promoted women's rights.

Children.—The Government was generally committed to children's rights and welfare. However, registration of births was inconsistent, especially in remote rural areas or among parents who were foreign nationals and themselves unregistered. This resulted in lack of access for children to public services such as education, health care, and financial grants. According to a Social Security Agency report, more than 8.2 million children received social welfare grants. The Government's 2008 budget extended child support grants from age 14 to 15; however, it was sometimes difficult for children, particularly those in rural areas or without documentation, to obtain access to health care facilities and other programs.

The law provides for increased access to education for disadvantaged children—traditionally black children—through a uniform system for the organization, governance, and funding of schools. It mandates compulsory education from ages seven to 15 and ensures that children cannot be refused admission to public schools due to a lack of funds. However, public education is fee based and the Government does not fully subsidize education. Even if children qualified for fee exemptions, low income parents had difficulty paying for uniforms, books, and supplies. Some children, therefore, were enrolled in school but did not attend.

According to the December 2007 School Realities Report published by the Department of Education, 98 percent of grade 1–12 school age children were enrolled in school. Those not enrolled tended to be children with special needs. Most children attended school until the age of 15, when eligibility for the Child Support Grant ends. There were an equal number of boys and girls in grades 1–12, with boys slightly outnumbering girls in primary school (grades 1–7), but 8 percent more girls than boys were in secondary school (grades 8–12).

There continued to be reports of rape, sexual abuse, sexual harassment, and assaults of girls at school by teachers, students, and other persons in the school community. The law requires schools to disclose sexual abuse to the authorities; however, administrators often concealed sexual violence or delayed disciplinary action. The level of sexual violence in schools also increased the risk for girls of contracting HIV/AIDS or other sexually transmitted diseases, as well as unwanted pregnancies.

Although the law prohibits corporal punishment in schools, there were reports that teachers used physical violence to discipline students. Student on student violence, including racially motivated violence, continued to be a major concern of educational authorities and parents. Teacher organizations, parents, and police worked together in the "Safe Schools Program" to address these problems. Many schools implemented "Adopt a Cop" programs inviting SAPS officers into their schools for training and security.

HIV/AIDS activists, physicians, and opposition parties continued to criticize the Government for failing to provide ARV therapy to all pregnant and breastfeeding women and thereby protect young children from HIV/AIDS transmission. In March the Government issued new guidelines, consistent with those of the World Health Organization, to provide dual therapy, instead of nevirapine alone, to HIV-positive women nationwide to prevent mother-to-child HIV transmission; however, the new program reached only an estimated 30 percent of targeted women during the year. The Government expanded the number of prenatal clinics but was not able to keep up with the rapidly growing number of children affected by HIV/AIDS, including both infected children and AIDS orphans.

Violence against children, including domestic violence and sexual abuse, remained widespread. While there was increased attention to the problem, a lack of coordinated and comprehensive strategies to deal with violent crimes continued to impede the delivery of needed services to young victims. According to the 2007–08 SAPS report, 16,068 children were raped between April and December 2007, 1,410 were murdered, 19,687 were assaulted with intention to do grievous bodily harm, and 3,517 were subjected to indecent assault. Observers believed that these figures represented a small percentage of the actual incidence of child rape, especially since most cases involving family members were not reported. According to the NGO Childline, girls have a one-in-four risk, and boys a one-in-five risk, of being raped before age 16. The country had a low conviction rate for rape and child abuse. The law states that no child under the age of 12 can consent to any sexual activity and

sets 16 as the lowest age for consensual sex with another minor. Statutory rape is defined as sexual intercourse between anyone under 18 and an adult more than two years older. The statutory sentence for rape of a child is life in prison; however, the law grants judges discretion to issue more lenient sentences.

The high incidence of HIV/AIDS resulted in an increase in the number of child-headed households. These children sometimes turned to prostitution to support themselves and their siblings. Other children have been trafficked and forced into prostitution. NGOs provided shelter and medical and legal assistance for children in prostitution and a hotline for victims of child abuse. The Government donated land and buildings for shelters for such children, as well as other victims of sexual abuse, street children, and orphans.

AIDS activists alleged that children in prostitution were often highly sought after because of the widely held belief that sex with a virgin provided a cure for HIV/AIDS. SAPS officials, however, said that under questioning perpetrators usually admitted they knew this claim was false.

Despite outreach programs to discourage the practice, ritual circumcision of males, including children, usually by medically unqualified practitioners, was still a prevalent initiation tradition in various areas. Circumcision was considered a precondition for adult status, enabling marriage, inheritance, and other societal privileges. The House of Traditional Leaders attempted to address unsafe initiation practices and designed strategies to prevent deaths and the spread of diseases, such as HIV/AIDS. However, discussing the practice was taboo in many communities where it was considered a matter for chiefs to decide, and some traditional leaders spoke out against state interference.

Five boys died in Limpopo Province as a result of botched circumcisions, the same number as in 2007, despite legislation passed in 2001, regulating initiation schools. The Department of Health in the Eastern Cape provided surgeons, health officials, and vehicles during the June initiation season to monitor initiation practices. Nonetheless, 22 circumcision-related deaths at the hands of unmonitored practitioners were reported in the Eastern Cape during the June initiation period, according to press reports. From 2001 through 2007 the Eastern Cape recorded nearly 2,600 hospital admissions, 156 genital mutilations or amputations, and 232 deaths due to dehydration and infection from unsafe and nonsterile procedures. Illegal traditional surgeons were arrested and charged with culpable homicide.

Trafficking in Persons.—The Government is limited to the use of piecemeal provisions of various laws to prosecute traffickers. The Prevention of Organized Crime Act of 1998 can be applied to trafficking, as can specific laws against child labor and forced labor. The Sexual Offences Act of 2007 makes interim provisions outlawing trafficking for purposes of sexual exploitation, in addition to creating new or expanded statutory offenses applicable to all forms of sexual violation of children and the mentally disabled and provisions for prosecutions of extraterritorial sexual exploitation. The 2005 Children's Act prohibits "the recruitment, sale, supply, transportation, transfer, harboring or receipt of children, within or across the borders of the Republic." The law also prohibits the commercial sexual exploitation of children, sexual intercourse with children under 16, or permitting a female under 16 to stay in a brothel for the purpose of prostitution. The maximum penalty for violations of the law is 20 years in prison. The Children's Amendment Act of 2007 addresses unlawful child labor in extreme forms such as slavery and commercial sexual exploitation. However, until the completion of regulations governing the act's implementation, the provisions on child trafficking cannot take effect.

The country was a source, transit, and destination for the trafficking of persons, including children, from other countries in Africa, Asia, and Europe for prostitution and forced labor. Domestic and international organized crime syndicates trafficked women in and out of the country for use in the sex industry, and girls were exploited for sex or domestic servitude. Young men were trafficked internally and across borders chiefly for agricultural work, but also for street vending, crime, begging, and prostitution.

The precise extent of trafficking operations was unknown, but a substantial number of persons were believed to be trafficked annually both internally and across borders. Of the 252 victims directly assisted by the International Organization for Migration (IOM) from 2004 through October 2008, most were Thai (140), Congolese (35), South African (22), Indian (12), Chinese (11), Mozambican (9) and Zimbabwean (9).

Trafficked women and children forced to work in the commercial sex industry often lived with other trafficked victims in segregated areas. They were frequently under constant surveillance; usually had no money or identifying documents; were often in debt to the agents who arranged their travel; often worked long hours-in

some cases up to 18 hours each day and on weekends and when ill; and sometimes were fined by their traffickers for infractions of arbitrary rules. Young men trafficked for forced agricultural labor were often subjected to violence and food rationing.

Children were especially vulnerable to trafficking and in practice remained relatively unprotected from exploitation for sexual and labor purposes. The Government did not address the growing problem of child sex tourism, for which girls and boys were trafficked internally and across borders. The trafficking of Mozambican, Malawian, and Zimbabwean children for agricultural labor resulted in the children's deportation as illegal aliens without appropriate protections.

According to the NPA, which leads government efforts to combat trafficking, Chinese traffickers made Johannesburg a regional hub for collecting victims from Lesotho, Mozambique, and Swaziland for exploitation locally and in other cities. Nigerians based in the country sold Malawian women into Europe. Russian and Bulgarian women were exploited in private men's clubs. Local women were sent to Hong Kong and Macau, while Thai women were brought into the country's port cities.

In most cases traffickers lured foreign women with promises of employment, marriage, or educational opportunities abroad. Traffickers often lured the children of poor families with promises of jobs, education, or a better way of life. Victims, who might have been kidnapped or forced to follow their traffickers, were subjected to threats of violence, withholding of documents, and debt bondage to ensure compliance.

The Government continued to arrest and prosecute victims of human trafficking for unlawful acts committed as a direct result of their being trafficked. In addition, extensive pretrial delays caused some trafficking victims not to testify at the trials of their alleged traffickers.

In January the NPA's SOCA office established the Human Trafficking Unit to revive a defunct interagency task force and formulate a new strategy for dealing comprehensively with trafficking in persons. The NPA enlisted IOM to conduct training workshops for hundreds of social workers and government officials to improve recognition of trafficking victims, care and attention to victims, and referrals of cases to authorities. The Government, IOM, and NGOs continued to expand awareness-raising activities.

The NPA maintained a witness protection unit headed by a special director of public prosecutions, but it relied heavily on NGOs to provide witness protection for trafficking victims. Some domestic victims of trafficking were placed in government facilities for the sexually abused. The Government continued to fund private shelters that provided short- and long term health care, counseling, and legal support to trafficking victims. However, the Government continued to arrest, prosecute, convict, and deport trafficking victims for crimes they committed as a direct result of being trafficked.

Corruption within the police, immigration, customs, and private services at the international airports impeded interdiction efforts. Traffickers reportedly bribed officials to help them move victims out of transit areas to avoid detection. During the year DHA dismissed several immigration officers for involvement in trafficking and for petty corruption relating to trafficking. The border police, SAPS, and judicial officials received additional antitrafficking training during the year, but confusion between smuggling and trafficking remained a problem. Although the country had 64 sexual offenses courts with authority to handle trafficking cases, the lack of clear and complete antitrafficking legislation inhibited prosecutions.

In March SAPS arrested 27 Chinese women along with seven men accused of transporting them into the country and trafficking them into the sex trade. A police spokesperson indicated the women entered the country illegally and, despite their status as victims of trafficking, would be deported.

In May Mozambican Aldina dos Santos was charged with child trafficking and forced labor for subjecting three girls to sexual exploitation and domestic servitude. The case was ongoing at year's end.

In June in Durban, a Sierra Leone national was arrested for selling girls aged eight to 12 into prostitution; the case was pending at year's end. From November 8 to 10, five Nigerian men were arrested for allegedly trafficking Nigerians through the country. On December 3, they were charged with human trafficking under the Sexual Offences Act of 2007 and drug-related offenses. In April 2007, 22 Thai women and two Thai traffickers pleaded guilty to violation of the Immigration Act, following their 2006 arrest in Durban. All 24 received suspended sentences and were deported to Thailand. Three local citizens involved in the case faced charges of racketeering; there was no further information available.

Persons With Disabilities.—The law prohibits discrimination on the basis of both physical and mental disability; however, government and private sector discrimination in employment existed. The law mandates access to buildings for persons with disabilities, but such regulations were rarely enforced, and public awareness of them remained minimal. General responsibility for the rights of persons with disabilities fell within the Department of Health, with individual organizations tending to particular handicaps such as blindness.

The law provides persons with disabilities with protection from harassment and, in conjunction with the Employment Equity Act, also provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employee medical information. Enforcement of this law was limited. The law also requires employers with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for persons with disabilities. Persons with disabilities constituted 5.9 percent of the general population, but only an estimated 0.02 percent of the public service workforce. The law does not allow persons with mental disabilities to vote.

In April 2007 allegations of sexual abuse surfaced at the Cullinan Care and Rehabilitation Center for intellectually and physically disabled persons in Pretoria. Following a media report exposing conditions at the center, the Department of Health intervened in September 2007. Several staff members were disciplined but were allowed to continue working at the facility.

National/Racial/Ethnic Minorities.—The law requires employers with 50 or more employees to ensure that previously disadvantaged groups, legally defined as “Blacks” (including “Africans,” “Colored,” and “Asians,” and collectively constituting more than 90 percent of the country’s population) are represented adequately at all levels of the workforce. Notwithstanding the country’s antidiscrimination legislation, however, the DOL 2007 Employment Equity Analysis reported that Blacks remained underrepresented, particularly at the professional and managerial levels. According to the report, only 22.2 percent of top management positions, and approximately 36.5 percent of professional positions, were held by Blacks, and Black women remained by far the most disadvantaged group in number and quality of management or skilled jobs. Employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action.

In June the Pretoria High Court ruled in favor of the Chinese Association of South Africa’s petition that ethnically Chinese South African citizens be defined as Black in legislation benefiting previously disadvantaged groups such as the Broad-Based Economic Empowerment Act and the Employment Equity Act.

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons, although studies showed perpetrators were generally common criminals motivated by financial gain. There also were reports that white employers abused and killed black farm laborers, and complaints that white employers received preferential treatment from the authorities.

Indigenous People.—The Khoikhoi, indigenous nomadic herders of cattle and sheep, were dispossessed of their native lands and dispersed throughout the country in the 1970s. Today only a few thousand Khoikhoi remain, some of whom work as farmers or as farm laborers. Under the law, the Khoikhoi have the same political and economic rights as other citizens; however, the Government did not always effectively protect those rights. Their participation was limited due to fewer opportunities, minimal access to education, and relative isolation.

Other Societal Abuses and Discrimination.—The post apartheid constitution outlawed discrimination based on sexual orientation, and in 2006 the country legalized same sex marriage. There were no reports of official mistreatment or discrimination. However, in its annual Social Attitudes Survey released on November 24, the Human Sciences Research Council found widespread public intolerance of homosexuality, which was commonly labeled “unAfrican,” with 80 percent of respondents believing sex between two same-gender persons was “wrong.”

Rights groups reported that homosexuals were subject to societal abuses including hate crimes, gender violence targeting lesbians, and killings. The NGO People Opposed to Women Abuse reported that attacks increased during the year and estimated that a lesbian was killed every three months in the country’s townships. On April 28, Eudy Simelane, a former player on the national women’s soccer team and well-known lesbian activist, was allegedly gang-raped and then stabbed to death east of Johannesburg. Five men were arrested; four were charged with murder, robbery, and rape. The case was pending at year’s end.

On December 5, following at least 16 postponements, testimony began in the trial of seven men accused of the 2006 murder of a lesbian woman in Cape Town. The case was pending at year's end.

In July 2007 lesbian activist Sizakele Sigasa and her partner Salome Masooa were raped and shot to death in Soweto; no arrests were made. Two weeks later in July, Thokozane Qwabe, a lesbian, was killed in KZN, prompting an outcry from rights groups.

With availability of life-saving ARV treatments, civil society activities such as the Treatment Action Campaign, and government campaigns to reduce discrimination against persons with HIV/AIDS, the social stigma associated with HIV/AIDS began to decline but remained a general problem.

In May the soldiers' South African Security Force Union (SASFU) sued the SANDF for allegedly discriminatory HIV/AIDS policies. On May 17, the Constitutional Court ruled that SANDF must conduct individualized health assessments of members of the armed forces and SANDF could not exclude HIV positive persons from recruitment, external deployments, or promotions.

Section 6. Worker Rights

a. The Right of Association.—The law allows all workers with the exception of members of the National Intelligence Agency and the Secret Service to form and join unions of their choice without previous authorization or excessive requirements, and these laws were applied. A labor court and labor appeals court enforced these rights. There were slight gains in union membership during the year, which were attributed to global economic growth and a halt in government privatization, despite most job creation being in nonunionized service sectors. As of March, trade union membership was approximately 3.4 million, or approximately 35 percent of the population employed in the formal sector.

Labor laws extend to farm workers. The National African Farmers' Union received no complaints of harassment of union representatives. The DOL and unions enlisted the cooperation of AgriSA, the national farmers' organization, to educate farmers about workers' rights and to improve working conditions. According to Cosatu's 2006 report, only 10 percent of the workers in the agricultural labor force were unionized, a decline that some observers attributed to the 2005–06 droughts and poor harvests.

The law provides for the right to strike, and workers exercised this right, although workers considered to be providing essential services were prohibited from striking. Essential services were those deemed vital to the public's safety or health, such as police and military, prison wardens, firefighters, and emergency health workers. Disputes between workers in essential services and their employers that are not resolved through collective bargaining, independent mediation, or conciliation are referred to arbitration or the labor courts. Despite the prohibition, NPA prosecutors staged silent protests in August and were reportedly considering work stoppages over nonreceipt of pay increases promised a year earlier.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference. The Government protected these rights and workers exercised them. Collective bargaining is protected by law. The law prohibits employers from discriminating against employees or applicants due to past, present, or potential union membership or participation in lawful union activities. There were no lawsuits filed for antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred in the context of human trafficking, including prostitution, agricultural labor, and domestic servitude.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor is prohibited by law; and the Children's Amendment Act signed into law on March 13 defines and prohibits the worst forms of child labor. However, child labor was widespread in informal and agricultural sectors, particularly in the former homeland areas. The law prohibits employment of a child less than 15 years of age. Children over 15 but under 18 are also prohibited from work that places at risk the child's wellbeing, education, physical or mental health, or spiritual, moral, or social development. The Government generally enforced child labor laws in the formal sectors of the economy. Underage children were allowed to work in the performing arts if their employer received DOL permission and agreed to follow specific guidelines.

The HIV/AIDS epidemic contributed to the number of households headed by children who supported themselves and often younger siblings. However, in its 2007–08 Child Gauge Report, the Children's Institute at the University of Cape Town

stated that there was little evidence of recent rapid growth in the orphan population due to HIV/AIDS. Citing the Government's 2006 General Household Survey, which estimated that child-headed households accounted for 0.7 percent of all children and 0.5 percent of all households, the Children's Institute noted that the levels had remained relatively stable since the survey began in 2002.

According to the 1999 Survey of Activities of Young People, issued by the DOL in 2002, approximately 800,000 of the country's children older than 10 were working as laborers, either in or outside the home. The study stated that nearly 270,000 children reported having difficulty in school because of work obligations, while 80,000 children reported missing school completely. Among those who claimed that work was damaging their school performance, approximately 21,000 children said they were doing paid labor or working in a family business. Of all child laborers, roughly 92,000 were doing work that violated the country's labor laws. Child laborers, including some from Zimbabwe and Mozambique, worked illegally in the country on commercial farms, for the taxi industry, or as domestic servants.

During the year the DOL employed approximately 1,000 labor inspectors to investigate reports of violations and to enforce existing policies. Violation of laws regulating child employment is punishable by a maximum prison sentence of three years or a fine of 15,000 rand (\$1,613). In some cases, DOL inspectors opted to resolve child labor cases by counseling of employers, parents, and children, or by enlisting the services of professionals in the welfare and education departments. There were reports that inspectors had difficulty gaining access to farms where child labor was reported.

The Government's Child Labor Program of Action integrated the priorities of government ministries to combat child labor. However, the single largest factor in reducing child labor remained the Child Support Grant, which was nearly 200 rand (\$22) per month and covered children up to 15 years old.

e. Acceptable Conditions of Work.—There was no legally mandated national minimum wage, although the law gives the DOL authority to set wages by sector. Minimum wages were established for the retail sector, farm laborers, domestic workers, and taxi (minibus) drivers. The minimum wage for farm workers was approximately 1,041 rand (\$112) a month in urban areas and 989 rand (\$106) a month in rural areas. The minimum monthly wages for domestic workers employed more than 27 hours per week ranged from 1,067 rand (\$115) to 1,167 rand (\$125). Depending on the province, compliance with the minimum wage rate generally ranged from 65 to 90 percent, according to 2007 DOL figures. Minimum wages did not provide a decent standard of living for a worker and family; the Government undertook other actions to alleviate poverty, including annual above inflation mandatory wage increases for farm workers, exemptions from school fees, and improved access to health care.

In July textile manufacturer Tai Yuen Textile was fined 17 million rand (\$1.8 million) for underpayment of workers in KZN. This was the highest fine ever imposed on a company for exploitation of employees.

Annual negotiations between employers and employee associations or unions set wage rates on an industry by industry or plant by plant basis for unionized workers in the formal economy. Such negotiated wages were generally sufficient to provide a decent standard of living for a worker and family; however, this was not the case in sectors where workers were not organized sufficiently to engage in collective bargaining. As a result, many unskilled or rural workers were unable to provide an adequate standard of living for themselves and their families.

The law establishes a 45 hour workweek, standardizes time and a half pay for overtime, and authorizes four months of maternity leave for women. No employer may require or permit an employee to work overtime except by agreement, and overtime may not be more than 10 hours a week. The law stipulates rest periods of 12 consecutive hours daily and 36 hours weekly, which must include Sunday. The law allows for adjustments to rest periods by mutual agreement. These standards were effectively enforced, as labor unions and labor courts focused on compliance. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the law concerning overtime and leave. Farmers and other employers could apply for variations from the law by showing good cause.

The law protects both foreigners and immigrant workers. On March 28, the Commission for Conciliation, Mediation, and Arbitration (CCMA) ruled in favor of a foreign employee whose employment contract had been terminated by Discovery Health Limited when the employee's temporary work permit had expired. The CCMA's ruling established that foreign workers are included and protected by the Labor Reform Act.

The Government set occupational health and safety standards through the Department of Minerals and Energy (DME) for the mining industry and through the DOL for all other industries. Occupational health and safety issues were a top priority of trade unions, especially in the mining, construction, and heavy manufacturing industries where processes were dangerous and sometimes deadly. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. The law prohibits discrimination against an employee who asserts a right granted by the law and requires mine owners to file annual reports providing statistics on health and safety incidents for each mine. In addition, a tripartite mine health and safety council and an inspectorate of mine health and safety were responsible for enforcing the law and monitoring compliance with its provisions.

In January the DME launched an inspection of all 2,800 mines in the country. August press reports stated audit results were finalized and due for release; however, by year's end the report was still unreleased, and opposition parties had filed actions to force its issuance. There were 85 mine deaths during the year's reporting period, down 22 percent compared to the same period in 2007.

On November 19, parliament passed amendments to the Mine Health and Safety Act, making employers liable for heavy fines or imprisonment for serious injury, illness, or death of employees due to unsafe mine conditions. The amendments provide for mine inspectors to enter any mine at any time to interview employees and audit records.

Outside the mining industry, there were no laws or regulations that permitted workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the law provides that employers may not retaliate against employees who disclose dangerous workplace conditions.

In February an explosion at the Assmang ferromanganese smelter killed six workers. The DOL launched an investigation into reports that Assmang was warned of a malfunctioning furnace two days prior to the incident and advised that it be switched off immediately. The National Union of Mineworkers called for the prosecution of Assmang's chief executive.

While labor conditions had improved on large commercial farms, they remained harsh, especially for small holdings' workers, most of whom were black. Many owners of small farms did not measure working hours accurately. Twelve hour days were common during harvest time, and few farmers provided overtime benefits. In February 2007 Human Rights Watch reported low wages, a lack of basic services in farm workers' housing, and inadequate education for workers' dependents. Farm owners continued to evict workers legally and illegally. There was a lack of compliance with labor legislation and significant violence and crime against farm workers and farm owners. Health and safety regulations often were not observed when chemicals were used in agricultural work.

SUDAN

Sudan, a republic with an estimated population of 40.2 million, is governed according to a power-sharing arrangement established by the 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the north and south and established an interim Government of National Unity (GNU). The CPA calls for national elections to be held in 2009. The GNU is composed of the National Congress Party (NCP), dominated by Islamists from the north and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA) led predominantly by Christians and practitioners of traditional indigenous religions from the south. The most recent national elections were held in 2000; Bashir was reelected, and his political party won 340 out of 360 seats in the parliament in deeply flawed elections boycotted by all major opposition parties. The SPLM is the ruling party of the autonomous Government of Southern Sudan (GOSS), established in 2005. The GOSS ratified a separate constitution in 2005. A referendum to determine whether the south will become an independent entity is scheduled for 2011. The country experienced several violent conflicts during the year. While civilian authorities in the north generally maintained effective control of the security forces and government-aligned militia outside of Darfur, there were frequent instances in which elements of the security forces and government-aligned militia acted independently in Darfur. In the south, civilian authorities generally

maintained effective control of security forces, but there were frequent instances in which elements of the security forces acted independently.

Conflict in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the Government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A). Civilians in Darfur continued to suffer from the effects of genocide. Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The Government supported Chadian rebel groups. During January and February, violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad. Darfur rebel groups continued to commit serious abuses. On May 10, the Justice and Equality Movement (JEM), a Darfuri rebel movement, mounted an attack on Omdurman, near the capital. Intertribal conflict also killed civilians. According to the UN, nearly 2.7 million civilians have been internally displaced, and approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. During the year approximately 315,000 civilians were displaced within Darfur and to Chad. Estimates on the number of deaths vary. In 2006 the UN estimated that 200,000 persons had died as a result of the conflict.

Tensions over CPA implementation persisted between the north and the south. Sudanese Armed Forces (SAF) and the SPLA forces engaged in open combat in the disputed Abyei region from May 14 until May 22. Intertribal violence in the south continued. The Lord's Resistance Army (LRA), a rebel movement formerly-based in Uganda, made incursions into Southern Sudan and attacked and killed civilians.

The Government's human rights record remained poor, and there were numerous serious abuses, including: abridgement of citizens' right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; disappearances, including of hundreds of Darfuris in Omdurman and Khartoum following the May 10 JEM attack; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of the delivery of humanitarian assistance; restrictions on privacy; restrictions on freedom of speech; increased restrictions on the press, including direct censorship; restrictions on freedoms of assembly, association, religion, and movement; harassment of IDPs and of local and international human rights and humanitarian organizations; violence and discrimination against women, including female genital mutilation (FGM); child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur; preventing international human rights observers from traveling to/within Sudan; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced and child labor.

In Southern Sudan, serious human rights abuses were reported during the year, including extrajudicial killings and physical abuse of persons by the SPLA; poor prison and detention center conditions; arbitrary arrest; lengthy pretrial detention; use of child soldiers; abduction of women and children; and child labor. Interethnic violence was a problem.

In Darfur government-aligned militias killed and injured civilians, including during attacks on villages; raped women and children; destroyed and looted civilian property; and used child soldiers.

Rebel factions and bandits in Darfur killed and abducted persons, including civilians, humanitarian workers, and United Nations-African Union Mission in Darfur (UNAMID) peacekeeping troops and workers; beat and raped civilians; recruited and used child soldiers; and restricted humanitarian access.

The LRA attacked villages and killed and abducted civilians in the south.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government and its agents committed arbitrary and unlawful killings. Government forces, government-aligned militias, and rebels killed civilians in connection with the conflict in Darfur (See Section 1.g.). Civilians were also killed in connection to conflict in Abyei (See Section 1.g.).

Fighting between government forces and JEM rebels killed civilians during the May 10 JEM attack on Omdurman. A UN report cited the Government as asserting that 57 civilians were killed, but the actual number of civilian casualties was believed to be far higher.

In the aftermath of the May 10 JEM attack, National Intelligence and Security Services (NISS) forces committed three confirmed extrajudicial killings in Khartoum and Omdurman. NISS forces killed one woman as she tried to prevent the arrest of her brother; one Darfuri student; and beat one man who later died of his injuries.

The police and army killed demonstrators.

On May 21, students undergoing mandatory military training at Ed Damazin Camp protested violently against harsh training techniques and the death of a fellow student. SAF soldiers shot at the students, killing two and injuring 15 of them.

On July 27, police killed two demonstrators in White Nile after local farmers gathered to protest government land confiscation.

The UN Mission in Sudan (UNMIS) continued to receive reports that SPLA soldiers committed extrajudicial killings.

Civilians were killed and injured as a result of fighting between the SPLA and civilians during a GOSS disarmament campaign. For example, on June 5, in Ioli and Loguruny villages in Eastern Equatoria, eight civilians were killed and an estimated 1,410 persons displaced by fighting; the incident was not under investigation by year's end. On September 8, the SPLA injured persons during a disarmament activity in Rumbek.

Approximately 50 civilians reportedly died due to landmines in the south during the year, although some observers believed the number to be much higher since only a small percentage of deaths were actually reported to the UN. The Government continued to cooperate with the UN Mine Action Group to remove landmines in the south.

On January 1, diplomat John Granville and driver Abdelrahman Abbas Rahama were killed in Khartoum. By August authorities had arrested five suspects in connection with the killings and commenced to try them; the trial was ongoing at year's end.

Interethnic conflict throughout the country resulted in deaths during the year (See Section 1.g.).

The LRA committed numerous arbitrary killings in Southern Sudan throughout the year.

For example, on January 30, in Central Equatoria State, four civilians were killed in an LRA attack. In February an LRA incursion into Western Equatoria resulted in the deaths of 136 persons. On June 5, in Nabanga in Western Equatoria, an LRA attack on an SPLA base killed an estimated 12 civilians. In December the Governments of Uganda, the Democratic Republic of Congo, and Southern Sudan began a joint military operation against the LRA.

b. Disappearance.—The Government was responsible for hundreds of politically and ethnically-motivated disappearances, particularly of Zaghawas living in Khartoum and Omdurman.

The NISS arrested hundreds of Darfuris in May and June following the May 10 attack, detaining pedestrians and car passengers who appeared to be Zaghawa. Released detainees reported that the NISS continued to hold up to 2,500 detainees at several detention locations in the weeks following the attack. Several reported that they were beaten while in custody. By year's end fewer than 300 persons had been charged with participating in the May 10 attacks. Human rights organizations claimed that while most of the detainees were released, the Government continued to hold several hundred without charges at year's end.

Prominent Darfuri lawyers and activists arrested by the NISS in Khartoum remained unaccounted for by year's end. For example, in May, Abdelillahi Widaa, co-founder of the nongovernmental organization (NGO) Darfur Forum for Reconciliation and Peaceful Coexistence, fled Khartoum following repeated visits by NISS officers to his home and place of work, as well as a reported threat by the NISS to kill him. On May 19, Widaa turned himself in to NISS headquarters for questioning and subsequently disappeared; as of year's end his whereabouts were unknown.

From May 11 to 21, NISS officers arrested six Darfuri lawyers from the independent Darfur Bar Association, including Abdelshakur Dirar. On June 6, Dirar's wife and nine-month-old baby were also arrested and taken to NISS headquarters. On August 20, Dirar's wife and baby were released. All six lawyers were released by year's end.

An estimated 15,000 Dinka women and children were abducted, mainly from 1983 to 1999; thousands of them remained unaccounted for. In contrast to 2007, the Government's Committee to Eradicate the Abduction of Women and Children (CEAWC) reportedly returned 228 previously abducted Dinka to their ancestral villages in Southern Sudan during the year. During the year CEAWC received four million Sudanese pounds (approximately \$180 million) in government funding. The UN Chil-

dren's Fund (UNICEF) estimated that 4,000 Dinka abductees remain in South Darfur.

Rebel forces in Darfur abducted persons, including humanitarian aid workers (See Section 1.g.).

Intertribal abductions of women and children in the south continued.

The LRA abducted persons, including children in Southern Sudan. On April 20, LRA members abducted women and children during an attack on villages in Western Equatoria State. On December 22, the LRA attacked Lokurubanga village in Central Equatoria State, and abducted 12 persons. In late December the LRA abducted persons, including children, from Luro village in Western Equatoria.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict government forces, rebel groups, and tribal factions committed torture and abuse (See Section 1.g.). SPLA forces sometimes abused persons in the south.

In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion—the public display of a body after execution. Under the Interim National Constitution, the Government exempts the 10 southern states from Shari'a, although its application in the south still occurred on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol.

Government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. These persons were often subsequently released without charges.

On May 11, NISS officers arrested Abdelaziz Sam, Secretary of Legal Affairs for the Transitional Darfur Regional Authority (TDRA), and three members of his family. The men were bound together and beaten for five hours, then later released without charge.

On May 18, NISS officers arrested Al-Ghali Shegifat, journalist for the independent Rai Al-shaab newspaper and head of the Darfur Journalist Association; he was detained for 60 days without charge, during which time he was regularly beaten.

On November 24, the NISS detained human rights activists Abdel Moniem El Gak, Osman Hummaida, and Amir Suleiman. Suleiman was released the same day. El Gak was released on November 26, after having been released and detained again on November 25. Hummaida was released on November 28. Security forces physically abused El Gak and Hummaida, and threatened Suleiman that he would be tortured. El Gak and Suleiman fled the country following their release.

Police and NISS officers forcibly dispersed student protestors, which resulted in serious injuries.

On June 12, at the University of Khartoum, police forcibly dispersed Darfuri students who were peacefully protesting the arrest of a fellow student the previous day. NISS officers followed the students to their dormitory, where they beat several of them and threw two students from windows, severely injuring them.

Unlike in 2007, there were no reports that police conducted sporadic raids on houses occupied by Ethiopian and Eritrean refugees or migrants.

SPLA military police detained eight third-country nationals suspected of stealing SPLA payroll funds. All of the detainees were taken to SPLA headquarters in Juba. Four detainees were released a week later. The remaining four were transferred to a detention facility known as the customs market, then to another location; during detention they were reportedly caned, shackled, and allegedly subjected to psychological abuse. The four were released under house arrest in June, and by year's end were permitted to continue working and living in the country.

In June the SPLA reportedly detained one of its captains for beating a foreign national.

According to a UN report, on March 9, guards at an unofficial SPLA detention facility known as Jail 1 shot an SAF soldier when he tried to escape.

There were cases in which Southern Sudan Police Services (SPSS) officers and SPLA officers reportedly raped women, often with impunity.

In Darfur, government forces, government-aligned militias, rebel groups, and tribal factions killed, injured, and raped civilians (See Section 1.g.).

Prison and Detention Center Conditions.—Prison conditions throughout the country remained harsh and overcrowded. Almost all prisons lacked basic facilities such as toilets and showers. Health care was primitive; prisoners usually relied on family or friends for food. Officials continued to arbitrarily deny visits to prisoners.

The Government routinely mistreated persons in custody. There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions.

Juveniles often were held with adults in the north.

Government authorities detained 109 children in connection with the May 10 JEM attack. Most of the children were sent to a detention facility for children after having been initially held with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and remained detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process.

Unlike the previous year, the Government allowed some restricted visits to prisons by human rights observers in the north. The International Committee of the Red Cross (ICRC) had limited access to government prisons during the year; however, released prisoners reported that officials hid high-profile detainees during visits.

Prisons in Southern Sudan provided inmates with at least one meal per day. The Prisons Directorate of Southern Sudan (SSPD) provided separate quarters for male and female prisoners and usually housed juveniles in separate cells. Prison labor was used for the construction of private residences for SPLM officials.

Pretrial detainees were generally held in jails separate from convicted prisoners in the south. Detention centers in Southern Sudan were under the control of local tribal or state authorities, and were uniformly substandard. Some were holes dug in the ground around a tree, with detainees shackled to the tree. Sanitary and medical facilities were uniformly inadequate.

The SSPD permitted monitoring of prison conditions by the ICRC and other observers.

SLA/Minni Minawi continued to operate detention centers in North Darfur, including in Dar al Salaam, Zam Zam, and Shagil Tobaya. UNAMID reported that detainees were held in poor conditions. The SLA and other rebel groups allowed the ICRC access to some detainees during the year.

d. Arbitrary Arrest or Detention.—The Interim National Constitution prohibits arbitrary arrest and detention without charge; however, the Government continued to arbitrarily arrest and detain persons, often under the National Security Act. In Southern Sudan, arbitrary arrests and detention were common. While the law does not provide the SPLA with arrest powers, the SPLA arrested and detained persons.

Role of the Police and Security Apparatus.—Several government entities have responsibility for internal security including the police, the NISS, the Ministry of Interior, and the Ministry of Defense; all had active security forces. Government security forces committed serious and widespread abuses against civilians with impunity, including in connection with the conflict in Darfur (See Section 1.g.). The NISS maintains security officers in major towns and cities throughout the north, including Darfur, and also has a presence in the south. The NISS also controlled the Central Reserve Police (CRP). The CRP committed abuses in Darfur, including, for example, the August 25 killings of 33 IDPs at Kalma Camp. The SAF, under the Ministry of Defense, attacked civilian targets in Darfur. The Ministry of Defense's Border Intelligence Force (BIF), a loosely-organized force composed of former janjaweed fighters in Darfur, also committed abuses. Fighting between BIF and other security forces in Darfur resulted in civilian deaths.

Police corruption was a problem, and some police officers supplemented their incomes by extorting bribes.

The SPSS has responsibility for law enforcement in the south under the interim GOSS constitution. The SPSS lacked resources and capacity. Police reports were often incomplete, if used, files frequently misplaced, and suspects frequently detained based on accusations rather than official investigations. Police corruption, impunity, and lack of effectiveness were problems. There were reports of retaliation against persons who complained about police abuses.

The SPLA does not have law enforcement authority under the interim GOSS constitution, except when requested by civil authorities due to necessity; however, the SPLA detained persons, including in SPLA-run detention facilities.

UNMIS regularly trained SSPS and SPLA personnel on a wide-range of security-related subjects during the year, but limited GOSS resources hampered the effectiveness of the training programs.

Arrest and Detention.—Warrants are not required for an arrest. The Criminal Code permits authorities to detain individuals for three days without charge, which

can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which superseded the Criminal Code, an individual accused of violating national security may be detained for three months without charge, and the director of security may extend this period for another three months. In practice, indefinite detentions were common. The law provides for the individual to be informed of the charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system in the north. Southern Sudan had no functioning bail system; suspects granted bail in exceptional cases were generally required to post exorbitant amounts as bond.

Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. Following arrests of an unknown number of Darfuris in Khartoum and Omdurman after the May 10 JEM attack, lawyers belonging to the Darfur Bar Association volunteered to represent the detainees, but authorities severely restricted their access to the detainees and arrested some defense lawyers. Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance.

Individuals were arbitrarily arrested and detained. The NISS committed numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer.

Foreigners in Southern Sudan, generally Ugandans or Kenyans, were held for long periods without trial; authorities required the families of juveniles to sign for their release, resulting in indefinite detention for some juveniles from foreign countries.

Journalists and NGO members were arrested, detained, and tortured during the year.

Unlike in previous years, there were no reports of religious leaders being arrested and beaten.

There were reports that some businessmen were held in detention without due process for failure to pay back large loans to Sudanese financial institutions.

Security forces in the north often targeted southern women in IDP camps because they produced and sold traditional home brewed alcohol beverages; these women were arrested and imprisoned for up to six months under Shari'a.

Women in Southern Sudan were frequently arrested and detained on suspicion of adultery.

Lengthy pretrial detention was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court. In Southern Sudan, trial delays also resulted in unreasonably lengthy pretrial detentions, and persons were not provided prompt access to lawyers.

The Government routinely imposed house arrest without due process.

e. Denial of Fair Public Trial.—Although the Interim National Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. The judiciary was inefficient and subject to corruption.

An executive-level judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court's seven members. On occasion courts displayed a degree of independence. However, political interference with the courts was commonplace.

The judicial system includes four types of courts: regular, military, special, and tribal. In the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military personnel and did not provide the same rights as civilian and criminal courts. Special courts existed in Darfur under the state of emergency to try crimes against the state. There were three such courts, one in each Darfur state capital; however, the courts did not function during the year. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters.

In August the Ministry of Justice appointed a special prosecutor for crimes in Darfur, Nimr Ibrahim Mohamed. Human rights observers asserted that the special prosecutor was biased in favor of the ruling party, and that the process was not credible. The special prosecutor did not begin judicial proceedings against any persons for crimes in Darfur by year's end.

Antiterrorism courts were set up to try persons arrested in connection with the May 10 JEM attack on Omdurman. Persons tried under these courts did not have the same rights as those tried in regular courts.

In the south the GOSS employed a judicial system of traditional chiefs' courts, payam (district) courts, county judges, regional judges, and a court of appeals. Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The GOSS recognized traditional courts or courts of elders, which applied customary law to most cases in remote and rural areas of the south, including domestic matters and criminal cases.

Trial Procedures.—The Interim National Constitution and law provide for fair and prompt trials as well as a presumption of innocence; however, this was often not respected. Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used. The accused normally has the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment. Defendants and their attorneys generally had the right to present evidence and witnesses; to be present in court; to confront accusers; and had access to government-held evidence relevant to their cases. However, there were reports that defendants frequently did not receive legal counsel, and that counsel in some cases could only advise the defendant and not address the court. There were reports that the Government sometimes did not allow the calling of defense witnesses. Defendants have a right to appeal, except in military trials, where there is no appeal.

In both the north and south, women were usually not allowed to testify as witnesses without the backing of three men.

Lawyers wishing to practice were required to maintain membership in the Government-controlled Sudanese Bar Association. The Government continued to arrest and harass members of the legal profession whom it considered political opponents, and did not allow the Darfur Bar Association to register as an NGO.

Military trials, which sometimes were secret and brief, did not provide procedural safeguards. For example, the defendant's attorney could advise the defendant, but could not address the court. Witnesses may be permitted to appear at military trials.

During the year the Ministry of Justice tried suspects, including children, in connection with the May 10 JEM attacks in antiterrorism courts under the Terrorism Act of 2001. Authorities did not permit defense lawyers consistent access to their clients; frequently changed venues and admission procedures at the last minute; and did not fully identify all the suspects. In August the court sentenced 42 defendants to death on charges of subverting the state and engaging in terrorism, and trials of 87 additional suspects were ongoing at year's end. Defense lawyers for the accused claimed that two were mentally ill. Nine children were tried in the courts: four of them were acquitted and released; the trials of five were ongoing; and one was sentenced to death and had on ongoing appeal.

The Special Courts Act created special three person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security related cases.

Shari'a is applied in the north, but not in the south, under the Interim National Constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In the south, traditional or customary law was often used.

In Southern Sudan, according to the UN, most persons sentenced to death had not had adequate legal representation.

In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order.

Political Prisoners and Detainees.—The Government held an undetermined number of political detainees. Security forces detained without charge, abused, and held incommunicado political opponents. Detentions of such persons often were prolonged.

The NISS arrested and detained large numbers of Darfuris in May and June following the May 10 JEM attack on Omdurman. Human rights organizations claimed that while most of the detainees were released, the Government continued to hold several hundred detainees without charges at year's end.

Several members of SLA/Minni Minawi were arrested at their homes, beaten, and detained overnight following the May 10 JEM attack. Hassan al Turabi, leader of the Popular Congress Party (PCP), was also arrested and detained for 12 hours after the attack.

PCP members were detained for short periods of time; members arrested in previous years remained in detention. Journalists and lawyers active in the PCP were also detained.

The Government arrested and detained journalists.

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

Civil Judicial Procedures and Remedies.—There was access to a court for lawsuits seeking damages for human rights violations; however, the judiciary was not independent. There were problems enforcing domestic court orders.

Property Restitution.—There were numerous ongoing disputes between the Government and various churches involving confiscated church property. There were no reports of court-ordered property restitution or compensation.

There were reports that the Government's Merowe Dam Implementation Unit did not compensate nomads for land it took in 2006. During the year the Government closed the dam's flood gates, causing the water level to rise and civilians to be displaced. By year's end approximately 21,000 persons remained without adequate shelter or access to humanitarian assistance after refusing to settle on land provided for them, which they claimed was substandard and distant from their ancestral homelands along the Nile. In March the UN Special Rapporteur on the situation of human rights in Sudan was denied access to Northern State, where she had planned to meet with communities affected by the Merowe and planned Kajbar dams. On August 23, on Sai Island, police reportedly beat persons while dispersing a protest regarding the dams.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Interim National Constitution and law prohibit such actions, but the Government routinely violated these rights in practice.

Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes.

In Darfur, throughout the year, government armed forces and aligned militia continued to bomb and burn villages, loot property, and attacked IDPs (See Section 1.g.).

Police often entered IDP areas without a warrant in search of illegal alcohol brewing and often seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison.

The Government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

In several areas the Government sought to forcibly resettle or displace local populations. There were no developments in the case of 12,000 persons displaced during the 2006 demolition of a squatter camp in Gezira State.

The use of child soldiers in Darfur was a problem (See Section 1.g.).

Under Shari'a, a Muslim man may marry a non Muslim, but a Muslim woman cannot marry a non Muslim unless he converts to Islam; this prohibition was not observed or enforced universally in the south or among the Nubans. Non Muslims may adopt only non Muslim children; no such restrictions apply to Muslim parents.

The Government detained persons for alleged violations by a member of their family.

The GOSS generally did not interfere with privacy, home, or correspondence in the south; however, there were reports that rural detention centers held family members of accused persons who had fled before they could be arrested in the south.

The use of child soldiers in the south was a problem (See Section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Darfur.—In Darfur fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued during the year, and insecurity increased. The Government and government-aligned militias continued to attack villages; aerial bombardment of villages by the Government continued. Humanitarian access was restricted by the Government, and rebels attacked and abducted humanitarian workers. On May 10, JEM rebels attacked Omdurman, near Khartoum. On November 12, President Bashir announced a cease-fire in Darfur; however, government and rebel attacks continued. Intertribal violence also continued.

A UN Panel of Experts report found that Chadian armed groups operate openly in Darfur, and are supplied and supported by Sudanese authorities. The panel noted that the NISS reportedly provides vehicles, weapons, and fuel to Chadian rebels and that Chadian rebels receive training in Darfur, including in SAF-controlled areas. Several Chadian rebel groups were observed operating openly in West Darfur. The

panel frequently saw vehicles of the Chadian rebel group Union of Forces for Democracy and Development entering and leaving government installations.

Attacks and other acts of violence by all parties to the conflict resulted in widespread civilian deaths and injuries, displacement, and property destruction. The use of rape as a weapon of war and recruitment of child soldiers continued to be widespread.

Killings.—Government forces and government-aligned militias engaged in the deliberate killing of civilians, including continued aerial bombardment of civilian targets, such as homes, schools, and markets. According to several UN reports, the Government painted white the aircraft used to conduct bombing raids and transport arms to Darfur, the same color as UN aircraft, in violation of UN Security Council Resolution 1591. The aerial bombardment of villages was often followed by ground attacks by janjaweed and SAF vehicles.

The SAF bombed rebel-held villages in West Darfur, displacing tens of thousands of civilians and killing many others. For example, on January 7, 12, and 24, the SAF and supporting militias attacked and burned Seraf Jidad village, killing 26 civilians. On February 8, the SAF bombed the towns of Abu Suruj, Silea, and Sirba. SAF and militia ground attacks followed; at least 115 persons were killed. In Silea attackers also killed two NGO workers. A UN report noted that the SAF and armed militias committed “violations of international humanitarian and human rights law against the civilian populations of Seraf Jidad, Sirba, Silea, and Abu Suruj.” In February the SAF also conducted several aerial bombings of JEM positions in and around Jebel Moon, displacing thousands, including some to Chad, and killing at least 20 civilians.

During the year aerial bombardments of villages in North Darfur killed civilians. For example, government bombing of Madu and Mou on March 29, and of Shegeg Karo on May 4, killed civilians. On September 3, SAF aircraft bombed the villages of Birmaza and Diza; the bombings and follow-up ground attacks killed at least 20 civilians.

The Government attacked IDPs, killing and injuring many. On August 25, at Kalma IDP Camp, South Darfur, the CRP killed 33 IDPs and injured 108 IDPs when they opened fire on a group of IDPs assembled to prevent a search of the camp. On October 9, government forces attacked Nertiti IDP Camp, injuring civilians.

There was no evidence that the Government prosecuted or otherwise penalized attacking militias. Government forces provided support, weapons, and ammunition to government-aligned militias.

Government security forces frequently fired on unarmed rebels in civilian areas, including those of DPA signatories. During a two-week period in May, 14 fighters with SLA/Minni Minawi were killed in North Darfur, including seven at a police checkpoint near the village of Dar Al Salaam.

Conflicts between different government security forces resulted in civilian casualties.

On April 9, janjaweed working in the BIF rode into the El Fasher market on horseback to protest unpaid salaries, and killed one civilian in the ensuing gun battle with local police.

In July fighting between BIF and CRP forces in South Darfur killed one civilian.

On August 28, fighting between the CRP and BIF in the South Darfur town of Mershing killed one civilian and wounded eight.

Conflicts among different rebel groups in Darfur resulted in civilian casualties throughout the year. On May 21, in Kafoud, North Darfur, fighting between SLA/Minni Minawi and SLA/Free Will killed 13 civilians and injured eight.

There were developments in the September 2007 case of several hundred unidentified rebels who attacked an African Union Mission in Sudan camp in Haskanita, South Darfur, killing 10 peacekeepers and wounding many more. On November 20, the International Criminal Court (ICC) prosecutor requested an arrest warrant for three rebel commanders for war crimes pertaining to this attack; the names of the rebel commanders were not released by year’s end. On December 9, the ICC pretrial chamber requested that the prosecutor first submit additional information.

Unknown assailants killed 12 UNAMID peacekeeping troops during the year.

For example, on July 8, hundreds of well-armed fighters ambushed a UNAMID convoy east of Shagil Tobaya in an attack lasting several hours; seven peacekeepers and police officers were killed and 22 wounded. By year’s end no suspects had been arrested and no specific rebel groups had been formally accused of attacking the convoy.

On July 10, a UNAMID officer was killed in his vehicle in West Darfur by unknown assailants.

Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur.

For example, fighting in June between the Tarjam and Benihalba Arab tribes in South Darfur resulted in more than 100 deaths, including of a Benihalba sheikh who had attempted to mediate between the two parties. SAF aerial bombardment of Benihalba villages following the fighting resulted in an unknown number of deaths.

In July and August, in South Darfur, fighting between the Rizeigat and Misseriya Arab tribes killed at least 60 persons.

In October, near Abu Dungal village and Muhajeria town, in South Darfur, inter-ethnic fighting and ethnic militia attacks destroyed villages, killed persons, and displaced thousands.

Physical Abuse, Punishment, and Torture.—All parties to the conflict perpetrated acts of torture and abuse. The Government abused persons detained after armed conflict as well as IDPs suspected of having links to rebel groups. There were continued reports that janjaweed, rebels, and government security forces raped women and children.

In 2005 the UN noted the “widespread and systematic” prevalence of sexual violence in Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by “men in uniform,” and their assailants generally beat them and threatened to kill them.

For example, there were reports that janjaweed raped children during the February 8 SAF attacks in West Darfur. In March, in Nyala, government soldiers raped two 14-year-old girls. On August 19, an IDP spokesman reported that janjaweed raped two girls and one woman after they left the camp to gather firewood. UNAMID reported that armed men in uniform raped two girls, age 11 and 12, in November in North Darfur.

Authorities often obstructed access to justice for rape victims, and during the year only one person was convicted of rape in Darfur.

A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or used them for forced labor. The report also cites other such incidents involving the SAF and the Popular Defense Forces (PDF).

Child Soldiers.—Recruitment of child soldiers remained a serious problem in Darfur.

A 2007 UN report cited the SAF, police including the CRP, janjaweed, government-aligned PDF, and Darfur rebel groups JEM, the SLA/Gasim, the SLA/Free Will, the SLA/Minni Minawi, the SLA/Abdul Wahid, and the SLA/Shafi as recruiting or using child soldiers. The UN report also cited recruitment or use of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad.

The JEM used child soldiers as part of the May 10 attack. Government authorities detained 109 children in connection with the attack. Most were sent to a detention facility for children after having been initially held along with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and were detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process.

In June 2007 UNICEF signed an action plan with SLA/Minni Minawi that committed the rebel group to identify locations of child soldiers; however, SLA/Minni Minawi continued to use child soldiers. In August UNAMID officers visited an SLA/Minni Minawi encampment and observed numerous boys bearing arms intermingled with older soldiers.

Other Conflict-Related Abuses.—All parties to the conflict obstructed the work of humanitarian organizations, caused the displacement of approximately 315,000 civilians during the year, and abused IDPs.

The Government continued to restrict and obstruct humanitarian assistance to Darfur, despite the March 2007 Joint Communique between the Government and the UN.

Government forces frequently harassed NGOs that received international assistance. The Government often shut down NGO offices; restricted or denied humanitarian assessments; copied NGO files; confiscated NGO property; questioned humanitarian workers at length; monitored humanitarian workers’ personal correspondence; and publicly accused humanitarian workers of being “spies,” “Western agents,” and “workers for Israel.”

The Government frequently changed procedures pertaining to NGOs operating in Darfur.

Government officials did not issue visas and travel permits for international humanitarian workers on a timely basis despite agreements to do so.

Policy discrepancies between Darfur state-level and Khartoum-based officials in the Humanitarian Affairs Commission (HAC) adversely affected humanitarian operations.

The HAC continued to request that NGOs refrain from interviewing or selecting staff unless they used a five-person government selection panel and had HAC officials present, significantly delaying the hiring of new staff in Darfur.

The HAC also continued to impose new additional requirements on humanitarian organizations during the year, including for medical supply documentation, regional and local governmental approvals, and travel.

On January 7, near Tine, SAF personnel shot at a UNAMID convoy, injuring a driver and damaging an armored personnel carrier and diesel tanker.

Rebel forces and bandits obstructed humanitarian assistance, regularly attacked the compounds of humanitarian organizations, and seized humanitarian aid, assets, and vehicles. Attacks against humanitarian convoys increased during the year. Instability forced many international aid organizations to scale back their operations in Darfur.

According to the UN, bandits and other armed persons killed 11 humanitarian workers, abducted 189 staff, hijacked 261 vehicles, and broke into 172 humanitarian compounds during the year as of November 30.

In May increased attacks on humanitarian convoys forced the World Food Program (WFP) to cut food rations in Darfur by 50 percent. WFP was able to restore full rations by year's end due to relative improvements in the security situation and the opening of alternative road corridors with the end of the rainy season.

According to the UN, nearly 2.7 million civilians have been internally displaced, and approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. Despite the signing of the DPA in May 2006, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in 315,000 new displacements during the year, and some existing IDPs were displaced for the second or third time. Darfur IDPs did not return in any significant numbers to their places of origin, although small-scale spontaneous returns to certain villages occurred.

There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes, beatings, and attempts by the Government to forcibly return relocated persons to other sites. There were credible reports that the Government harassed IDPs in Darfur who spoke with foreign observers.

Insecurity in Darfur, especially outside of IDP camps, restricted IDPs' freedom of movement; women and girls who left the town and camps risked sexual violence.

On May 12, the CRP burned the market and several homes in Rwanda IDP Camp, causing camp residents to flee.

The Government forced IDPs to relocate to alternative IDP camps or other sites.

Following several days of interethnic clashes inside Kalma IDP Camp, on October 20 the governor of South Darfur announced plans to divide the camp into nine smaller camps. At year's end, approximately 20,000 of the estimated 90,000 residents had left the camp as a result of the clashes. According to the International Organization on Migration, Sudanese security forces and the Government's Humanitarian Affairs Commission forcibly relocated approximately 500 IDP households between October 26 and October 28.

Kalma Camp representatives accused the local government of shifting the course of a major river in Nyala, causing it to flow through the camp and displacing thousands of IDPs within the camp.

There were reports that the Government forced or coerced IDPs to return to their villages by promising food and money; however, most IDPs who returned to the villages to receive the assistance later returned to the IDP camps. Government attempts to resettle IDPs were generally unsuccessful.

The Government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force.

In October government authorities arrested a Khartoum journalist who translated an elderly IDP's statement from Zaghawa into Arabic for a visiting Qatari envoy; he was later released.

International observers noted that criminal gangs aligned with rebel groups operated openly in several IDP camps, as well as operated back-and-forth across the border with Chad.

Southern Sudan.—Tensions over CPA implementation persisted. Civilians were killed and displaced by fighting in Abyei from May 14 to 22 and from December 12 to 13; LRA attacks along the country's southern border; and regularly occurring intertribal fighting, including between police and SPLA soldiers of different tribes.

According to the UN, approximately 2.1 million persons returned to Southern Sudan and the Three Areas (Abyei, the Nuba Mountains, and Blue Nile) since 2005. These persons had been displaced as a result of conflict, famine, and fighting during the north-south conflict.

Fighting between the SAF and SPLA from May 14 to 22 destroyed much of the town of Abyei, caused hundreds of casualties among combatants and civilians, and displaced more than 50,000 persons.

On June 8, the presidency endorsed the Abyei roadmap agreement. The agreement includes provisions for the deployment of new joint integrated units (units composed of SAF and SPLA forces), the return of IDPs, administration and wealth sharing, and arbitration to resolve disagreements regarding the Abyei Boundaries Commission's findings (a commission established under the CPA to define Abyei's boundaries). Implementation of the agreement was slow. By December a tribunal to arbitrate the disagreement over the ABC report had been established, its members appointed, and the Government and SPLA/M had submitted briefs. On November 11, a chief administrator of Abyei and five other administration members were appointed; however, the administration did not have an operating budget. New joint integrated units and police were put in place, but a small number of SPLA and SAF troops remained in the area.

On December 12 and 13, in Abyei town, clashes between joint integrated units and joint integrated police units killed approximately two civilians and caused thousands of civilians to flee the town. At year's end the joint integrated units were withdrawn from Abyei town, and the joint integrated police units were given responsibility for law enforcement.

Few of those displaced by the May 14–22 and the December 12–13 fighting returned.

In previous years members of the Government-allied PDF were responsible for the deaths of numerous civilians and returning IDPs; no specific information was available during the year.

Intertribal and intercommunal clashes also resulted in hundreds of civilian deaths and displacement.

On March 9 and 10, interethnic attacks in Tonj County, Warrap State killed 67, injured 117, and displaced 2,600 persons.

On April 22, 92 persons were reportedly killed during fighting between Dinka Luach of Warrap State and Dinka Pakam of Lakes State.

In April and May, in the villages of El Sunnut and Abu Junuk in Southern Kordofan State, armed conflict between Misseriya Arab and Nuba ethnic groups displaced approximately 5,000 persons.

In February fighting in Jonglei State between the SSPS and the SPLA displaced more than 3,500 persons.

Child Soldiers.—A 2007 UN report cited the SAF, South Sudan Defense Forces, including those of Major-General Gabriel Tang Ginyi, the SPLA, and the Pibor Defense Forces (a local militia in the south) as recruiting or using child soldiers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Interim National Constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the Government severely restricted these rights in practice. Restrictions on the media increased during the year. The Government, through the NISS, continued to censor print and broadcast media, ban the printing of newspapers, and harass vocal critics of the Government. The Government controlled media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

Individuals who criticized the Government publically or privately were subject to reprisal, including arrest. The Government attempted to impede such criticism, and monitored political meetings.

The Government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship.

The Government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available. A private FM radio station continued to operate, and UN radio operated throughout the country. In addition to domestic and satellite television services, there was a pay

cable network, which directly rebroadcast uncensored foreign news and other programs.

The Government restricted international media in the north. While some foreign journalists were denied visas, others had regular access to opposition politicians, rebels, and civil society advocates.

Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting.

In February the Government detained overnight Sid Ahmed Khalifa and Adil Sid Ahmed, the editor and deputy editor of Al-Watan, after they published an article regarding the police.

On May 18, the NISS arrested Al Ghali Shegifat, a journalist for the independent Rai Al-shaab newspaper, and head of the Darfur Journalists Association. Shegifat was held for 60 days without charges, and was beaten regularly during his confinement.

On November 1, journalist Salah Bab Allah of Al Entibaha was reportedly arrested after he wrote an article on hemorrhagic fever; he was later released.

On November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released.

The Government directly censored the media.

In March the NISS instituted a policy that required newspaper editors to bring their broadsheets to NISS headquarters for review before printing. Censors removed controversial articles before newspapers were printed at a government-controlled printing press.

In May three Arabic-language newspapers were shut down for refusing to comply with the NISS policy. After several days of negotiations, the NISS instituted a new policy requiring newspapers to permit NISS censors to review newspapers each evening in their respective editorial offices. Human rights lawyers estimated that censors removed an average of five press articles each day.

Authorities similarly harassed English-language newspapers whose primary readership was southerners. According to editors of The Citizen and The Khartoum Monitor, two daily newspapers printed in Khartoum, in September authorities refused the newspapers permission to print in Khartoum after both printed articles critical of the Government's policy in Darfur. The editors temporarily printed The Citizen and The Khartoum Monitor in Uganda. The Sudan Tribune was also banned from printing in Khartoum on September 1; the ban was lifted approximately one week later. By year's end all three newspapers had resumed printing in Khartoum.

Authorities in Southern Sudan generally respected press freedom, although there were some reports of harassment of journalists. For example, on October 10, in Juba, GOSS authorities arrested Nhial Bol, editor of The Citizen, after he published an article regarding corruption. On October 12, he was released on bail.

Internet Freedom.—The Government monitored Internet communications, and the NISS read e-mail messages between private citizens. Some Web sites deemed offensive to public morality were blocked by the National Telecommunications Corporation, as were most proxy servers. While there generally were no restrictions on access to news and information Web sites, authorities briefly blocked access to youtube.com. Internet access was generally available and widely used in urban areas, but it was limited by lack of infrastructure outside of cities.

Academic Freedom and Cultural Events.—The Government restricted academic freedom. In public universities, the Government appointed the vice chancellors, who were responsible for administering the institutions. The Government also determined the curriculum. Some universities required students to participate regularly in progovernment rallies and other activities. Some professors exercised self-censorship.

The Government frequently censored films, especially those imported from the West, if they were deemed offensive to public morality.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—Although the Interim National Constitution and law provide for freedom of assembly, the Government severely restricted this right in practice. The Government formally banned all rallies and public demonstrations in the country, although this was not always enforced.

Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings.

Police use of excessive force to disperse demonstrators resulted in deaths and injuries.

On May 21, SAF soldiers shot student protestors, killing two and injuring 15, at Ed Damazin SAF training camp.

On July 27, police killed two demonstrators in White Nile.

On November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released.

Authorities took no action against security force members who used excessive force.

In the south, on November 11, in Central Equatoria State, teachers and students violently protested the nonpayment of teachers' salaries. The UN reported that two student protestors were injured during clashes with GOSS authorities, one of whom later died as a result of his injuries.

Freedom of Association.—The Interim National Constitution and law provide for freedom of association, but the Government severely restricted this right in practice. Although there were 20 officially registered political parties, the law effectively prohibits political parties linked to armed opposition to the Government.

The Government continued to harass some opposition leaders who spoke with foreign organizations or embassies.

The Government did not allow the Darfur Bar Association the right to register as an NGO.

c. Freedom of Religion.—The Interim National Constitution and law provide for freedom of worship throughout the country; however, the Government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies.

Religious organizations, including churches, were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register.

Blasphemy and defaming religion are punishable by imprisonment in the north, although these restrictions were rarely enforced.

The Commission for the Rights of Non-Muslims in the National Capital, a CPA mechanism for protecting religious freedom, issued regular reports and recommendations to the Government.

The construction and use of houses of worship required government approval. Three new churches in Khartoum were under construction during the year.

Under the state-mandated curriculum, all schools in the north—including private schools operated by Christian groups—are required to teach Islamic education classes from preschool through university.

While the law permits non-Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death.

Foreign Christian religious workers, including priests and teachers, experienced lengthy delays in obtaining visas.

The NISS routinely monitored religious activities at mosques and churches.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.

In the south, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely. The GOSS officially favored secular government. Christians dominated the GOSS. Local government authorities often had a close relationship with local Christian religious leaders.

Societal Abuses and Discrimination.—Muslims in the north who express an interest in Christianity or convert to Christianity faced severe social pressure. Christians reported pressure on children in school; some teachers and media characterized non-Muslims as nonbelievers.

There were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and in court cases involving Muslim against non-Muslim.

Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas.

The Jewish community remained small, and there were no reports of anti-Semitic violence during the year; however, government officials made anti-Semitic comments, and government-controlled newspapers featured anti-Semitic caricatures.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the Government restricted these rights in practice.

While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners were required to register with the police on entering the country, obtain permission to move more than 25 kilometers outside of Khartoum and from one city to another, and re-register at each new location within three days of arrival. The GOSS did not restrict the movement of foreigners in the south, and did not require foreigners to register upon entry.

The Government continued to delay issuance of entry visas and work or travel permits for Darfur and the Three Areas to foreign NGO staff. The Government delayed issuing humanitarian and diplomatic visas, and nationals of many countries encountered difficulties in obtaining visas to work with NGOs.

In contrast to previous years, there were no reports that the Government detained persons, particularly opposition political figures, at the airport and prevented them from traveling, citing security concerns.

The Government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens' travel, the Government did deny some humanitarian workers exit visas.

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not applied in the south and was not strictly enforced for members of the NCP.

The law prohibits forced exile, and the Government did not use it. Opposition leaders remained in self imposed exile throughout northern Africa and Europe during the year.

Internally Displaced Persons.—In Darfur, approximately 2.7 million civilians have been internally displaced since the conflict began in 2003. During the year approximately 315,000 civilians were displaced within Darfur and to Chad. Many persons were displaced for the second or third time during the year (See Section 1.g).

Since 2005 an estimated 2.1 million IDPs and refugees returned to the south. Approximately 28,500 IDPs returned to their places of origin and 62,000 refugees returned during the year either as a part of organized or assisted returns. Fighting in Abyei, intertribal and intercommunal fighting, and LRA attacks displaced persons during the year (See Sections 1.a. and 1.g.)

Approximately 379,000 Sudanese refugees resided in neighboring countries because of the conflicts in the south and Darfur. Some 250,000 refugees from Darfur were in Chad. Others were in countries including Uganda, Kenya, Ethiopia, and Egypt.

There was a report that the Government destroyed thousands of homes in an IDP settlement known as Mandela, located near Khartoum.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government granted asylum to a large number of asylum seekers, but there was no standard determination procedure or documentation. Government officials reportedly were unresponsive to applications for refugee status.

In previous years there were reports of abuses against Ethiopian refugees, although there was no specific information on such actions during the year.

The Government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention and the 1967 protocol.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations in assisting

refugees and asylum seekers in some cases; in others, the Government defied agreements and targeted refugees and asylum seekers for abuse.

Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.

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

Although the Interim National Constitution provides citizens the right to change their government peacefully, the CPA established an interim government; under the CPA, national elections are scheduled for 2009.

The Interim National Constitution provides for power sharing nationwide between the NCP and the SPLM. The DPA, which was incorporated into the interim constitution upon its signing, contains provisions for power sharing and the inclusion of Darfuris at all levels of government; however, the majority of the power-sharing provisions in the DPA remained unimplemented at year's end.

The Interim National Constitution established a three-member presidency to head the Government, consisting of a president, Omar Hassan al-Bashir (NCP); a first vice president, Salva Kiir Mayardit (SPLM), the president of the GOSS; and a vice president, Ali Osman Taha (NCP), who was formerly the country's first vice president. The DPA created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi, leader of the Darfur rebel group SLA/Minawi. Minawi returned to his troops in Darfur in July, citing lack of progress on DPA implementation, although he did not officially withdraw from the GNU; he returned to his position in Khartoum by year's end.

A bicameral legislature is composed of the 450-member National Assembly and 52-member Council of States. Legislative and cabinet positions are allocated by a CPA-specified formula that reserves 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, including those from Darfur, and 6 percent for southern opposition parties.

GNU members took office in 2005, and in October of that year Salva Kiir Mayardit, the country's first vice president and president of the GOSS, appointed the GOSS cabinet. At the same time, Kiir appointed governors of the 10 states of Southern Sudan, and each southern state also formed its legislative assembly with 48 members allocated proportionally as stipulated in the CPA: 70 percent to the SPLM, 15 percent to the NCP, and 15 percent to other southern political groups. Southern Sudan's legislative assembly approved an interim constitution in 2005, which President Kiir signed in December of that year.

The DPA-mandated TDRA, headed by Minawi, and charged with implementing the DPA and promoting coordination and cooperation among the three Darfur states, was established in April 2007, but the Government withheld 99 percent of its budget during the year.

Elections and Political Participation.—Presidential and parliamentary elections were last held in 2000; they were marked by serious irregularities, including official interference, electoral fraud, insufficient opportunities for voters to register, and inadequate election monitoring. All major opposition parties boycotted the elections.

A national census, called for under the CPA to be held no later than July 2007, was conducted from April 22 to May 6. The CPA states that certain power sharing provisions of the agreement are to be adjusted based on the census results. The presidency scheduled the census for April 15 to 30, but it was further postponed until April 22 after the GOSS announced a delay due to concerns regarding the number of IDPs from the south who remained in the north, the exclusion of questions on ethnicity and religion, border demarcation, insecurity along the north-south border, and unexpected and heavy rainfall. According to the UN, the census was supported by most of the population; however, the UN noted that Darfur IDPs in several camps opposed the census and did not participate; areas in West Darfur and Southern Darfur were not accessible due to insecurity; irregularities occurred in Southern Kordofan due to a deputy governor's decree to boycott; and insecurity and logistical problems limited access of enumerators to certain areas in the south. The census results were still pending at year's end.

On July 7, a new election law was signed, but opposition activists from smaller political parties asserted that the law favored the NCP and SPLM. On November 25, the national electoral commission was formed.

The law permits the existence of political parties, but prohibits parties linked to armed opposition to the Government, and the Government routinely denied permis-

sion for, or disrupted, gatherings viewed as politically oriented. Security forces arrested, detained, and abused political opponents. Unlike in 2007, there were no reports that security forces raided the offices of political parties during the year.

Women had the right to vote. There were approximately 70 women in the 450-seat National Assembly, three national female state ministers, and one female minister in the GNU. The GOSS agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. The DPA also includes provisions to ensure the representation of women at all levels of government; however, in practice, there were few women in government in Darfur.

Government Corruption and Transparency.—The law does not provide criminal penalties for official corruption, and the World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a severe problem. Government officials frequently engaged in corrupt practices. The Government did not investigate officials suspected of corruption. Government officials were not subject to financial disclosure laws.

There were no laws providing for public access to government information, and the Government did not provide such access.

In Southern Sudan GOSS officials often engaged in corrupt practices with impunity. Corruption was a problem in all branches of the GOSS.

The GOSS granted access to government information for citizens and noncitizens, including foreign media.

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

The Government restricted and harassed domestic and international human rights organizations.

Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual violence. The Government was generally uncooperative with and unresponsive to domestic human rights groups. Members of local human rights organizations were subject to arrest and detention. Local human rights organizations include the Khartoum Center for Human Rights and the Sudan Development Organization.

The Government did not allow the Darfur Bar Association the right to register as an NGO.

Humanitarian NGOs operating in Darfur continued to face bureaucratic impediments to their work, especially in South Darfur state. All NGOs must register with the HAC, the Government's entity for regulating humanitarian efforts. In 2005 the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur and resulted in some NGO selections not being considered. During the year the HAC often changed its rules and regulations without prior notification.

There were no developments in the 2007 case of more than 50 local human rights NGOs suspended by the South Darfur HAC.

The Government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, despite the March 2007 Joint Communiqué between the Government and the UN. Rebels and other armed bandits abducted NGO workers and contractors, particularly in Darfur. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common.

The UN continued to investigate the humanitarian situation in Darfur. The UNHCR and the UN special rapporteur on the situation of human rights in Sudan visited the country during the year. The special rapporteur was not permitted access to Northern State. The rapporteur reported to the UN on conditions in the country and concluded that, "Despite some steps by the Government of Sudan principally in the area of law reform, the human rights situation on the ground remains grim, with many interlocutors even reporting an overall deterioration in the country." UNMIS deployed observers to Darfur to monitor and investigate the human rights situation.

The Government's Advisory Council for Human Rights did not respond to requests of international organizations for investigations into human rights violations, and did not provide lists of detained individuals to the international community.

In Southern Sudan, the South Sudan Council for Human Rights operated somewhat independently. Its members were appointed by the president of the GOSS. The council cooperated with international human rights advocates and submitted regular reports and recommendations to the GOSS.

In 2005 UN Security Council Resolution 1593 referred the situation in Darfur to the prosecutor of the ICC. The same year the ICC chief prosecutor opened an investigation into Darfur without the cooperation of the Government, which refused to hand over any alleged perpetrators associated with the conflict.

On November 20, the ICC prosecutor requested an arrest warrant for three rebel commanders for war crimes pertaining to the 2007 attack on African Union peacekeepers at Haskanita. On December 9, the ICC Pretrial Chamber requested that the prosecutor submit additional information pertaining to the request for a warrant.

On July 14, the ICC prosecutor requested an arrest warrant for President Bashir for genocide, crimes against humanity, and war crimes in Darfur. On October 15, the pretrial chamber requested that the prosecutor submit additional information pertaining to the request for a warrant, and the prosecutor did so in November.

In April 2007 the ICC Pretrial Chamber issued warrants of arrest for Ahmad Muhammad Haroun, state minister for humanitarian affairs, and Ali Muhammad Abd al-Rahman, also known as "Ali Kushayb," a janjaweed militia commander, for the commission of war crimes and crimes against humanity in Darfur. In September government officials announced they arrested Kushayb, but human rights advocates indicated that the information was not correct. Kushayb's whereabouts were unknown at the end of the year.

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

The Interim National Constitution prohibits discrimination based on race and gender, but the Government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status.

Women.—The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death; however, the Government did not effectively enforce these provisions. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. Spousal rape is not addressed in the law. There was no information available on the total number of persons who were prosecuted, convicted, or punished for rape.

Rape of women and girls throughout the country, including systematic rape in Darfur, continued to be a serious problem (See Section 1.g.). Authorities often obstructed access to justice for rape victims, and during the year only one person was convicted of rape in Darfur.

Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for "illegal pregnancy." The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.

The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available. Prostitution is illegal but widespread throughout the country.

While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere.

Some aspects of the law discriminated against women, including many traditional legal practices and certain provisions of Shari'a as interpreted and applied by the Government. In accordance with Shari'a, a Muslim widow inherits one-eighth of her husband's estate; of the remaining seven eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings.

A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim).

Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery.

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly.

To obtain an exit visa, children must receive the permission of their father or a paternal uncle. Women cannot apply for exit visas for their children.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum, persons known as religious police, who were not

government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.

Women experienced economic discrimination in access to employment, credit, and pay for substantially similar work, and owning or managing businesses.

Women were accepted in professional roles; more than half the professors at Khartoum University were women.

Children.—The Government was somewhat committed to children's rights and welfare, but there were great disparities by region. The Government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued.

The Government did not register all births immediately.

The law provides for free basic education up to eighth grade; however, students often had to pay school, uniform, and exam fees. In the north the primary school enrollment rate was approximately 68 percent in 2005. Boys and girls generally had equal access to primary education, although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In Darfur information on enrollment rates was unavailable, but few children outside of cities had access to primary education. Primary school enrollment in the south tripled since 2005, according to UNICEF; however, lack of schools remained a serious problem in the south, and girls in the south did not have equal access to education.

In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent.

Many children were abused, abducted, or used as slaves. Child labor remained a problem.

Female genital mutilation (FGM) remained widespread, particularly in the north, where a 2005 UNICEF estimate put prevalence at 90 percent. The law does not prohibit FGM. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. The Government actively campaigned against it. Several NGOs worked to eradicate FGM.

The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child marriage was a problem.

Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement.

Children were used as soldiers in armed groups (*See* Section 1.g.).

Internally displaced children often lacked access to government services such as education.

The Government operated "reformation camps" for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non Muslims, must study the Koran, and there was pressure on non Muslims to convert to Islam.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, but does prohibit abduction, luring, and forced labor. The Interim National Constitution prohibits slavery. The State of Emergency Law prohibits all forms of sexual exploitation, and penalties include fines and imprisonment. However, internal trafficking for the purposes of forced labor, sexual exploitation, and domestic servitude occurred. Women and girls were also possibly trafficked to Middle Eastern countries for domestic servitude. Ethiopian women were trafficked to and through the country for domestic servitude. In the south, intertribal abduction of women and children continued.

There were no informed estimates on the extent of trafficking.

Government and other armed groups continued to recruit child soldiers (*See* Section 1.g.).

The LRA, which used child soldiers, continued to operate in the south despite its 2006 signing of an agreement to cease hostilities. The LRA abducted adults and children in the south.

In contrast to previous years, there were no reports of children being trafficked for use as camel jockeys.

A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or

used them for forced labor. The report also cites other such incidents involving the SAF and the PDF.

Intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribe, with most women marrying into, or being forcibly married into, the new tribe; however, other victims were used for labor or sexual purposes.

The Government's Committee to Eradicate the Abduction of Women and Children (CEAWC) and its 22 joint tribal committees investigated a limited number of abduction cases involving Dinkas abducted by the Misseriya and Rezeigat tribes that dated back to the 1980s and 1990s, and repatriated 228 individuals to their home regions during the year. However, there were problems with the return process, including the insufficient provision of food, water, shelter, and reintegration services to the released abductees; these problems were not resolved by year's end. The Government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation.

In 2007 the Governments of Sudan and the United Arab Emirates (UAE) signed an agreement establishing claims facilities to compensate former Sudanese child camel jockeys for their injuries. UNICEF and the Government's National Council for Child Welfare estimated that 219 former child camel jockeys were repatriated from the UAE during the year, and the Government began compensation programs for them. A police task force assisted in repatriation efforts.

There were no prosecutions of trafficking cases during the year.

The Government conducted antitrafficking public information and education campaigns at the national, state, and local levels.

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

Persons With Disabilities.—While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that “the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and full participation in society.” The Government has not enacted laws or implemented effective programs to ensure access to buildings for persons with disabilities. Credible sources noted that prisoners with mental disabilities were chained 24 hours per day, and mentally disabled prisoners were not exempted from trial.

National/Racial/Ethnic Minorities.—The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the Government. Interethnic fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab (*See* Section 1.g.). Interethnic and intercommunal fighting in the south continued (*See* Section 1.g.).

The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.

Other Societal Abuses and Discrimination.—The law prohibits homosexuality, but there were no reports of persons being prosecuted on the charge. Societal, but not official, discrimination existed against homosexuals.

There were no reports of societal violence or discrimination based on HIV/AIDS status.

Incitement to Acts of Discrimination.—The Government and government supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the Government supported one tribe over another, arming certain tribal militias against other tribes.

Section 6. Worker Rights

a. The Right of Association.—Although the law provides for the right of association for economic and trade union purposes, the Government denied this right in practice. The Trade Union Act established a trade union monopoly under the Government. Only the Government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned.

Strikes were considered illegal unless the Government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.

b. The Right to Organize and Bargain Collectively.—The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The Government's auditor general supervised union funds because they were considered public money.

There were credible reports that the Government routinely intervened to manipulate professional, trade union, and student union elections.

Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

The law does not prohibit antiunion discrimination by employers.

There is one export processing zone, in Port Sudan, and it is exempt from regular labor laws.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, such practices continued.

Abduction, forced labor, and sexual slavery of women and children continued.

Although the Government continued to deny that slavery and forced labor existed in the country, CEAWC acknowledged that abductions had occurred in the 1980s and 1990s, and that not all abductees had since been freed.

The forcible recruitment of persons into armed groups continued (*See* Section 1.g.).

Forced prison labor was used for the construction of private residences for SPLM officials.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although mandated by the Interim National Constitution to protect children from exploitation, the Government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.

The use of child soldiers, child trafficking, and child prostitution were problems (*See* Sections 1.g. and 4).

The Ministry of Social Welfare, Women, and Child Affairs has responsibility for enforcing child labor laws; however, enforcement was ineffective.

In the south, child labor laws were rarely enforced.

e. Acceptable Conditions of Work.—The minimum wage was 124 Sudanese pounds (approximately \$62) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid.

The law, which was generally respected, limits the workweek to 40 hours (five eight-hour days), with days of rest on Friday and Saturday. Overtime should not exceed 12 hours per week or four hours per day. There was no prohibition on excessive compulsory overtime.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.

In the south, the Ministry of Labor and Public Services is responsible for monitoring health and safety standards for workers; however, it did not do so effectively.

SWAZILAND

Swaziland is an absolute monarchy, and King Mswati III has ultimate authority over the cabinet, legislature, and judiciary. The population was approximately 1.02 million, according to the 2007 census. There was a prime minister and a partially elected parliament, but political power remained largely with the King and his traditional advisors, the most influential of whom remained the queen mother. International observers concluded that parliamentary elections held on September 19 did not meet international standards. A bombing the same day at a bridge close to the king's palace resulted in rapid implementation of a June law to silence dissent and ban certain political organizations. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces committed abuses.

Government agents continued to commit or condone serious abuses, and the human rights situation in the country deteriorated. Human rights problems included inability of citizens to change their government; extrajudicial killings by security forces; mob killings; police use of torture, beatings, and excessive force on detainees; police impunity; arbitrary arrests and lengthy pretrial detention; arbitrary interference with privacy and home; restrictions on freedoms of speech and press and harassment of journalists; restrictions on freedoms of assembly, association, and movement; prohibitions on political activity and harassment of political activists; discrimination and violence against women; child abuse; trafficking in persons; societal discrimination against mixed race and white citizens; and harassment of labor leaders, restrictions on worker rights, and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government and its agents did not commit any politically motivated killings; however, security forces committed extrajudicial killings and were responsible for a number of deaths during apprehension. No action was taken against security force members responsible for such deaths.

On January 12, in Mbabane, a Royal Swaziland Police Service (RSPS) officer shot and killed a man who allegedly broke into a store and resisted arrest.

On March 1, in Nhlangano, an Umbutfo Swaziland Defense Force (USDF) soldier patrolling the border shot and killed an alleged car smuggler. In a separate incident on April 16, a soldier in Nhlangano shot and killed another suspected car smuggler.

On August 8, Nick Reilly, the general manager of Mkhaya Private Game Reserve, went to the home of Musa Gamedze, who he then shot and killed; Reilly was accompanied by three plainclothes RSPS officers. Although Gamedze was unarmed and there was no evidence of poaching on his person or at his home, police claimed that Gamedze was wanted in connection with several cases of stock theft and violations of the Game Act; the law permits rangers to shoot and kill poachers if caught in the act. No investigation into the incident had been conducted by year's end.

No known investigation was conducted nor was action taken in the following 2007 security force killings: the April RSPS killing of four suspected thieves; the August RSPS killing of a man suspected of killing a police officer; and the August USDF killing of an alleged car smuggler.

No known action was taken against security forces responsible for arbitrary killings in 2006.

During the year there were reports of killings by community police, volunteers with arrest authority under the supervision of a chief. For example, on July 14, Mbhuleni community police beat to death University of Swaziland student Jabulani Motsa for allegedly stealing oranges, apples, and cell phones. An investigation was ongoing at year's end.

There were numerous reports of mob killings during the year. On February 12, the Times of Swaziland newspaper reported that a mob forced Tikhuba resident Gideon Gamedze to drink poison, then beat and strangled him to death for suspected involvement in cattle theft. On November 13, a mob beat to death suspected rapist Mkhululeki Ndlela, who was later exonerated by the alleged rape victim. No persons were arrested in either case.

On August 10, the RSPS arrested Themba Dlamini and Ncamiso Simelane for participating in a mob that beat to death suspected burglar Mpostoli Nkambule.

No action was taken against persons who participated in 2007 or 2006 mob killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, the provision prohibiting law enforcement officials from engaging in torture is located in the "policy" section of the constitution and is not enforceable in any court or tribunal. The law does not specifically prohibit such practices. Security officials who engage in such practices may be punished, but no punishments were reported during the year. There were reports that government officials sometimes used torture during interrogation, assaulted citizens, and used excessive force in carrying out their duties. Reports surfaced during the year that police continued to use the "tube" style of interrogation, in which police temporarily suffocated suspects by putting a rubber tube around the suspect's face and mouth.

Police forcibly dispersed demonstrators and strikers, resulting in numerous injuries (See Sections 2.b. and 6.a.).

In a May 15 court appearance in Mbabane, four young men arrested for theft in December 2007 alleged that the police “tubed” them, beat them with a hammer and other objects, and threatened to kill them in the bush. All four men were subsequently convicted. Authorities had not responded to inquiries regarding alleged police abuse, and no known investigation had been conducted by year’s end.

In a May 26 court appearance, Sibusiso Sitsebe alleged that police beat and tried to suffocate him to force a confession after his November 2007 arrest for theft. Authorities had not responded to inquiries regarding alleged police abuse, and no known investigation had been conducted by year’s end.

Despite numerous requests from civic organizations, the investigative report on the alleged 2005 torture of 17 political organization members had not been released by year’s end; the report was submitted to the Prime Minister’s Office in September 2007.

No actions were taken, nor were any expected, against security force members responsible for abuse in 2007 or 2006.

There were credible reports of excessive force by community police during the year. On January 3, the Swazi Times newspaper reported that Mbhuleni community police officers severely whipped a young woman suspected of assisting in abortions.

On April 22, Mbhuleni community police chained, beat, and detained Mangaliso Mazibuko and a 16-year-old girl for more than five hours before handing them over to the RSPS. Mazibuko had allegedly resisted arrest and stabbed a community police officer who tried to intervene; the 16-year-old girl had been reported missing by her family.

On August 11, a Mahwalala community police officer beat five homeless children after he discovered they had slept in his car during the night.

On September 5, in Mbhuleni, a mob that included community police officers forcibly entered a house and beat unconscious Sifiso Vilakati, whose legs were both fractured.

No action was taken against community police who abused persons in 2007 and 2006.

Mob violence resulted in injuries. For example, on January 30, a mob in Manzini severely beat Nhlanhla Motsa, who was seen loitering in the neighborhood, for suspected burglary. On February 19, a mob in Manzini assaulted a man for the suspected rape of a female student at Ngwane Park High School.

No action was taken against persons who participated in 2007 or 2006 mob violence.

Prison and Detention Center Conditions.—Government prisons and detention centers remained overcrowded, and conditions generally were poor. According to the 2006–07 annual report, there were 2,829 prisoners in 12 correctional centers. Prison guards tortured and abused prisoners. The Swaziland Coalition of Concerned Civic Organizations reported that physical punishment of prisoners and detainees was an accepted part of the culture and not viewed as a human rights problem.

Rape and consensual sex between prisoners contributed to the spread of HIV/AIDS, although prevention programs have been introduced in correctional facilities. There are medical clinics in correctional facilities, and prisoners are offered free HIV/AIDS testing, counseling, and antiretroviral treatment.

In Mawelawela, the country’s only female detention facility, detainees were not held separately from convicts, and several children lived with their mothers in the facility. Female juveniles were also held in the women’s correctional facility, although they slept in different quarters within the facility.

During the year the Government refused requests by religious leaders, labor union leaders, and a foreign embassy to visit political prisoner Mario Masuku (See Section 1.e.).

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, police arbitrarily arrested and detained numerous persons, primarily under the Suppression of Terrorism Act passed during the year.

Role of the Police and Security Apparatus.—The King is the commander in chief and also holds the position of minister of defense. He presides over a civilian principal secretary of defense and a commanding general.

The RSPS is responsible for maintaining internal security. The USDF is responsible for external security but also has limited domestic security responsibilities. The RSPS is under the authority of the prime minister, while the USDF reports to the defense minister. The principal secretary of defense and the army commander are responsible for day-to-day USDF operations. The RSPS and the USDF were generally professional, despite inadequate resources and bureaucratic inefficiency; however, both forces were susceptible to political pressure and corruption. The Government generally failed to prosecute or otherwise discipline security officers accused

of abuses. No independent body had the authority to investigate police abuses. An internal RSPS complaints and discipline unit investigated reports of police abuse but did not release results to the public. There were no reports of government action to reform the RSPS, although a number of officers attended training programs outside the country.

Traditional chiefs supervise volunteer rural “community police,” who have the authority to arrest suspects and bring them before an inner council within the chieftdom for trial. Cases of serious crimes were handed over to the RSPS for further investigation.

Arrest and Detention.—The law requires warrants for arrests, except when police observe a crime being committed or believe that a person is about to commit a crime. Detainees may consult with a lawyer of their choice, but the Government pays for defense counsel only in cases in which the potential penalty is death or life imprisonment. Detainees must be charged with the violation of a statute within a reasonable time, usually 48 hours or, in remote areas, as soon as the judicial officer appears; however, arresting authorities did not always present detainees within that period. In general, detainees were promptly informed of the charges against them, and their families had access to them. There is a functioning bail system, and suspects can request bail at their first appearance in court except in cases of murder and rape.

Police arbitrarily detained journalists, opposition members, trade union leaders, strikers, and demonstrators, one of whom was charged under the Suppression of Terrorism Act passed during the year (See Sections 1.e., 2.a., 2.b., 3, and 6.a.).

Lengthy pretrial detention was common. In 2007 the International Centre for Prison Studies found that 31 percent of the prison population were pretrial detainees. Judicial inefficiency and staff shortages contributed to the problem, as did the police practice of prolonging detention to collect evidence and to prevent detainees from influencing witnesses. In some cases persons were exonerated after years of repeated remands requested by police.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the King, on recommendation of the Judicial Services Commission, appoints the judiciary, limiting judicial independence. Judicial powers are vested in two systems: one based on Roman-Dutch law, and the other based on a system of traditional courts that follows traditional law and custom. The Roman-Dutch judiciary consists of the Supreme Court, the High Court, and magistrate courts.

The Supreme Court, which is composed entirely of foreign-born judges, primarily South African, has appellate and supervisory jurisdiction over the High Court and magistrate courts. Some observers believed foreign justices increased the judiciary’s credibility and independence, while others believed that reliance on foreign professionals undermined the development of a strong national base of professional justices. Neither the Supreme Court nor the High Court, which interprets the constitution, has jurisdiction in matters concerning the office of the King or queen mother, the regency, chieftancies, the Swazi National Council, or the traditional “regiments” system, as these are governed by national law and custom.

Most citizens who encountered the legal system did so through the 13 traditional courts. Each has a president appointed by the King. Authorities may bring citizens to these courts for minor offenses and violations of traditional law and custom.

The public prosecutor has the legal authority to determine which court should hear a case, but in practice police usually made the determination. Persons convicted in the traditional courts may appeal to the High Court. Prolonged delays during trials in the magistrate courts and High Court were common.

Military courts are not allowed to try civilians.

Trial Procedures.—The constitution provides for the right to a fair public trial except when exclusion of the public is necessary in the “interests of defense, public safety, public order, justice, public morality, the welfare of persons under the age of 18 years, or the protection of the private lives of the persons concerned in the proceedings,” and the judiciary generally enforced this right in practice. Defendants enjoy a presumption of innocence, but juries are not used. Court-appointed counsel is provided at government expense in capital cases or if the crime is punishable by life imprisonment. Otherwise, defendants in superior and magistrate courts are entitled to hire counsel at their own expense. Defendants can question witnesses against them and present witnesses on their own behalf. Defendants and their attorneys have access to relevant government-held evidence, generally obtained during pretrial consultations with the public prosecutor’s office. Defendants and prosecutors have the right of appeal, up to the Supreme Court.

The traditional courts serve the chiefs, who are appointed by the King, and have limited civil and criminal jurisdiction. They are authorized to impose fines of up to 100 emalangeni (\$11) and prison sentences of up to 12 months. Traditional courts are empowered to administer customary law only "insofar as it is not repugnant to natural justice or morality" or inconsistent with the provisions of any civil law in force; however, some traditional laws and practices violated civil laws and international treaties signed by the country, particularly those involving women's and children's rights. Defendants in traditional courts are not permitted formal legal counsel but may speak on their own behalf, call witnesses, and be assisted by informal advisors. Sentences are subject to review by traditional authorities and can be appealed to the High Court.

Political Prisoners and Detainees.—Mario Musuku, the leader of the People's United Democratic Movement of Swaziland (PUDEMO), became the country's sole political prisoner when he was arrested on November 15 under the Suppression of Terrorism Act (*See* Section 2.b.); the attorney general claimed it had evidence that Masuku met its legal definition of a terrorist. When police were unable to find weapons-making literature in Masuku's possession, the Government on November 17 charged Masuku with unlawfully and knowingly supporting a terrorist act, citing "utterings" Masuku allegedly made at the funeral of one of the alleged September bombers, who was killed when the explosive planted near the king's palace detonated prematurely. In December Masuku was also charged with sedition. Masuku, who refused bail, remained in detention awaiting trial at year's end. As a result of international attention to the case, the Government allowed Masuku to receive medical visits. However, the Government denied visits requested by members of PUDEMO, friends of Masuku, foreign diplomats, and religious leaders, claiming that the denials were for Masuku's protection.

Civil Judicial Procedures and Remedies.—The judiciary, which has limited independence, tries civil as well as criminal cases, including suits for damages against government agents.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions except "in the interest of defense, public safety, public order, public morality, public health, town and country planning, use of mineral resources, and development of land in the public benefit"; however, the Government did not always respect these prohibitions and broadly construed exceptions to the law. The law requires police to obtain a warrant from a magistrate before searching homes or other premises; however, police officers with the rank of subinspector or higher have the authority to conduct a search without a warrant if they believe that evidence might be lost.

Following the January 17 forcible dispersion of University of Swaziland demonstrators, police forcefully entered nearby homes and assaulted the occupants in an attempt to locate fleeing students, according to media reports and Thembeke Simelane, who filed a lawsuit claiming damages (*See* Section 2.b.).

During the year the army conducted random checks in homes and set up roadblocks.

Police conducted physical surveillance of members of labor unions, political groups, religious groups, and others.

In August, for example, police instructed a youth group conducting civic education classes in the Big Bend area that the classes would be discontinued unless the group allowed police to conduct surveillance of its activities.

On November 28, police told representatives of the Council of Swaziland Churches that they could not meet with foreign diplomats unless police were allowed to attend, allegedly for the protection of the diplomats; the council had invited the local diplomatic community to a forum to discuss human rights in the country.

On December 3, plainclothes officers threatened to disrupt a Media Institute for Southern Africa training workshop if they were not allowed to monitor it.

While the constitution recognizes that chieftancies were usually hereditary positions, it also states that the King "can appoint any person to be chief over any area." As a result, many chieftancies were nonhereditary appointments, which provoked land disputes, especially at the time of burials. A High Court ruling in one case upheld the right of a family to bury a former chief on traditional land, which had been opposed by the chief appointed by the King for five years while the body lay in the morgue.

On November 14, the Government issued an official declaration designating PUDEMO, the Swaziland Solidarity Network (SSN), Swaziland Youth Congress (SWAYOCO), and the Swaziland People's Liberation Army (UMBANE) as "specified entities" under the Suppression of Terrorism Act passed on June 19. Persons who

abetted, aided, sympathized with, sheltered, or provided logistical support to these organizations were subject to arrest and prison terms of 25 years to life.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the King may waive these rights at his discretion, and the Government restricted these rights during the year. Publishing criticism of the monarchy is banned, and the law empowers the Government to ban publications if they are deemed “prejudicial or potentially prejudicial to the interests of defense, public safety, public order, public morality, or public health.” Most journalists practiced self-censorship.

The King may suspend the constitutional right to free expression at his discretion, and the Government severely restricted freedom of expression, especially regarding political issues or the royal family. During the year the attorney general and the prime minister warned journalists and diplomats against making statements that could be interpreted as seditious. After the November 15 arrest of PUDEMO leader Masuku, several civic organizations, including the Council of Swaziland Churches and the Law Society, published notices in daily papers alerting the King to their concern about the “selective implementation of the country’s constitution.”

There were two daily newspapers, the independent *Times of Swaziland* and the *Swazi Observer*, which was owned by the king’s investment company, *Tibiyo Taka Ngwane*. Both newspapers continued to criticize government corruption and inefficiency but generally steered clear of the royal family. The Ministry of Public Service and Information periodically published *Swaziland Today* newspaper. Private companies and church groups owned several newsletters and magazines.

Journalists were threatened, harassed, assaulted, and detained during the year, particularly after Attorney General Majahenkhaba Dlamini warned on November 17 that journalists who criticized the Government could be viewed as supporting terrorists and arrested under the Suppression of Terrorism Act (*See* Section 2.b.).

Journalists received anonymous telephone calls advising them not to pursue particular stories, and many of them complied, according to a July 4 Media Institute of Southern Africa report.

On June 14, traditional governor Jim Gama harshly criticized the print media for negative reporting on a national gathering called by the King.

In August USDF soldiers assaulted a *Times* newspaper team and seized their cameras; the journalists were at the airport to cover the return of nine of the king’s wives and their entourage from a lavish shopping spree abroad. No action was taken against the soldiers.

On September 18, police searched and harassed freelance journalist Lunga Masuku and *Times* newspaper reporter Peter Mavuso, who were covering a labor demonstration aimed at blocking the movement of goods between Swaziland and South Africa (*See* Section 2.b.). Police also threatened to delete photos from the camera of the *Times* journalist. After a verbal confrontation, the officers allowed the journalists to carry on with their duties.

On December 16, police officers detained two freelance journalists for six hours after raiding the location where they were meeting an informant. The police repeatedly slapped the journalists and broke their equipment. No investigation of the incident had been conducted by year’s end.

In July 2007 parliament investigated charges of contempt against *Times* newspaper editor Mbongeni Mbino, who criticized Speaker of the House Prince Guduza in a July 2007 editorial; Mbino was cleared of the charges in October 2007.

Former prime minister Absalom Themba Dlamini hosted monthly media breakfasts for journalists of both *Times* and *Observer* newspapers and broadcast media; however, the Government generally restricted media content, especially on government television and radio, and limited access to information.

At an August 27 press conference, a government official instructed journalists in the questions they were permitted to ask the King.

In June 2007 the minister of health and social welfare barred journalists from government hospitals and banned government hospital staff from talking to the media following an article in the *Times* newspaper that attributed the death of a four-year-old girl with rabies to the hospital’s inadequate supply of drugs.

Harsh defamation laws were used to stifle the press. On March 18, Speaker of the House Guduza, brother to the King, sued the *Times* newspaper for two million emalangeni (\$212,800) for articles it published about his involvement with a company that allegedly illegally imported cigarettes worth 17 million emalangeni (approximately \$1.8 million) into the country. The case had not gone to trial by year’s end.

On February 7, the High Court awarded Member of Parliament (MP) Marwick Khumalo a default judgment of 120,000 emalangenis (\$12,766); in July 2007 Khumalo had sued Bheki Makhubu, the editor of the private Nation magazine, for defamation after Makhubu wrote an article accusing Khumalo of corruption. However, on February 22, the High Court granted the Nation magazine an order for stay of execution, and the case remained pending at year's end.

The March 2007 defamation suit filed by MP Maqhawe Mavuso against the Swazi Observer newspaper remained pending at year's end; the Observer had included Mavuso's name in an article about an alleged assault.

There was one government-owned radio station and one independent radio station that broadcast religious programs. There was a privately owned television station; however, the owner's mother was a daughter of the previous King. Sobhuza II, and the station's reporting favored the monarchy. The Government-owned Swaziland Television Authority and radio stations were the most influential media in reaching the public, although neither generally broadcast coverage of antigovernment demonstrations, such as the women's march against a foreign shopping spree by most of the king's wives and children. Government broadcast facilities retransmitted some Voice of America and BBC news programs in their entirety.

Consumers freely purchased and used satellite dishes to receive signals and programming from independent South African and other international service providers.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet cafes existed in larger urban areas, but most citizens lived in rural areas, and only 3.5 percent of residents had daily access to the Internet. A single Internet provider held a government-approved monopoly.

Academic Freedom and Cultural Events.—Restrictions on political gatherings and the practice of self-censorship restricted academic freedom by limiting academic meetings, writings, and discussion on political topics. There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, the Government severely restricted this right during the year. The law requires police consent to hold political meetings, marches, or demonstrations in a public place. Authorities withheld permission to hold some meetings sponsored by groups such as the Congress of South Africa Trade Unions on grounds that they were not in the national interest or would "compromise peace, security and stability of the country."

In early September the Government attempted to ban demonstrations in Mbabane and Manzini; however, more than 10,000 demonstrators marched to demand political reform.

On October 13, the Government banned the Southern African Social Forum (SASF) from holding its annual meeting in Manzini, citing public safety; the Government charged that participating labor groups had approved of the September bombings. On October 15, the High Court ruled that the ban was unconstitutional, and the SASF held the conference, although attendance was low due to confusion by foreign delegates over the Government's original restriction and the reluctance of local groups to attend a function officially disallowed by their political leaders.

Police arrested union members and forcibly dispersed thousands of workers conducting legal strikes during the year (See Section 6.a.).

Police attacked and forcibly dispersed demonstrators, many of whom were injured. No action was taken against police who used excessive force on demonstrators.

For example, on January 17, police dispersed University of Swaziland demonstrators with batons, rubber bullets, and tear gas, according to media reports; numerous students were injured, including one person who was shot. Police also forcefully entered nearby homes and assaulted occupants (See Section 1.f.).

On September 18, in Shiselweni, police beat and used tear gas on textile workers who were attempting to blockade the border with South Africa to demonstrate for political reform. Since most imports come from South Africa, demonstrators hoped that an effective boycott on the day before national elections would highlight their grievances with the Government. Police prevented protestors from nearing the four key border posts with South Africa and detained labor leaders (See Section 6.a.). Prime Minister Dlamini called "unacceptable" the exercise of the right to protest by disrupting the free flow of goods and services.

No action was taken against security forces that forcibly dispersed demonstrations in 2007 and 2006.

Freedom of Association.—The constitution provides for freedom of association, but the Government severely restricted this right during the year. The constitution does not address the formation or role of political parties, and a 2006 High Court appeal to the 1973 ban on political parties had not been heard by year's end. However, in a September affidavit, the former prime minister reiterated that political parties were banned, and on November 14, Prime Minister Dlamini issued an official declaration designating PUDEMO, SSN, SWAYOCO, and UMBANE as "specified entities" under the Suppression of Terrorism Act. The act, which was implemented following the September 19 detonation of a bomb near King Mswati's palace, provides that persons or groups found associating with any of the four illegal groups can be sentenced to prison terms of 25 years to life. According to the attorney general, persons or groups that abet, aid, sympathize with, shelter, or provide logistical support to these organizations invite the "wrath of the law."

The Government harassed and detained opposition members and conducted surveillance on members of labor unions, political groups, and groups considered potentially political (See Sections 1.f. and 3).

Prior to the ban on political parties and organizations, several political organizations in June filed suit to nullify the Elections and Boundary Commission because it did not include representation from political parties (See Section 3).

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

New religious groups or churches are expected to register with the Government, and there were no reports that any groups were denied registration during the year.

Government permission was required for the construction of new religious buildings. Non-Christian groups sometimes experienced minor delays in obtaining permits from the Government. The Government-owned television and radio stations did not permit non-Christian religious groups to broadcast.

Societal Abuses and Discrimination.—Relations between religious groups were generally amicable, although church-related land disputes and rivalry between branches of some sects resulted in violence, arson, and two deaths that were under investigation at year's end. The Jewish community comprised less than 1 percent of the population, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. It also states that provisions of law and custom, which impose restrictions on the freedom of any person to reside in the country, shall not contravene the freedom granted by the constitution.

Non-ethnic Swazis sometimes experienced lengthy processing delays when seeking passports and citizenship documents, in part due to the country's history when mixed-race and white persons were not considered legitimate citizens.

The Government routinely granted Swazi travel and citizenship documents to several thousand ethnic Swazis living in, and legal citizens of, South Africa.

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

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and minimal assistance to refugees and asylum seekers. In July the Government provided temporary protection to Somali refugees fleeing xenophobic attacks in South Africa.

The Government accepted refugees for permanent resettlement, allowed them to compete for jobs, and granted them work permits and temporary residence permits without discrimination. The Government also provided refugees with free transportation twice a week to buy food in local markets and to earn a living. Refugees who lived in the country more than five years qualified for citizenship; however, most refugees applied after extended periods of time living in the country, due to lack of information regarding their immigration status.

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

Citizens could not change their government peacefully, and political parties were banned. The King retains ultimate executive and legislative authority; parliament

has limited authority. Legislation passed by parliament requires the king's consent to become law. Under the constitution, the King selects the prime minister, the cabinet, two-thirds of the Senate, many senior civil servants, the chief justice and other justices of the superior courts, members of commissions established by the constitution, and the heads of government offices. On the advice of the prime minister, the King appoints the cabinet from among members of parliament. The constitution states that the King is required to consult with others (usually a traditional council) before exercising a major decision; however, he is not required to accept their advice.

The September 19 explosion of a bomb, which detonated early and killed two of the suspected instigators, was the catalyst for King Mswati's decision to make fighting terrorism his number one concern. On October 16, the King announced Barnabas Dlamini as the new prime minister, denounced terrorism, and said any necessary means should be used to stop it. He warned progressive organizations that they would be dealt with accordingly. On November 14, Prime Minister Dlamini issued a declaration designating PUDEMO, SSN, SYC, and the SPLA as "specified entities" under the Suppression of Terrorism Act (*See* Section 2.b.). Persons found associating with any of the organizations faced prison terms of 25 years to life.

Elections and Political Participation.—On September 19, parliamentary elections were held, the first since the constitution went into effect in 2006; the King appointed a new government in October. International observers concluded that the elections did not meet international standards. Political parties were not allowed to register or sponsor candidates; ballots were cast in secrecy but could be traced by registration number back to voters; some ballot boxes were not properly protected; and accusations of bribery occurred. There were widespread reports that citizens were advised that if they did not register to vote, they would no longer receive government services.

The constitution provides that the five members of the Electoral and Boundaries Commission (EBC) be chosen by the King on the recommendation of the Judicial Services Commission; EBC commissioners serve for 12 years and draw district boundaries, commission civic education and voter registration programs, and publish postelection reports. After the five members were selected in March, the National Constitution Assembly, Swaziland National Association of Teachers, Swaziland Federation of Labor, Swaziland Federation of Trade Unions (SFTU), Ngwane National Liberation Congress, and PUDEMO collectively sued the EBC on the grounds that its composition did not reflect diverse societal groupings in the country, including political organizations. One judge on the High Court, and the person named to replace her, recused themselves without explanation. On September 17, the High Court ruled that there was no legal requirement for the EBC to include all types of groups.

In July the Swaziland Coalition of Concerned Civic Organizations also filed suit against the EBC, claiming the commission did not meet the constitutional requirements for independence and relevant qualifications. The High Court heard the case on November 12 but had not issued a verdict by year's end.

In 2007 the High Court rejected a petition by the National Constituency Assembly (NCA), a group of civic associations, to declare the constitution null and void since the drafting process did not include extensive consultation with citizens, as required by the 1973 Emergency Decree. Despite plans to do so, the NCA had not appealed the 2007 court decision by year's end.

When the new constitution took effect, the 1973 decree that banned political parties lapsed; the constitution provides for freedom of association but does not address political parties. In 2006 the minister of justice and constitutional affairs stated that political organizations could hold meetings at "tinkhundla" (local government) centers if they obtained permission from the regional administrator and allowed a police officer to attend the meeting. However, political and civic organizations reported problems with traditional authorities when they requested permission to meet.

During the year the Government harassed and arrested opposition members. On July 5, police arrested four PUDEMO members during a rally organized to commemorate PUDEMO's 25th anniversary; the members were charged with malicious damage to property. A police officer pointed a gun at PUDEMO secretary Sphasha Dlamini and demanded that she hand over her camera, after which police deleted all photos of the day's event, including those documenting police harassment.

Chiefs are custodians of traditional law and custom and are responsible for the day-to-day running of their chiefdoms and for maintaining law and order. Chiefs act as overseers or guardians of families within the communities. They are an integral part of society and traditionally report directly to the King. Local custom mandates that chieftaincy is hereditary. However, the constitution, while recognizing that

chieftaincy is “usually hereditary and is regulated by Swazi law and custom,” also states that the King “can appoint any person to be chief over any area.” As a result, many chieftaincies were nonhereditary appointments, which provoked land disputes, especially at the time of burials.

The constitution provides that 55 of the 65 members of the House of Assembly be popularly contested and that the King appoint the remaining 10 members; five of the 10 must be women, and the other five must represent “interests, including marginalized groups not already adequately represented in the House.” If women do not constitute one-third of the 65 members of the House, the constitution provides for the inclusion of one woman from each of the four regions, nominated by the elected house members from that region. Despite these constitutional requirements, by year’s end the King had appointed two women, rather than five, and the House had not appointed any of the four female regional representatives by year’s end.

The King appoints 20 members of the 30-seat Senate, and the House of Assembly elects the other 10. The new constitution provides that eight of the king’s nominees and five of the House of Assembly’s nominees be women. The constitution also states that candidates for public office must compete on their individual merit, thereby blocking competition based on political party affiliation. Despite these constitutional requirements, by year’s end the King had appointed seven women as senators, rather than eight, and another five female senators were elected by House members. By year’s end, women constituted 20 percent, rather than the mandatory 30 percent, of parliamentary seats. The King also appointed five women as ministers.

Widows in mourning (for periods that can vary from one to three years) were prevented from appearing in certain public places and in close proximity to the King. As a result, widows were effectively excluded from voting or running for office.

There were no ethnic minorities in the Government. The constitution provides that other appointees should represent “interests, including marginalized groups not already adequately represented in the House.” However, most officials were from the royal Dlamini family.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. There was a widespread public perception of corruption in the executive and legislative branches of government and a general consensus that the Government was doing little to combat it. In September the Anticorruption Commission, with a commissioner and two deputies, was officially launched; however, no corruption cases had been filed by year’s end. The World Bank’s Worldwide Governance Indicators reflect that corruption was a serious problem.

Credible reports continued that business contracts were awarded on the basis of the owners’ relationship with government officials.

In February government official Maswazi Shongwe and Senator Thandi Maziya were arrested and charged with fraud; the two were accused of presenting false receipts to the accountant general for the purchase of five cattle for official celebrations, defrauding the Government of 100,000 emalangeni (\$10,640). Both officials were released on bail and awaiting trial at year’s end.

According to April media reports, the Ministry of Foreign Affairs and Trade principal secretary, Clifford Mamba, testified before parliament’s public accounts committee that Prince David, the former minister of justice and constitutional affairs, simultaneously received a salary as cabinet minister and the country’s ambassador to Denmark. The Ministry of Foreign Affairs asked the attorney general’s office to intervene after Prince David refused to reimburse the Government more than 430,000 emalangeni (\$45,700); however, no action had been taken by year’s end.

The nine suspects released on bail in January 2007, including the former principal secretary of the minister of finance and other individuals closely associated with the King, were still awaiting trial at year’s end for spending 50 million emalangeni (\$5.3 million) on a business training exercise for which the Government had allocated only 10 million emalangeni (\$1.6 million).

No further action was taken on the March 2007 parliamentary report alleging government corruption in the procurement of medicine; in June 2007 the House of Assembly rejected the report for containing unsubstantiated claims of corruption.

No action was taken on the 2006 report recommending disciplinary hearings for seven customs officials implicated in undercharging importers by approximately 28.5 million emalangeni (\$3 million) or the recommendation in the report to ban several companies from eligibility for government tenders.

The constitution prohibits government officials from assuming positions in which their personal interest is likely to conflict with their official duties. These officials

are required to declare their assets and liabilities to the Integrity Commission within six months of its establishment; however, the Integrity Commission is subsumed under the Commission on Human Rights and Public Administration, which still had not been established by year's end.

There is no law permitting public access to government documents, and public documents were difficult to access.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, government officials were rarely responsive to their views. Among the active groups were the Swaziland Action Group Against Abuse, Lawyers for Human Rights of Swaziland, and Women and Law in Southern Africa. Human rights groups spoke out on a number of occasions, criticizing the lack of accountability and transparency in the Government.

The constitution provides for the independence of human rights nongovernmental organizations; however, this provision falls within the "policy" section, which cannot be enforced in any court or tribunal.

The Government still had not established the Commission on Human Rights and Public Administration by year's end; the constitution provides that the commission be established no later than 2007. The commission, once established, may not investigate "a matter relating to the exercise of any royal prerogative by the Crown."

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

The constitution prohibits discrimination based on race, sex, disability, age, ethnicity, religion, political opinion, or social status; however, the Government did not consistently enforce the law.

Women.—The law criminalizes rape, including spousal rape; however, rape was common, and the Government did not always enforce the law effectively. According to the 2007 RSPS Annual Report, 663 rape cases were reported in 2007. Rape was regarded by many men as a minor offense, despite being against the law; a sense of shame and helplessness often inhibited women from reporting such crimes, particularly when incest was involved. The maximum sentence for aggravated rape is 15 years; however, the acquittal rate for rape was high, and sentences were generally lenient.

Domestic violence against women, particularly wife beating, was common, despite traditional restrictions against it. According to a survey conducted during the year by the Government's Central Statistics Office, 60 percent of men believed it was acceptable to beat their wives, and 18 percent of females between 13 and 14 years old had contemplated suicide, primarily as a result of domestic violence. Women have the right to charge their husbands with assault under both the Roman-Dutch and the traditional legal systems, and urban women frequently did so, usually in extreme cases when intervention by extended family members failed to end such violence. Penalties for men found guilty of assault against a woman, not involving rape, depended on the court's discretion. Rural women often had no relief if family intervention did not succeed because traditional courts were unsympathetic to "unruly" or "disobedient" women and were less likely than modern courts to convict men for spousal abuse. The Roman-Dutch legal system often gave light sentences in cases of abuse against women. During the year units for domestic violence, child abuse, and sexual abuse were established in two regions of the country.

Prostitution is illegal, but enforcement was inconsistent, particularly near industries and military bases.

The law provides some protection from sexual harassment, but its provisions were vague and largely ineffective; no cases have been brought to court. There were occasional reports of sexual harassment, most often of female students by teachers.

Women occupied a subordinate role in society. The dualistic nature of the legal system complicated the issue of women's rights. Since unwritten law and custom govern traditional marriage and matters of inheritance and family law, women's rights often were unclear and changed according to where and by whom they were interpreted. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules applied to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. Under the constitution children derive citizenship from the father and not from the mother, unless the birth occurred outside marriage and the father does not claim the child. A foreign woman who marries a citizen can become a citizen by lodging a declaration with the proper authorities.

The constitution provides that women can open bank accounts, obtain passports, and take jobs without the permission of a male relative; however, these rights were not always protected. Women routinely executed contracts and entered into a variety of transactions in their own names; however, banks still refused personal loans to women without a male guarantor. The constitution provides for equal access to land; however, in practice this right was not enforced. The law requires equal pay for equal work; however, the average wage rates for men by skill category usually exceeded those of women. Several existing acts reportedly require amendments to bring them into line with the constitution, including the Marriage Act, the Administration of Estates Act, the Deeds Registry Act, and others.

In traditional marriages a man may take more than one wife. A man who marries a woman under civil law may not legally have more than one wife, although in practice this restriction sometimes was ignored. Traditional marriages consider children to belong to the father and his family if the couple divorce. Children born out of wedlock are viewed as belonging to the mother. Inheritances are passed through male children only. Traditional authorities still exercise the right to fine women for wearing pants. For example, in May a Manzini-based vendors' association banned young females from wearing pants.

The constitution states that "a woman shall not be compelled to undergo or uphold any custom to which she is in conscience oppose."; however, traditional family practices may treat a woman as an outcast if she refuses to undergo the mourning rite. When the husband dies, his widow must remain in strict mourning for one month, during which time she cannot leave the house, and the husband's family can move into the homestead and take control of its operations. In some cases the mourning period can last for years. During the year the media reported that widows and children heading households sometimes became homeless as a result of the custom and were forced to seek public assistance, a development exacerbated by the country's high rate of HIV/AIDS. The 2006–07 Demographic and Health Survey found that 6 percent of women between 15 and 49 years of age were widows, half of whom had been dispossessed of property.

During the year Nhlanguano election officials refused to allow widows in mourning to register to vote.

The Ministry of Home Affairs Gender Unit is responsible for coordinating women's issues. During the year the unit visited a number of communities as part of a national campaign against gender violence and launched the "Vote for Women" campaign with assistance from the UN Development Program and in collaboration with the Women and Law in Southern Africa.

Children.—Government efforts to protect children's rights and welfare were inadequate, due in part to the growing number of orphans and vulnerable children (OVC), which made up an estimated 10 percent of the population.

The Government did not provide free, compulsory education for children. The Government paid textbook costs for first through seventh grade students, while the student paid varying school fees and contributed to the building fund. The Government set per-child and per-school limits on the amounts it paid for OVC tuition and school fees, but some schools complained of delayed payment and expelled OVCs for nonpayment of fees. Supplemental money sometimes had to be raised for building maintenance, including teachers' housing. Rural families favored boys over girls if they could not send all their children to school.

Child abuse, including rape of children and incest, was a serious problem, but the crime was rarely reported, perpetrators of abuse were seldom punished, and penalties seldom matched the crime. Many children became HIV positive as a result of rape. A study released by the UN Children's Fund (UNICEF) in April found that one in three women in the country has suffered some form of sexual abuse as a child and that one in four experienced physical violence. Most sexual assaults of girls occurred at home, and less than half of sexual assaults were reported. Disabled children, children out of school, and orphans were at particular risk. Punishment for child abuse was minimal, and even the perpetrators of abuse that resulted in death were generally fined no more than 200 emalangenis (\$21).

Corporal punishment by teachers and principals is legal and routinely practiced. School regulations state that a teacher can administer a maximum of four strokes on the buttocks to a student younger than 16. On May 29, the media reported that the chairman of a school whipped 18 primary school children for eating their lunch from buckets. Some parents protested the whippings of their children.

On September 15, the Times of Swaziland newspaper reported that traditional leaders in KaGwegwe whipped four girls on the buttocks for not dancing during their Reed Dance, an annual celebration.

The media frequently reported on the abandonment of newborn babies by unwed mothers, but no official statistics were available.

The legal age of marriage is 18 for both men and women. However, with parental consent and approval from the minister of justice, girls can marry at age 16. The Government recognized two types of marriage: civil marriage and marriage under law and custom. Traditional marriages under law and custom can be with girls as young as 14. Critics of the royal family said the king's many wives and young fiancées, some of whom were 16 years old, set a poor example in a country with an HIV/AIDS prevalence at 33.4 percent among persons between 15 and 49 years of age.

The law prohibits prostitution and child pornography, provides protection to children less than 16 years of age from sexual exploitation, and sets the age of sexual consent at 16 years. There were reports that girls worked as prostitutes, including vulnerable children orphaned by HIV/AIDS and street children.

There were growing numbers of street children in Mbabane and Manzini. A large and increasing number of HIV/AIDS orphans were cared for by aging relatives or neighbors, or they struggled to survive in child-headed households. Some lost their property to adult relatives. NGOs, such as the National Emergency Response Committee on HIV and AIDS, a private group partly funded by the Government and by international donors, assisted some AIDS orphans.

With more than 10 percent of households headed by children, UNICEF supported school feeding programs, established a number of neighborhood care points, and provided nutritional support to children weakened by AIDS.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, existing statutes against crimes such as kidnapping, forced and compulsory labor, aiding and abetting “prohibited immigrants” to enter the country, brothel keeping, and procurement for prostitution could be used to prosecute traffickers. A human trafficking problem was suspected but neither substantiated nor ruled out by specific reporting or official investigation. Anecdotal evidence indicated children were trafficked internally or from Mozambique for domestic servitude in the homes of wealthy families, as well as through the country to South Africa for domestic servitude and possibly also for commercial sexual exploitation. According to the International Organization for Migration, Chinese women were trafficked through the country and sold in neighboring countries.

There were no known investigations or prosecutions of trafficking cases during the year. No government agency is specifically responsible for combating trafficking in persons or maintaining records distinguishing trafficked persons from other illegal immigrants or refugees.

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

Persons With Disabilities.—The constitution provides protection for persons with disabilities and requires parliament to enact relevant implementing legislation. However, parliament had not passed laws to prohibit discrimination against persons with disabilities in employment or to provide access to health care or other state services by year's end. Persons with disabilities have complained of government neglect. There are no laws that mandate accessibility for persons with disabilities to buildings, transportation, or government services, although government buildings under construction included some improvements for those with disabilities, including accessibility ramps.

There is one school for the deaf and one special educational alternative school for children with physical or mental disabilities. Only 25 percent of adults with disabilities were employed, mostly in the private sector, according to a 2006 study conducted by the Ministry of Health and Social Welfare. In 2006 the minister for enterprise and employment found that of 10,600 visually impaired persons in the country, only three were employed. Despite the minister's 2006 pledge to introduce a bill compelling employers to create specific jobs for the visually impaired, no bill had been introduced by year's end. The hospital for persons with mental disabilities in Manzini was overcrowded and understaffed.

In October a blind man was appointed as a senator, marking the first time a person with disabilities served in parliament.

National/Racial/Ethnic Minorities.—The constitution forbids discrimination on the grounds of race, color, ethnic origin, tribe, or birth; however, governmental and societal discrimination was practiced against non-ethnic Swazis, generally white persons and persons of mixed race. Although there were no official statistics, an estimated 2 percent of the population was non-ethnic Swazi. Non-ethnic Swazis experienced difficulty in obtaining official documents, including passports, and suffered from other forms of governmental and societal discrimination, such as needing spe-

cial permits or stamps to buy a car or house, delays in receiving building permits for houses, and difficulties in applying for a bank loan.

Other Societal Abuses and Discrimination.—Societal discrimination against homosexuals was prevalent, and homosexuals generally concealed their sexual preferences.

There was a social stigma associated with being HIV positive, which discouraged persons from being tested, despite public relations campaigns to promote testing. Nevertheless, there were often long lines of persons waiting to be tested during prevention campaigns, especially among the young. The military encouraged testing and did not discriminate against those testing positive.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law provide that workers have the right to form and join associations of their choice, including trade unions, without previous authorization or excessive requirements, and workers exercised this right in practice, with some exceptions. Employees in essential services, which included police and security forces, correctional services, firefighting, health, and many civil service positions, may not form unions. Unions must represent at least 50 percent of employees in a work place to be automatically recognized; otherwise, recognition is left to the discretion of employers. Approximately 80 percent of the formal private sector was unionized. The law allows unions to conduct their activities without government interference. The law does not specifically permit strikes, but it allows employees who are not engaged in essential services to participate in peaceful protest action to promote their socioeconomic interests.

On May 23, the Supreme Court upheld a High Court ruling that banned registration of unions within the disciplined forces; in 2007 the unregistered Swaziland Police Union (SWAPU) and the Swaziland Correctional Officers Union filed suit to register as unions. SWAPU claimed that the 2000 Industrial Act, which excludes the disciplined forces from the right to form a union, conflicted with constitutional provisions on freedom of expression and association. The Supreme Court urged parliament in its decision to reconsider the conflicting articles of legislation.

The procedure for announcing a protest requires an advance notice of at least 14 days. The law details the steps to be followed when disputes arise and provides penalties for employers who conduct unauthorized lockouts. When disputes arose with civil servant unions, the Government often intervened to reduce the chances of a protest action, which may not be called legally until all avenues of negotiation have been exhausted and a secret ballot of union members has been conducted.

From March 3–10, in Manzini and Nhlangano, police shot, beat, and used tear gas to disperse thousands of textile and public transport workers engaged in a legal strike; an estimated 40 persons—mostly women—were injured, according to the Swaziland Manufacturing and Allied Workers Union. Police also briefly detained eight workers, one of whom was charged with intent to organize and illegal demonstration; police reportedly took another detainee to a dam, where he was submerged multiple times in an effort to obtain information. Union members subsequently suspended the textile workers' strike due to the intensity of police attacks. Police spokesperson Vusi Masuku said police had used minimal force.

Police also detained union leaders. For example, on August 21, 10 police officers briefly detained and interrogated SFTU secretary general Jan Sithole about his participation in an August 16 protest march at the Heads of State Summit in South Africa.

On September 18, police briefly detained SFTU secretary general Sithole, Swaziland National Association of Teachers (SNAT) secretary general Dominic Nxumalo, SNAT member Sibongile Mabuza, SWAYOCO member Jerome Shongwe, and several others who were en route to a border blockade. During a six-hour ride in the back of a police van, police interrogated and threatened them with physical abuse, eventually dumping the men at police headquarters in Manzini. Other political party members detained by police were dumped in a forest in Nkhabba.

Unlike in the previous year, there were no reports that union leaders were ordered to surrender their travel documents after attending meetings abroad.

b. The Right to Organize and Bargain Collectively.—The constitution and law provide for the right to organize and bargain collectively, and the Government generally respected this right in practice. However, employer interference with representatives of workers' councils to negotiate rules and terms of conditions of work contributed to the failure of some trade unions to negotiate or promote collective bargaining agreements.

The law prohibits antiunion discrimination; however, such discrimination continued to occur. In the case of unfair dismissal, the court can order reinstatement and

compensation for the employee, as well as fine the employer. Union leaders made credible charges that private sector management in various industries dismissed workers for union activity, but no cases were pursued through the courts. Other concerns identified by unions were undefined hours of work and pay days, assaults on workers by supervisors, surveillance by hired security officers of trade union activity, both at the workplace and outside, and the use of workers' councils stacked with employer-picked representatives to prevent genuine worker representation. The allegations of antiunion discrimination were most common in the mostly foreign-owned garment sector.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. The SFTU characterized the 1998 Administrative Order as a form of forced labor, noting that it reinforced the tradition of residents performing uncompensated tasks for chiefs, who could penalize those who did not participate.

d. Prohibition of Child Labor and Minimum Age for Employment.—The constitution and law prohibit child labor, but child labor was a problem. The law prohibits hiring a child younger than 15 in an industrial undertaking, except in cases where only family members were employed in the firm, or in technical schools where children worked under supervision. However, children were vulnerable to joining the workforce early to survive or support their families, and the law does not provide for compulsory primary school education. The law limits the number of night hours that children may work on school days to six and the overall hours per week to 33.

Employment of children in the formal sector was not common, but children were found doing unpaid labor and often exposed to harsh conditions of work. In rural areas, children below the minimum age frequently were employed in the agricultural sector, particularly in the eastern cotton-growing region, and were employed as domestic workers and as herder boys. Children reportedly worked in towns as traders, hawkers, porters, car wash attendants, and bus attendants. Minors were reportedly victims of prostitution and trafficking.

The Ministry of Enterprise and Employment's Department of Labor was responsible for enforcement, but its effectiveness was limited by personnel shortages and other resource constraints.

e. Acceptable Conditions of Work.—The Ministry of Enterprise and Employment sets wage scales for each industry. There was a legally mandated sliding scale of minimum wages depending on the type of work performed. The minimum monthly wage for a domestic worker was approximately 300 emalangeni (\$32), for an unskilled worker 420 emalangeni (\$45), and for a skilled worker 600 emalangeni (\$64). In May correctional and police officers received a 15 percent pay increase, backdated to April 1. In October 2007 the Government agreed to a 140-million-emalangeni (\$15 million) pay increase backdated to April for civil servants, to include a 4.5 percent increase in living allowances and a 225 percent increase in housing allowances, the latter representing an increase of 100 emalangeni (\$11) to 650 emalangeni (\$70). These minimum wages still did not provide a decent standard of living for a worker and family. Migrant workers were not covered under minimum wage laws. Wage arrears, particularly in the garment industry, were a problem.

There was a standard 48-hour workweek for most workers and a 72-hour workweek for security guards. The law permits all workers at least one day of rest per week and provides for premium pay for overtime. Most workers received a minimum of 12 days of annual leave. Workers receive 14 days of sick leave with full pay, and 14 days with half pay after three months of continuous service; however, these provisions apply only once per calendar year. No sick leave is granted if an injury results from an employee's own negligence or misconduct. These standards do not apply to foreign and migrant workers. The labor commissioner conducted inspections in the formal sector; however, these inspections generally did not result in enforcement of the law.

The constitution calls on parliament to enact new laws to protect a worker's right to satisfactory, safe, and healthy employment conditions; however, parliament had not enacted any such laws by year's end. The law provides for some protection of workers' health and safety. The Government set safety standards for industrial operations and encouraged private companies to develop accident prevention programs; however, the Labor Commissioner's Office conducted few safety inspections because of staffing deficiencies and an alleged desire not to "scare off foreign investors." Workers have no legal right to remove themselves from dangerous workplaces without jeopardizing their continued employment, and collective bargaining agreements do not address the matter.

There were extensive provisions allowing workers to seek redress for alleged wrongful dismissal, and these provisions frequently were invoked during the year.

TANZANIA

The United Republic of Tanzania, with a population of approximately 40 million, is a multiparty republic consisting of the mainland and the Zanzibar archipelago, whose main islands are Unguja and Pemba. The union is headed by a president, who is also head of government; its unicameral legislative body is the National Assembly (parliament). Zanzibar, although integrated into the country's governmental and party structure, has its own president, court system, and legislature, and exercises considerable autonomy. In the 2005 union presidential and legislative elections, Jakaya Kikwete was elected president, and the ruling Chama Cha Mapinduzi (CCM) Party made significant gains in parliament. Observers considered the union elections on both the mainland and in Zanzibar to be largely free and fair. The 2005 elections for president of Zanzibar were more contentious, however, with serious irregularities and politically motivated violence. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

There were a number of continuing human rights problems. Police and prison guards used excessive force against inmates and suspects, at times resulting in death, and police impunity was a problem; prison conditions were harsh and life threatening; there was widespread police corruption and violation of legal procedures; the judiciary suffered from corruption and inefficiency in the lower courts; freedom of speech and press were partly limited; governmental corruption remained a problem; authorities restricted the movement of refugees; societal violence against women persisted; and trafficking in persons and child labor were problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no politically motivated killings by the Government or its agents during the year; however, on several occasions security forces used lethal force against citizens, including persons in custody. Senior police officials accused subordinate officers of unlawful killings. For example, in January villagers in the Isaka village of Kahama district reported that local policemen beat 16-year-old James Deus to death while in custody for allegedly being part of an armed robbery attack on a petrol station in Shinyanga region. No information was available on how the authorities responded to the killing.

At year's end 15 police officers allegedly involved in shooting and killing three gemstone dealers and a taxi driver near Dar es Salaam in 2006 were on trial for murder. A special commission headed by a high court judge investigated the incident and concluded that the victims were not robbers, as the police claimed, nor had they been resisting arrest.

Deaths as a result of mob violence, including by stoning, beating, hacking with machetes, and burning, declined following a government outreach campaign and non-governmental organization (NGO) efforts to discourage such violence. However, there were at least five reports of lynchings and one man beaten to death for petty crime. In February Mtwara Regional Commissioner Anatoly Tarimo expressed concern that 11 persons had died as a result of mob justice during the previous 13 months. The July 22 *Uhuru* newspaper reported that in Chamwino district, Dodoma region, a mob had beaten Lukas John to death after he stabbed his father-in-law during a family dispute.

In September Clarence Kipobota of the Legal and Human Rights Centre told the press that his office recorded 17 incidents of mob violence, 30 incidents of "witch" killings, and 13 incidents of torture while in police custody from January to June.

The widespread belief in witchcraft and fear of witches led to the continued killing of alleged witches by persons claiming to be the victims of witchcraft, relatives of victims, or mobs. Responding to the June 7 mob killing of an elderly couple on suspicion that they were witches, Prime Minister Mizengo Pinda condemned the killing of the elderly on such suspicions and urged everyone to take their concerns to a court of law instead of using mob justice.

It was difficult to prosecute persons accused of killing suspected witches, due to the lack of police resources and an unwillingness of witnesses to come forward, but the Government did prosecute several such cases. In September four persons were

arrested for killing Nyabusa Nyanda, aged 60, in Sengerema district, Mwanza region, after accusing her of being a witch. The case remained ongoing at year's end.

Although there were unofficial reports of hundreds of persons with albinism killed across the country during the year, approximately 26—mostly women and children—were confirmed killed, and numerous others were mutilated, in the misguided belief that their body parts could be used to create wealth. In October persons with albinism held a rally where many said that if the Government could not ensure their safety they would be forced to seek refuge in neighboring countries. Earlier in the year, the Tanzania Albino Society expressed concern to the Government that no arrests had been made, and questioned whether the Government was ignoring this crime. Subsequently, President Kikwete announced that the police arrested 47 persons nationwide for crimes connected to deaths of persons with albinism. Also during the year, President Kikwete ordered a crackdown on witch doctors involved in activities such as using body parts from persons with albinism to create potions; and in April he announced the appointment of a person with albinism—Al-Shaymaa Kwegyr—to parliament, to oversee the Government's efforts to defend the rights of persons with albinism. At year's end there were approximately 270,000 such persons living in the country.

There were other incidents of mob violence during the year. Examples included: three persons suspected of stealing cattle and maize who were stoned to death and burned beyond recognition in Rukwa region; two suspected thieves killed in a forest between Malangali and Kasense; three persons tortured and burned by an angry mob for illegal fishing; and an angry mob killed a man for stealing two chickens.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit the practice of torture and cruel punishment; however, police officers abused, threatened, and otherwise mistreated civilians, suspected criminals, and prisoners during the year. Beatings were the method most commonly used. In April more than 150 villagers in the Ormelili, Embukoi, and Orkolili villages in the Siha district of Kilimanjaro region, protested routine harassment by local police officers. Villagers complained that the police forced them to vacate their houses and beat them for occupying land that belonged to a police college. It was also reported in April that police shot and injured three gemstone miners accused of working land belonging to a multinational mining company.

In June Godbless Kiwelu of Dar es Salaam accused police of using excessive force during his arrest after a fight with a colleague. He claimed the police beat him and broke both his legs. At year's end the preliminary investigation report had been completed and forwarded to the Director of Public Prosecution for further action.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. For example, in August the Shinyanga District Court sentenced an 18-year-old boy to five strokes of the cane for rape. Nevertheless, the practice of caning by teachers continued to decline in schools during the year, following public outreach efforts by the Ministry of Education, NGOs, and the press. There was some public support for caning.

There were fewer reports during the year that soldiers beat civilians; classes on respecting human rights and antitrafficking activities had been added to the soldiers' basic curriculum. However, in February soldiers from the Tanzania People's Defense forces (TPDF) assaulted and detained five workers of the Dar es Salaam Water and Sewerage Corporation (DAWASCO) who had disconnected their camp water supply due to nonpayment of bills. The DAWASCO employees also accused the soldiers of stealing their cellular telephones. A newspaper reporter who was taking pictures of the incident later complained that the soldiers confiscated his camera. Following the incident, Deputy Minister of Home Affairs Hamis Kagasheki said the conduct of the soldiers was a violation of human rights and he would hold them accountable. There was no report on the final outcome of the case.

During the year there were reports that prison officers sexually abused individuals in detention. In August prison officer Hija Mchwao was arrested in Zanzibar for the rape of a minor. At year's end no trial date had been set.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening. Diseases were common and resulted in numerous deaths in prisons. According to NGO reports, the leading causes of death were malaria, tuberculosis, HIV/AIDS, cholera, and diseases related to poor sanitation. Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medications or the funds to purchase them. In February 2007, in order to prevent the spread of HIV/AIDS in prisons, the Government established 12 voluntary counseling and testing centers to provide services to penal institutions.

In addition to infectious diseases, the Government acknowledged severe problems of overcrowding, lengthy pretrial detention of prisoners, and holding juveniles together with adult prisoners. To ease overcrowding and to speed up the judicial process, prison officials provided transport for rural prisoners to attend courts in Dar es Salaam. Also, in August 395 acres of land in the Arusha region were allocated for the construction of a new prison. Previously, parliament had allocated funds for the construction of a prison.

In April prisoners in the Bariadi prison of Shinyanga region complained to the Commission for Human Rights and Good Governance (CHRAGG), an independent government-appointed body, that prison officials were denying them basic rights and services. They complained of substandard food, lack of medication, and having only a bucket as a toilet. Prisoners said that when they demanded better conditions, they were threatened with beatings and solitary confinement. The CHRAGG later reported that toilet facilities were constructed in some prisons.

In October in Zanzibar, the chairman of the CHRAGG presented the results of their investigative report on prison conditions in Zanzibar and Pemba to prison officials. The report declared that there was gross overcrowding in the prisons and that children younger than 15 were sharing cells with adult offenders.

In early October seven prisoners in Keko prison, Dar es Salaam, went on a hunger strike to protest their lengthy pretrial detention. They ended their strike on October 9 after Judge Semistocles Kajage and high court officials visited the jail and promised the prisoners that their cases would be heard the following month. There were no further reports as to whether their cases were heard in November, nor reports of further hunger strikes.

The country's prisons held 45,000 convicted prisoners and pretrial detainees, whereas the maximum capacity of the prisons was 27,653. The average wait for a trial to begin was estimated at not less than three years, with an additional two years for completion of the trial. An earlier government push to ensure that gasoline was available for vehicles to take prisoners to court and that funds were provided for night court operations, reduced the time from arrest to trial outcome from approximately seven years.

During the year, in an effort to improve prison conditions, the Government established a Department of Public Complaints with the responsibility to visit detainees, prisoners, pregnant prisoners, and children of prisoners.

Guards sometimes beat and sexually abused prisoners during the year. In July Zanzibar police officials fired officer Pandu Ndame for the rape of a 13-year-old school girl at the police station. No information was available concerning the disposition of two cases from the previous year; one involved the rape of a 15-year-old female prisoner, and the other was the investigation of the rape of a schoolgirl inside a police station.

At year's end there was no further information about the August 2007 case of prison officials who allegedly severely beat and robbed eight youths in detention after a prison official accused some of them of stealing from him.

The law requires prisoners to be separated based on age and gender, and whether a person is awaiting trial or has been convicted of a crime. However, there was only one facility for juveniles, which was used primarily for housing boys. Girls were almost universally given probation. Male juveniles awaiting trial were held in one of five remand homes.

Authorities often moved prisoners to different prisons without notifying their families.

Local NGOs, international organizations, and diplomatic observers were permitted to monitor prison conditions during the year. The International Committee of the Red Cross visited prisoners at the International Criminal Tribunal for Rwanda in Arusha, and visited refugees in various prisons across the country to monitor whether their fundamental rights were observed. The Office of the UN High Commissioner for Refugees (UNHCR) visited prisons holding refugees to learn their immigration status and to provide help to those who believed they had been wrongly arrested and sentenced for illegal immigration. International and domestic NGOs also visited prisons and offered legal and humanitarian assistance.

During the year the CHRAGG visited a substantial number of prisons to inspect conditions, including food and water, toilet facilities, and congestion in sleeping quarters. The commission also inspected the living conditions of wardens and the food storage systems. Prisoners complained to the commission about the length of pretrial detention, the lack of copies of rulings or judgments needed so they could appeal their cases, their close proximity to prisoners with contagious diseases such as tuberculosis, the lack of blankets, and intrusive physical inspection when they entered and left the prisons. By law the commission must report to the Government and make regular follow up visits to make sure action has been taken. The Prisons

Department then grades the prisons and the report and the grades are available for public review. Based on these reports, prisons have been provided with additional blankets and one prison was required to install toilets instead of the buckets prisoners had been using.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention; however, both were problems.

For example, on May 11, police raided the homes of seven citizens in Pemba who had sent a petition to the United Nations asking for recognition of the rights of Pembanis to self-determination. They were detained for six days for “acting against the Constitution” and were then released on bail as the investigation into the matter continued. According to representatives from the opposition party Civic United Front, at year’s end the investigation was ongoing and the seven elderly citizens were still required to report periodically to the police station.

Role of the Police and Security Apparatus.—The national police force, under the Ministry of Public Safety and Security, has primary responsibility for maintaining law and order. A special division called the Field Force Unit deals with unlawful demonstrations and riots. Sungusungu citizens’ patrols—traditional neighborhood and village anticrime groups—also worked with local government leaders to support the police force in refugee camps and other areas. A division of the Ministry of Defense is responsible for external security with some limited domestic security responsibilities.

The police force remained underfunded and largely inefficient.

Police use of excessive force, police corruption, and impunity were serious problems. During the year the commissioner for administration and finance of police forces, Clodwig Mtweve, stated that the police department was fighting internal corruption with seminars throughout the country and prompt action against police officers implicated in wrongdoing. Mtweve said this program resulted in a reduction of complaints against the police, but his claim could not be objectively verified.

Police frequently acted as prosecutors before the courts. Many judicial experts criticized this arrangement as allowing police to manipulate evidence in criminal cases. According to NGO reports, there were instances where evidence was reported lost, and suspects sometimes avoided prosecution by bribing police officers.

During the year there continued to be newspaper articles, civil complaints, and reports of police corruption from the newly established office for the Prevention of Corruption and Crimes Bureau (PCCB). In June the newspaper *Habari Leo* published a government survey on poverty and development in the country which found that the public in 10 out of the 21 mainland regions considered the police force as the most corrupt institution, followed by the courts and then the judicial system. The September 2 *Daily News*, a government daily, reported that two policemen were arrested in Singida region for taking bribes. During the year the trial began of two policemen arrested in 2006 after drugs were stolen from police custody at the Ministry of Home Affairs’ Antinarcotics Unit in Dar es Salaam.

During the year the police held training seminars on surveillance and detection, human rights, antitrafficking in persons, expediting investigations, finalizing criminal cases, and how to deal with opposition political party members. On July 14, inspector general of police Saidi Mwema inaugurated a six-day seminar to sensitize police officers on sexual crimes against women and children. Police sometimes collaborated with international experts for training.

The law grants legal status to the Sungusungu village anticrime groups. Sungusungu members are appointed from communities by local governments with citizen participation. They have the authority to arrest suspects; they carry wooden clubs but no firearms. Family units of a neighborhood in which Sungusungu operated customarily either contributed money to the Sungusungu for patrols, or provided a volunteer to participate in patrols. In refugee camps, Sungusungu groups composed of refugees acted as security forces supplementing contingents of regular police. Some Sungusungu units were criticized for using excessive force, including severely beating suspects resulting in death. In March residents of Chababala, Nyabishenge, and Kaisho villages in Kagera region asked their district officials to take action against the Sungusungu for routinely inciting villagers to take mob action.

Arrest and Detention.—The law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest; however, in practice the police often failed to comply with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but authorities at times denied this right. Prompt access to counsel was often lim-

ited by the lack of lawyers in rural areas, the lack of communication systems and infrastructure, and the illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The Government provided legal representation for indigent defendants and for all suspects charged with murder or treason. The law does not allow bail for the offenses of murder and treason. According to a high court judgment in July 2007, denial of bail for the offense of armed robbery is unconstitutional. This ruling gave the Government 18 months to make the necessary legislative changes; however, at year's end there were no legislative changes reported. When bail is granted in some cases, strict conditions on freedom of movement and association are imposed. In the primary and District Courts, bribes sometimes determined whether or not bail was granted.

By law the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The Government must then release such detainees within 15 days or inform them of the reason for their continued detention; it also allows a detainee to challenge the grounds for detention at 90-day intervals. The Government has additional broad detention powers under the law, which permits regional and district commissioners to arrest and detain for 48 hours anyone who may "disturb public tranquility." This act was not invoked during the year.

During the year the courts of law continued to adjudicate election petitions by aggrieved parties in connection with the 2005 elections. By year's end all but one of the 36 such cases had been decided: 30 in favor of the plaintiffs and one in favor of the defendant. Five cases were dismissed for failing to meet legal requirements.

In 2007 approximately 44 percent of the prison population were pretrial detainees. Detainees charged with criminal matters generally waited several years for trial due to the time required to complete police investigations, a lack of judges to hear cases, and an inadequate judicial budget. Demands by police and court officials for bribes further delayed many trials. Pretrial detention at times exceeded the legal penalty for the offense charged. Observers estimated that 5 percent of detainees held in remand were ultimately convicted, and often those convicted had already served their full sentences before their trials were concluded. A government official estimated that it took up to five years for homicide cases to reach the high court. According to a March 2007 article in the *Guardian* newspaper, some suspects had spent as many as 15 years in prison without having their cases heard before a court.

In October more than 57 pretrial prisoners refused to get off a bus at the Arusha regional court because the investigations of their cases were taking too long. The prisoners accused the regional crimes officer of delaying the investigations. The prisoners also claimed that fellow prisoners were released within six months of arrest if they bribed the relevant officials. These prisoners, having been charged with murder, were not eligible for bail.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the judiciary remained underfunded, corrupt, inefficient, and subject to executive influence. Corruption was particularly pervasive among lower court officials and court clerks.

Court clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to District Courts. A December 2007 edition of *Nipashe* reported that the PCCB arrested a magistrate of the Temeke District Court, charged with demanding a bribe of 4 million shillings (approximately \$3,600). The same newspaper reported the arrest of another magistrate of the Kisumu resident magistrate's court for demanding a 60,000 shillings (\$50) bribe. At year's end both cases were still awaiting a hearing date.

The union Ministry of Justice faced a critical shortage of court buildings. In April 2007 a senior high court official in Dar es Salaam reportedly told law sector reform officials that eight regions of the country did not have high courts. To a limited extent this problem was addressed by having roving judges and prosecution and defense lawyers, but the cost of traveling to the nearest court was often prohibitive. During the year the Zanzibar Ministry of Justice also faced a shortage of magistrates and judges; Zanzibar hired additional judges and magistrates from the mainland and from Nigeria to speed up the trial process.

Both the union and Zanzibar legal systems are based on British common law and also recognize customary and Islamic law in civil cases. In criminal matters both Christians and Muslims are governed by statutory or common law.

A Judicial Service Commission, chaired by the chief justice of the Court of Appeal, appoints all judges except those for the Court of Appeal and the high courts, who

are appointed by the president. All courts, including Islamic courts in Zanzibar, are staffed by civil servants.

The country has a five-tier judicial system whose highest court is the Court of Appeal. In addition, in Zanzibar, whose population is almost entirely Muslim, there is a system of Islamic kadhi courts with its own hierarchy, topped by a kadhi court of appeal. These courts hear matters involving customary Islamic law on family and related matters. On the mainland, civil law essentially governs all persons involved in cases of child custody and divorce. Islamic and customary law govern other family matters for Muslims and Christians, respectively. The issue of establishing a kadhi court on the mainland, which has divided Muslim and Christian leaders, remained contentious.

There was one juvenile court; however, it was overburdened and handled cases only for young offenders in Dar es Salaam. Juvenile offenders in other regions were tried in adult courts in most cases, or waited months for cross-country transportation to the juvenile court.

The law also provides for commercial courts, land courts, housing tribunals, and military tribunals. Military tribunals do not try civilians, but defendants convicted by military tribunals may appeal to the High Court and the Court of Appeal.

Trial Procedures.—With some exceptions, criminal trials were open to the public and the press. Courts that hold secret proceedings—such as in drug trafficking cases—generally are required to provide reasons for closing proceedings. In cases involving terrorism suspects, the law provides that everyone except the interested parties may be excluded and that information may be under special arrangements for the protection of witnesses. The law prohibits lawyers from appearing or defending clients in primary level courts.

Juries are not used. The law provides for the presumption of innocence. Defendants or their lawyers have access to evidence held by the Government, the right to question witnesses, and the right to present evidence on the defendant's behalf. All defendants charged with civil or criminal matters—except parties appearing before kadhi courts and cases examining the constitutionality of Zanzibar laws—could appeal decisions to the high courts and the Court of Appeal. The law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. Most indigent defendants charged with lesser crimes did not have legal counsel.

There were only a few hundred practicing lawyers in the country, although the number continued to increase. Most defendants in urban areas who could not afford to hire a legal representative or lawyer represented themselves in court, but women and the economically needy were provided with free legal assistance by the Government and some NGOs, such as the Tanzania Women Lawyers Association (TAWLA) and the National Organization for Legal Assistance.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Civil proceedings are administered in the High Court or at the magistrate or district level. Persons may bring lawsuits seeking damages or the cessation of human rights violations; however, civil judicial procedures often were slow, inefficient, and corrupt.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law generally prohibits such actions without a search warrant; however, the Government did not consistently respect these prohibitions. Only courts can issue search warrants; however, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence or if circumstances are serious and urgent. During the year security forces increasingly sought search warrants in accordance with the law, and citizens had a greater awareness of their civil liberties and complained when they were violated.

The law relating to terrorism permits high-ranking police officers to conduct searches without a warrant in certain urgent cases; there were no reports that this provision of the act has ever been invoked.

It was widely believed that security forces monitored telephones and correspondence of some citizens and foreign residents.

On April 24, the Court of Appeal heard the appeal of a High Court decision against 135 villagers who claimed that in 2001 they had been illegally evicted from their land by government officials in the Nyamuma villages of Serengeti district in Mara region. CHRAGG had ruled in the villagers' favor, while the Government ruled it would not compensate or resettle the villagers because CHRAGG had no authority to compel the state to do so. On appeal, The High Court agreed with the

state's decision. However, during the year the NGO Legal and Human Rights Center took on the case and the Court of Appeal ruled that the case had enough merit to be heard again by the High Court, with a new judge who would not be influenced by the previous decision. The claimants were asking for compensation of 900 million Tanzanian shillings (Tshs. (approximately \$750,000) and resettlement to the parts of Nyamuma that were not taken over by the Government. At year's end the parties to the suit were awaiting a hearing date.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech but does not explicitly provide for freedom of the press.

The use of abusive or derogatory language to publicly describe the country's leadership is punishable by arrest and prosecution under the penal code. This provision was applied in October 2007 when the chairman of the opposition Democratic Party, Reverend Christopher Mtikila, was arrested for the offence of "instigating disorder and creating hatred among sections of the society"; he had distributed leaflets accusing President Kikwete of being a terrorist who wanted to establish a mainland kadhi court system. At year's end trial had not begun.

The president publicly expressed support for press freedom, and journalists were generally able to publish articles, for example alleging corruption by government officials, without reprisal. The Media Council, a professional organization for journalists, met with parliament in August to express concern over proposed amendments to the Media Services Bill and the Right to Information Bill. The Media Council was concerned by ambiguities in the law and asked that no steps be taken in future legislation that might restrict freedom of the press.

During the year the weekly Swahili newspaper MwanaHalisi was involved in several conflicts with government authorities. In January unidentified persons attacked MwanaHalisi's managing editor, Saeed Kubenea, and his media consultant, Ndimara Tegambwage, pouring acid on their faces and cutting them with machetes. Government officials launched an investigation into the crime, but the attackers were not identified. Many speculated that they were ruling party loyalists sympathetic to the Government officials criticized by MwanaHalisi. President Kikwete publicly condemned the attack and made a nationally televised visit to the hospitalized victims to demonstrate his concern.

On July 18, police raided MwanaHalisi's office and took computers because of a published article on a corruption case which was under judicial investigation, thus in violation of the PCCB statute against such actions. The editor was detained; he was released after several hours and the computers were returned.

In October the Government suspended MwanaHalisi for three months, alleging the paper had "consistently published seditious material." The suspension followed MwanaHalisi's publication of an article on an alleged plot involving President Kikwete's son to prevent the president's reelection in 2010. The Editor's Forum, representing all the major media houses, asked the president to reverse the decision, and to appoint a new minister of information. The suspension remained in effect at year's end.

On February 18, Maxence Mello and Mike Mushi, editors of Jambo Forums, a popular public discussion Web site, were detained for 24 hours and their site closed for five days for "disseminating wrong information" concerning a scandal-ridden private energy deal involving the then-prime minister.

The mainland government allowed political opponents unrestricted access to the media. Publications such as the opposition party CHADEMA's Tanzania Daima, were published daily.

Although the media were primarily government-controlled in Zanzibar, political opposition spokespersons had access to the media. A permit was required for reporting on police or prisons activities, and journalists needed special permission to attend meetings in the Zanzibar house of representatives. Anyone publishing information accusing a Zanzibar member of parliament of involvement in illegal activities was liable to a fine of not less than 250,000 thousand Tanzania Shillings (approximately \$280), or three years' imprisonment, or both. Nothing in the law specifies whether this penalty stands if the allegations were proven to be true. Also, under the Newspaper Act, the Government was empowered to fine and suspend newspapers without warning.

The Committee to Protect Journalists (CPJ) published an article in February, also cited by the UNHCR journal RefWatch, expressing concern over the arbitrary arrest of journalists "in an attempt to silence public dialogue." Officially, journalists were arrested for violating the country's criminal statute against reporting slanderously on political leaders. Similar arrests and detentions were reported by individuals asking sensitive questions of politicians at political events. The charges were

not always clearly stated, and the actions of the police officers, such as searching homes and seizing equipment, were not always authorized under the law.

Registering newspapers remained difficult and was at the discretion of the Registrar of Newspapers at the Ministry of Information on both the mainland and Zanzibar. On the mainland, many radio stations and all but one television station were privately owned. There were government restrictions on broadcasting in tribal languages.

In Zanzibar, one of the two newspapers was privately owned and the other was government owned. The Government controlled all content of radio and television broadcasts, whether privately or publicly owned.

Internet Freedom.—There were no government restrictions on access to the Internet. During the year the police started monitoring the Internet to prevent trafficking in persons and other illegal activities. Web sites and blogs critical of the Government faced the same scrutiny and possibility of arrest as print journalists. However, in general, individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The number of Internet cafes and providers increased during the year; however, since only 10 percent of citizens had access to electricity, Internet access was severely limited.

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

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The Government requires organizers of rallies to obtain police permission. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party. In October, during a by-election in Tarime, Mara region, the CHADEMA opposition party candidate and other party leaders were arrested for addressing a campaign rally without a police permit. CHADEMA officials accused police authorities of using tear gas to disperse CHADEMA supporters, beating their officials, and severely injuring three of them.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, there were some limits on this freedom.

Religious organizations must register with the Ministry of Home Affairs. To register, a religious organization must have at least 10 followers and present a constitution, the resumes of its leaders, and a letter of recommendation from the district commissioner of the locale where the organization would be based. Muslim groups on the mainland also were required to submit a letter of recommendation from BAKWATA, the council that governs Islamic matters on the mainland, and from the office of the mufti in Zanzibar.

There were no reports that the Government refused to register any group during the year.

The law prohibits preaching, or distributing materials, that are inflammatory or a threat to the public order. For example, the office of the chief mufti of Zanzibar banned four Islamic preachers from the mainland for preaching sermons that might lead to a breach of the peace after they were accused of slandering other faiths. In 2007 the Government occasionally rejected requests from religious groups seeking to hold demonstrations because of the possibility that the gathering could become confrontational or inflame religious tensions. In December 2007 and March 2008, the deputy mufti of Zanzibar revoked the permit of the Daawa Islamic Youth Group, which had been allowed to preach throughout the country, for making defamatory statements regarding Christianity.

In October a trial magistrate dismissed the 2006 case against Christian minister Cecil Simbaulanga for lack of evidence; Simbaulanga had been arrested for “inflammatory preaching” that insulted Islam. However, he still had to answer other charges of insulting Islam in a separate incident in Kigoma region.

During the year Muslim religious leaders appealed to the Government to introduce kadhi courts and Shari’a law to the mainland for the adjudication of Islamic civil matters. Christian groups have objected that such courts would violate government neutrality among religions and that the union constitution did not provide for a national kadhi court.

Societal Abuses and Discrimination.—Government policy prohibits discrimination against any individual on the basis of religious beliefs or practices. Some Muslim groups charged that the Government discriminated against them in hiring, education, and law enforcement practices, and some Christian groups said that all sen-

sitive government positions were filled by Muslims, but neutral observers said that there did not appear to be government bias toward any particular religious group.

There were sporadic reports of religion-based violence and disturbances in various communities. Most of these reports involved practitioners of animism targeted by members of the community who objected to their traditional beliefs.

In January villagers in Idiwili, Mbeya region, burned down the house of a Pentecostal preacher they accused of using witchcraft against them, and then fled their homes for fear of reprisal from the police.

In March a Muslim publication reported that Muslim primary school girls who wore the headscarf in public schools were being harassed by some of their teachers. A Muslim cleric complained that some children were not allowed to wear the headscarf in class, although this situation did not appear to be widespread.

The Jewish population was very small; there were no reports of anti-Semitic acts. For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government cooperated with the office of the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers. The Government detained and deported illegal immigrants.

Police at checkpoints sometimes solicited bribes.

The law does not permit the forced exile of citizens, and the Government did not use forced exile in practice.

Protection of Refugees.—The law provides for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In December the minister of home affairs announced that approximately 200,000 refugees who arrived from Burundi in 1972 would be granted citizenship. In close consultation with UNHCR, the Government began the process of identifying those qualified for citizenship and local integration.

UNHCR officials were permitted to be present at border screenings for refugees and the International Organization for Migration (IOM) was permitted to enter detention facilities to help distinguish illegal migrants from trafficking victims.

There were approximately 440,000 refugees in the country at the start of the year, but only approximately 130,000 by the end of the year, primarily from Burundi and the Democratic Republic of the Congo (DRC). Two hundred thousand Burundi refugees from the 1972 exodus were still officially refugees but lived independently, were granted special status by UNHCR and the Government, and were being processed for citizenship. They were not generally included in the official count of refugees. All other Burundi refugees, except for approximately 50,000, were returned to Burundi as the political situation there improved.

As of October there were three UNHCR-supported camps. It remained illegal for refugees to live outside their camps or settlements, or to travel outside the camps without permits, except to collect firewood within two and a half miles of the camps. Refugees and asylum seekers who were apprehended outside camps without permits were sentenced to community service, rather than imprisonment and deportation as had been the case in earlier years.

The UNHCR, with government cooperation, continued to provide security for refugees.

During the year the Government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps; most cases of refugees involved in crime and abuse outside the camps were handled by local authorities. Residents of refugee camps suffered delays and limited access to courts, common problems faced by citizens as well. There were reports that some refugees engaged in intimidation and vigilante justice within camps, but fewer reported cases than in previous years.

Burundian and Congolese refugees continued to return home during the year, motivated by improved security in Burundi and, earlier in the year, in the DRC, as well as by strong encouragement from the Government and UNHCR assistance. During the year the tripartite commission, composed of the UNHCR and the Governments of Tanzania and Burundi, encouraged repatriation by closing schools in the camps and stopping refugee income-generating projects. Seven camps were closed during the year and the UNHCR facilitated the repatriation of over 70,000 Burundian refugees and more than 20,000 refugees to the DRC. All returns were

voluntary; however, some refugees departed under the perceived threat of restrictions on their activities from local politicians or of forced return to a country where they feared life was not safe or economically viable.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in elections on the mainland and in Zanzibar. However, electoral irregularities, political violence, and legal and financial provisions that favored the ruling CCM Party limited the effectiveness of the electoral process in Zanzibar. Political parties are required by law to support the union between Tanganyika and Zanzibar; it also prohibits parties based on ethnic, regional, or religious affiliation. Unregistered parties were prohibited from fielding candidates during the 2005 elections.

Elections and Political Participation.—Separate elections are held on the mainland and on Zanzibar, sometimes on the same day, in which citizens of the two parts of the union elect local officials, members of the national parliament, and a union (national) president. In addition Zanzibaris separately elect a president of Zanzibar and members of the Zanzibar House of Representatives.

In 2005 Jakaya Kikwete, the CCM candidate, was elected president of the union with 80.2 percent of the vote in an election widely considered by observers as more free and fair than previous elections; however, the campaigns preceding them were marked by violence in some regions.

In 2005 voters in the semiautonomous archipelago of Zanzibar elected a president, legislators, and local representatives for the archipelago. CCM candidate Amani Karume, the incumbent president, was reelected with 53 percent of the vote in an election marred by irregularities and violence.

Harassment of opposition political parties by the Government has diminished since 2005. Individuals and parties could freely declare their candidacy and stand for election. The law requires that persons running for office must represent a registered political party. During the year, there were two parliamentary by-elections. Although Chadema, an opposition party, won one of the by-elections, it alleged that the police used undue force against its members during the campaigns.

In Zanzibar, particularly on Pemba, opposition party members claimed that the Government, the largest employer, discriminated against them in hiring.

The registrar of political parties has sole authority to approve registration of any political party and is responsible for enforcing regulations on registered parties. Parties granted provisional registration may hold public meetings and recruit members. To secure full registration and to be eligible to field candidates for election, they have six months to submit lists of at least 200 members in 10 of the country's 26 regions, including two of the five regions of Zanzibar.

The election law provides for parliamentarians completing a term to receive Tshs. 20,000,000 (approximately \$16,000) as a "gratuity," which incumbents can use in re-election campaigns. Several NGOs and opposition parties criticized this provision, saying that it made it extremely difficult for aspiring parliamentary candidates from opposition parties to mount an effective challenge.

During the year, Christopher Mtikila, leader of the opposition Democratic Party, expressed concern about the long judicial process in handling the 2007 government appeal of a 2006 ruling by the High Court, which allowed independent candidates to contest local and national elections. The appeal remained pending at year's end.

The law requires that women occupy at least 30 percent of seats in parliament. Women are appointed by their respective political parties to serve in seats set aside for them, according to the number of seats their parties win. After the 2005 elections there were 75 special seats for women, and at year's end there were 91 women in the 320-seat parliament. After taking office in 2005, President Kikwete appointed seven women ministers (compared with four in the former administration) and 10 women deputy ministers. Some of these women were appointed to head key ministries, including foreign affairs, finance, and justice. During the year at least seven women served as judges of the High Court and one woman served as a justice of the Union Court of Appeal. Women held 18 seats in the 81-seat Zanzibar House of Representatives and four positions in the cabinet of the Zanzibar government.

There were 11 members of parliament of Asian origin in the 320-seat National Assembly; at the start of the year there was one who served as minister of finance. After a February cabinet reshuffle, there were no ministers of Asian origin.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. Despite improvements in recent years, the World Bank's Worldwide Governance Indicators reflected that corruption remained a serious prob-

lem. During the year, the Government began prosecuting several high-profile corruption cases.

Beginning in October, the Government arrested and filed charges against more than twenty individuals, including four officials of the Bank of Tanzania, for their involvement in a scheme to obtain funds fraudulently from the bank's external payment arrears account. On October 31, President Kikwete announced that the Government had recovered Tshs. 69 billion (approximately \$53 million) of the Tshs. 90 billion fraudulently paid to 13 companies. An additional Tshs. 42 billion paid to nine companies that remained under investigation at year's end.

In November the Government launched prosecutions against two former ministers of finance, one of whom was a sitting member of parliament, for abuse of office and occasioning loss to the Government of Tshs. 11.7 billion (approximately \$10 million). In December the just-retired permanent secretary in the Ministry of Finance was charged in the same case.

The Government continued to use specialized agencies to fight corruption, but their effectiveness was limited. A three-person unit in the Ministry of Good Governance, a department within the president's office, was charged with implementing anticorruption legislation, coordinating anticorruption efforts, and collecting information from all the ministries for publication in quarterly reports; however, this unit was not effective.

There was little accountability in most government entities; senior government officials estimated that 20 percent of the Government's budget in each fiscal year was lost to corruption, including theft and fraud, and including fake purchasing transactions. For example in January, 12 accountants working in the country's embassies were recalled due to misappropriation of funds. All were given disciplinary actions such as probations and suspensions; several were forced to retire.

Preliminary hearings in a corruption case involving a former ambassador to Italy began in August 2007; at the end of the year the case was ongoing.

Out of concern for corruption allegations in November 2007, President Kikwete appointed a former attorney general as chairman of a committee to review all mining contracts. Members of the committee included legislators from the ruling CCM Party and from the opposition, as well as private sector and senior government officials. In November, after consideration of the committee's findings and recommendations, parliament proposed resolutions which included provisions for the amendment of all laws pertaining to mining. Parliament also "urged" that all mining companies and contracts be placed in hold until parliament is able to debate the issue during its 2009 session.

In September the PCCB director general indicated that the PCCB was investigating 20 percent more corruption cases than during the previous year. According to the PCCB, most corruption investigations concerned government involvement in mining, land matters, energy, and investment. NGOs reported that most allegations of corruption involved the country's Revenue Authority, local government officials, the police, licensing authorities, hospital workers, and the media.

Government Ministers and Members of Parliament are required to disclose their assets when they take office.

There is no law providing for public access to government information, and access to government information remained limited. Government officials routinely refused to make information available. In Zanzibar, journalists complained about lack of access to government information. Civil service regulations effectively allow only a handful of high-level government representatives to communicate information to the media.

According to a survey by Haki Elimu, a local NGO, and the International Budget Project, an international NGO, the public did not have access to information about the Government's fiscal activities and budget. Government officials estimated that 90 percent of all government documents, including administrative forms, were treated as classified. According to access-to-information advocates, laws blocked public access to government information relating to national security, broadcasting, newspapers, prisons, restricted areas, official secrets, and police. There was no mechanism for appealing denials.

Parliament continued to use the Parliamentary Online Information System (POLIS), which was available to the public via the Internet, to increase access to government information. However, POLIS's reach remained limited, since only approximately 400,000 of the country's citizens had Internet access.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. On the mainland, more than five thousand NGOs were registered and entered into the database maintained by a government-appointed NGO coordination unit within the vice president's office. International NGOs may operate both on the mainland and Zanzibar. However, NGOs in Zanzibar must apply through the local government for approval and all religious NGOs must seek approval from the Office of the Mufti, The Muslim religious authority.

Mainland government officials generally were cooperative and responsive to the views of human rights groups, although there was one reported case in 2007 of a human rights organization from Kenya being harassed and temporarily detained by local police when members of the group entered the country to investigate the killing-allegedly by police-of 11 Kenyans in the Arusha region.

Coordination and cooperation between the Government of Zanzibar and NGOs improved. The Government of Zanzibar continued to be less tolerant of NGOs that criticized the Government, and subjected them to fines, suspensions, and removal for violations of laws against sedition.

Active domestic human rights NGOs included Tanzania Gender Networking Programme, Haki Elimu, the Center for Human Rights Promotion, the Legal and Human Rights Centre, Tanzania Media Women's Association, Action on Disability and Development, Tanzania Albino Society, and the Tanzania Women Lawyers' Association. There were also many smaller local human rights NGOs based outside of Dar es Salaam. The Zanzibar Legal Services Center was one of the few active human rights organizations in Zanzibar. All of these organizations were independent of the Government. During the year the Government threatened to deregister so-called "shell" NGOs countrywide that collected donor money for personal profit. However, there were no reports of action taken against any NGO.

There was an improved level of cooperation between the Government and UNHCR, which operated one Congolese and two Burundian refugee camps in western Tanzania, down from a total of 10 a year earlier. In 2007 the Government decided to close all refugee camps for Burundians by the end of that year, stating that there were no longer security reasons for Burundian refugees to remain in the country. However, UNHCR negotiated an extension to June 2008 to ease the pressure on the Government of Burundi with the mass return of refugees, and at year's end the camps were still operating with the full consent of the Government. UNHCR representatives reported that the Government had been cooperative by not putting pressure on UNHCR to repatriate the remaining Burundian refugees more quickly. The Government agreed to give Tanzanian citizenship to more than 200,000 Burundian refugees.

The CHRAGG operated independently without government interference. It enjoyed government cooperation on the mainland and in 2007 also became active in Zanzibar. The commission employed more than 160 persons and operated with a government-financed budget of approximately Tshs 2.8 billion (approximately \$2,340,000). The commission received an increased number of complaints on issues of human rights and administrative justice, partly as a result of awareness campaigns conducted through the media and countrywide rural visits by the commissioners and investigative officers. They estimated that they received approximately 2,000 new complaints during the year. Officials said financial constraints limited the number of cross country visits; otherwise they would have collected more complaints from the rural public.

The union parliamentary committee for constitutional, legal, and public administration is responsible for reporting and making recommendations regarding human rights. Although the majority of committee members were from the ruling CCM party, the committee nevertheless acted independently of government and political party influence, and most observers viewed it as an unbiased institution.

The Government continued to host the International Criminal Tribunal for Rwanda War Crimes (ICTR) in Arusha, and the Government was supportive of, and cooperated with, the ICTR. Authorities worked jointly with the tracking team of ICTR's office of the prosecutor, the INTERPOL National Central Bureau in Dar es Salaam, and INTERPOL's Fugitive Investigative Services to arrest Callixte Nzabonimana, a former Rwandan minister, wanted for his participation in the 1994 genocide. Nzabonimana was arrested in Arusha on February 19.

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

The constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, social status, or religion. The law requires that anyone who wants to become a citizen must live in the country for at least 10 years, have no criminal record, and be able to speak Swahili. However, the Government did not always effectively enforce these prohibitions. Discrimination based on gender, age, or disability was not explicitly prohibited by law but was discouraged publicly in official

statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS persisted, and ethnic tensions continued in some parts of the country.

Women.—The law provides for life imprisonment for persons convicted of rape, including spousal rape; however, rape continued to be a serious problem. During the year several persons were prosecuted and convicted for rape and battery, but only a small fraction of rape cases resulted in court proceedings. At an August 2007 forum organized by the Tanzania Media Women's Association, it was estimated that 80 percent of rape victims did not report their cases. Rape and sexual abuse of girls and women with disabilities reportedly was prevalent during the year.

A survey released in July by the Tanzania Media Women's Association indicated that efforts to fight violence against women in Zanzibar were undermined by insensitivity to gender-based violence by the police, the judicial system, and hospital workers. According to the survey, communities considered violence against women as a private matter and discouraged victims from taking legal action. Furthermore, the survey concluded that the way police and hospitals handled such cases discouraged victims from seeking legal remedies. Respondents said that some police officers made humiliating comments to women who reported cases of rape, and sometimes asked for a bribe for their cases to be processed. An example cited in the survey as typical was a 13-year-old girl in Kumbini in Southern Pemba who reported that she was raped by two men. On the advice of the police, the family accepted financial compensation from the accused and dropped the case.

Domestic violence against women remained widespread. The law prohibits assault but does not specifically prohibit spousal battery. Cultural, family, and social pressures often prevented women from reporting abuses, and authorities rarely took action against abusers of women. Police reportedly were often reluctant to pursue domestic abuse cases. Societal attitudes towards domestic violence are changing, especially in urban areas. Increasingly, domestic violence is not considered acceptable. During the year there were prosecutions and convictions for spousal abuse of husbands who beat their wives. There were also rare cases of husbands who took their wives to court for abuse. NGOs such as Kiwihede and TAWLA regularly educated the public about the laws concerning spousal abuse and provided education and shelter assistance to victims.

The courts recognized domestic violence as grounds for divorce. However, women often tolerated prolonged domestic abuse before seeking a divorce. Women in urban areas who sought advice from legal aid clinics most commonly cited domestic abuse as the reason for wanting a divorce.

The law prohibits prostitution; however, prostitution remained common. Prostitutes were occasionally arrested, but the police did not keep official statistics on prostitution arrests. Rural women and young girls immigrating to urban areas were most at risk for prostitution.

The law prohibits sexual harassment of women in the workplace, but no statistics existed on the extent of its occurrence or on effectiveness of enforcement.

Inheritance and marriage laws do not consistently provide full equality for women, and in practice women's rights often were not respected. The Ministry of Community Development, Women, and Children, and the Ministry of Justice and Constitutional Affairs were responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas. Rural women had little opportunity to attend school or obtain wage employment.

In family matters, the content and application of some customary and Islamic laws was viewed by many as discriminatory against women.

The law gives individuals the right to use, transfer, and occupy land without distinction of gender, and recognizes women's occupancy rights (all land in Tanzania belongs to the Government), but implementation was difficult because most women were unaware of the law. Historically, rural women did not own land or manage businesses because of cultural constraints and lack of education. Civil society activists reported widespread discrimination against women in property matters related to inheritance and divorce. This was particularly the case in Zanzibar, but also in some parts of the mainland, where activists maintained that judges relied on customary and Islamic law in discriminatory fashion. Women were particularly vulnerable if they initiated the separation from their partners or if their partners died.

In Zanzibar, women who became pregnant out of wedlock could be sentenced to perform community service set by the Zanzibar director of public prosecution.

In the private sector, there were complaints that women sometimes faced discrimination because of employers' concerns that their household obligations would be a professional limitation.

Children.—The law supported children's rights and welfare and in practice the Government made efforts to address children's welfare, including close cooperation with international and local organizations working to assist neglected children and the country's estimated 2.5 million orphans.

Primary education was compulsory, free, and universal on both the mainland and Zanzibar through the age of 15 for all children; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand.

During the year fees continued to be charged for enrollment beyond form one, the equivalent of the first year of high school. As a result, many children did not have access to a complete secondary education. The responsibility to pay for books, uniforms, and school lunches fell primarily to parents.

Overall school completion rates were the same for boys and girls: 56 percent for primary school and 33 percent for secondary.

All children aged five years and younger had equal access to state-provided medical care.

Child sexual abuse remained a problem, and there were several convictions during the year; most persons convicted for the sexual abuse of children were given the maximum sentence of 30 years' imprisonment.

The law prohibits female genital mutilation (FGM), also known as female circumcision; however, it continued to be practiced by some tribes and families. During the year the Government embarked on an education program for magistrates, police officers, doctors, and community development experts on FGM. Statutory penalties for FGM on girls under 18 ranged from five to 15 years' imprisonment, a fine, or both, but those who conducted the illegal procedure were rarely prosecuted. The law also provides for the payment of compensation by the perpetrator to the person against whom the offense was committed.

The law provides that anyone who has custody, charge, or care of a girl under 18 and who causes her to undergo FGM, commits the offense of cruelty to children.

According to 2005 data, the Ministry of Health estimated that 5 to 15 percent of women and girls underwent FGM; their average age was less than 10 years old, reportedly including some newborns. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in the mainland regions of Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam. In other parts of the country, less than 5 percent of the population practiced FGM. Most frequently employed was clitoridectomy, a less severe form of FGM; however, infibulation, the most severe form, was also practiced, mainly in the northern highlands and the central zone.

On June 11, it was reported that infants below one year of age in Makiungu village, Singida region, were subjected to FGM by their mothers—unlike in the past when the procedure was performed by traditional healers called "ngaribas." AFNET, an NGO dealing with women's rights, reported that 47 out of 59 infants and girls up to age 5 who attended a village clinic in Singida region had undergone FGM.

There were no reports of prosecutions related to FGM during the year. Enforcement of the anti FGM law was difficult for a number of reasons: many police officers and communities were not aware of the law; victims were often reluctant to testify; and some witnesses feared reprisals from supporters of FGM. Corruption also was a factor; some villagers reportedly bribed local leaders not to enforce the law in order to carry out FGM on their daughters.

The Government continued to implement the 2001–15 national plan of action for the prevention and eradication of violence against women and children. This strategy sought the elimination of FGM by involving both male and female practitioners and community leaders. Anti-FGM groups urged parliamentarians and local officials to take a more active role in enforcing the law.

During the year the Government and NGOs continued to make progress toward eliminating the practice of FGM. The Anti-Female Genital Mutilation Network and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. Anti-FGM groups continued their attempts to educate the ngaribas about the harmful effects of FGM and to train them for other occupations. The chairman of the Tanga Regional Committee for Culture and Traditions reported in July that reported incidents of FGM declined during the year in Mkinga district, Tanga region, following efforts by local communities to educate villagers about the long term and ill effects of FGM. In some areas there were reports of local clinics educating ngaribas on basic nursing skills to assist with community health education.

Corporal punishment in schools remained a problem. Caning was supported by law, although the practice continued to decline during the year following public outreach efforts by the Government and the media.

Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced. In an apparent contradiction, family law provided for girls as young as 15 to be considered adults for the purposes of marriage. The Manyoni District Court in Singida region sentenced a man to 30 years in jail for marrying a 10-year-old girl. In many cases, offenders bribed police or paid a bride price to the family of the girl to avoid prosecution. In order to marry, a girl under 18 is required to obtain the consent of her father, mother, or guardian; no consent is required for an orphaned girl with no guardian. The courts also had discretion to allow for marriages of parties who were 14 years old, for example in the case of pregnancy. Additionally, the law allows Muslim and Hindu girls to marry as young as 12 so long as the marriage is not consummated until the girl reaches the age of 15.

Sexual activity with a female student, regardless of age or mutual consent, is illegal. During the year the Government continued its efforts to enforce the law penalizing anyone who impregnated a female student. After the November 19 arrest of a secondary school teacher on charges of rape of a female student, Deputy Minister of Education and Vocational Training, Mwantumu Mahiza, said it was "high time" for harsh penalties to be handed down on sexual offenders of female students. The Government launched a national campaign, "Learn without Fear." The definition of schoolgirl was anyone in school through the final year of a secondary education—generally about 18 years old. UNICEF has stated there is no clear legal definition of a child in the country.

The law criminalizes child prostitution; however, sexual exploitation and trafficking in persons, including children, were problems.

There were reports that individuals practicing witchcraft killed children, especially children with albinism, for their body parts. Infanticide continued to be a problem for poor rural mothers who believed themselves unable to afford to raise a child.

The number of orphans in the country was estimated at 2.5 million, most of them orphaned by AIDS. Most orphans were absorbed into other families. Those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling from the Government and several state-sponsored NGOs, including an NGO run by the first lady, Salma Kikwete. There were significant numbers of street children in Dar es Salaam and Arusha. Street children had limited access to health and education services because they lacked a fixed address and money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse by older street children and homeless persons.

Trafficking in Persons.—The comprehensive Anti-Trafficking in Persons Act of 2008 was passed by the legislature and signed by the president in August. However, the process of translating the law into Swahili and vetting it for official publication was not completed at year's end and the law was not yet in force. With no explicit antitrafficking law in force, traffickers could be prosecuted for related violations, such as rape or abuse.

The country is a source, transit, and destination country for men, women, and especially children trafficked for the purposes of forced labor and sexual exploitation. Most victims were trafficked internally from poor rural areas. Boys are trafficked within the country for forced labor on farms, in mines, and in the informal business sector. Girls from rural areas are trafficked to urban centers and the island of Zanzibar for domestic servitude; sexual exploitation was often reported after young girls were brought into homes for forced labor. No reliable statistics exist on the extent of trafficking.

Small numbers of persons were reportedly trafficked to South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries for domestic servitude and sexual exploitation. Indian women who entered the country legally to work as entertainers in restaurants and nightclubs were at times exploited as prostitutes after arrival. It was believed that in tourist areas, such as Zanzibar and Arusha, some girls who were hired for hotel work, both locally and from India, were later coerced into prostitution.

Trafficking methods varied. Victims were lured by false promises of income, opportunity to attend school, and better living conditions, especially from rural to urban areas. Some trafficking victims left their homes with assistance from their families; some left on their own to escape life in rural areas; and some were transported by someone who offered to help them find city work, legitimate or otherwise. There were reports that men recruited village girls who had completed primary school but were not entering secondary school. The men offered the girls money and employment and promised the girls a better life if they accompanied them to urban areas; however, these girls ended up in domestic labor or prostitution. Another

method of trafficking involved low-income parents entrusting children to wealthier relatives or respected members of the community to care for the child as one of their own. Some took advantage of this traditional practice and placed children in abusive or exploitive situations.

Living conditions for trafficking victims were usually grim, with only the most basic amenities, long working hours, little or no pay, and missed educational opportunities.

In 2007 the IOM launched an awareness campaign concerning human trafficking and encouraged public discussion of the issue by national leaders and opinion makers. The IOM aired a documentary and distributed articles and television news spots about trafficking. IOM also served as the coordinating office for the Government's antitrafficking stakeholders meetings, which included various ministries, NGOs, UN agencies, and representatives of the international community.

During the year the leading NGOs concerned with trafficked children, KIWOHEDE and Child in the Sun, assisted approximately 80 victims of trafficking, and medically screened 50 victims. In addition, 34 victims were offered school or vocational training and 50 children were reunited with their families. Some rescued victims were provided with grants for school or micro income generating projects. An NGO in the Kilimanjaro region that specializes in rescuing children from the mining industry, Mererani Good Hope Program, withdrew an estimated 750 from child labor and prevented 1300 from being lured into the worst forms of child labor; all were assisted with school placements. Children in low-income families were at significant risk of being trafficked. Girls were more vulnerable than boys since they were generally considered more of an economic burden on their families.

There were no prosecutions for trafficking as such during the year, because the antitrafficking law had not entered into force. Prosecutions generally proceeded only if other crimes, such as rape or abuse, were associated with the act of trafficking in persons. Law enforcement, prosecutors, and immigration officials at all levels went through extensive training in the new antitrafficking legislation in anticipation of its enactment. The Ministry of Health and Social Welfare, with foreign cooperation, conducted training programs and developed a training manual for health workers who have direct contact with victims of trafficking.

In January the Anti-Human Trafficking Unit changed its policy requiring trafficking victims to go to a police station to make a statement. Instead, a plainclothes female police officer visited shelters to obtain the victim's statement. The unit also hired a female police sergeant to facilitate its interactions with female victims. A 24-hour crime hot line staffed by police officers was available for citizens to make anonymous reports about suspected trafficking victims.

Persons With Disabilities.—The constitution prohibits discrimination against persons with disabilities, but there is no implementing law to prevent discrimination under this provision. Persons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate budget resources. Although the Government mandates access to public buildings, transportation, and government services for persons with disabilities through several pieces of legislation, few buildings were accessible, not all structures required building permits, and many buildings were constructed before this requirement came into force. No funds were available for retrofitting existing structures.

The ministries of education, justice, and labor were responsible for enforcing the protection of rights of persons with disabilities for education, legal claims, and labor rights, respectively. The Department of Social Welfare had responsibility for coordinating disabilities matters. A few local NGOs also tried to highlight the plight of persons with disabilities.

There were reports that students with disabilities dropped out of schools that lacked adequate facilities. For example, Braille paper and tape recorders were generally not available for blind students. In August the NGO Media Network for Disability (MWAKU) published findings stating that 317 students with disabilities dropped out of school in Dodoma and Morogoro regions during the year. The report cited poverty and pregnancies as the chief reasons for dropping out. In April the principal of the Malangani School for the Blind in Rukwa region claimed that that region had more than 600 blind children whose parents and guardians prevented them from attending school because they did not see the benefit of educating a child with a disability such as blindness.

Indigenous People.—Unlike in the previous year, there were no reports of disputes or other issues with indigenous people during the year.

Other Societal Abuses and Discrimination.—Homosexuality was illegal. The penal code makes it an offense punishable by up to five years in prison to have carnal

knowledge of any person of the same sex. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and seven years for women in lesbian relationships. There were no reports that anyone was punished under the law during the year. Homosexuals faced societal discrimination.

The Tanzania Parliamentarians' AIDS Coalition addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination in housing, healthcare, and education continued to occur against the estimated 1.4 million persons in the country living with HIV/AIDS. The Government, working with NGOs, continued to sensitize the public about HIV/AIDS-related discrimination and to create safeguards for HIV/AIDS patients' human rights. A network of lawyers, policymakers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problems associated with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The union and Zanzibar governments have separate labor laws. Workers on the mainland had the right to form and join independent trade unions. Labor legislation for the mainland established the Labor, Economic, and Social Council, the Commission for Mediation and Arbitration, and the labor court. As of 2005 (the most recent data available), approximately 27 percent of the formal sector work force were members of the Trade Union Congress of Tanzania (TUCTA), the sole labor federation. In the agricultural sector, the country's single largest employer, an estimated 5 to 8 percent of the work force was unionized.

A trade union or employers' association must register within six months of its establishment; failure to register is a criminal offense.

Mainland workers have the legal right to strike and employers have the right to a lockout after complying with certain legal requirements and procedures. These rights are qualified according to the law. For example, all parties to a dispute may be bound by an agreement to arbitrate and neither party may then engage in a strike or a lockout until that process has been completed. This occurred in October, when the Government was granted a court injunction stopping hundreds of thousands of teachers across the country from striking over unpaid salaries and allowances. A judge ordered the teachers and the Government into arbitration before allowing the teachers to go on strike. At year's end arbitration continued.

A lawful strike or lockout is protected and does not constitute a breach of contract, nor can it be considered a criminal offense. An employer may not terminate the employment of an employee for participating in a lawful strike, or terminate an employee who accedes to the demands of an employer during a lockout.

The law restricts the right to strike when to do so would endanger the life and health of the population. Workers in certain sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation telecommunications, and any transport services required for the provisions of these services) are restricted from striking. Workers in other sectors may also be subject to this limitation.

The labor law in Zanzibar applies only to private sector workers. Zanzibar workers do not have the right to strike. They are not allowed to join mainland-based labor unions. The Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers. An estimated 40 percent of the Zanzibar workforce is unionized.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining in the private sector, and workers and employers practiced it freely during the year. In the public sector the Government set wages administratively, including for employees of state-owned organizations.

On the mainland, disputes are regulated and resolved by mediation through the Commission for Mediation and Arbitration. If the mediator fails to resolve a dispute within 30 days of referral, or any longer period agreed upon in writing by both parties, either party to the dispute may give notice of its intention to commence a strike or lockout. If the mediation fails to resolve the complaint, the Commission for Mediation and Arbitration may appoint an arbitrator to decide the dispute, or it may be referred to the labor court.

In practice many private sector employers adopted antiunion policies or tactics. On the mainland the law prohibits discriminatory activities by an employer against union members; however, there were reports of antiunion discrimination in the formal private sector during the year. The law requires employers found guilty of antiunion activities to reinstate workers.

On the mainland there are 23 export processing zones (EPZs); seven of them are developer licensees and the rest are operator licensees. In Zanzibar there are three

free economic zones, which are treated as EPZs. There are no special laws or exemptions from regular labor laws in EPZs.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, forced and compulsory labor by children occurred and children were trafficked primarily for forced labor as domestic servants and to a lesser extent for commercial sexual exploitation.

The law allows prisoners to work without pay on projects such as agriculture within the prison so that the prison can be more self-sufficient. Prisoners were also used as forced labor on projects outside of the prison, such as road repair and government construction projects.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the exploitation of children in the workplace. Under the law the minimum age for contractual employment is 14 and children may be employed only to do light work that is unlikely to be harmful to their health and development and does not prejudice their attendance at school. Children under 18 may not crew on a ship or be employed in a mine, factory, or any other worksite where working conditions may be hazardous.

The law establishes criminal penalties for employers of child labor as well as forced labor; violators can be fined an amount not exceeding Tshs. 4,680,000 (approximately \$3,900), imprisonment for one year, or both, but no penalties were reportedly imposed during the year, and child labor remained a problem. A shortage of inspectors resulted in little enforcement of child labor provisions. The most recent data available, from 2000–2001, indicated that 35.4 percent of children ages five to 14 were working.

The Government implemented some measures to ameliorate the problem, including increasing the number of labor inspectors, ensuring that children of school age attend school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of 18.

In 2005 the International Labor Organization (ILO) and UNICEF reported that children who left home to work as domestic laborers in other towns or villages were often subjected to commercial sexual exploitation. According to the trade union Conservation, Hotel, Domestic, and Allied Workers Union and the ILO, the majority of domestic child laborers were girls, mostly between the ages of 13 and 15. Most of them worked 12–14 hours per day, seven days a week, without rest or extra compensation for the long hours worked; at times they worked under abusive conditions. In many cases they were subjected to forced labor as domestic servants or for commercial sexual exploitation.

The ILO supported a project aimed at accelerating the removal of children from the most abusive forms of child labor. The sectors involved included commercial agriculture, mining, fishing, and domestic work. In 2007 an estimated total of four thousand children were kept or withdrawn from the worst forms of child labor. The Time Bound Program, a project of support to the Government from ILO, worked toward a target of preventing and withdrawing 22,000 children from the worst forms of child labor by 2009. During the year, the Ministry of Labor, together with ILO, launched a National Employment Policy, which deals extensively with child labor issues.

Child labor was also widespread in Zanzibar; children were used in fishing, clove picking, domestic labor, small business such as selling cakes, and commercial sexual exploitation near tourist attractions.

The Ministry of Labor remained responsible for enforcement of labor laws, together with the Commission for Mediation and Arbitration and the labor court. The ministry continued conducting seminars on child labor in different parts of the country.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, have special child labor units.

e. Acceptable Conditions of Work.—New minimum wage standards took effect in January. Divided into eight employment sectors, the lowest minimum wage was Tshs. 65,000 (\$55) per month for hotel workers and the highest, Tshs. 350,000 (\$300) per month for workers in the mineral sector. Implementation proved difficult for some businesses, which complained that they would have to raise salaries more than 100 percent.

TUCTA issued a statement threatening to call a nationwide strike because the Government was not paying the minimum wage. The strike was called off after President Kikwete promised workers that the Government would pay the promised wages. However, at year's end the Government did not say when it would start enforcing payment of the new minimum wages.

There were reports that to avoid providing required minimum salary and benefits to employees employed for more than three months, some employers fired employees before the three month period expired.

There was no standard legal workweek for private sector workers, but most private employers retained a six-day, 44- to 48-hour workweek. A five-day, 40-hour workweek was in effect for government workers. Under most circumstances, it was illegal to employ women to work between 10:00 p.m. and 6:00 a.m.; however, employers frequently ignored this restriction.

Several laws regulate safety in the workplace. The Ministry of Labor, Youth Development, and Sports managed an inspection system; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, where most of the workforce was employed.

Workers could sue an employer if their working conditions did not comply with the Ministry of Labor's health and environmental standards. There were no reported incidents during the year. Disputes are generally resolved through the Commission for Mediation and Arbitration.

TOGO

Togo, with a population of 6.3 million, is a republic governed by President Faure Gnassingbe, who was declared president in 2005 in an election marred by severe irregularities. President Faure Gnassingbe replaced his father, former president Gnassingbe Eyadema, who died in 2005 after 38 years in power. Eyadema and his party, Rally of the Togolese People (RPT), strongly backed by the armed forces, had dominated politics and maintained firm control over all levels of the highly centralized government until his death. In October 2007 the Independent National Electoral Commission (CENI) organized generally free and fair legislative elections for the 81 seats in the National Assembly. All major opposition parties participated in the elections, and the opposition won a total of 31 seats. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The human rights situation in the country improved; however, serious human rights problems continued, including: partial inability of citizens to change their government; torture and other abuse of detainees; rape; official impunity; harsh and life-threatening prison conditions; arbitrary arrests and detention; lengthy pretrial detention; executive influence over the judiciary; infringement of citizens' privacy rights; restrictions on the press, including banning media programs; restrictions on freedom of assembly and movement; corruption; female genital mutilation (FGM) and violence against women; discrimination against women; regional and ethnic favoritism; trafficking in persons, especially children; child labor, including forced child labor; and lack of workers' rights in export processing zones (EPZs).

During the year the Government took significant steps to advance human and political rights, including the organization of a Truth, Justice, and Reconciliation consultation process meant to facilitate forgiveness and reconciliation, aid the fight against corruption and judicial impunity, and reinforce national unity in the country. The Government waived public primary school fees and more than doubled the minimum wage.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any confirmed politically motivated killings.

On August 15, an outspoken political leader and former government minister was found dead on the beach in Lome. The results of an autopsy performed by a coroner from the international NGO Physicians for Human Rights were inconclusive but did disprove the findings of the Togolese coroner, who had ruled the minister's death as a result of a drug overdose. The Government did not investigate the minister's death further.

Despite promises to investigate, the Government had not released a report at year's end on the July 2007 killing of a soldier guarding the national radio station, Radio Lome.

The Government took no action against the police officer who beat Yaya Moussa to death in 2006.

During the year the Government held no trials and conducted no prosecutions of the perpetrators of violence and vandalism related to the 2005 presidential elec-

tions. In 2005 there were reports of mass graves, and military personnel reportedly transported more than 100 unidentified bodies to unknown destinations. In 2005 the Government created the Special Independent Investigation Commission to probe the violence and vandalism that occurred before, during, and after the election. The commission held security forces, the ruling party, and opposition party members responsible for the violence and recommended that individuals involved be prosecuted. However, the Government still had not acted on the recommendations at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, such practices continued to occur. There were numerous reports of torture or mistreatment of detainees, according to Amnesty International (AI) in its 2008 report. Impunity remained a problem, and the Government did not prosecute publicly officials for such abuses.

Members of the security forces raped prostitutes who refused to provide sex in exchange for being allowed to enter some sections of Lome.

Prison and Detention Center Conditions.—Prison conditions remained harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end Lome's central prison, built to accommodate 500 prisoners, held 1,557 inmates, including 39 women. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay 1,500 CFA francs (approximately \$3.30) to guards before being allowed to visit the infirmary. There were reports that prison officials sometimes withheld medical treatment from prisoners. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Local press reported that prison guards sexually harassed female prisoners.

The Government provided no statistics on the number of prison deaths, but confirmed that prisoners died as a result of poor living conditions.

The infants of convicted women were incarcerated with their mothers. Pretrial detainees were not held separately from convicted prisoners.

Local nongovernmental organizations (NGOs) were allowed access to all prisons. Local NGOs also had access to military detention centers; however, the visits by NGOs generally were announced well in advance.

In April 2007 a delegation of the UN Special Rapporteur on Torture visited prison, gendarmerie, police, and military detention facilities throughout the country without prior announcement and met with detainees. The special rapporteur stated that prisons were overcrowded. He noted evidence of ill-treatment by law enforcement officials, mainly inflicted during interrogation to obtain a confession, and that conditions in police custody and in most prisons amounted to inhumane treatment. He reported that soldiers at the military camp of Kara insulted and threatened the members of his delegation and prevented them from visiting cells inside the camp.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, the Government did not always respect these prohibitions.

Role of the Police and Security Apparatus.—The security forces consist of the army, navy, air force, national security service (including the national police and investigation bureau), and the gendarmerie. The police are under the direction of the Ministry of Security, which reports to the prime minister. The Ministry of Defense, which reports directly to the president, oversees the gendarmerie and military. Police and gendarmes are responsible for law enforcement and maintenance of order. However, the army, charged with external security by law, was in charge of domestic security. Approximately 80 percent of the army's officers and soldiers were from the previous and current presidents' ethnic group, the Kabye, which constitutes approximately 23 percent of the population.

Police generally were ineffective and corrupt, and impunity was a problem. Police often failed to respond to societal violence. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances. No progress was made in examining complaints from a collective of more than 100 victims of human rights abuses committed during the 2005 presidential election. In 2007 the victims were asked to pay 25,000 CFA francs (approximately \$50) to the court to move their cases forward. Some of the victims were unable to pay and withdrew their complaints. Others paid the requested fee but still saw no progress on their cases during the year.

In August 2007 newly recruited police agents randomly beat civilians in an area of Lome; young men in the area had beaten a policeman a day earlier. The chief of police stated that the perpetrating police agents, as well as the men who beat

the policeman, would be arrested and prosecuted. However, by year's end there was no new information available on the case.

In October the military trained about 40 senior and junior officers and subordinates under the theme "the role of the armed forces in the promotion and protection of human rights."

Arrest and Detention.—The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants; however, persons were detained arbitrarily and secretly. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention, but authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge.

A number of persons detained in 2005 continued to be held without trial in Lome Central Prison, including suspected critics of the Government. Most reportedly were tortured or mistreated during the first few days of detention, according to AI's 2007 report. An accurate count of the detainees was not available. During the year a domestic newspaper reported that six persons detained in 2005 in connection with election-related violence remained in prison, although the Government continued to claim that there were no political prisoners.

As during the previous year, the Government made some effort to clear the backlog of criminal cases by providing free legal services for 67 prisoners and preparing for trial 94 cases of pretrial detainees.

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Almost 80 percent of inmates were pretrial detainees.

On April 27, the 48th anniversary of the country's independence day, the president released 297 prisoners who had served three quarters of their sentences.

e. Denial of Fair Public Trial.—Although the constitution provides for an independent judiciary, the executive branch continued to exert control over the judiciary, and corruption was a problem. Lawyers often bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed. A judicial reform process started in 2005 and intended to last until 2010 was significantly behind schedule.

There were three associations of magistrates in the country: the Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members were supporters of President Gnassingbe's party, the RPT. Judges who belonged to the pro RPT APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM or SMT often were assigned to second-tier positions. For example, the president of the Constitutional Court was the founder and leader of the APMT; in Lome, the presidents of the Supreme Court, Court of Appeals, and Court of First Instance were members of the APMT as were the public prosecutor and the attorney general. In Kara, the president of the Court of Appeals and the president of the Court of First Instance were members of the APMT.

The Constitutional Court is the highest court for constitutional issues while the Supreme Court is the highest court for civil judicial cases. The civil judiciary system includes the Supreme Court, appeals courts, and courts of first instance. A military tribunal exists for crimes committed by security forces; its proceedings were closed. The military court cannot try civilians. The military court does not accord military defendants the same rights as civilians.

Trial Procedures.—The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Defendants do not enjoy a presumption of innocence. Defendants have the right to be present at their trials. Trials were open to the public, juries were used, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. All defendants have the right to an attorney and the bar association provides attorneys for the indigent. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants have the right to access government-held evidence relevant to their cases, but in practice were denied that right.

In rural areas, the village chief or council of elders is authorized to try minor criminal and civil cases. Those who reject the traditional authority can take their

cases to the regular court system, which is the starting point for cases in urban areas.

Political Prisoners and Detainees.—The Government denied the existence of political detainees; however, six persons arrested after the 2005 election and affiliated with the opposition reportedly were being held in a prison near Kara, an area of strong RPT support. AI reported that dozens of persons were in detention following the election. Security forces sometimes moved political detainees to informal detention centers under the control of the military or RPT militia. Because the Government did not acknowledge any political detainees, it did not permit any organizations to have access to them.

Civil Judicial Procedures and Remedies.—Both the constitution and the law provide for civil and administrative remedies for wrongdoing, but the judiciary did not respect such provisions, and most citizens were unaware of them.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. In criminal cases, a judge or senior police official may authorize searches of private residences; in political and national security cases, security forces need no prior authorization.

Citizens believed that the Government monitored telephones and correspondence, although such surveillance was not confirmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government continued to restrict these rights. During the year the Government at times interfered with radio stations. Journalists and radio and television broadcasters practiced self censorship.

Although the Government did not officially censor individual expression, most persons practiced self-censorship because of past violent reprisals by government agents.

There was a lively independent press, most of which was heavily politicized, and some of which was highly critical of the Government. More than 25 privately owned newspapers were published with some regularity. The only daily newspaper, Togo Presse, was owned and controlled by the Government. The official media heavily slanted their content in favor of the Government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media.

International media were allowed to operate freely.

The station director of Radio Lumiere, who fled the country after a military detachment seized Radio Lumiere's broadcasting equipment in 2005, remained in self-exile. Radio Lumiere resumed broadcasting under another director in 2005, but in July the High Authority of Audiovisuals and Communications (HAAC) suspended all live debates on the station.

The Government-owned Togo Television was the only major television station. Eight smaller television stations operated during the year-four covering sports or religion, two private political stations and two independent political stations-but broadcast only to limited geographic areas. TV7, an independent station, also carried weekly political debates through the program "Seven on Seven," a weekly political forum in which governing and opposition party leaders, human rights organizations, and other observers participated in discussions of political issues and expressed either criticism or support for the Government. La Chaîne du Futur, a private station similar to TV7 created during the year, reported positively on the ruling government.

The constitution established the HAAC to provide for freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice the HAAC operated as an arm of the Government.

According to the NGO Committee to Protect Journalists, on February 19, the HAAC issued a ruling banning all editorials and commentary by journalist Daniel Lawson-Drackey from private radio station Nana FM; the ban continued at year's end. In February 2007 the president of the HAAC temporarily had banned radio Nana FM from broadcasting commentary by journalist Daniel Lawson-Drackey that criticized the minister of territorial administration.

In January 2007 the president of the HAAC closed Radio Victoire for ignoring two warnings to stop airing a program that French journalist Jacques Roux presented. The program criticized the chairman of the football federation. The HAAC stated

that the French journalist had no accreditation and was insulting authorities on air. The ban lasted for 15 days.

In June 2007 the HAAC temporarily suspended three newspapers: *La Trompette* for four months for disrespecting its authority and for refusing to publish a right of reply, *Le Perroquet* for two months for publishing false news and for refusing to respect the press code, and *Le Courrier de la Republique* for three months for refusing to publish a right of reply.

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

Academic Freedom and Cultural Events.—The Government intimidated academics by maintaining a security force presence at the University of Lome. According to students and professors, a government informer system continued to exist and undercover gendarmes attended classes.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, the Government generally restricted this right, although less than in previous years.

In March the Government denied applications for permits from the Togolese Consumers Association to protest the high cost of living.

On April 15, military police used tear gas to disperse a group of retired military members who were protesting the nonpayment of pension arrears from 2000.

On April 16, a paratroop brigade broke up a group of students protesting the condition of the University of Kara. Several injuries were reported.

In February 2007 the Government published new rules for political demonstrations. The rules provide that, in compliance with the Global Political Agreement (which provided for a transitional unity government to prepare for legislative elections), and to preserve public order, political parties must hold their public demonstrations on a Saturday or Sunday and must notify the Ministry of Security and the Ministry of Territorial Administration 72 hours prior to the planned demonstration. No notification is required for rallies on private property.

In August 2007 the Government banned street demonstrations planned by several opposition parties, including the UFC, ADDI, and UDS-Togo. The Government stated that the demonstrations aimed to block preparations for the legislative elections.

In October 2007 security forces used tear gas to disperse a group of UFC activists attempting to invade the CENI office after a meeting that the party held at Freau Jardin, a local plaza. The UFC and the media reported that security forces beat, brutalized, and insulted demonstrators; an estimated 10 persons were injured and 25 arrested.

Freedom of Association.—Under the constitution and law, citizens have the right to organize associations and political parties, and the Government generally respected this right.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right.

The Government recognizes three main faiths as state religions: Roman Catholicism, Protestantism, and Islam. Other religious groups, such as animists, Mormons, and Jehovah's Witnesses, were required to register as associations. Official recognition as an association affords the same rights that the official religious groups enjoy.

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

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government restricted some of these rights in practice. Checkpoints with armed security personnel and arbitrary searches of vehicles and individuals were common. Security forces frequently demanded bribes, which impeded freedom of movement. While the Government reduced the number of official checkpoints to four countrywide during the year, there were many unofficial checkpoints, at which security forces solicited bribes.

On August 28 and August 30, two parliamentarians were prohibited from departing the country because they did not have written permission from the president of the National Assembly; written permission for parliamentarians to travel is not required by law.

The constitution prohibits forced exile, and the Government did not employ it. However, several opposition and human rights workers remained in self-imposed exile because they feared arrest.

Of the 40,000 citizens who fled as refugees to Ghana and Benin following election-related violence in 2005, most had returned due to government outreach and facilitation agreements signed between the Government, UNHCR and the Governments of Benin and Ghana. Approximately 4,600 refugees remained in Ghana and Benin at year's end.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum.

A voluntary repatriation program for 508 Ghanaian refugees remained unimplemented because of continuing unrest and instability in Ghana along the Togo-Ghana border. An unknown number of additional Ghanaian refugees arrived during the year. Some of these refugees have been integrated into society and no longer receive assistance.

The Government also provided temporary protection to approximately 420 individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right partially through legislative elections in October 2007 declared to be generally free and fair by the international community. However, the National Assembly exercised no real oversight of the executive branch of the Government. In 2005 Faure Gnassingbe was declared president in an election characterized by international observers as marred by severe irregularities and violence, including the deaths of an estimated 500 persons.

After the October 2007 elections, the National Assembly comprised three political parties, although cabinet members were drawn largely from the party of the president. The Government remained highly centralized. The national government appoints officials and controls the budgets of government entities at all levels, including prefectures and municipalities, and influences the selection of traditional chiefs.

Elections and Political Participation.—In October 2007 citizens voted to elect the 81 members of the National Assembly in 31 electoral districts, choosing from 2,000 candidates who ran on 395 party lists. International and national observers monitored the elections and declared them to be generally free, fair, transparent, and peaceful.

On October 23, CENI announced that the ruling RPT had won 50 seats, the UFC 27 seats, and the Action Committee for Renewal (CAR) four seats. The Constitutional Court, which is the final arbiter of all electoral issues, concurred and issued definitive results on October 30.

A new government was appointed on September 15 after the resignation of Prime Minister Komlan Malé following the completion of his mandate.

In August the Government prohibited two opposition parliamentarians from leaving the country because they did not notify the president of the National Assembly. Both submitted their letters and were allowed to leave several days later.

There were nine female members of the National Assembly and four female ministers in the 28-member cabinet.

Members of the southern ethnic groups remained underrepresented in both the Government and military.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. For example, in 2007 the CAC levied allegations of corruption against the director general of the Social Security Agency, who remained in his position at year's end.

According to the Government's official interim poverty reduction strategy paper, prepared in April, corruption and lack of transparency in the management of public funds was a problem throughout the Government. The constitution provides for the creation of a court of accounts to oversee public expenditures; however, the Government had not established it by year's end.

Officials were not subject to financial disclosure laws.

Although the press code provides for public access to government information, the Government did not permit access for either citizens or noncitizens, including foreign media. Reasons for denial were not given.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative but typically were not responsive to NGO recommendations.

There were several domestic private human rights groups, including the Togolese League of Human Rights, the Center for Observation and Promotion of the Rule of Law, and the Togolese Association for the Defense and Protection of Human Rights. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights groups to become inactive.

The Government met with some domestic NGOs that monitor human rights but took no action in response to their recommendations. In 2006 AI and other international NGOs criticized the Government for failing to bring to justice those involved in election-related violence during 2005.

The Government generally cooperated with international governmental organizations and permitted visits by UN representatives or other organizations such as the International Committee of the Red Cross.

In April 2007 a delegation of the UN Special Rapporteur on Torture visited prison, gendarmerie, police, and military detention facilities without prior announcement throughout the country and met with detainees. The special rapporteur stated that prisons were overcrowded. He noted evidence of ill-treatment by law enforcement officials, mainly inflicted during interrogation to obtain a confession, and noted conditions in police custody and in most prisons amounted to inhumane treatment. He reported that soldiers at the military camp of Kara insulted and threatened the delegation and prevented it from visiting cells inside the camp.

A permanent human rights committee exists within the National Assembly, but it did not play any significant role in policymaking and was not independent of the Government.

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

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively.

Women.—The law criminalizes rape and provides for prison terms of five to 10 years for anyone found guilty of the crime. The prison term is 20 years if the victim is a child under 14, is gang-raped, or if the rape results in pregnancy, disease, or incapacitation lasting more than six weeks. The law does not specifically outlaw spousal rape. Although the Government was diligent in investigating and prosecuting reports of rape, victims were reluctant to report it because of the social stigma associated with being raped. Rape was thought to be a widespread problem throughout the country.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be a widespread problem. According to a local NGO, 614 women in Lome reported being victims of domestic violence during the year. Police generally did not intervene in abusive situations, and women were not made aware of the formal judicial mechanisms designed to protect them.

The law prohibits prostitution, including operating a brothel, and provides for fines of up to one million CFA francs (approximately \$2,200) for brothel owners and panderers. Prostitution in Lome was fairly widespread since economic opportunities for women were severely limited. Several prostitutes in Lome reported that they had to pay security forces to pass through certain parts of town; this payment most often took the form of sex or bribes. Members of the security forces raped prostitutes who protested the payment. The Government did not act to stop this practice.

A presidential decree, issued in 1984, prohibits sexual harassment and specifically mentions harassment of female students; however, authorities did not enforce the decree.

Although the law declares women equal under the law, women continued to experience discrimination, especially in education, pension benefits, and inheritance, as a consequence of traditional law, which applies to the vast majority of women. A husband legally can restrict his wife's freedom to work or control her earnings. In urban areas women and girls dominated market activities and commerce; however,

harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The labor code requires equal pay for equal work, regardless of gender, but this provision generally was observed only in the formal sector. There are no restrictions on women owning property. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny was practiced. Otherwise, women can own property with no special restrictions. Women did not experience economic discrimination in access to employment, credit, or managing a business.

During the year the Ministry of Social Affairs and Promotion of Women, along with independent women's groups and concerned NGOs, continued to campaign to inform women of their rights.

Children.—Although the law provides for the protection of children's rights, government programs often suffered from a lack of funding, materials, and enforcement. According to the year's budget, 4.2 percent of the national budget was allocated to education.

There were many practices that discriminated against children, especially girls. A private radio station, Radio Zephir, sponsored by the NGO Plan International, broadcast a weekly program for children titled "Children Also Have Rights."

In July 2007, the Government put into effect the country's first Child Code. The code provides for the protection of children's economic, psychological, and moral rights and includes national and international standards intended to protect children. The code prohibits child trafficking, child prostitution, child pornography, the employment of children in armed conflict, and other worst forms of child labor, including the selling of children for sexual exploitation, forced labor, or servitude. As a result of this code, during the year, hundreds of children were released from service as assistants to traditional healers.

The Government provided education in state schools, and school attendance is compulsory for both boys and girls until the age of 15. On October 1, the Government announced that public nursery schools and primary schools would be free. According to the UN Children's Fund (UNICEF), although 92 percent of boys and 85 percent of girls started primary school only an estimated 58 percent of boys and 41 percent of girls finished primary school. For secondary school, the net enrollment was 34 percent for boys and 12 percent for girls, but only 19 percent of boys and 9 percent of girls completed secondary school.

Orphans and other needy children received some aid from extended families or private organizations but little from the Government. There were social programs to provide free health care for poor children.

Child abuse was a widespread problem. Although the law explicitly prohibits sexual exploitation of children and child prostitution, the Government did not effectively enforce the prohibitions. The Government continued to work with local NGOs on public awareness campaigns to prevent exploitation of children.

The law prohibits FGM; however, according to UNICEF, FGM continued to be perpetrated on approximately six percent of girls. Although no statistics were available, the Government and NGOs believed the practice had decreased significantly in urban areas since the 1998 anti-FGM law was passed but continued as previously in rural areas. The most common form of FGM was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. Penalties for practitioners of FGM range from two months to five years in prison as well as substantial fines. However, the law rarely was applied because most FGM cases occurred in rural areas where victims generally were unaware of their rights. Traditional customs often took precedence over the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM and worked to create alternative labor opportunities for former practitioners.

Trafficking in Persons.—The law prohibits trafficking in children but not adults; however, persons were trafficked to, from, and within the country. The Government had little or no funding to investigate traffickers. Police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. Detained traffickers often can pay a bribe to secure their release; however, during the year ten traffickers were arrested, and all remained in prison at year's end.

Government agencies involved in antitrafficking efforts included the Ministry of Social Affairs and Protection of Women, the Ministry of Health, the Ministry of Security, the Ministry of Justice, the Ministry of Labor, and the security forces (especially police, army, and customs units). The Government cooperated with NGOs and

the Governments of Ghana, Benin, and Nigeria under a quadripartite law allowing for expedited extradition among those countries.

The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were victims of trafficking. Trafficking in women for the purpose of prostitution or forced labor as domestic servants was a problem.

Trafficking occurred throughout the country. The majority of trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicity and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Children often were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing and signed parental authorizations transferring their children to the custody of the trafficker.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Most trafficking occurred internally, with children trafficked from rural areas to cities, primarily Lome, to work as domestics, produce porters, or roadside sellers. The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Nigeria, and Gabon; to Europe, primarily France and Germany; and to the Middle East, including Lebanon and Saudi Arabia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work to Cote d'Ivoire, Nigeria, and Benin, and to Gabon for domestic servitude and street labor. They were fed poorly, clothed crudely, cared for inadequately, given drugs to work longer hours, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The 2005 Law for the Repression of Child Trafficking provides for prison sentences and fines for anyone who recruits, transports, hosts, or receives trafficked children, as well as prison sentences for parents who willingly facilitate the trafficking of their children. The law provides for prison sentences from three months to 10 years and fines ranging from one to 10 million CFA francs (approximately \$2,200 to \$22,000) for traffickers of children or their accomplices. Anyone who assists or provides information, arms, or transportation to facilitate the trafficking is considered an accomplice.

There were no reports that governmental authorities or security force members facilitated or condoned trafficking in persons. There were no reports that border guards, customs or immigration officials, labor inspectors, or local police received bribes from traffickers, although it was possible given the high level of corruption.

The Government, along with international and local NGOs and some diplomatic representatives, continued to train judges, security forces, and local volunteer committees on the 2005 antitrafficking law and other existing texts; by year's end approximately 100 members of the security forces had received such training.

Trafficking occurred at both official points of entry and covertly at unrecognized, unmonitored border crossing points.

Local volunteer committees investigated reports of trafficking. The ministries of education, interior, and social affairs worked with the International Labor Organization (ILO) to establish approximately 300 antitrafficking committees in 2007.

The National Committee for the Reception and Social Reinsertion of Trafficked Children is the focal point for statistics on child trafficking and is represented in each prefecture. The committee worked with local officials to reintegrate returned trafficking victims, and during the year assisted in the repatriation of 55 trafficking victims, including 52 children. Most of these children were reintegrated into their communities.

The Government provided only limited assistance for victims, primarily because of a lack of resources. The NGO *Terre des Hommes* assisted recovered children until their parents or other next of kin could be notified. Assistance was also available from the Government-funded Social Center for Abandoned Children. The center sends recovered children to school or finds apprenticeships for them. CARE International-Togo worked with NGOs including *Terre des Hommes*, *La Colombe*, *RELUTET* and *Ahuefaon* reintegration of trafficked children, awareness campaigns for parents and communities, keeping children in school, and supporting women's income-generating activities.

During the year local officials, especially the Ministry of Social Affairs, worked closely with numerous NGOs, including Plan Togo, the World Association for Orphans-Afrique, CARE International-Togo, and Terre des Hommes, to conduct public awareness campaigns and training workshops for lawyers, journalists, judges, NGO representatives, and security personnel. The ILO and UNICEF assisted the Government in organizing and training regional and local committees and in sensitizing and educating parents on the dangers of child trafficking and labor throughout the country. On June 17, the president presided over a day-long workshop that analyzed different aspects of trafficking in persons.

Persons With Disabilities.—A law enacted in 2005 prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, but the Government did not effectively enforce these provisions. There was no overt government discrimination against persons with disabilities, and some held government positions, but societal discrimination against persons with disabilities was a problem. The Government does not mandate accessibility to public or private facilities for persons with disabilities, although some public buildings have ramps. Although the law nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance.

National/Racial/Ethnic Minorities.—The relative dominance in private sector commerce and professions of members of southern ethnic groups, and the relative prevalence in the public sector and especially the security forces of members of the former and current presidents' Kabye and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: the RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

Other Societal Abuses and Discrimination.—A 2005 law prohibits discrimination against persons infected with HIV/AIDS. The Government sponsored broadcasts aimed at dissuading discrimination. However, persons infected with HIV/AIDS continued to face significant societal discrimination.

There was also societal discrimination based on sexual orientation. Homosexuality is illegal. The penal code provides that a person who engages in a homosexual act may be punished by one to three years' imprisonment and fined 100,000 to 500,000 CFA francs (approximately \$220 to \$550).

Section 6. Worker Rights

a. The Right of Association.—The constitution and law provide workers, except security forces (including firefighters and police), with the right to form and join unions, and they exercised this right in practice.

Approximately 60 to 70 percent of formal sector workers were union members or supporters.

The constitution and law provide most workers with the right to strike, including for members of the security forces and government health workers, although the latter must ensure minimal services. The 2006 labor code prohibits retribution against strikers by employers. However, in July, after a strike of five hours and 30 minutes by the employees of the national phosphate company, Societe Nouvelle des Phosphates du Togo, nine of the strikers were fired.

In January health workers went on strike to protest work conditions. The minister of health promised to meet their conditions; however, nothing was done, and the health workers went on strike again in September. As a result of the September strike some of the strikers' conditions were met; some received overtime pay from 2007, and others were promised "risk pay" for performing dangerous activities.

In September 2007 the Government responded to a threatened strike by agreeing to pay arrears on civil servant salaries and on pension payments for retired public and private sector workers.

b. The Right to Organize and Bargain Collectively.—The constitution and the labor code nominally provide workers the right to organize and bargain collectively; however, the Government limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing

numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Ministry of Labor failed to enforce the prohibition against antiunion discrimination.

The law provides exemptions from some provisions of the labor code, notably the regulations on hiring and firing for companies in the EPZs. Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers. Workers in the EPZs were prevented from exercising freedom of association, because unions did not have free access to EPZs or the freedom to organize workers there.

c. Prohibition of Forced or Compulsory Labor.—The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred. Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers.

Forced or compulsory labor by children was a problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code prohibits the employment of children under the age of 15 in any enterprise, prohibits children under age 18 from working at night, and requires a daily rest period of at least 12 hours for all working children. However, the Government did not effectively enforce child labor laws, and child labor was a problem. Some children started work at age five and typically did not attend school for most of the school year.

Children are found working in both rural and urban areas, particularly in family-based farming and small-scale trading. In some cases children worked in factories.

For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor enforced these age requirements, but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as 12,500 to 17,500 CFA francs (\$28 to \$39).

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery.

There were credible reports that Nigerian women and children were trafficked through the country to Europe, particularly to Italy and the Netherlands, for the purpose of prostitution.

The Ministry of Social Affairs and Promotion of Women was responsible for enforcing the prohibition of the worst forms of child labor. In July 2007 the National Assembly adopted the Child Code that prohibits the employment of children in the worst forms of child labor, including child trafficking, child prostitution, child pornography, and the use of children in armed conflict. Due to limited resources, the enforcement of child labor laws was weak. The ministry funded a center for abandoned children and worked with NGOs to combat child trafficking.

e. Acceptable Conditions of Work.—The Government sets minimum wages for different labor categories, ranging from unskilled through professional positions. There was no minimum wage for workers in the informal sector. In practice employers often paid less than the official minimum wage, mostly to unskilled workers. In August the Government raised the official monthly minimum wage from 10,000 to 16,000 CFA francs (approximately \$22 to \$36) to 28,000 francs CFA (\$62). However, the new wage did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor and Social Security is responsible for enforcement of the minimum wage system, especially in the private sectors, but did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally are not to exceed 40 hours per week; at least one 24-hour rest period per week is compulsory, and workers are expected to receive 30 days of paid leave each year. Working hours for employees in the agricultural sector are not to exceed 2,400 hours per year (46 hours per week). The law requires overtime compensation, and there are restrictions on excessive overtime work; however, the Ministry of Labor's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the ministry's enforcement of the various provisions of the labor code was limited. Large enterprises are

obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not. Although workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs, in practice some could not do so. Labor laws also provide protection for legal foreign workers.

UGANDA

Uganda, with a population of 30 million, is a constitutional republic led by President Yoweri Museveni of the dominant National Resistance Movement (NRM) party. The 2006 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities. Violence in the Karamoja region was fueled by an influx of small arms and resulted in deaths and injuries. Lord's Resistance Army (LRA) terrorist leader Joseph Kony refused to sign a final peace agreement mediated by the Government of Southern Sudan; however, there were no reports of LRA attacks or kidnappings or reports of government killings of suspected LRA rebels within the country during the year. On December 14, the Governments of Uganda, Southern Sudan and the Democratic Republic of Congo (DRC) launched a joint military operation against the LRA, which was based in the DRC's Garamba National Park; the operation was ongoing at year's end. While civilian authorities generally maintained effective control of the security forces, elements of the security forces occasionally acted independently of government authority.

The Government's human rights record remained poor. Although there were improvements in a few areas, serious problems remained, including unlawful killings by security forces; mob violence; torture and abuse of suspects by security forces; poor prison conditions; official impunity; arbitrary arrest; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, assembly, association, and religion; sexual abuse of internally displaced persons (IDPs) in camps; restrictions on opposition parties; electoral irregularities; official corruption; violence and discrimination against women and children, including female genital mutilation (FGM) and sexual abuse of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; restrictions on labor rights; and forced labor, including child labor.

The LRA, which relocated to the DRC in 2005, was responsible for killing, raping, and kidnapping hundreds of persons in the DRC, Central African Republic (CAR), and Sudan. The LRA continued to hold children it had forcibly abducted from Uganda.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces were responsible for killings during apprehension and for deaths in custody, some due to torture. The Government generally punished perpetrators appropriately.

On January 20, Special Police Constables (SPCs) Simon Kirabira and Peter Serukwaya killed Jovina Busulwa and Patrick Maale Sentumbwe while trying to arrest a suspect in Nansana, a Kampala suburb. Eyewitnesses reported that the SPCs shot indiscriminately into the suspect's home. An investigation into the incident was ongoing at year's end.

On September 26, the Kampala High Court found SPCs Moses Byansi, Jackson Kashaija, Mesach Tumuhairwe, Nathan Karungi, George Lwali, and John Rungulu guilty of the March 25 killing of Edward Nyamwihura, a suspect in the killing of a resident of Nalukonge Kyankwanzi village in Kiboga District; all six were sentenced to death.

On September 16, Uganda People's Defense Forces (UPDF) soldiers Muzamir Angufi, John Opio, Martin Menya, and Edward Pyenkya tortured to death Muron Lomunan, the Local Council I chairman of Lokitaleb Village, during a cordon and search operation in Kotido District, Karamoja region. On October 13, the Kotido District Third Division Court Martial sentenced each of the four soldiers to 12 years' imprisonment and dismissed them from the army with disgrace. On October 15, the court martial sentenced Lieutenant Richard Watum to 14 years' imprisonment for ordering the torture and dismissed him from the army.

During the year several security force members were punished for 2007 and 2006 killings. For example, on January 22, the Moroto District Third Division Court Mar-

tial found UPDF private John Achilam guilty of killing a civilian during a cordon and search operation in November 2007. He was sentenced to six months in prison.

On February 29, the Moroto District Third Division Court Martial found UPDF Presidential Guard Brigade (PGB) member Zepha Muhumuza guilty of killing Rukia Nandago, Collins Nabende, and Moses Kiwani in April 2007. Muhumuza was sentenced to death.

On June 28, the Gulu District Fourth Division Court Martial found UPDF soldiers Michael Ocwir, Richard Baguma, and Geoffrey Lubwama guilty of killing suspected chicken thieves Wilfred Kinyera and Joel Orem in 2006. All three were sentenced to death.

Several 2007 cases involving security force killings remained ongoing at year's end, including the trial of Peter Ahimbisibwe, who was arrested for the April killing of presidential office official Nelson Ssendegeya; the May death of Faizal Kirunda from injuries inflicted by authorities at the Malukhu Prison in eastern Uganda; the October killing of suspect Ronald Bukyayanga by three Nabbingo SPCs; the October killing of Rogers Mugenyi by a Kampala traffic police officer; and the October rape and killing of a woman by UPDF soldier Ochen Obonyo.

Local Defense Unit (LDU) members were responsible for killings during the year. For example, on July 2, LDU member Kenneth Albino killed civilians David Olah, Ismail Okello, and Obina Torit in a nightclub following a quarrel over a woman in Omiya-Nyima IDP camp, Kitgum District. On July 15, police arrested Albino, who pled guilty to three counts of murder before a court martial in Kitgum. The case was pending at year's end.

Murusi Katusabe, an LDU member arrested for the April 2007 killing of two civilians, remained at large.

Mob attacks against persons suspected of committing crimes resulted in deaths. Witnesses rarely cooperated with police, making investigation of such incidents difficult.

For example, on July 10, a mob in Mukono District burned to death Alex Sendawula, who had reportedly tried to steal a bicycle in Lugazi Town.

On September 10, a mob in Luweero District burned to death suspected thieves Godfrey Matovu, Yusuf Kasozi, and Fred Kiwanuka. On October 1, police arrested Musa Mungomaon for suspected involvement in the incident, and the case remained pending at year's end.

There were no developments in 2007 cases of mob violence.

In the Karamoja region, there were fewer interclan cattle raids between Karamojong tribes in the east; however, violence in the region continued. Deaths from cattle raids, the UPDF's response to those raids, and the Government's forced disarmament campaign resulted in 74 deaths during the year, according to UPDF records. In October the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that incursions of illegally armed Karamojong in neighboring districts decreased during the year, which OCHA attributed to the deployment of police units to the area to prevent cattle theft.

While there were no reports of LRA attacks within the country during the year, the group killed numerous persons in the DRC, CAR, and Sudan. For example, on June 6, an LRA attack on the Sudanese People's Liberation Army (SPLA) resulted in the deaths of 14 SPLA soldiers and nine civilians. Between September 4 and 5, rebels killed two residents of Dimba, DRC, and raped 16 women from the village.

b. Disappearance.—There were no reports of politically motivated disappearances during the year; however, some disappearances from earlier years remained unresolved. The Forum for Democratic Change (FDC) reported that the whereabouts of party member Robert Mugenyi, who disappeared in 2006, remained unknown at year's end.

There were no reports of LRA abductions in northern Uganda; however, an estimated 5,000 of the 40,000 children and young adults abducted by the LRA in previous years remained unaccounted for, according to the international nongovernmental organization (NGO) Save the Children. The LRA continued to abduct children and adults in the DRC, CAR, and Sudan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were credible reports that security forces tortured and beat suspects, and that detainees died as a result of torture. Torture generally occurred in unregistered detention facilities and was intended to force confessions. The Uganda Human Rights Commission (UHRC) received 197 complaints of torture during the year.

The UHRC, Human Rights Watch (HRW), the Foundation for Human Rights Initiative (FHRI), and other human rights organizations reported incidents of torture by security forces, including caning; severe beating with rifle butts, sticks, and elec-

tric cables; removal of fingernails; hammering needles into the body; electric shock; use of snakes, ants, and chemical substances; rape; and inflicting pain to the genitals. From January to August, the African Center for Treatment and Rehabilitation of Torture Victims (ACTV) registered 10 cases of torture against SPCs, eight against the UPDF and its Chieftaincy of Military Intelligence (CMI), and three against the Violent Crime Crack Unit (VCCU) or Rapid Protection Unit. Torture victims included political activists and detainees.

In October SPC Eric Kiirya shot and injured Masaba Bakari, who defied traffic police directives to stop in Mazulu village, Namutumba District. A police investigation was ongoing at year's end.

Police use of excessive force to disperse opposition politicians and demonstrators resulted in injuries. (See Section 2.b.)

For example, on June 10, in Kampala, police arrested, assaulted, and nearly stripped naked Kampala District Member of Parliament (MP) Nabilah Sempala for allegedly conducting an illegal rally in her district; Sempala was subsequently released. The Parliamentary Committee on Defense and Internal Affairs was investigating the case at year's end.

The UHRC tribunal made 19 rulings on torture cases from previous years, including awarding 20 million shillings (\$10,666) to Constable Sam Etimu Opio as compensation for the 2004 torture death by the defunct Arrow Boys, a paramilitary group, of his brother Richard Okello. During the year the tribunal also awarded 28 million shillings (\$14,776) to Charles Omony for having been tortured by UPDF soldiers in Gulu in 2003.

Mobs attacked persons suspected of stealing and other crimes, resulting in deaths and injuries. Motivated in part by lack of confidence in law enforcement and the judicial system, mobs beat, lynched, and otherwise mistreated their victims.

Prison and Detention Center Conditions.—Prison conditions remained harsh and frequently life threatening. In addition there were reports that security forces and guards tortured inmates, although the September FHRI report noted improved treatment of inmates by wardens and fewer incidents of corporal punishment. Unlike in the previous year, there were no reports that prison officials raped detainees. Forced labor in prisons countrywide remained a problem and resulted in one death during the year.

Prison conditions came closest to meeting international standards in Kampala, where medical care, running water, and sanitation were provided; however, these prisons also were among the most overcrowded. There were an estimated 26,000 prisoners in the prison system at the end of July, approximately three times the capacity. Severe overcrowding was also a problem at juvenile detention facilities and in female wings of prisons. The Kampala remand home, designed for 45 persons, held 131 children. The reception center, designed for 30 prisoners, held 63 juveniles under the age of 12. Serious problems in prisons outside of Kampala included congestion, inadequate staff, and lack of food, water, medical care, and bedding, although FHRI reported that access to medical care improved during the year, especially for HIV/AIDS patients in prisons in Lira, Apac, and Lusira.

Overcrowding, malnutrition, poor sanitation, disease, overwork, and lack of medical care resulted in 149 prisoner deaths nationwide, according to the Prisons Service.

On April 8, Isaac Apungia, an inmate at Amuria prison in northern Uganda, collapsed and died after he was subjected to harsh conditions on a prison farm. Apungia was reportedly forced to dig after he complained of health problems. A police investigation was ongoing at year's end.

On June 29, prisoners Geoffrey Akandwanaho, Fred Mugisha, and Ephraim Nankunda were found dead in Kiruhura prison. A Prisons Service investigation determined that severe overcrowding had caused all three to suffocate. No action was taken against prison authorities.

Female prisoners in central prisons were held in separate facilities; however, services and facilities for female prisoners in local prisons, including separate cells, were lacking in some parts of the country. The Prisons Service had no budget for pregnant women or mothers of infants, although the number of infants in female prisons increased during the year, according to FHRI. Due to lack of space in juvenile facilities, minors were held in prisons with adults. Pretrial detainees in Kampala prisons were separated from convicted prisoners, but pretrial detainees and convicted prisoners in the rest of the country were sometimes held together.

During the year the Government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local NGOs, principally FHRI and the Uganda Prisoners' Aid Foundation. However, authorities required advance notification of visits.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

Role of the Police and Security Apparatus.—The Uganda Police Force (UPF), under the Ministry of Internal Affairs, has primary responsibility for law enforcement. The UPDF is the key armed force charged with external security but has had partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks and to prevent violence resulting from interclan cattle raids in the Karamoja region. The Internal Security Organization (ISO) and External Security Organization (ESO), key security agencies and intelligence-gathering entities under the direct control of the president, occasionally detained civilians. The CMI, under UPDF authority although it often acted as a semi-autonomous unit, detained civilians suspected of rebel and terrorist activity, as did the ISO and ESO. LDUs reinforced government efforts to protect civilians from LRA attacks; they also sometimes participated in offensive military operations and carried out police functions.

The UPF continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Corruption and impunity were problems. Nineteen police officers faced charges of corruption, and their cases were pending at year's end. No police officers were discharged or dismissed for accepting bribes. The UPF Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers; torture and harassment; unlawful arrest and detention; abuse of office; irregular or discreditable conduct; and corrupt practices.

During the year the UPDF continued efforts to transfer responsibility for law enforcement in the north and in the Karamoja region to the UPF. In conjunction with the UHRC and international organizations such as the ICRC and the UN Office of the High Commissioner for Human Rights (UNHCR), the UPDF, and the police continued a training program to educate military officers on internationally recognized human rights standards. In April 500 UPDF soldiers and 173 police officers attended human rights information sessions. During the year 25 UPDF instructors and legal officers, including military media and medical staff, attended the seventh two-week "Training of Trainers" course in Jinja. The police, UPDF, and Prisons Service also used human rights manuals in their training programs.

LDUs, which were poorly equipped and trained, were responsible for numerous human rights abuses.

Arrest and Detention.—The law requires that judges or prosecutors issue search warrants before arrests are made; however, in practice, suspects often were taken into custody without warrants. Until March 26, when the Constitutional Court nullified the provision, the law required suspects to be charged within 48 hours of arrest; suspects frequently were held longer. Suspects arrested under the Antiterrorism Law must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail at the discretion of the judge, and bail was generally granted with stringent conditions. Detainees are required by law to have access to a lawyer; however, many went without legal representation. Indigent defendants accused of capital offenses are provided attorneys at state expense. The law provides for family visitation, but incommunicado detention remained a problem during the year.

Mass arrests during police sweeps for criminals remained a problem, as did arrests based on treason charges. Treason suspects were subjected to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. The Prisons Service held 33 pretrial treason suspects during the year. The UHRC received 72 complaints during the year from persons who claimed they were arbitrarily arrested, 13 of which were confirmed by the UHRC tribunal. The Government paid compensation to victims of arbitrary arrest during the year, but government compensation was often slow in coming. On April 23, UHRC Chairperson Margret Sekaggya petitioned parliament to establish a national fund to pay victims; past compensation payments have been made from general government funds administered by the Ministry of Justice and Constitutional Affairs.

Human rights groups reported that civilians were detained in military facilities and unregistered detention facilities known as safe houses. Human rights groups continued to receive credible allegations that CMI ordered detainees held incommunicado at police stations or in so-called safe houses. According to the FHRI, the CMI held two civilians incommunicado during the year, one of whom died; the Joint

Antiterrorism Task Force held 14 incommunicado. None of the detainees had been released by year's end.

Police arbitrarily arrested activists and demonstrators during the year. (See Section 2.b.)

No action was taken in the 2006 case of Muwanga Kivumbi, the national coordinator of Popular Resistance Against Life Presidency, who was arrested, interrogated for seditious remarks, and released.

Case backlogs in the judicial system contributed to pretrial detentions of between two and three years but sometimes as long as seven years. The Prisons Service reported that over half of its 29,000 inmates were pretrial detainees. The UHRC heard several cases brought by prisoners challenging the length of their detention. In May the Government appointed 12 judges to expedite adjudication, following notification by parliament's Internal Affairs Committee that 29 inmates at the Kigo Prison in Kampala were on remand for over five years for lack of judges to hear their cases. Judges on circuit rides to the north heard 331 of the 384 cases before them resulting in the release of 103 prisoners during the year.

In October CMI denied reports that 300 UPDF soldiers attached to the PGB had been detained without charge for one to five years in Luzira, Makindye, and Katabi prisons.

Amnesty.—The Government has offered a blanket amnesty since 2000 to former combatants for treason charges to encourage defection from the LRA and other rebel groups. Almost 23,000 individuals benefited from the law since its implementation, over half of whom were former LRA combatants.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of parliament. The president also nominates, for the approval of parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the Government on several high-profile cases during the year. Lower courts remained understaffed, weak, and inefficient.

Judicial corruption was a problem, and in May the Judicial Service dismissed Gaster Mugoya, Mwanga II Court Chief Magistrate, for corruption and abuse of office.

The corruption case against Solicitor General Lucien Tibaruha and acting Director for Litigation Joseph Matsiko, who were indicted by the Inspectorate General of Government (IGG) in May 2007 for mismanaging cases that resulted in financial loss to the Government, remained pending. In June 2007 the High Court invalidated Tibaruha's indictment, but in September 2007 President Museveni ordered Tibaruha to vacate his office. Both Tibaruha and Matsiko remained out of office, despite the High Court's decision, at year's end.

The highest court is the Supreme Court, followed by the Court of Appeal, which also functions as the Constitutional Court, the High Court, magistrate's courts, and local council (LC) subcounty courts, parish courts, and village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases not involving children. Decisions made by LC courts can be appealed to magistrate's courts, but there often were no records at the village level, and some defendants were not aware of their right to appeal.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial. The military general court martial can try civilians charged with crimes listed under the UPDF Act.

On October 13, the Supreme Court reversed a lower court ruling that Henry Tumukunde, the former director of the ISO, had violated army rules and regulations when he criticized the Government and the army on radio talk shows. The Supreme Court noted that the lower court had ignored constitutional provisions of free expression and speech and provisions of the Parliamentary Elections Act on procedures to elect or remove army MPs from parliament. The Supreme Court directed the Government to pay Tumukunde the court costs of both suits, which were estimated at one billion shillings (\$560,000).

Trial Procedures.—An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but juries are not used. Defendants have the right to be present and to consult with an attorney in a timely manner, but cases may proceed without defendants in civil cases. The law requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants may confront or question witnesses against them and present witnesses and evidence on their behalf, but this right was not respected in practice. On March 8, the Constitutional Court ruled that suspected criminals have a right to demand the disclosure of documentary evidence the state intends to use against them before the start of their trial. The ruling struck down the practice of “trial by ambush.” However, the ruling stated that the right of disclosure is not absolute in highly sensitive cases. There is a presumption of innocence, and defendants have the right of appeal.

Political Prisoners and Detainees.—There were reports of a number of political prisoners and detainees during the year, but reliable statistics were unavailable.

On May 29, FDC opposition party members Asaph Ntanda, Yusuf Mukwate, Proscovia Naikooba, Cathey Ayebare, Olive Mbabazi, and Daniel Katumba were arrested on allegations of engaging in paramilitary training. All six were released on May 31 without charges. One week before the arrest, in Kawempe, the FDC held a workshop which the Government alleged was intended to teach young members how to overthrow governments by force; the FDC claimed the workshop was to mobilize young members.

Charges of treason remained pending in the High Court against FDC opposition leader Kizza Besigye and nine other FDC members; a hearing in the Constitutional Court on Besigye’s petition challenging the constitutionality of the treason charges was scheduled for December 2008. Besigye and five of the nine FDC members were released on bail and one died in 2007; the remaining four were released on bail during the year. The charge of unlawful possession of firearms against all but Besigye was pending at year’s end.

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. In the case of a human rights violation, there is access to the UHRC, which has the powers of a court under the constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal remedies. There were problems enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions and the Government generally respected these prohibitions. At times the police did not obtain search warrants, as required by law, to enter private homes and offices.

On December 22, a High Court judge ruled that the Government in 2006 had violated the privacy rights of Juliet Mukasa, chair of the Sexual Minorities of Uganda Group (SMUG). (See Section 5.)

The Antiterrorism Act authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The Government continued to monitor telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government at times restricted these rights, and the law criminalizes offenses by the media and limited the media’s ability to function effectively. The Government at times harassed and intimidated journalists, who continued to practice self-censorship.

Government officials used libel laws and cited national security as grounds to impede freedom of speech, and detained and interrogated politicians and activists who made public statements critical of the Government. The President’s Office reportedly monitored political talk show debates closely, and the Government occasionally attempted to block participation of opposition members on radio talk shows. Opposition politicians reported difficulties securing media outlets to convey their messages in Gulu and Hoima.

On March 31, Makindye West Parliamentarian Hussein Kyanjo was charged with sedition and promoting sectarianism. Kyanjo stated on an October 2007 radio talk show that President Museveni and other government officials used their positions

to displace persons in the Kisozi region and to promote hostility among the Baganda and the Balaalo ethnic groups. As with several other cases involving sedition charges, no further action was taken pending a 2005 petition filed by Andrew Mwenda, the managing editor of *The Independent* newspaper, challenging the constitutionality of the sedition law.

On July 18, Buganda Deputy Minister of Information Medard Seggona Lubega, Buganda Central Civic Education Committee Chairperson Betty Nambooze, and Minister for Information and Cabinet Affairs Charles Peter Mayiga were arrested and charged with sedition and promoting sectarianism; the three had publicly criticized the Government's proposed amendments to the 1998 Land Act. On July 23, a Kampala court ordered their release after no charges had been filed within 48 hours. On July 24, the police released and immediately rearrested Lubega, Nambooze, and Mayiga, for a new 48-hour detention period. On July 25, Lubega and Nambooze were charged with sedition and promoting sectarianism and released on bail; Mayiga was released on bond pending investigation. On August 13, a court in Kampala stayed the sedition charges against Nambooze and Lubega, pending a ruling on the sedition law.

The August 2007 case against Makindye East Parliamentarian Hussein Kyanjo for inciting public violence through seditious statements was pending in court at year's end.

The Government established a special committee in May to explore avenues for managing the media. Human rights groups criticized the action as a move to crack down on media freedom.

There were many privately owned publications and broadcast stations, and the independent media were generally active and expressed a wide variety of views, although they faced obstacles. Media laws require that journalists be licensed and possess a university degree in journalism or the equivalent. The law also grants the Media Council the power to suspend newspapers. The *Daily Monitor* and *The Weekly Observer* continued to publish articles critical of the Government despite pending sedition cases against members of their staff. The Government owned several daily and weekly newspapers.

Government restrictions on the press increased, but cases involving such restrictions were suspended during the year pending a Constitutional Court ruling on the 2005 petition challenging the constitutionality of the sedition law. On February 17, the Constitutional Court postponed the hearing of the 2005 petition on the law's constitutionality filed by Andrew Mwenda. The court ordered Mwenda and the East Africa Media Institute, which filed a similar petition challenging the sedition law in 2007, to submit a joint petition. The case was pending at year's end.

On January 29, former *Daily Monitor* editors Joachim Buwembo and Bernard Tabaire were charged with sedition for printing stories alleging that IGG Faith Mwendha made bogus salary claims. The case was stayed pending a ruling on the sedition law.

On April 26, police detained Mwenda, contributing editor Charles Bichachi, and reporter John Njoroge for publishing an article alleging UPDF atrocities during 2003 in the LRA conflict, including first-person accounts of torture in government safe houses. The three journalists, who were interrogated for three hours and released, were charged on May 9 with sedition. On May 23, a lower court suspended the trial pending a ruling on the sedition law.

The police forwarded one media case involving criticism of the state to the Media Council during the year; the council ordered the *Red Pepper* newspaper to apologize to former MP and conservative party leader Ken Lukyamuzi.

Independent television and radio stations that hosted opposition political candidates critical of the Government were sometimes subject to government interference. The Government continued to ban new radio stations in Kampala, reportedly because of limited available frequencies; however, the ban was widely disregarded without penalty.

The Government arrested, harassed, and assaulted radio and television journalists during the year.

For example, on January 14, police in Kabarole District arrested Life Radio station presenters Steven Rwagwer, William Gonza, Gerald Kankya, Joram Bintamany, and Prosper Busingye on allegations of threatening violence. The arrest followed critical comments the detainees had made about the Tooro Kingdom government on a radio talk show.

On August 27, police in Kampala harassed and assaulted Wavah Broadcasting Station journalists Francis Tumwekwazize and Timothy Sibasi, who were on assignment at Namboole Stadium in Kampala. The police accused the journalists of negative reporting about the police. On September 1, the journalists filed a petition with the UHRC, and an investigation was ongoing at year's end.

On January 8, Regional Police Commander Martin Abiru banned the Peoples' Rights and Awareness program on Life FM Radio because it had criticized Tooro Kingdom leaders. On March 14, the High Court in Kabarole District ruled that the show should be reinstated because the ban violated the constitutional provisions for free speech and expression. However, Life Radio owner, Pastor K.L. Dickson, suspended the show following pressure from the Government's local security forces in June. In October 2007 security agents allegedly poured acid on the station's radio transmitter after a controversial broadcast.

No action was taken against perpetrators in the March 2007 assault by security forces in Kampala of Sam Mateka of Simba FM, Richard Ssemakula of the Government-owned Bukedde newspaper, Charles Sekajja of Ddembe FM, and Chris Ahimbisibwe of the Government-owned New Vision; the journalists were covering the trial of People's Redemption Army (PRA) suspects. No action also was taken against security force members who raided Life Radio in October 2007.

Internet Freedom.—Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, at times the Government restricted access. The 2006 ban on access to radiokatwe.com, an antigovernment gossip Web site, remained in place. Access to the Internet continued to increase during the year, although only approximately 5.7 percent of the population used the Internet at least monthly due to lack of infrastructure.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom; however, research clearance was required in certain academic areas, such as history and political science, and was difficult to obtain.

In May the Media Council blocked the screening of two films—Watermelon Woman and Rag Tag—at a film festival in Kampala for perceived promotion of homosexuality.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law restricts freedom of assembly. As a result of a September 2007 declaration by the Ministry of Internal Affairs, police permits are required for all public meetings, demonstrations, and processions. On May 27, the Constitutional Court nullified section 32(2) of the Police Act, which had abolished the Government's requirement to obtain written permission before holding an assembly or demonstration of 25 or more persons and permitted the inspector general of police to stop a public rally, demonstration, or procession. However, on May 30, the Ministry of Justice and Constitutional Affairs appealed the court decision, which in effect stayed any action on the court's ruling.

Security forces forcibly dispersed and arrested demonstrators; unlike in the previous year, there were no reported deaths.

On February 12 and 13, following the Kampala City Council's decision to award a contract to develop the Kisekka market to a private company without consulting the market vendors association, Kisekka market vendors conducted another violent demonstration. Mobile patrol police armed with AK-47 rifles shot at the demonstrators, who began throwing stones and other objects. Four demonstrators were injured, and 14 were imprisoned. Three police officers were under investigation at year's end for use of excessive force. The city council subsequently invalidated the contract with the private company and agreed that the traders should be given first right to develop the market.

On June 10, Democratic Party (DP) members Domic Matovu Savio, Emmanuel Mugandusi, Samuel Mulindwa, Margret Wazemba, and Ben Kiwanuka were arrested and charged with emitting noise in excess of permissible levels, taking part in a riot, assault, and carrying arms during an "illegal" rally at their party headquarters. The DP members were released on bail, and the case was pending at year's end.

On August 6, police in Hoima District arrested 25 students of Mandela Secondary School for participating in a demonstration; the students were protesting the school's harsh punishments, banning of nightclubs, and other grievances. The suspects were charged with malicious damage to property and staging an unlawful demonstration. The case was pending at year's end.

On August 12, a parliamentary select committee opened investigations into allegations of police brutality following incidents in which parliamentarians were allegedly assaulted by police during "illegal" political rallies. ((See Section 1.c.) For example, on June 9, in Kampala, Rubaga South MP Susan Nampijja was injured from tear gas used by police to disperse a meeting that Nampijja had organized for Kibuye Market residents.

There were no developments in the following 2007 cases of forcible dispersion or arrest of demonstrators: the January unlawful assembly case against DP members Vincent Kabuubi, Deo Ssekitoleko, Fred Sebyoto, and Geoffrey Tomusange; the inquiry ordered by the inspector general of police, Major General Kale Kayihura, into

the death of a child as a result of Kampala police firing tear gas at FDC leader Besigye and 200 supporters during a March demonstration; the April arrests and subsequent release on bail of parliamentarians Beatrice Atim Anywar, Hussein Kyanjo, and 24 others during a demonstration against the proposed sale of the Mabira Forest Reserve; the June arrest and subsequent release of 12 students in Bugembe for unlawful assembly and rioting; and the July injury of five student demonstrators by three police officers, who were charged but not tried for the offence.

No action was taken against police officers responsible for injuring protesters during forcible dispersals of demonstrators in 2006.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected these rights.

On January 15, in response to NGO criticism and after consultation with civil society, the Government established a committee to review the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. Discussions were ongoing at year's end, and enforcement of the law was temporarily suspended.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice with some restrictions. The law requires religious groups and foreign missionaries to register with the Government under the same law as NGOs, and failure to register is a criminal offense; following NGO criticism, however, the Government established a committee to review the law, and enforcement was temporarily suspended. There were no reports of violence by the Government or its agents against religious groups, leaders, or individual members, but there were reports that the Government restricted worship by certain religious groups.

Local officials imposed minor restrictions on nighttime congregating to curb violence, criminal activity, and noise, which indirectly impeded the activity of some religious groups. Groups considered cults experienced extra scrutiny and restrictions.

On April 29, the Kamwenge District deputy resident commissioner ordered the arrest of 11 members of the Nyangakaibo cult. The suspects were charged with holding an illegal assembly on April 30 and remanded to prison. The case was pending at year's end.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination based on religious belief or practice, and prominent social leaders took positive steps to promote religious freedom. However, some members of traditional religious groups accused evangelical groups of practicing "witchcraft."

The Jewish community was very small, and there were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government at times limited these rights in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport. There were reports that government agents blocked the travel of opposition party members.

The country has no law on forced exile; however, the Government did not use forced exile during the year.

Internally Displaced Persons (IDPs).—Improved security in the north and the Government's launch of the Peace, Recovery, and Development Plan to rebuild infrastructure in the north encouraged the return of most of the 1.8 million persons displaced in the LRA-affected north by year's end. As of November, 39 percent of the original 1.1 million IDPs in the Acholi districts of Amuru, Gulu, Kitgum, and Pader had moved either to transit sites within commuting distance of their farms (30 percent) or to their villages of origin (41 percent). An estimated 437,000 IDPs in the LRA-affected north remained in camps at year's end. Insecurity in the Karamoja region continued to result in the displacement of non-Karamojong residents in neighboring districts.

While the Government and international humanitarian organizations provided assistance to IDPs in camps, health and living conditions remained precarious in areas of return, and many former IDPs, particularly women and children, were deprived of access to education, basic health care, safe water, and protection. Some landlords forcibly evicted IDPs. The Government continued to work with UNHCR and other international organizations to prepare IDPs to return to their home areas.

There were isolated reports that UPDF troops raped IDPs.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, asylum seekers, and other persons of concern.

The Government also provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government provides temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol; however, no individuals received such protection during the year.

During the year the Government assisted UNHCR in the voluntary repatriation of 46,984 refugees to Southern Sudan.

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

The constitution and law provide citizens with the right to change their government peacefully; however, the ruling party's domination of the Government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

Elections and Political Participation.—The 2006 presidential and parliamentary elections, the first multiparty general elections since President Museveni came to power in 1986, generally reflected the will of the people, although serious irregularities occurred. The police recorded 450 cases of violence during the electoral period. More than 100 election challenges were filed in the High Court and the Constitutional Court following the 2006 elections, including charges of bribery, intimidation, incidents of violence, multiple voting, and ballot stuffing. The High Court nullified the results of 18 elections. A total of 11 election appeals were pending before the Constitutional Court and nine at the Supreme Court at year's end. Five by-elections were held during the year to fill the seats declared vacant by the High Court in 2007; election monitors reported numerous irregularities.

The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 33 other parties were registered and allowed to function, although members of some parties were subject to political violence, and authorities sometimes restricted opposition parties' ability to meet or demonstrate. Political involvement was primarily concentrated within the elite. Membership in the NRM conferred greater access to government positions and resources.

There were no developments in the January 2007 case in which the Masaka District Court charged DP President John Sebaana Kizito and MPs Erias Lukwago and Issa Kikungwe with falsifying documents that implicated the Government in the 1987 murder of Andrew Kayiira, a former energy minister and leader of the defunct Uganda Freedom Movement.

There were 102 women in the 333-member parliament. Of these, 80 held seats designated for women. There were 14 female ministers in the president's 66-member cabinet. The deputy speaker, the deputy chief justice of the Supreme Court, and the IGG were all women.

The law requires elections through electoral colleges for the seats reserved for special interest groups in parliament: 80 seats were reserved for women; five for organized labor; five for persons with disabilities; five for youth; and 10 for the army, selected by the UPDF High Command and President Museveni.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government investigated offenders, but officials engaged in corrupt practices with impunity, and corruption was a serious problem. The Government selectively enforced financial disclosure laws. Government agencies responsible for combating corruption include the IGG, parliamentary accounting committees, the police Criminal Investigation Department (CID), the Office of the Auditor General, and the Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remained weak, and corruption cases remained pending for years.

On November 19, the IGG released the results of the third National Integrity Survey, which characterized corruption as so rampant that it was commonly viewed as a minor offense or none at all. New forms of corruption included syndicated efforts by groups of employees and others to defraud the Government. Among those rated

the most corrupt entities were the Kampala City Council, the electric company, and the police.

In August press reports exposed influence peddling, conflict of interest, and fraud in a land deal involving Minister of Security Amama Mbabazi and Finance Minister Ezra Suruma. The two ministers used their influence to pressure the National Social Security Fund (NSSF) to buy land and deposit the funds into a bank in which they both owned significant shares. The Parliamentary Committee on Commissions, Statutory Authorities, and State Enterprises held public hearings and recommended that the two ministers resign, repay the money, and that a new NSSF board be constituted. When the report reached the floor of parliament for debate, the attorney general said parliament had no right to enforce the leadership code. On December 4, President Museveni ordered the investigation of top NSSF managers David Chandi Jamwa and his deputy Mondo Kangoyera and an audit of NSSF transactions during their tenure.

During the year the CID charged several individuals in connection with the investigation of stolen money from the global fund to fight AIDS, tuberculosis, and malaria. On October 22, police in Kampala arrested Teddy Cheeye, director of economic affairs in the President's Office, over the mismanagement of 120 million shillings (\$63,993) of global fund money for HIV/AIDS vaccines. A court in Kampala found Cheeye guilty on eight counts of forgery, nine of making false entry, eight of uttering a false document, and one of embezzlement. Cheeye, who pled guilty to all counts, was remanded to Luzira Prison, and his case remained pending at year's end. On October 22, the same court convicted Fred Kavuma, the former production manager of Uganda Television, on 14 counts of misuse of global fund money and sent him to prison; his case remained pending at year's end.

The Parliamentary Committee on Public Accounts (PAC) continued to examine the June 2007 auditor general's report, which revealed that the Government lost a significant portion of its 2005–06 budget to loans not recorded, irregular procurements, payments to nonexistent public service staff, and other irregular transactions. A report of the findings of the committee was pending at year's end.

The Parliamentary Committee for Legal and Parliamentary Affairs continued to investigate the IGG's interventions in public tendering processes and allegations that her salary was higher than that to which she was entitled. The IGG had not appeared before the committee at year's end.

PAC findings in the November 2007 case involving Martin Odwedo, the permanent secretary of the prime minister's Office, and three others for failure to account for 1.3 billion shillings (\$776,000) had not been released at year's end.

In June the court exonerated deputy passport officer Chris Ongyero of 2006 charges of abuse of office and irregular conduct; Ongyero was reinstated to his former office.

On November 17, the Magistrates' Court in Kampala acquitted Uganda Muslim Supreme Council Mufti Sheikh Shaban Ramadhan Mubajje, his deputy, Sheikh Twaib Mukuye, and businessman Hassan Basajjabalaba of mismanaging council affairs in October 2006.

In September the National Council of Sports reported that staff members Nicholas Muramagi and Timothy Magala had refunded 14 million shillings (\$8,490) in connection with 2006 charges of fraud, forgery, and false accountability.

The 2006 case against Zoe Bakoko, the former minister of gender, labor and social affairs; former NSSF board chairman Geoffrey Onegi Obel; former NSSF director Leonard Mpuuma; and James Isabirye remained pending at year's end; all were charged with causing financial loss of more than eight billion shillings (\$4.5 million) and abuse of office. Onegi Obel, Mpuuma, and Isabirye remained on bail, and the arrest warrant for Bakoko, who reportedly fled the country, remained outstanding at year's end.

The law provides for public access to government information, and the Government provided such access in practice to citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active, independent domestic groups included FHRI, Human Rights Focus, Human Rights Network, Human Rights and Peace Center of Makerere University, the International Federation of Human Rights, the Justice and Peace Commission, the Uganda Journalist Safety Committee, the Uganda Prisoner's Aid Foundation, and the Uganda Association of Women Lawyers. Government officials continued to at-

tend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

On January 15, in response to NGO criticism and after consultation with civil society, the Government established a committee to review the 2006 NGO Registration Act, which requires most NGOs, including religious organizations, to renew their registration permits annually. Committee discussions were ongoing at year's end, and enforcement of the law was temporarily suspended.

The Government cooperated with international governmental organizations and permitted visits by UN representatives and organizations such as the ICRC.

The UHRC is a permanent independent body with quasi judicial powers, although the president appoints the UHRC's eight-member board. Under the law, the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including in the military and security, and had branches countrywide; however, the UHRC did not have adequate resources to investigate all complaints it received.

The Government continued bilateral discussions with the DRC on reparations that the International Court of Justice ordered it to pay to the DRC in 2005.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the Government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

Women.—The law criminalizes rape; however, the Government did not consistently enforce the law. Although the Government arrested, prosecuted, and convicted persons for rape during the year, the problem was underreported, and most cases were not investigated. Of the 477 rapes that police recorded, 115 were taken to court; there were no convictions.

Domestic violence against women, including spousal abuse, remained common, and reports of such incidents continued to increase. The law prohibits assault and battery with penalties of one to five years in prison depending on the seriousness of the assault; however, there are no laws that specifically protect women from spousal abuse. Many law enforcement officials viewed wife-beating as a husband's prerogative, as did the majority of the population, and rarely intervened in cases of domestic violence. According to a September 2007 report on the status of women by Akina Mama Wa Afrika, a local women's organization, 70 percent of women had been physically or sexually abused, and 60 percent of women had experienced physical violence by a husband or partner.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. The constitutional amendments approved by parliament in 2007 did not include a provision to abolish bride prices, despite 2003 recommendations to do so from civil society groups.

Prostitution is illegal but common. In April the Uganda AIDS Commission reported an increase in prostitution in some communities in the north and noted that teachers were taking up prostitution to supplement their salaries.

Sexual harassment was a common problem; although it was prohibited by law with penalties up to 14 years' imprisonment, the Government did not enforce the law effectively.

In May Makerere University set up committees to investigate complaints by female students that male lecturers coerced them into sexual acts for good grades.

A team from the Ministry of Health was deployed to Nakaseke to investigate allegations of sexual harassment that 30 nurses filed in October 2007 against a senior staff member in Nakaseke Hospital; no report had been issued by year's end.

Discrimination against women continued to be widespread, especially in rural areas where it was part of traditional culture. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygamy is legal under both customary and Islamic law, and, in some ethnic groups, men can "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, they did most of the agricultural work but owned only 7 percent of the agricultural land. Women experienced economic discrimination in access to employment, credit, pay, and in owning or managing businesses.

Eliminating gender inequality remained a high priority for the Government, which, in conjunction with NGOs and women's rights groups, sponsored workshops and training throughout the country to increase awareness of women's rights.

Children.—The Government was committed to improving children's welfare, and education received the largest percentage of the national budget. However, the Government did not effectively enforce laws protecting children, due in part to cultural norms.

According to Save the Children Uganda, only 4 percent of births were registered; however, this generally did not result in denial of public services.

On August 29, parliament passed a law that provides for free and compulsory education for the first seven years of primary school or through high school for underprivileged students. Students, except for the underprivileged, still had to pay for school supplies and some school costs, and many parents could not afford the school fees.

Several districts, including Tororo and Amuru, passed by-laws to punish parents who did not send their children to school. On July 25, police in Mbarara District arrested one hundred parents for failure to take children to school and charged them with child neglect and abuse of children's rights. Boys also were more likely to finish primary school. The highest level of education achieved by most children was the fourth year of primary school.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls, although reported incidents of corporal punishment in schools continued to decrease since the August 2006 ban on the practice. In September local NGO Concern for Children and Women Empowerment (COFCAWE) reported that 60 percent of children were abused. Sexual contact outside of marriage with girls under 18 years of age, regardless of consent or the age of the perpetrator, was called "defilement" under the law and carried a maximum sentence of death; however such cases often were settled by a payment to the girl's parents.

Perpetrators of sexual abuse often were family members, neighbors, or teachers. In an effort to clear the backlog of cases, the Government in May 2007 amended the 2006 Magistrate's Courts Bill, giving chief magistrates the authority to hear rape cases of girls between the ages of 14 and 17; the High Court continued to try cases involving rape of girls under 14 years. On June 30, the Uganda Media Women's Association launched a code of conduct on reporting cases of child sexual abuse and exploitation.

On September 25, the High Court in Rukungiri District sentenced primary school teacher Fudera Ntegyereize to 12 years in prison for defiling a seven-year-old pupil in October 2005.

The following 2007 defilement cases remained pending: the March case of Bright Academy Primary School teacher Abdul Kyeyune, who allegedly defiled a student in Masaka District; and the July case of Good Hope Primary School teacher David Wildong, who allegedly defiled a student in Kibaale District.

There was no national law against FGM, which was practiced by the Sabiny ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya; however, in 2006 the subcounties of Kapchorwa and Bukwo districts passed by-laws to make FGM illegal. On October 10, Kapchorwa District passed another by-law that provides for the arrest and prosecution of FGM practitioners and collaborators. The Government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling. In June the UN Population Fund, with the cooperation of local charity Reproductive Education and Community Health and the Uganda Muslim Supreme Council, organized a seminar in Kapchorwa District to educate youth and female leaders on the dangers of FGM.

Marriage of young girls by parental arrangement was common, particularly in rural areas, although the legal age for marriage is 18. COFCAWE reported that acute poverty forced some parents to give away their children, including girls as young as 14 years, into early marriage and sexual arrangements.

There were increased reports of the ritual sacrifice of children during the year.

For example, on December 4, in Masaka District, the Magistrates' Court charged businessman Godfrey Kato Kajuba with the October 26 ritual murder of 12-year-old Joseph Kasirye. Kajuba was remanded to prison. On October 27, police also arrested Moses Musisi, Umar Kateragga, and Mariam Nabukeera after they confessed that they had killed Kasirye on Kajubi's orders. The case was pending at year's end.

The August 2007 case of family members Laston Muyaga, Jane Magezi, Elizabeth Kantono, and Aidah Kasubo, who reportedly sacrificed a two-year-old female relative, was pending at year's end.

In May the Ministry of Gender, Labor and Social Affairs reported that child prostitution had increased with an estimated 7,000 to 12,000 juveniles engaged in commercial sex activities. The most vulnerable children were girls, child heads of families, and child street hawkers.

Unlike in the previous year, there were no reports of underage recruitment by the UPDF.

There were no reports during the year that the LRA abducted and conscripted children within the country. On July 31, Save the Children Uganda Deputy Country Director John Reinstein demanded the immediate and unconditional release of children in LRA captivity; the LRA abducted and conscripted approximately 40,000 children in previous years for use as laborers, soldiers, guards, and sex slaves, and more than 5,000 were reportedly still missing.

There were numerous reports of LRA abductions of children in the DRC, CAR, and Sudan during the year.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. Trafficking in persons was a problem, and there were reports that men, women, and children were trafficked to, from, and within the country.

Trafficking in persons primarily occurred internally for labor, commercial sexual exploitation, and criminal activities, but trafficking of Asian and Chinese laborers to the country also occurred. There were reports that children were trafficked for labor to Pakistan, Egypt, Turkey, the United Arab Emirates, Saudi Arabia, and Iraq.

The media reported on September 6 that four Ugandan girls—Catherine, Patricia, Grace, and Faith Namisango—were stranded in Iraq after their employers confiscated their passports. The girls were reportedly taken to Iraq by a businessman only identified as Gordon, whom they met in Muyenga. The agent had promised to get them employment for a monthly pay of \$400. When they arrived, however, they were taken to work for Arab families as house helpers for \$200 a month. Security agencies were investigating the case.

On December 18, the Government of Yemen and an international organization repatriated Ugandan citizen Sara Aisha Abdulkhim, also known as Florence Kampi; Abdulkhim had been kidnapped from Uganda in 1982 and taken to Yemen as a child slave.

Immigration and police officials highlighted a new trend in trafficking involving the use of legal means to take children out of the country for illicit purposes. NGOs reportedly locate children and convince their families that the children will receive an education or better life. An expatriate then enters the country on a tourist visa and gets a guardianship order through the courts, usually with the permission of the family. The magistrates, at the insistence of the guardian, require the passport office to issue the child a passport. In one case involving two young boys taken to South Africa, immigration officials learned that one boy had died after his kidneys were harvested for a transplant. Immigration officials formed a task force to examine the trend and make recommendations to the ministries of internal affairs and justice.

Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages. According to NGOs, women and girls often willingly placed themselves in the hands of intermediaries offering false promises to seek employment in other areas of the country, only to find themselves in situations of commercial sexual or labor exploitation. NGOs also found evidence of a well-connected network of traffickers who facilitated the movements of victims to prospective buyers, negotiated their salaries in advance, and received a percentage of their monthly wages. One study found that women and girls could be purchased for approximately 5,000 to 30,000 shillings (\$3 to \$18) and used as domestic workers. In the case of child trafficking for labor and commercial sexual exploitation, intermediaries such as pimps, employment bureaus, churches, transporters, NGOs, fishermen, and peers lure children and facilitate their travel with accommodations and travel documents.

The penal code specifies penalties for several trafficking-related offenses; for example, the maximum penalty for the procurement of women for purposes of prostitution or detention with sexual intent is seven years' imprisonment, and the maximum penalty for trading in slaves is 10 years' imprisonment. Ministry of Gender, Labor, and Social Development (MGLSD) is the lead agency on child trafficking issues, the national police force are responsible for investigating trafficking-related crimes, and the Justice Ministry and the Directorate of Public Prosecutions prosecute cases.

The Government arrested suspected traffickers during the year and assisted with international trafficking investigations or extradited citizens accused of trafficking in other countries.

On January 9, police in Mbarara arrested Burundi national Noel Gasamunyiga on suspicion of trafficking 12 persons, including three girls; the victims reportedly were being trafficked to the USA, Canada, Belgium, and France. On January 15, a court in Mbarara charged Gasamunyiga with illegal entry into the country and sentenced him to several months' imprisonment, after which he was to be deported. The police handed over the 12 victims to the UNHCR.

In September the International Labour Organization (ILO) reported that 124 children were trafficked in 2007, most for sex slavery, child labor, and labor exploitation.

The Government's prosecution of child defilement cases included an undetermined number of cases involving trafficked children.

There were no reports of developments in the June 2007 case in which Nickson Owiny was arrested for kidnapping with intent to enslave or the July 2007 case of child trafficker Susan Amekebe, who was charged with inducing a person to give himself or herself as a slave.

The Government and NGOs worked together to identify and provide assistance to persons at risk for trafficking. However, the Government deported victims of foreign origin, unless the minister of internal affairs granted an extended stay to aid in prosecution of the case. The UPDF has child protection units in all districts and, along with government agencies, continued to work with NGOs to reintegrate thousands of former LRA abductees into society.

The national police maintained a Child and Family Protection Unit to train local police on women and children's rights, including identification of trafficking victims and prevention of trafficking. The police also allowed an NGO to place its social workers in police stations to assist children and other trafficking victims. Parliamentary committee hearings on comprehensive antitrafficking legislation occurred during the year.

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

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, the Government did not enforce the law effectively. Persons with disabilities also faced societal discrimination and limited job and educational opportunities. There was no statutory requirement that buildings be accessible to persons with disabilities; however, the law requires that children with disabilities be given necessary special facilities.

During the year the UHRC received complaints of discrimination in employment and access to transport, mobile telephone, and other public services from persons with disabilities. On February 20, MP Alex Ndeezi reported to the parliamentary Committee on Equal Opportunities that 40 persons with hearing impairment were in prison without trial due to inability to communicate. Ndeezi added that the lack of communication skills also denied such persons access to health services and education.

The Government supported the right of persons with disabilities to vote and participate in civic affairs; five seats in parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and MGLSA, but both lacked sufficient funding to undertake or support any significant initiatives. The parliamentary Equal Opportunities Committee seeks to ensure compliance with all laws that protect persons with disabilities.

Other Societal Abuses and Discrimination.—Homosexuals faced discrimination and legal restrictions. It is illegal for homosexuals to engage in sexual acts, based on a legal provision that criminalizes "carnal acts against the order of nature" with a penalty of life imprisonment, although no homosexual has been charged under the law. Public resentment of homosexuality sparked significant public debate during the year. The Government took a strong position against the practice. The local NGO SMUG protested alleged police harassment of several members for their vocal stand against sexual discrimination.

On June 4, police arrested SMUG activists Pepe Julian Onziema, Valentine Kalende, and Usaam Mukwaya for trespassing. The activists, who did not have the required conference credentials, bypassed security at the HIV/AIDS Implementers' Conference in Kampala to protest the Government's lack of funding to combat HIV/AIDS in the homosexual community. On June 6, the three were charged with criminal trespass and released on bail. On August 15, the Government dropped the case.

On July 25, police in Kampala arrested SMUG activist Usaam Mukwaya without charge and released him the following day. On September 24, Mukwaya filed a complaint with the UHRC, alleging that he was tortured and humiliated during his de-

tention in a safe house and that the arrest was arbitrary. The case, which received international attention, was pending before the UHRC tribunal at year's end.

On September 10, security forces arrested SMUG members George Oundo and Brenda Kiiza from Nansana, a Kampala suburb. On September 18, the suspects were charged with indecent practices and released on police bond.

On December 22, a High Court judge ruled that the Government in 2006 had violated the privacy rights of SMUG chair Juliet Mukasa, who claimed that local government officials illegally searched her home in 2005. The High Court directed the Government to pay 3 million shillings (\$1,500) to compensate Mukasa for violation of privacy and 10 million shillings (\$5,000) to her partner Yvonne Oyoo for humiliation, injury, and trauma. The court also ordered the state to pay for their court costs.

International and local NGOs, in cooperation with the Government, sponsored public awareness campaigns that aimed to eliminate the stigma of HIV/AIDS. In April the ILO reported in its publication "Saving Lives, Protecting Jobs" that workers in the country were becoming more supportive of their HIV-positive colleagues. However, a July meeting of HIV/AIDS-positive teachers, officials from the Ministry of Education and Sports, and the National Teachers Union concluded that HIV positive teachers suffered stigma and discrimination inside and outside of school settings; the meeting was sponsored by UNESCO, the World Health Organization, and other organizations.

Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their communities.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form unions, but all unions must be registered either under the National Organization of Trade Unions or the Confederation of Trade Unions. Except for "essential" government employees, including police, army, and management-level officials, workers exercised the right of association. The law allows unions to conduct their activities without interference. Union officials estimated that over 855,000 workers were unionized, representing approximately 8 percent of workers.

The law provides for the right to strike, and workers exercised this right; however, government policy required labor and management to make "every effort to reconcile labor disputes before resorting to strike action." The Government did not always protect the right to strike, and police forcibly arrested persons engaged in organizing strikes.

On August 24, police in Jinja arrested and later released 70 Kakira sugar cane cutters during a strike to protest low pay and poor working conditions.

Four workers from Kakonde Tea Estate, who were arrested in June 2007 for organizing a strike, remained missing at year's end.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining; however, the Government did not protect this right in practice. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions, and no public service unions, including medical staff and teachers, were allowed to negotiate their salaries and employment terms. The Government fixed the terms and conditions for all civil service workers.

The law criminalizes any effort by an employer to obstruct the right of association; however, the Government generally did not enforce this provision.

There were reports that the Government took no action and did not investigate reports that employers suppressed union activity in the printing, mineral, and informal sectors. For example, on June 4, the management of Kasese Cobalt, a copper mining company, fired 100 workers after they demanded a salary increase. The Mines Union, which represents the workers, reported the dismissals to the MGLSA Commissioner of Labor; however, the commissioner took no action, and the workers lost their jobs.

On February 6, the Uganda Fisheries and Allied Workers Union petitioned Speaker of Parliament Edward Ssekandi over the dismissal of 100 workers by Hwansung Ltd. for allegedly signing forms to join a union. There were no reports of government action at year's end.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly in prisons. While the law does not expressly prohibit prison labor, it states that such labor becomes forced if the worker is "hired out to or placed at the disposal of a private individual, company, or association." NGOs and

the UHRC reported that forced labor was a problem in local prisons nationwide. Prison officials hired out prisoners to work on private farms and construction sites where the prisoners were often overworked. Prison officials routinely supplemented wages with cash crops grown by prisoners on prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the MGLSD permit the employment of children between the ages of 14 and 18, and 13-year-olds are allowed to engage in “light work” provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed during school hours. Nevertheless, child labor was common, especially in the informal sector.

Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. In June the MGLSD estimated that approximately 2.7 million children were employed.

In urban areas children sold small items on the street, worked in shops, begged for money, and were involved in the commercial sex industry. Children were also employed in the tea-harvesting sector, sugarcane fields, commercial farming of tobacco and rice, other crop farming, and stone quarries. The MGLSD reported new incidents of the worst forms of child labor, including children involved in illicit activities such as cross-border smuggling. Government officials noted that child exploitation in the informal sector was of particular concern and was difficult to investigate. Children were known to be working as subsistence farmers, domestic servants, and prostitutes.

The ILO and the Federation of Uganda Employers sponsored a January survey on child labor in the fisheries and tobacco industries that found that most of the 291 children sampled worked long hours and that 71 percent were involved in hazardous work. Of the children involved with fisheries, 31 percent worked at night, and all were subjected to waterborne diseases, chest pains, fatigue, a high risk of contracting HIV/AIDS, and injuries. Children on tobacco farms worked long days, dropped out of school during peak periods of tobacco production, and were exposed to dangerous chemicals, smoke, and dust.

Institutions responsible for enforcing child labor laws and policies include the National Council of Children, the police force’s Child and Family Protection Unit, the Industrial Court, and the MGLSD; however, financial constraints limited efforts. The MGLSD continued to offer social services to children working in the worst forms of child labor and other target groups, and it conducted training for staff, local leaders, and district labor inspectors. Sixty MGLSD district labor officers reported on child labor issues at the local level. The Government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. However, due to lack of funds and logistic support, district labor officials have not conducted child labor inspections since 2004.

The Government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The Government also cooperated with the ILO, foreign governments, and NGOs on several initiatives to combat child labor, including the education and reintegration of children into their communities. Several human rights NGOs continued programs to remove children from hazardous work situations.

e. Acceptable Conditions of Work.—The minimum legal wage was 6,000 shillings (\$3.60) per month, a rate set in 1984 that did not provide a decent standard of living for a worker and family and was not effectively enforced. The Government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year’s end.

The law includes provisions for district labor inspectors to “secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work”; however, no inspections were carried out during the year, due in part to financial constraints.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours; however, exceptions can be made with agreement of the employer and employee. The law provides for an employee who works in excess of 48 hours per week to be remunerated at the minimum rate of 1.5 times the normal hourly rate and two times the hourly rate on public holidays. The law also states that working hours may not exceed 10 hours per day or 56 hours per week, including overtime hours; however, an employee may work in excess of 10 hours a day if the average number of hours over a period of three weeks does not exceed 10 hours per day or 56 hours per week. Employees are granted a 30-minute break for every eight-hour work shift. For every four months of continuous employment, an employee is entitled to seven days of paid annual leave per calendar year. Many industries paid workers annual increments or bonuses as pay-offs to avoid overtime.

The law establishes occupational health and safety standards, and the MGLSD's Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were very rare, primarily due to the lack of vehicles and funding for inspection trips, and standards were not effectively enforced. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment and, unlike in previous years, there were no reported cases of workers being dismissed for refusal to perform dangerous work. Strong unions in certain dangerous industries protected some such workers; however, the MGLSA recorded 27 deaths due to poor safety practices at several construction projects during the year.

ZAMBIA

Zambia is a republic of 11.9 million citizens governed by a president and a unicameral national assembly. The ruling Movement for Multiparty Democracy (MMD) exerts considerable influence through its patronage and allotment of government resources. In an October 30 by-election, former vice president Rupiah Banda was elected president; Banda replaced former president Levy Patrick Mwanawasa, who died on August 19. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, although there were improvements in a few areas. Human rights problems included unlawful killings; torture, beatings, and abuse of suspects and detainees by security forces; official impunity; poor and life threatening prison conditions; arbitrary arrests and prolonged detention; long trial delays; arbitrary interference with privacy; restrictions on freedom of speech, press, assembly, and association; government corruption; violence and discrimination against women; child abuse; trafficking in persons; discrimination against persons with disabilities; restrictions on labor rights; forced labor and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces committed unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in actions against the Government, consistently investigated and publicized such incidents; however, the Government rarely punished perpetrators. Police and government officials encouraged police officers to use their weapons when apprehending suspects, despite a 2006 government directive that restricted the use of firearms by police officers and a 2006 government pledge to retrain police on the use of force. The Government also did not enforce a November 2007 statement by Minister of Home Affairs Ronnie Shikapwasha that off-duty police officers would no longer have access to firearms; the statement followed a series of civilian shootings by off-duty officers.

In April two police officers in Mumbwa allegedly handcuffed and beat suspect Alfred Nyanga to death while he was in custody. Two police officers were arrested over the incident, and investigations were ongoing at year's end.

On May 29, two police officers in Mwinilunga allegedly beat to death suspect Robert Chimwang'a while he was in police custody. A police investigation was being conducted at year's end.

There were no developments, and none were expected, in the following 2007 police killings: the January shooting death of a man caught siphoning fuel; the February alleged rape and killing of a female suspect in custody; and the October shooting death of a suspect who refused to relinquish a fuel container to police.

No further information was available about the 2006 police killings of two teenagers in Lusaka and two high school students in a Kitwe nightclub.

Mob violence that targeted suspected criminals, persons accused of witchcraft, persons suspected of sexual impropriety, or persons with mental illness resulted in killings; no action was taken against perpetrators. In February a mob stoned a minibus driver to death following a dispute between the driver and a passenger over payment.

In March residents of Misisi Township in Lusaka attacked two men suspected of being involved in the robbery and death of a Lusaka businessman. The residents stoned the suspected robbers, one of whom died. Police spokesperson Bonny Kapeso subsequently pled with the public to turn over suspects to law enforcement and avoid taking the law into their own hands.

In April a mob in Luanshya attacked an office where a suspected thief was being held and eventually forced the suspect into the open. The mob then stoned the suspected thief before pouring kerosene on him and setting him ablaze. Police intervened to save the man from the crowds, but the suspect subsequently died of his injuries.

No action was taken in 2007 cases of mob killings.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, police frequently used excessive force including torture when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In 2006 the Government's Human Rights Commission (HRC) reported that torture was prevalent in police stations, noting that "police officers continue to rely on torture as an interrogation technique." The HRC urged the Government to draft and enact legislation that would criminalize torture and provide for compensation to victims; however, no legislation had been drafted by year's end. Authorities also detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate the suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts.

In June Mongu resident Monde Naluli reported to the LRF that when she went to the police station for help in finding her missing child, a police woman slapped her and placed her in custody for three days. Naluli, who was seven months pregnant at the time, also reported that the police shaved her head and forced her to run around the prison yard with one of her other children, a two-year-old, on her back. The LRF was assisting Naluli in pursuing a case against the police for abuse of office and wrongful detention at year's end.

In July 2007 Deputy Minister for Home Affairs Grace Njapau told parliament that the Government had put in place measures to reduce brutality and abuse of inmates by police, including additional training for police officers; however, no known action was taken on these initiatives during the year.

No action was taken against guards at Mufulira State Prison who in 2007 stripped and beat prisoners.

According to human rights groups, police occasionally demanded sex from female detainees as a condition for their release. There also were reports that police officers raped women and young girls while they were in custody.

In December 2007 a 14 year old girl filed a civil suit against the attorney general and police officer Sitali Ikowa, alleging that Ikowa impregnated her and infected her with HIV during her May through August 2007 detention at Prospect Police Station. According to the claim filed before the Kabwe High Court and obtained by the LRF, Ikowa threatened and raped the girl on numerous occasions.

No information was available on the police officer arrested in December 2007 for raping a suspect at Nkana East Police Station.

There were several instances of mob violence reported during the year; however, unlike in the previous year, there were no reports of societal violence against accused witches.

Prison and Detention Center Conditions.—Prison conditions were poor and life threatening. An inefficient judiciary delayed court proceedings and exacerbated overcrowding. The country's prisons, which were built to hold 5,500 inmates, held nearly 15,000 prisoners and detainees. Lusaka Central Prison, which was designed to accommodate 200 prisoners, held more than 1,500, forcing some inmates to sleep sitting upright. Poor sanitation, inadequate medical facilities, meager food supplies,

and lack of potable water resulted in serious outbreaks of dysentery, cholera, and tuberculosis, which were exacerbated by overcrowding.

Prisoners routinely complained that authorities denied them access to medical care as provided for by law. Failure to remove or quarantine sick inmates and the lack of infirmaries at many prisons resulted in the spread of airborne illnesses such as tuberculosis, leading to prisoner reinfection and death. Drugs to combat tuberculosis were available but the supply was erratic. Many prisoners were malnourished because they received only one serving of corn meal and beans per day, called a "combined meal" because it represented breakfast, lunch, and dinner.

The HIV/AIDS prevalence rate in prisons was estimated at 27 percent. Antiretroviral treatment (ART) was available to some prisoners with HIV/AIDS; however, poor nutrition often rendered ART ineffective.

Juveniles often were not held separately from adults. Incarcerated women who had no alternatives for child care could choose to have their infants and young children with them in prison until the children reached the age of four. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by both domestic and international non-governmental organizations (NGOs) and by resident foreign diplomats during the year. The International Committee of the Red Cross (ICRC), provincial human rights committees, and the LRF periodically inspected prison conditions during the year. In June the HRC visited prisons in the North Western Province and expressed concern with overcrowding, dilapidated infrastructure, lack of potable water, and deficiencies in health facilities.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, the Government did not respect these prohibitions.

Role of the Police and Security Apparatus.—The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security Intelligence Service (ZSIS), under the office of the president, is responsible for intelligence and internal security. Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Although the Government identified a need for 27,000 police officers, only 15,000 had been employed by year's end.

Lack of professionalism, investigatory skills, and discipline in the police force remained serious problems. Low salaries and substandard government housing exacerbated police corruption, as did poor working conditions. Police released prisoners for bribes, extorted money from victims, and required "document processing fees" or "gas money" to commence investigations.

In an effort to address these issues, the Police Public Complaints Authority (PPCA) met during the year to review complaints regarding police conduct that were not resolved through internal police channels. The PPCA reported that it received 64 complaints regarding police misconduct from January to June; 17 were related to unlawful detention, 16 to unprofessional conduct, 15 to police brutality, seven to police inaction, seven to abuse of authority, and two to death in police custody. In five of the 64 cases, the perpetrator was punished or a settlement was mediated. The range of recommended punishments included fines, demotion in rank, and dismissal. Many cases of abuse went unreported due to citizen ignorance of the PPCA and fear of retribution.

Many complainants dropped their cases after involved police officers intervened directly with the complainant. Such interventions sometimes involved intimidation of complainants, but according to the PPCA, some cases were dropped after police officers offered compensation to avoid a formal PPCA investigation.

Arrest and Detention.—The constitution and law provide that authorities obtain a warrant before arresting a person for some offenses, but other offenses have no such requirement. For example, police are not required to obtain a warrant when they suspect that a person has committed offenses including treason, sedition, defamation of the president, unlawful assembly, or abuse of office. In practice, police rarely obtained warrants before making arrests.

According to the law, suspects being arrested must be informed of their rights, including the immediate right to an attorney. The law provides that persons arrested must appear before a magistrate within 24 hours of their arrest; however, detainees were frequently held for much longer periods because prosecutors routinely required that officers collect additional evidence before presenting cases to a magistrate. There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws. In practice police generally did not respect prisoners' right to apply for bail. Indigent detainees

and defendants rarely had the means to post bail. The Government's legal aid office, responsible for providing representation for indigent detainees and defendants in criminal or civil cases, assisted very few arrestees.

Arbitrary arrest and detention remained problems. Police arbitrarily arrested family members of criminal suspects. Criminal suspects were arrested on the basis of insubstantial evidence, uncorroborated accusations, or as a pretext for extortion. Police stations frequently acted as "debt collection centers," where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. Some officers found engaging in this practice reportedly were disciplined.

In April a Kapiri Mposhi magistrate briefly detained Rachel Bwalya, 19, and her 19 month old baby for alleged contempt of court; the magistrate alleged that the crying of the infant, who lived with Bwalya near the court, disturbed court proceedings. Bwalya was released only after her mother paid a fine of 250,000 kwacha (\$50). Bwalya filed a complaint demanding compensation from the magistrate for unlawful detention.

Prolonged pretrial detention was a problem, and some defendants awaited trial for as long as three years. Approximately one third of persons incarcerated in prisons had not been convicted of a crime or received a trial date. Broad rules of procedure give wide latitude to prosecutors and defense attorneys to request delays or adjournments. According to human rights groups, prison administrators routinely doctored paperwork to make it look as though prisoners had appeared before a magistrate when they had not, often because prison authorities had no fuel to transport prisoners to courts. Judicial inefficiency, lack of resources, and lack of trained personnel also contributed to prolonged pretrial detention.

In July Ernest Banda, a suspect accused of robbery, asked the LRF to secure his release from detention. Banda, who has been in detention since 2005, last appeared in court in 2006 and allegedly has been kept in prison without trial because his case record at court cannot be found.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the judicial system was hampered by inefficiency, corruption, and lack of resources. Government officials used their offices to circumvent standard police and judicial procedures. However, during the year the courts at times made judgments and rulings critical of the Government. In several instances, the courts awarded damages in cases of police and security force abuse or unlawful arrest.

For example, on April 7, a Kitwe High Court judge awarded Winstone Chembe of Solwezi 20 million kwacha (\$4,800) as compensation for false imprisonment and "malicious prosecution." Chembe was arrested in 2004 for allegedly stealing a bicycle and was detained for 13 days at Solwezi Police Station before being released without charge. Although the bicycle was later recovered from a suspect who confessed that he had acted alone, Chembe was rearrested and prosecuted together with the confessed thief. The State later withdrew the charges for lack of evidence.

Poor working conditions caused many magistrates to leave their jobs. There were 149 magistrates employed at the end of the year. Fully qualified attorneys occupied approximately 35 magistrate positions during the year, up from 12 in 2007; lay magistrates filled the rest. Unlike in the previous year, there were no judicial strikes to protest delayed housing allowances.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases; customary courts heard most civil and petty criminal cases in rural areas.

Trial Procedures.—Defendants are considered innocent until proven guilty, and trials in magistrate and local courts are public. Juries are not used, but trials are open to the public. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer. The law provides for free legal counsel when defendants face serious charges; however, public defenders were overwhelmed with cases, and many defendants did not have legal representation. Defendants can confront or question witnesses against them and present evidence and witnesses on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Courts were congested, and there were significant delays in trials while the accused remained in custody. In cases in which the magistrate's court did not have jurisdiction, at least six months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or in some cases, as

long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of six months.

Local courts employ customary (tribal) law, which varies widely throughout the country. Lawyers are barred from participating in proceedings in courts that apply customary law, and there are few formal rules of procedure.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and complainants have access to the High Court to seek damages for human rights abuses. There were problems enforcing domestic court orders due to insufficient judicial resources.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, the Government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and arrested suspected criminals at their homes without an arrest warrant.

The law grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones based on probable cause.

Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, on May 21, after intervention by the LRF, Doreen Zimba of Chipata compound was released from prison after being detained for one year without trial. Police arrested Zimba in April 2007 after failing to find her son, who allegedly had defiled a seven year old girl in 2006.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, the Government at times restricted these rights. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the Government owned media generally practiced self censorship.

Individuals could criticize the Government publicly or privately without reprisal. The Government did not attempt to impede such criticism.

The independent media were active and expressed a wide variety of views without restriction, although the Government often criticized independent media outlets for being too outspoken. A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. The international media operated freely.

The Government controlled Times of Zambia and Zambia Daily Mail were two of the most widely circulated newspapers. The Government exercised considerable influence over both newspapers, including reviewing articles prior to publication and censoring individuals responsible for published articles. Opposition political parties and civil society groups complained that government control of the two newspapers limited their access to mass communication.

On August 30, Mbita Chitala, the country's former ambassador to Libya, threatened journalists from the Zambia Daily Mail that they risked being sacked for not publishing his articles. At the time Chitala was soliciting press coverage of the MMD's nomination of Vice President Rupia Banda for the presidential by-election. Both the Press Association of Zambia and the Zambia Union of Journalists criticized Chitala's action.

The 2007 defamation case pursued by Deputy Secretary to the Cabinet Robert Mataka against the *Zambian Watchdog* newspaper was ongoing at year's end, as was the 2006 defamation suit filed by Patriotic Front president Michael Sata against the Zambia Daily Mail.

In addition to a government controlled radio station, there were numerous private radio stations. The Government detained and censored individuals responsible for programs deemed offensive by the Government.

On September 19, popular radio station Q-FM announced that it was not able to air a weekly call-in show due to a governmental directive requiring radio stations to use special equipment to screen calls. Ministry of Information and Broadcasting Service Permanent Secretary Emmanuel Nyirenda subsequently clarified that what was sent to radio stations was not a directive, but rather "timely advice" to management to refrain from airing call-in programs that allowed no control over caller content. Observers believed the "timely advice" was connected to Q-FM's September 8 call-in program, during which callers repeatedly asked ruling MMD member Vernon Mwaanga why he had rigged past presidential elections.

On November 12, police arrested prominent radio personality Father Frank Bwalya following his broadcast of a call-in show that criticized the fairness of the October 30 elections and the high price of mealie-meal, the corn meal staple of the country. Callers subsequently encouraged listeners to participate in a November 15 rally by the opposition Patriotic Front. Security forces held Bwalya overnight for "issuing statements that cause hostility between groups, stating that the elections were fraudulent, and saying that President Banda was not legitimately elected." On November 27, the Government dropped the charges, citing unspecified security reasons.

Unlike in previous years, there were no reports that radio journalists in Western Province complained of censorship and intimidation by the Barotse Royal Establishment, a traditional leadership structure headed by a King.

The Government owned Zambia National Broadcasting Corporation was the principal local-content television station. Several private television stations, including foreign-owned media, also broadcast locally. Opposition political parties and civil society groups charged that government control of ZNBC also limited their access to mass communication.

There were no developments in the investigation of Cabinet Protocol Officer Lovewell Jere, who in August 2007 barred local journalists from covering events surrounding the Southern African Development Community Summit.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to six months in prison. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

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

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. Although the law gives the University Council a mandate to address faculty concerns, the minister of education was empowered to appoint the members of the council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly; however, the Government restricted this right. Although the law does not require a permit to hold a rally, it requires organizers to notify police seven days in advance. Police are empowered to decide when and where rallies are held and who may address participants. The Government on occasion has used the law's broad mandate to arbitrarily change the time and date of rallies, particularly of NGOs and opposition parties, and did so during the presidential by-election campaign.

Police forcibly dispersed demonstrations during the year. In May police in Lusaka shot and injured two University of Zambia students who were demonstrating against government living allowances. During their protest students occupied a main city thoroughfare and threw stones at motorists. According to press reports, police used live bullets to disperse the students "because they ran out of tear gas canisters." Then president Mwanawasa condemned the police action. No action was taken against police.

Freedom of Association.—The law provides for freedom of association, but the Government placed some limits on this right. All organizations must formally apply for registration to the Registrar of Societies. The registration process was long and permitted considerable discretion on the part of the registrar. During the year there were no cases in which the registrar refused to register an organization, although it threatened to deregister organizations that had not paid fees or were otherwise not in compliance with the law.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. Although the constitution declared the country a Christian nation, the Government generally respected the right of all religious groups to worship freely.

The Government required the registration of religious groups and approved all applications for registration from religious groups without discrimination.

The High Court did not rule, and was not expected to, on the Universal Church of the Kingdom of God's petition to find the Government in contempt for violating an order staying proceedings against the church. The Government had sought to

deregister the church in 2005, but in January 2006 the High Court overturned the Government's decision and allowed the church to continue operations.

Societal Abuses and Discrimination.—There were approximately 80 persons in the Jewish community and no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for these rights; however, the Government intermittently limited them. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers' licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks.

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

Protection of Refugees.—The law does not provide for the granting of refugee status or asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the Government has established a system for providing protection to refugees and granted refugee status or asylum. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, there were reports during the year that the Government denied protected status to several Zimbabweans seeking asylum and returned them to northern Zimbabwe. The Government repeatedly denied the charge. The Government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN convention or the 1967 protocol.

The country hosted approximately 85,000 refugees, mainly from Angola and the Democratic Republic of Congo. During the year the Government assisted in the repatriation of approximately 10,000 Congolese refugees.

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

The constitution and law provide citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—On October 30, former vice president Rupiah Banda was elected president in a by-election conducted after the August 19 death of former president Levy Mwanawasa; the former president died after complications from a stroke suffered in June. Despite the lack of updated voter rolls and other problems, international observers characterized the by-election as transparent, orderly, and well run; however, opposition Patriotic Front candidate Michael Sata filed a petition with the Supreme Court to request a recount. The court had not ruled on the petition by year's end.

During the year several by-elections were held after incumbent deaths or court nullification of election results. Reports of vote-buying and misappropriation of government resources for unfair political advantage continued, and some cases were challenged in court.

On February 21, Patriotic Front candidate Gerry Chanda was elected Kanyama member of parliament (MP), and on June 26, MMD candidate Reuben Chisanga Banda was elected as Milanzi constituency MP. Although both by-elections were generally free, they were marred by allegations of vote buying, promises of massive development, and distribution of clothing and food relief.

On August 12, the Supreme Court nullified the election of Mwansabombwe MP Samuel Chitonge after Chitonge's opponent, Maybin Mubanga, alleged the physical abuse of MMD members campaigning in the area. Mubanga maintained that such abuse intimidated the local population and prevented them from choosing the candidate of their choice. On October 30, Chitonge won the by-election.

There were 23 women in parliament, three serving in the cabinet, and three serving in the Supreme Court. The country's ethnic communities were well represented in political institutions.

The National Constitutional Conference (NCC) continued to meet throughout the year to consider the draft constitution proposed by the 2005 Mung'omba Constitutional Review Commission. Some civil society groups, including large umbrella organizations representing women's groups and church groups, maintained their boycott of the NCC in protest of what they perceived as heavy government and ruling party representation.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government attempted to implement the law; however, officials engaged in corrupt practices with impunity. Petty corruption in the police and other public authorities was particularly problematic.

The World Bank's worldwide governance indicators reflected that corruption was a serious problem; however, the Government made some improvements in fighting corruption. The Government continued its collaboration with the international community to improve its capacity to investigate and prevent corruption. Parliamentary committees sustained their scrutiny of executive branch operations, and the Anticorruption Commission (ACC) continued its prosecution and public educational activities. In 2007 the ACC received 880 reports of corruption, 416 of which were investigated. Of those 416, there were 20 convictions. The ACC maintained a toll-free hotline for reports of corrupt practices.

Despite these efforts there remained a widespread public perception that corruption was pervasive in almost all government institutions. Controls over government funds and property were often weak, investigative units often lacked authority and personnel, and officials dealing with the public frequently demanded illicit payments with impunity. Additionally, the Government had no clear policy for the disposal of confiscated assets, and the process to liquidate assets seized in the anticorruption campaign was not transparent. Public officials were not subject to financial disclosure laws, although presidential candidates were required to disclose financial assets when filing their candidacies with the Supreme Court.

The criminal case against former president Chiluba was convened and adjourned several times and was ongoing at year's end; in May 2007 a British court found Chiluba and several others liable in a civil suit for misappropriating 164,000 billion kwacha (\$33 million) in public resources. The prosecution's case against Chiluba's wife, Regina Chiluba, also continued at year's end.

The trials on 2004 corruption charges of several officials and military commanders of the former Mwanawasa administration were ongoing at year's end, including those of lieutenant generals Sande Kayumba and Geojago Musengule; Lieutenant General Wilford Funjika was convicted of corruption in October 2007.

The law does not provide for public access to government information; however, the Government provided information to media and other interested parties on an ad hoc basis. Information related to defense and security forces was withheld from the public.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with such groups.

Major local human rights NGOs included the Legal Resources Foundation, Justice for Widows and Orphans, Women for Change, the NGO Coordinating Council, Civil Society for Poverty Reduction, and the Southern Africa Center for Constructive Resolution of Disputes.

Government officials sometimes denounced vocal civil society leaders in the media to discredit them. For example, in an apparent reference to the arrest of prominent radio personality Father Frank Bwalya, Southern Province minister Daniel Munkombwe warned in November that church leaders were becoming "agents of genocide" and should be arrested.

The Government cooperated with international NGOs. During the year the ICRC closed its Lusaka office but made occasional visits to the country from its office in Harare, Zimbabwe.

The HRC oversaw human rights committees in all provincial capitals, interceded on behalf of persons whose rights it believed were denied by the Government, and spoke on behalf of detainees and prisoners. Independent human rights groups continued to complain that the HRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations.

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

The constitution and law prohibit discrimination based on race, tribe, gender, place of origin, marital status, political opinion, color, disability, language, social status, or creed; however, violence and discrimination against women and persons with disabilities remained a problem.

Women.—The law prohibits rape, and courts generally sentenced rapists to hard labor. In 2007 the police Victim Support Unit (VSU) recorded 178 cases of rape, 19 cases of attempted rape, and 135 cases of indecent assault; 38 defendants were convicted, 12 were acquitted, and 27 were withdrawn. The penal code does not specifi-

cally prohibit marital rape, and statutes that criminalize rape cannot be used in a practical sense to prosecute cases of rape in marriage.

Domestic violence against women was a serious problem, and wife beating and rape were widespread. There is no specific law against domestic violence, and cases of domestic violence were prosecuted under the general assault statutes. Penalties imposed for assault ranged from two to 25 years' imprisonment, depending on the severity of injury and whether a weapon was used. The VSU was responsible for handling problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and property grabbing; however, in practice, the police often were reluctant to pursue reports of domestic violence and preferred to encourage reconciliation.

Due to traditional and cultural inhibitions, most cases of violence against women and children went unreported; however, increased public awareness resulted in more reporting of such incidents to police and other authorities than in previous years. The VSU reported that victims often refused to cooperate and that forensic equipment needed to develop evidence was lacking. The Government and NGOs expressed continued concern about violence against women. In a 2007 Human Rights Watch study, women reported that fear of retribution from their husbands often prevented them from seeking free access to HIV counseling and testing, as well as to treatment.

Prostitution is illegal, and police routinely arrested street prostitutes for loitering. There were no reliable statistics on the number of prostitutes.

The law prohibits the sexual harassment of children, but there are no laws that specifically prohibit sexual harassment of adults, and sexual harassment in the workplace was common.

The law entitles women to equality with men in most areas; however, women were severely disadvantaged in formal employment and education. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result, few women owned their own homes; however, some small financial institutions allowed women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny is permitted if the first wife agrees to it at the time of her wedding. Under the law a deceased man's children equally share 50 percent of an estate; the widow receives 20 percent; the man's parents receive 20 percent; and other relatives receive 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. However, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. Property grabbing by relatives remained widespread, although increased training of local court officials may have resulted in a slight decrease in the practice. Many widows were ignorant of the law and as a result received little or nothing from the estate. The fines that the law mandates for property grabbing were extremely low. The police, through its VSU, treated instances of property grabbing as criminal offenses.

The traditional practice of "sexual cleansing," in which a widow has sex with her late husband's relatives as part of a cleansing ritual, continued, although some traditional leaders have banned the practice. The penal code also outlaws sexual cleansing.

Children.—Although the Government sought to improve the welfare of children through the ministries of labor and social security, sport, youth, and child development, as well as education, scarce resources and ineffective implementation of social programs continued to adversely affect children.

Government policy provided for free basic education through grade seven; however, education was not compulsory, and many children did not attend school. Contrary to government policy, many teachers and school administrators required students to purchase uniforms or pay a fee before they would allow them to attend classes. The net enrollment rate for children of primary school age increased from 66 percent in 1999 to 97 percent by 2005. The numbers of girls and boys in primary school were approximately equal; however, fewer girls attended secondary school. According to the UN Children's Fund, the sexual abuse of female students by their teachers discouraged many girls from attending classes.

Child abuse and violence against children were problems, particularly defilement, which the law defines as the "unlawful and carnal knowledge of a child under the age of 16." The police VSU recorded 696 defilement cases in 2007; prosecutions re-

sulted in 160 convictions and 26 acquittals. In September the HRC held a series of public hearings to draw attention to the problem of violence against children and to find solutions.

Early marriage was a problem. Although a person must be at least 16 years old to marry under statutory law, there is no minimum age under customary law. A few traditional leaders spoke against early marriage and took steps to discourage it, but the majority of traditional leaders condoned the practice. Courts intervened in cases of gross abuse.

There are laws that criminalize child prostitution; however, the law was not enforced effectively, and child prostitution was widespread.

There were 1.2 million children under the age of 15 who were orphaned, approximately 800,000 of these as a result of HIV/AIDS. These children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 75 percent of all households were caring for at least one orphan, and children headed approximately 7 percent of households due to the death of both parents. The Government had programs to increase public awareness of HIV/AIDS.

An estimated 20,000 to 30,000 children lived on the streets, often begging or prostituting themselves to survive. In 2007 the police and Ministry of Community Development and Social Services launched a Child Protection Unit with offices in the ministry to identify and remove children from the streets. In 2007, 346 street children were reintegrated with their families, 234 children were sent to school, and 185 were placed in various centers. The ministry also initiated a cash transfer scheme in five districts to target vulnerable families who might otherwise send minors into the streets to beg or work. In 2007 the transfer program benefited 7,476 households.

The Ministry of Sport, Youth, and Child Development continued its efforts to rehabilitate street children by providing education and skills training at two converted national service camps in Kitwe and Chipata. After graduating from the camps, the children are placed in youth resource centers throughout the country, where they receive training in carpentry, tailoring, farming, and other trades.

Trafficking in Persons.—On November 19, President Banda signed a new antitrafficking law that prohibits the transport, reception, and harboring of trafficking victims. To be convicted of trafficking under the old law, a person had to be witnessed accepting money in exchange for the victim. There were reports that persons were trafficked to, from, and within the country.

The Government did not collect or maintain data on the extent or nature of trafficking in the country; however, trafficking, particularly in the form of child prostitution, was believed to be significant. Female citizens were trafficked within the country and to other parts of Africa and to Europe, and the country was used as a transit point for regional trafficking of women for prostitution. Traffickers fraudulently obtained Zambian travel documents for their victims before proceeding to other destinations.

A June 2007 study on child trafficking in the country published by the International Labor Organization (ILO) concluded that trafficking was predominantly internal and involved family members and relatives. The study noted that children were often trafficked as a source of cheap labor and that girls were at more risk of being trafficked than boys. Law enforcement and immigration officers had varying levels of knowledge about trafficking, a problem exacerbated by extensive and extremely porous borders.

Traffickers often used promises of employment to entice young girls and women to leave their homes and families and then forced them into prostitution.

Anyone convicted of trafficking is subject to a term of imprisonment from 20 years to life.

In April the Kasama High Court sentenced two men to 20 and 25 years' imprisonment, respectively, for child trafficking. The men were caught attempting to sell an eight-year-old boy in 2006.

Through its social welfare agencies, the Government provided counseling, shelter, and protection to victims of child prostitution or referred victims to NGOs that provided such services. In some cases victims were placed in protective custody at rehabilitation centers or victim support shelters operated by NGOs.

Unless government officials were unaware that victims had been trafficked, victims were not detained, jailed, deported, or prosecuted for violations of other laws. When trafficking investigations substantiated allegations, the Government encouraged victims to assist with investigation and prosecution. The Government did not have its own means of protecting victims and witnesses; however, it arranged for protective custody and security protection through facilities operated by NGOs.

The Government did not have programs that specifically targeted trafficking, although law enforcement officers attended training courses that raised awareness of the problem. A government interagency committee on human trafficking, chaired by the Ministry of Home Affairs, also met during the year to promote coordination and information sharing among agencies. Government agencies responsible for combating trafficking included the police, immigration authorities, and the ministries of justice, labor, and education.

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

Persons With Disabilities.—The law prohibits discrimination in general, but there is no law that specifically prohibits discrimination against persons with physical or mental health disabilities in employment, education, or access to health care. Persons with disabilities faced significant societal discrimination in employment and education. Public buildings, schools, and hospitals rarely had facilities to accommodate persons with disabilities. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities. The Ministry of Community Development has responsibility for ensuring the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—The law prohibits “carnal knowledge of any person against the order of nature,” but it does not specifically outlaw homosexuality.

The Government actively discouraged discrimination against those persons with HIV/AIDS; however, there was strong societal and employment discrimination against such individuals. Government officials made announcements discouraging such discrimination but made little headway in changing entrenched attitudes.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and belong to trade unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Police officers were not permitted to form unions and remained nonunionized at year's end. Approximately two-thirds of the country's 300,000 formal sector employees were unionized. The law allows unions to conduct their activities without interference, and the Government generally protected this right in practice. The law provides for the right to strike, except for those engaged in essential services, but requires that all other legal recourse be exhausted first. The last legal strike in the country occurred in 1993. Workers engaged in illegal strikes can be dismissed by their employers; the Government at times intervened for political reasons when such dismissals occurred. Unlike in the previous year, there were no such dismissals.

The Industrial and Labor Relations Act (IRA) governs union activity. No organization can be registered unless it has at least 25 members, and with some exceptions, no trade union can be registered if it claims to represent a class of employees already represented by an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an industrial relations court.

During the year the Government challenged Joyce Nonde's eligibility to be the president of the Federation of Free Trade Unions of Zambia on the grounds that she had resigned her job at the Zambia National Building Society to be employed full time by the Zambia Union of Financial Institutions and Allied Workers. The court found in Nonde's favor, but the Government subsequently proposed amendments to the Industrial and Labor Relations bill that would disqualify Nonde based on her lack of outside employment. The amendments bill was still under consideration at year's end.

Essential services not permitted to strike include the defense force, judiciary, police, prison service, and the ZSIS. The law further defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water and sewerage; fire departments; and the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector.

In 2007 the Chinese government began construction of facilities in an economic zone in the Copperbelt Province. During the year workers rioted over pay and conditions, and approximately 500 workers were dismissed by management. All workers were subsequently reinstated.

b. The Right to Organize and Bargain Collectively.—The right to collective bargaining, without government interference, is protected in law and freely practiced. The law also prohibits antiunion discrimination and employer interference in union functions, and the Government enforced this right.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, a study released by the ILO during the year concluded that such practices occurred. The law authorizes the Government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when a traditional leader or other dignitary calls upon all members of a village to assist in preparing for a visit; however, there were no reports of such activities during the year.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits employment of children at any commercial, agricultural, or domestic worksite and the engaging of a child in the worst forms of child labor as defined in international conventions. Nevertheless, child labor was a problem in subsistence agriculture, domestic service, and other informal sectors, where children under the age of 15 often were employed, and the law was not enforced. The law also prohibits slavery and the procurement or offering of a child for illicit activities.

The minimum age for employment is 15; for hazardous work, it is 18. The labor commissioner effectively enforced minimum age requirements in the industrial sector, where there was little demand for child labor; however, minimum wage standards were seldom enforced in the informal sector, particularly in mining and agriculture. Among the worst forms of child labor the law includes are child prostitution, slavery in all its forms, military conscription, and work that is harmful to the safety, health, or morals of children and young persons.

During the year children who had lost both parents to HIV/AIDS continued to migrate to urban areas where they lived on the streets. In urban areas children commonly engaged in street vending.

Child labor was most concentrated in the areas of agriculture, construction, farming, transportation, prostitution, household work, quarries, and mines.

The Ministry of Labor and Social Security (MLSS) is responsible for the implementation and enforcement of child labor laws and regulations. The MLSS can bring charges that provide for penalties ranging from a fine to imprisonment for violations. Labor inspectors may also enter family homesteads and agricultural fields to check for child labor violations.

Because more than 85 percent of child labor in the country occurred in the agricultural sector, most often with the consent of families, the MLSS labor inspectors focused on counseling and educating families that engaged children in child labor and did not refer any cases for prosecution during the year. Labor inspectors frequently found it difficult to access transportation, making it difficult to conduct inspections in vast rural areas that were difficult to regulate. In cooperation with NGO partners, the Government continued its efforts to remove children from child labor. The children, mainly urban orphans, were placed in formal and transitional classes, while others were given vocational skills training. More than 20 District Child Labor Committees had been established by year's end to perform outreach and plan activities for vulnerable and working children. The purpose of the committees was to increase awareness of child labor laws and the harmful effects of child labor and to mobilize communities to eliminate the worst forms of child labor.

The Government continued to provide awareness and training activities for officials charged with enforcing child labor laws; however, the MLSS reported that resource constraints prevented it from providing all required training.

e. Acceptable Conditions of Work.—The minimum wage in the formal sector was 268,000 kwacha (\$53) per month, based on the legal maximum workweek of 48 hours. The minimum wage for nonunionized workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. The minimum wage did not provide a worker and family with a decent standard of living; most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on extended family. The minimum wage act did not apply to domestic servants. The MLSS is responsible for enforcing the minimum wage, and its inspectors received and resolved complaints.

For unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The standard work week was 40 hours, and there were limits on excessive compulsory overtime, depending on the work category of work. The law requires two days of annual leave per month of service. The law provides for overtime pay. Employers must pay employees who work more than 48 hours (45 hours in some categories) in one

week at a rate of one and a half times their hourly rate. Workers receive double the rate of their hourly pay for work done on a Sunday or public holiday. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and city and district councils were responsible for enforcement. The inspector of factories under the minister of labor handled factory safety; staffing shortages limited enforcement effectiveness. The MLSS continued to conduct labor inspections during the year and ordered businesses to close when it found significant violations of labor laws.

The law protects the right of workers to remove themselves from work situations that endangered health or safety without jeopardy to their continued employment, but workers did not exercise this right in practice. The Government acted when well known occupational health problems existed, such as by requiring that underground mine workers receive annual medical examinations.

ZIMBABWE

Zimbabwe, with a population of approximately nine million, is constitutionally a republic, but the Government, dominated by President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) since independence, was not freely elected and was authoritarian. The last four national elections—the presidential election in 2002, the parliamentary elections in March 2005, the harmonized presidential and parliamentary elections in March 2008, and the presidential run-off in June—were not free and fair. In the March 29 elections two factions of the opposition Movement for Democratic Change (MDC) gained a parliamentary majority. Mugabe was declared the winner of the June 27 run-off election after opposing candidate Morgan Tsvangirai withdrew due to ZANU-PF-directed violence that made a free and fair election impossible. Negotiations subsequently took place between ZANU-PF and the two MDC factions aimed at agreement on a power-sharing government. On September 15, all three parties signed a power-sharing agreement under which Mugabe would retain the presidency and Tsvangirai would become prime minister-elect; however, the provisions of the deal had not been implemented by year's end. Although the constitution allows for multiple parties, ZANU-PF, through the use of government and paramilitary forces, intimidated and committed abuses against opposition parties and their supporters and obstructed their activities. The Joint Operation Command (JOC), a group of senior security and civilian authorities, maintained control of the security forces, and often used them to control opposition to ZANU-PF.

The Government continued to engage in the pervasive and systematic abuse of human rights, which increased during the year. The ruling party's dominant control and manipulation of the political process through violence, intimidation, and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions increased. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists with impunity. Security forces refused to document cases of political violence committed by ruling party loyalists against members of the opposition. Prison conditions were harsh and life threatening. Security forces, who regularly acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary continued. The Government continued to evict citizens and to demolish homes and informal marketplaces. The Government continued to use repressive laws to suppress freedoms of speech, press, assembly, association, academic freedom, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators and members of the opposition. A nearly three-month ban on the activities of nongovernmental organizations (NGOs) exacerbated food insecurity and poverty. After the ban was lifted, security forces, war veteran groups, and provincial governors continued to interfere with NGO operations, hampering food distributions. Tens of thousands of citizens were displaced in the wake of election-related violence and instability, and the Government impeded NGOs' efforts to assist them and other vulnerable populations. The following human rights violations also continued: violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents committed politically motivated, arbitrary, and unlawful killings during the year. By year's end over 193 citizens had been killed in political violence that targeted members of the opposition party. The MDC claimed that approximately 200 other members and supporters were missing and presumed dead at year's end. The killings were primarily committed by members of ZANU-PF, ZANU-PF youth militia, war veterans, and, to a lesser extent, members of the military and police. The majority of politically motivated killings occurred between the March 29 harmonized election and the June 27 presidential run-off election. NGOs also estimated security forces killed between 200 and 300 citizens in the Chiadzwa diamond fields in Manicaland Province.

Security forces killed opposition members during the year. For example, on May 14, Tonderai Ndira, MDC Secretary for Security in the party's Youth Assembly, was abducted from his home in a suburb of Harare by suspected security agents. His mutilated body was found on May 21.

On May 22, MDC treasurer in Mashonaland East Shepherd Jani was abducted in Murehwa by four men suspected of being intelligence officers. Jani's mutilated body was found two days later.

Security forces engaged in extralegal killings in connection with illegal diamond mining. According to the press and NGO reports, security forces undertook a major operation to kill illegal diamond miners in the Marange/Chiadzwa area of Manicaland during the year, in order to ensure the diamond sales benefited the Mugabe regime. On December 12, the NGOs Global Witness and Partnership Africa Canada claimed "police reportedly shot and killed as many as 50 informal diamond diggers in November's raid, allegedly termed Operation No Return." According to numerous reports, military forces used a ground attack with dogs and guns as well as an aerial assault to kill indiscriminately persons digging for diamonds. The military allegedly intervened after learning that police in the area were benefiting from illegal diamond mining. Press reports from nearby Mutare, where many of the bodies were taken, indicated dozens of men, women, and children died from gunshot wounds, dog bite wounds, and torture inflicted by soldiers. On December 12, the NGOs called for signatories to the Kimberley Process to prevent Zimbabwean diamonds from entering the global market, noting, "the perpetuation of human rights abuses and indiscriminate extrajudicial killing by governments in pursuit of Kimberley Process objectives is little better than the problem the scheme seeks to end. The Kimberley Process should act to condemn and prevent such violence."

There were killings by paramilitary forces during the year. For example, on April 5, ZANU-PF youths and war veterans killed Tapiwa Mbwanda, MDC organizing secretary for Hurungwe East. According to Human Rights Watch (HRW), four people were arrested in connection with the murder but were released without charge after a local ZANU-PF leader demanded their release.

On April 25, MDC activist Tabitha Marume was shot and killed in Manicaland when a group of war veterans opened fire on a group of MDC supporters. Marume and 21 other MDC supporters had gone to a ZANU-PF-sponsored torture camp to seek the release of 12 MDC members who had been abducted by war veterans on April 23. When they attempted to release their colleagues, several dozen war veterans and ZANU-PF youths, some armed with AK-47 rifles, confronted them. As the MDC supporters attempted to flee, three persons, including Marume, were shot and killed.

There were killings by party supporters during the year. For example, on June 7, a mob of ZANU-PF supporters killed Dadirai Chipiro, the wife of Patson Chipiro, a MDC local chairman in Mhondoro, by cutting off her hand and both feet, dragging her body into the kitchen of their home, setting it on fire, and burning her alive.

On June 16, ZANU-PF supporters attacked the home of Harare's Deputy Mayor and MDC Councilor for Ward 42, Emmanuel Chiroto, and took away his wife, Abigail. On June 18, her burned body was found on a nearby farm. HRW reported that police refused to take action to investigate the killing.

On July 26, former police officer Kingsley Muteta died after he was attacked by 12 suspected ZANU-PF youths at his family home in Mudzi. The mob beat Muteta when he arrived at the house, intending to visit his mother, who the group said was a known MDC activist. Police made arrests in the case, but they were subsequently released.

Despite the nearly 200 killings resulting from political violence, there were no prosecutions or convictions in any of the cases. The Zimbabwe Human Rights NGO

Forum filed five civil suits in the High Court against perpetrators for wrongful deprivation of life; all were pending at year's end.

There were no developments in previously reported killings from 2006 or 2007.

b. Disappearance.—There were numerous reports of politically motivated abductions during the year. MDC leaders reported that state security agents and ZANU-PF party supporters abducted and tortured hundreds of opposition and civil society members, as well as student leaders, as part of a systematic government-sponsored campaign to dismantle the opposition party's structures before the March 29 election and, especially, immediately preceding the June 27 presidential run-off. In the majority of cases, victims were abducted from their homes or off the streets by a group of unidentified assailants, driven to remote locations, interrogated and tortured for one or two days, and abandoned. In some cases, the abducted person was located in police custody days or weeks later. Between late October and year's end, approximately 32 people were abducted by suspected state security agents and held for up to two months before being brought to court. At year's end an estimated 14 were still missing.

On June 23, suspected ZANU-PF members abducted lawyer Ernest Jena from his office in Bindura just before he was due to make a bail application for detained MDC members. A group of men forced Jena into a car marked with a ZANU-PF flag and stickers. The men drove Jena to a secluded place outside Bindura and repeatedly beat him on the buttocks and back. Jena was detained in leg irons without food and water for two days. On June 27, Jena's assailants returned him to his office and forcibly took his passport, identification documents, money, and other private documents.

In late October, 13 MDC officials, who were primarily from the Zvimba South constituency, and a two-year-old child were abducted near Banket in Mashonaland West. Those abducted included Ward 25 councilor Emmanuel Chinanzvavana; Mashonaland West women's assembly provincial chairperson, defeated MP candidate, and member of the MDC National Council Concilia Chinanzvavana; district chairman and defeated senatorial candidate Fidelis Chiramba; Provincial Secretary Terry Musona; party youth organizer Fanwell Tembo; party activists Tawanda Bvumo, Larry Gaka, Gwenzi Kahiya, Agrippa Kakonda, Pieta Kaseke, and Lloyd Tarumbwa; and youth chairman Collen Mutemagau, along with his wife Violet Mupfuranhehwe and their two-year-old son Nigel Mutemagau. Eight of the abductees surfaced in Harare jails on December 23. Police continued to hold them in custody in connection with allegations of plotting an insurgency at year's end. While Kakonda, Kahiya, Tembo, Gaka, Musona, and Tarumbwa remained unaccounted for at year's end, the six were included in the December 24 High Court order calling on police to release them.

On December 3, Jestina Mukoko, Director of the NGO Zimbabwe Peace Project (ZPP), was abducted from her home in Norton. Witnesses reported that between 15 and 20 men and one woman, several of whom were armed, arrived at Mukoko's house in two unmarked vehicles at 5:00 a.m., where approximately five of the men dragged Mukoko from her home into an unmarked vehicle. Her family immediately reported her abduction to local police. On December 8, the Chief Superintendent of Norton police responded to a letter from the National Association of NGOs (NANGO) by stating that Mukoko was not in police custody and that her case was being treated as a kidnapping. Despite a December 9 High Court order directing the police to work closely with her lawyers, search for Mukoko, and to report daily to the courts on their progress, police did not fully comply with the order. Separately, on December 8, two ZPP employees, Pascal Gonzo and Broderick Takawira, were abducted from the ZPP office in Harare by six suspected state agents in an unmarked vehicle.

On December 23, 18 persons, including Mukoko, Gonzo, Takawira, eight persons abducted near Banket in October, and other persons abducted in November and December, were discovered in numerous Harare police stations. On December 24, some of the abductees appeared in a lower court. Officials from the attorney general's office refused to provide the defendants' lawyers with information on the intended charges of recruiting and conspiring to mount an armed insurgency from Botswana until the court hearing began.

On the same day, the High Court issued a final order declaring illegal the detention of 32 abductees, including the 18 in police custody and the 14 others still missing, and ordered that nine persons claiming torture while in custody should be released to a clinic for examination. On December 25, the majority of the group was moved to a maximum security prison. On December 29, the Government appealed to the Supreme Court. At year's end the case was ongoing, the group remained in

prison, and prison officials continued to deny the defendants' lawyers access to meet privately with their clients.

Prison officials allowed a private doctor to examine the detainees at a prison hospital; however, they were not granted access to a private facility. Although officials claimed that the 18 detainees were involved in various plots to overthrow the Government, none had been formally charged by year's end. Due to a lack of formal charges and arrest warrants, and because their custody defied the December 24 court order, their lawyers referred to them as abductees.

In some cases, abducted persons were killed. For example, on May 13, Beta Chokururama, a member of the MDC National Youth Assembly, and two other MDC activists, Cain Nyevehe and Godfrey Kauzani, were abducted in Mashonaland East by men in two trucks without license plates. Chokururama's body was found the same day; the bodies of Nyevehe and Kauzani were found on May 18.

The Government seldom investigated reported abductions.

There were no developments in the July 2006 disappearance of an MDC youth organizer.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices. Security forces routinely committed political violence, including torture of citizens in custody, particularly in areas suspected of heavy support for the opposition. Army and police units organized, participated in, or provided logistical support to perpetrators of political violence and generally permitted their activities. Police also refused to record reports of politically motivated violence or destruction of property. Police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to assault suspected and known opposition members and their families, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either the Government or the opposition continued.

Human rights groups reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. The violence was particularly widespread between the March 29 harmonized elections and the June 27 presidential run-off when security agents and government supporters established torture camps across the country, particularly in the northern, central, and eastern provinces. The ruling party also set up numerous torture camps throughout the country, including Matapi base in Mbare, Chidodo in Uzumba Maramba Pfungwe, and Dendera in Mudzi. One NGO report stated that at least 6,300 victims of torture and assault received medical treatment during the year, nearly double the 3,463 victims recorded in 2007. Torture and other assault methods commonly reported included beating victims with sticks, whips and cables; suspension; burning; electric shock; and falanga (beating the soles of the feet).

For example, on May 4, according to HRW, ZANU-PF officials and war veterans tortured and beat 70 villagers at a "re-education" meeting at Chaona primary school. Alex Chiseri, Fushirai Dofu, Wilson Emmanuel, Joseph Madzuramhende, Tapiwa Meda, and Geoffrey Jemedze died as a result of their injuries. According to witnesses and doctors, three of the men who died had severely mutilated testicles. Madzuramhende's genitals were tied with barbed wire, placed on a log and then beaten severely. Others were forced to lie on the floor while ZANU-PF youths beat their buttocks with sticks. Some victims required skin grafts for their injuries. During the beatings, victims were forced to name other MDC activists, who were then called forward for additional beatings.

On June 16, according to Amnesty International's (AI) October report Zimbabwe: Time for Accountability, a woman who was five months pregnant was assaulted by ZANU-PF supporters in Gutu, Midlands Province, after she failed to attend a ZANU-PF meeting. An estimated 200 persons arrived at the house where the woman and her sister rented a room. The mob broke windows and dragged the women from the house, where they were beaten on their buttocks and forced to sing ZANU-PF songs while the mob looted the home. The following day, a group of ZANU-PF youths and uniformed soldiers came to the house and ordered the woman to leave. The youths then beat the woman's sister and another teenage boy who remained in the house. Soldiers guarded the area while the ZANU-PF youths singing party songs stole food and soap and destroyed furniture.

ZPP Director Jestina Mukoko and her colleague, Broderick Takawira, were abducted by suspected state agents on December 3 and 8 respectively and then tortured in custody, according to affidavits they presented to the High Court. Mukoko and Takawira reported they were both subjected to falanga.

Eric Matinenga, an MDC member of parliament for Buhera West and a prominent attorney, presented a case before the High Court on May 19, alleging the involvement of the Zimbabwean Defense Forces in harassing, assaulting, and humiliating MDC supporters. The case named the Commander of the Defense Forces Constantine Chiwenga, and Major Svosve as the organizers of the repressive activities by security personnel in Buhera. On May 23, Justice Bhunu issued a court order declaring the deployment of defense forces in Buhera for any purpose not in the constitution as unlawful and ordered them to withdraw. However, reports of army personnel in the area continued. HRW reported the details of this case and similar incidents from other areas of the country.

Police repeatedly used cruel, inhuman, or degrading treatment or punishment against those in custody. For example, on September 17, riot police detained 10 student leaders from Bindura University after dispersing a peaceful protest. The students were held for more than 12 hours without food and water and were assaulted in custody. Police told the students their mission was to “flush out and deal with little MDC troublemakers,” according to HRW.

Police also used excessive force to disperse demonstrators. For example, on January 23, police fired tear gas into a crowd of several hundred MDC supporters as they attempted to leave a Harare court hearing where a magistrate ruled to allow a scheduled MDC rally to proceed, despite a government ban on the rally that had been imposed days earlier. Explaining her decision, the magistrate asked MDC marchers to “withdraw peacefully and in a nonriotous manner, and proceed to the Glamis Stadium.” However, before the MDC supporters could leave, heavily armed riot police used batons and tear gas to break up the crowd, resulting in numerous injuries.

On January 25, police beat and arrested 25 members of the NGO Restoration of Human Rights in Zimbabwe (ROHR) as they marched in protest of repressive legislation and police harassment. After police dispersed the march, and while protesters were leaving the scene, more than a dozen additional police arrived and arrested four more members of ROHR. Riot police then went to ROHR’s office, where they forcibly took those present outside and beat them with batons before taking them to the police station. The ROHR members paid fines for “disorderly conduct or conduct likely to cause a breach of the peace.”

Government supporters, including youth militia and war veterans trained by ZANU-PF, were also deployed to harass and intimidate members of the opposition, labor, student movement, and civic groups, as well as journalists considered critical of the Government. For example, on May 4, Zimbabwe Election Support Network (ZESN) observers in Mount Darwin East were attacked by suspected ZANU-PF supporters for allegedly facilitating an MDC victory in the March harmonized election. The attacks involved harassment, assault of the observers and their relatives, vandalizing and setting fire to observers’ homes, and looting of their property, including blankets and food reserves. At least seven observers and two of their relatives sustained serious injuries in the attacks and were hospitalized.

No action was taken in the other 2006 or 2007 cases of abuse.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life-threatening. The Government’s 42 prisons were designed for a maximum of 17,000 prisoners. In May the Ministry of Justice, Legal, and Parliamentary Affairs reported that the country’s prisons held between 22,000–24,000 prisoners; however, a local NGO reported that they actually held approximately 35,000 inmates. Prison guards beat and abused prisoners. Poor sanitary conditions and overcrowding persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Human rights activists familiar with prison conditions reported constant shortages of food, water, electricity, clothing, and soap. According to the 2006 Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, “political arrestees are routinely and deliberately overcrowded, with 30 or more people being kept at times in cells intended for six,” and those “who have been severely beaten by the police and have fractures and other injuries, are routinely denied any access to health care or medication for varying periods of time.” In June then-Deputy Attorney General Johannes Tomana acknowledged overcrowding and stated, “jail is not nice. It is not meant to be nice.” Tomana was appointed Attorney General in December.

Food shortages were increasingly serious in most prisons. Some prisoners reported receiving only one small meal a day. According to the Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender, an average of two prisoners died in custody each day. In December the media reported that in some prisons, guards stole food from prisoners.

In May 2007 the UN Office for the Coordination of Humanitarian Affairs reported that a delegation of parliamentarians had visited prisons in 2006 and found that unsanitary conditions, including a lack of running water, had made diarrhea and skin diseases endemic. A medical orderly employed by the health department stated that more than 100 inmates had died of pellagra at Harare Central and Chikurubi Maximum Security prisons since the beginning of the year. He noted that in Chikurubi Maximum Security prison as many as 10 deaths were recorded in one day.

Most prison deaths were attributed to harsh conditions, hunger, and HIV/AIDS. In 2006 a local NGO estimated that 52 percent of prisoners were HIV-positive. In 2006 Zimbabwe Prisons Service Commissioner General Paradzai Zimondi described the mortality rate in prisons as a "cause for concern." In November the local press reported that some prisoners with hunger-related health conditions were released from prisons.

Juveniles were not held separately from adults. The Prison Fellowship of Zimbabwe, a local Christian organization working with former inmates, estimated in 2006 that more than 200 children were living in the prison system with their detained mothers. A two-year-old child who was abducted with his mother from Zvimba South on October 31, and appeared in police custody on December 22, remained in prison with his mother at year's end. Due to overcrowding in police stations and remand prisons, pretrial detainees were often held in prisons with convicted prisoners until their bail hearings.

The law provides that international human rights monitors have the right to visit prisons, but government procedures and requirements made it very difficult to do so. The Government granted local NGOs access on a number of occasions during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the president's office, through the JOC, controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the Government called upon them for domestic operations. The Central Intelligence Organization (CIO), under the Ministry of State for National Security, is responsible for internal and external security.

Security forces were widely used to carry out government-sponsored politically motivated violence. Police routinely and violently disrupted public gatherings and demonstrations, and tortured opposition and civil society activists in police custody.

It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. For example, in the pre-election period, police officers were reportedly forced to attend ZANU-PF rallies during work hours. In addition, the November HRW report, *Our Hands Are Tied: Erosion of the Rule of Law in Zimbabwe*, described occasions when police officers were told that they were not to investigate or arrest ZANU-PF supporters who might have been implicated in political violence.

In the March 29 election, police and military ballot results cast in secret indicated overwhelming support for the MDC. However, there were widespread reports that police were forced to vote under their superiors' supervision in the June 27 run-off election, which ZANU-PF won overwhelmingly. In mid-March the press quoted the commander of the Zimbabwean Army, General Constantine Chiwenga as saying that "the army will not support or salute sell-outs and agents of the West before, during, and after the presidential elections." There were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU-PF.

There were reports that police and army personnel suspected of being sympathetic to the political opposition were demoted or fired. Several policemen told HRW that officers were told to support ZANU-PF or resign, and that promotion in the police was contingent on support for ZANU-PF. In September policeman Masimba Dinyero was sent to the barracks for three weeks after he allegedly criticized Mugabe for continuing to cling to power while police officers starved.

Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. Corruption continued to increase in part due to low salaries and a worsening economy.

Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials who claimed that the actions were necessary to maintain public order. In March 2007, after security forces violently prevented a public gathering, Mugabe was widely quoted as saying that “the police have a right to bash” protesters who resist them.

Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. Government efforts to reform security forces were minimal, and training was rarely provided.

Police seldom responded during incidents of vigilante violence.

Arrest and Detention.—Arrests require court-issued warrants, and the law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests which may have been politically motivated on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations’ activities, and then releasing them the next day without charge.

Although the Criminal Procedures and Evidence Act substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, a circular issued by the attorney general giving a general authority to grant bail lessened the negative effect of the law in practice. High Court judges at times granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to four weeks without bail.

On June 9, Deputy Attorney General Johannes Tomana announced the attorney general’s office would “deny bail to all suspects arrested on charges of either committing or inciting political violence.” The following day, Justice Minister Patrick Chinamasa proposed amnesty for some convicts “in order to create space for those convicted of political violence.” Zimbabwe Lawyers for Human Rights (ZLHR) condemned the move, saying that to “deny bail as a matter of policy in cases of political violence is clearly unconstitutional.” In some cases, those arrested and denied bail were kept in remand prisons for weeks or months, resulting in their inability to vote in the June 27 run-off. In other cases, police continued to hold persons in jail even after a judge had granted bail or dropped the charges.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were “not available,” especially in cases involving opposition members and civil society activists. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado. Family members and attorneys often could not verify that a person had been arrested until the individual appeared in court.

For example, on April 4, Zimbabwe Electoral Commission (ZEC) officer Dorcas Mpofo was arrested and detained by police in Mberengwa. ZLHR deployed a lawyer to assist her, but police denied the lawyer access. The ZEC officer was then charged with criminal abuse of her duty as a public officer. Police made her sign a statement without her lawyer present, and then released her. Subsequently, police took her back into custody and advised her lawyer to make an application for bail on April 8. The ZLHR lawyer attended court and was again denied access to the client; the case was pending at year’s end.

There were reports that victims or witnesses of crimes were detained or charged with the crime after reporting it to police. For example, in January three MDC activists were assaulted by ZANU-PF youths, who accused the activists of spying on them while walking near a ZANU-PF rally in Harare. When the MDC activists reported the incident to police, they were detained for a week.

On June 18, MDC Minister of Parliament-elect (MP) Abednico Bhebhe and Senator-elect Robert Makhula were arrested at the police station in Nyaki where they were attempting to intercede on behalf of a constituent who had been arrested the day before. When lawyers for the three arrived, police denied them access to the arrestees. On June 20, the lawyers obtained a court order directing police to bring the three to court within 24 hours, but police refused to comply and threatened the lawyers with arrest. The arrestees were brought to court on July 1 and released. The magistrate refused to place them on remand for trial, effectively removing the

case from the court's list of pending cases, citing gross abuse and wanton disregard for the law by the police.

The Government increasingly used arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists. The Zimbabwe Human Rights NGO Forum reported more than 800 confirmed cases of unlawful arrest and detention during the year. According to the 2006 Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, an evaluation of 1,981 politically-motivated arrests from 2000 to 2005 showed that 1,721 cases resulted in no trial, 256 cases came to trial but resulted in no conviction, and only four cases resulted in a conviction. This trend continued during the year.

On April 25, police raided the MDC's headquarters, Harvest House, in downtown Harare. The MDC estimated that 250 armed police arrested approximately 300 persons who had fled election-related violence and sought refuge at the office building. Police raided the office again on June 23, and took approximately 30 elderly, ill, or injured persons into custody. When MDC MP Evelyn Masaiti attempted to visit the detainees in jail, police detained her as well. Authorities later moved an estimated 30 persons to a facility in Ruwa, outside Harare. When lawyers attempted to visit the detainees, police denied access, stating that they had not been arrested. Over subsequent weeks, the detained persons were slowly allowed to leave and were assisted returning to their homes.

Police and other security officials detained MDC President Morgan Tsvangirai without charge several times during the year. On January 23, police executed a pre-dawn raid on Tsvangirai's home and took him into custody for several hours just before he was expected to lead an MDC march and rally. On June 4, police stopped Tsvangirai and other MDC officials at a roadblock near Bulawayo as they traveled between political rallies. He and several other party officials were taken to a police station and questioned. Police detained Tsvangirai for several hours again on June 7.

MP for Buhera West and prominent attorney Eric Matinenga was arrested on two occasions and spent a total of 23 days in police custody. On May 31, Matinenga was arrested in his constituency when he visited MDC activists detained for inciting public violence. He was held for four days until a magistrate dismissed the case for lack of evidence. Buhera police rearrested Matinenga on June 7, and once again charged him with inciting public violence. On June 8, the High Court ordered the Government to produce Matinenga in court and release him unless it could demonstrate why he should continue to be detained. However, magistrates in the area refused to hear the highly politicized case. On June 14, Chief Magistrate Mandeya travelled from Harare to hear the case and charged Matinenga for the same offenses dismissed by the previous magistrate on June 4, and in spite of the High Court order for his release on June 8. Matinenga was released on bail on June 26; the case was pending at year's end.

On May 28, police arrested 14 members of the NGO Women of Zimbabwe Arise (WOZA) in downtown Harare as they led a march to protest election-related violence. Police assaulted three of the 14 during their arrest. All 14 faced charges of breaching the peace, and WOZA leader Jenni Williams faced further charges of "causing disaffection among the police" and "publishing or communicating false statements prejudicial to the State." While 12 of the members were granted bail a few days later, Williams and fellow WOZA leader Magodonga Mahlangu were denied bail after the Government claimed they would organize violence before the June 27 run-off. Williams and Mahlangu were held for 37 days before a magistrate finally granted bail on July 3. In a hearing on August 28, the magistrate and the Government set October 15 as the trial date. On October 15, the Government was unprepared to try the case, and the magistrate removed it from remand, essentially removing it from the list of cases awaiting trial.

On October 16, WOZA led a protest march of approximately 200 persons in Bulawayo to call on the Government to declare a state of emergency and allow emergency food aid. As the protesters sat outside the Government office and waited for a group of elderly women to deliver a petition, riot police dispersed the protestors and broke one woman's finger. Williams and Mahlangu were arrested. On October 17, they were charged with disturbing the peace. Before a court hearing that day, the Government prosecutor told the defense lawyer that they would not oppose bail and agreed to the amount and conditions. On entering the court room, a new prosecutor appeared and argued, referring to the May 28 arrest, that the two should be denied bail because there was still an outstanding case pending. However, the defense argued that since the group's case had been removed from remand in the Magistrate's Court on October 15, the matter was no longer pending. The magistrate allowed the Government time to verify this and ordered Williams and

Mahlangu to remain in custody until October 21. On October 22, AI described the women as “prisoners of conscience” and condemned their arrest as part of a government clampdown on human rights defenders. On October 27, after additional delays by the court, the magistrate denied the two women bail. On November 5, a High Court judge granted the women bail, stating that the magistrate did not have sufficient reason to deny them bail. On November 6, Williams and Mahlangu were released and reported experiencing harrowing conditions in prison, including food shortages. On December 2, the two were due to face trial for charges of disturbing the peace and separate charges of disturbing the peace in connection with 2004 arrests that were never brought to trial. However, none of the state witnesses for the 2008 case and only one state witness for the 2004 case appeared in court. The magistrate postponed the trial and the case was pending at year’s end.

On June 12, MDC Secretary General and MP for Harare East Tendai Biti was arrested and charged with four counts: treason, publishing a document prejudicial to the state, causing disaffection within the police force, and insulting the president. The charges all stemmed from a document he allegedly authored on March 25 that purported to detail plans for an MDC government. The Government claimed the document sparked postelection violence. In court hearings on June 18 and 19, Biti’s lawyers laid out several complaints against the Government concerning the manner of his arrest and treatment in jail, including that: he was not told the charges against him; upon his detention, he was interrogated without rest for 19 hours; he was not given food, water, or access to legal counsel for the first 48 hours of detention; he was detained in inhuman circumstances in a police station previously declared unfit for human habitation by the Supreme Court; and police searched his computer without a warrant and never notified his lawyers of his court date. After the court hearing, Biti was transferred to a different jail where police held him until he was granted bail on June 26. On November 18, a court dropped charges of insulting the president and causing disaffection to the armed forces. Biti continued to face charges of treason and making statements likely to cause public disorder. The case was pending at year’s end.

There were no developments in the arrest cases reported in 2007 and 2006.

Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several years before trial or sentencing because of a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and for political reasons. During the year some detainees in Harare Remand Prison went months without attending court for bail hearings because Zimbabwe Prison Services lacked fuel to provide transport. Others who had bail set but could not afford to pay were left to languish in detention. According to lawyers, the country’s prisons were on record for having held pretrial detainees without charge for as long as nine years. In 2007 SW Radio Africa, an independent broadcaster, reported a backlog of 350,000 cases in the judicial system.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the judiciary was under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions. The Government routinely delayed payment of court costs or judgments awarded against it in civil cases.

The law provides for a unitary court system consisting of headmen’s courts, chiefs’ courts, magistrates’ courts, the High Court, and the Supreme Court. Victim-friendly courts, which had jurisdiction over children and victims of sexual abuse, had specially trained magistrates and prosecutors and equipment that allow victims to testify without being seen. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Military courts deal with courts martial and disciplinary proceedings only for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons. In November HRW reported on several methods the Government used to undermine the independence of the judiciary, including giving farms and homes to judges. On August 1, the Government newspaper *The Herald* reported that the Reserve Bank had given judges luxury cars, plasma televisions, and electricity generators.

Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that defendants in politically sensitive cases were more likely to receive a fair hearing in magistrates’ lower courts than

in higher courts, where justices were more likely to make political decisions. According to a November HRW report, most junior magistrates and magistrates in rural areas did not benefit from government patronage. Instead, government sympathizers relied on threats and intimidation to force magistrates, particularly rural magistrates, to rule in the Government's favor. Some urban-based junior magistrates had demonstrated a greater degree of independence and granted MDC and civil society activists bail, against the Government's wishes. Other judicial officers such as prosecutors and private attorneys also faced political pressure, including harassment and intimidation. For example, in May the resident magistrate in Gutu, Musaiona Shortgame, fled the country temporarily after his car was torched on April 21 by ZANU-PF party youths who accused him of passing inappropriate sentences against their members. He also received death threats.

On June 23, youths in ZANU-PF T-shirts beat up senior magistrate Felix Mawadze in Bindura. His alleged crime was that he granted bail to MDC supporters who were charged with politically motivated violence. The youths tried to force him into a car, but he escaped to the nearby courthouse. Although police reports were filed, no arrests were made.

On July 1, ZANU-PF members kidnapped Harare attorney Stewart Nyamushaya as he attempted to serve them with eviction orders. The tenants took Nyamushaya to the party's provincial offices where he was assaulted; he suffered a fractured rib, and swollen buttocks and feet. Three cabinet ministers intervened in the case and directed the city of Harare to halt the eviction and provide the tenants time to "identify suitable unutilized buildings and open land where they can be relocated."

Trial Procedures.—The constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. Defendants enjoy a presumption of innocence under the law; however, this was not always preserved in practice. Trials were held by judges without juries and were open to the public, except in certain security cases. Every defendant has the right to a lawyer of his or her choosing, but a local attorney reported that most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent defendant may apply to have the Government provide an attorney, but this was rarely granted except in capital cases, where the Government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request free legal assistance from the Legal Resources Foundation or ZLHR.

Attorneys sometimes were denied access to their clients, especially in cases involving opposition members or civil society activists. Defendants have the right to present witnesses and the right to question witnesses against them; however, these rights were not always observed in practice. While defendants and their attorneys sometimes had access to government-held evidence relevant to their cases, this was often not allowed in politically sensitive cases. The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed.

Political Prisoners and Detainees.—There were hundreds of reports of political detainees throughout the year, including opposition officials, their supporters, NGO workers, and civil society activists. Many were held for one or two days and released, others were held for weeks or months. During the year police severely beat and tortured numerous opposition, civil society, and student leaders while in detention.

At year's end there were at least 18 political prisoners in police custody. All were abducted between October 31 and mid-December and were brought to jails in Harare on December 22 and 23 by the state security agents who abducted them. According to affidavits and testimony from victims, witnesses, and their families, they were abducted and later jailed because of their affiliations with the MDC or membership in a civil society organization. At least nine claimed they were tortured after their abduction. Despite court orders calling on the state to investigate the abductions and torture claims and to release the group, police refused to take action. At year's end an additional 14 persons abducted in the same manner remained unaccounted for, although civil society organizations believed they were also in state custody.

Civil Judicial Procedures and Remedies.—There was an independent and impartial judiciary in civil matters; however, in practice the judiciary showed indications of being politically influenced or intimidated in cases involving high-ranking government officials, politically connected persons, or violations of human rights. There were systematic problems enforcing domestic court orders, as resources for the judiciary and police were severely strained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, but the Government did not respect these provisions in practice. Security forces searched homes and offices without war-

rants; the Government pressured local chiefs and ruling party loyalists to monitor and report on suspected opposition supporters; and the Government forcibly displaced persons from their homes. The Government coerced ruling party supporters and punished opposition supporters by manipulating the distribution of food aid, agricultural inputs, and access to other government assistance programs.

In 2007 the president signed into law the Interception of Communications Act (ICA) to provide for the interception and monitoring of any communication (including telephone, postal mail, e-mail, and Internet traffic) in the course of transmission through a telecommunication, postal, or other related system in the country. Civil liberties advocates criticized the ICA as repressive legislation that allows the Government to stifle freedom of speech and to target opposition and civil society activists.

During the year the Chief Executive Officer (CEO) of the state-run Zimpapers secretly monitored subordinates' private e-mails for political content.

During the election period, police routinely violated citizens' privacy when they forced travelers stopped at roadblocks to relinquish their cell phones so that the phones could be searched for political messages.

In 2005 the Government embarked on Operation Murambatsvina (loosely translated from Shona as "Restore Order" or "Get Rid of the Filth") without prior notice, during which more than 700,000 persons lost their homes, their means of livelihood, or both through a program of forced evictions. The Government's stated reason for the operation was to curb illegal economic activities and crime in slums and illegal settlements in several cities and towns, but it made no provision for the victims of its policy. Those who returned to rural areas often faced unemployment, food shortages, and other economic and social stresses. According to the AI report *Zimbabwe: Between a Rock and a Hard Place—Women Human Rights Defenders at Risk*, the operation resulted in the destruction of more than 32,500 small and microbusinesses across the country and created a loss of livelihood for more than 97,550 persons, most of whom were women. An estimated 300,000 children lost access to education as a result of displacement. The operation disrupted access to medical care, particularly for HIV/AIDS patients. The Government reportedly prevented or interfered with UN and other humanitarian organizations' efforts to provide shelter and food assistance. The Government's actions were widely condemned by local civil society organizations and the international community.

In 2005 the Government announced a new operation, *Garikai* (Shona for "live well."), supposedly to provide housing plots for new homes and to set up new vending sites for those who lost homes or businesses; the program proceeded slowly.

According to local human rights and humanitarian NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the opposition. According to a 2007 Shadow Report to the African Union's African Commission for Human and Peoples' Rights (ACHPR) compiled by five independent human rights organizations, including AI and HRW, two years after Operation Murambatsvina, "many victims remain homeless or living in makeshift accommodation." The Government completed rebuilding only "3,325 structures after destroying more than 92,000 dwellings," approximately 20 percent of which were "allocated to police, soldiers and civil servants and the remainder were given mostly to people who were not affected by the mass evictions." The 2008 HRW report *Neighbors in Need: Zimbabweans Seeking Refuge in South Africa*, detailed the struggles of the estimated 1.5 million Zimbabweans living illegally in South Africa. The report noted that a significant, but unknown, portion of these were affected by Operation Murambatsvina.

No action was taken against security forces involved in 2007 forced evictions.

Constitutional Amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the state, prohibited court challenges to the acquisitions, and allowed the Government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. In 2006 the *Gazetted Land (Consequential Provisions) Act* passed into law, requiring all farmers whose land was compulsorily acquired by the Government and who were not in possession of an official offer letter, permit, or lease, to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to two years.

Disruptions at farms and seizures of property increased and were sometimes violent. Under a government moratorium introduced in January 2007, farmers were given temporary extensions to continue growing crops and to allow for a gradual "wind down" of operations, including harvesting and selling crops. The Government in almost all cases took no action to define the period of extension.

In June 2007 Didymus Mutasa, minister for lands, land reform, and resettlement, announced that the Government was going to take action to seize the remaining white-owned farms for resettlement. Following the passage of Amendment 17 and the Gazetted Land (Consequential Provisions) Act, there were renewed and intensified efforts to evict many of the approximately 400 remaining farmers of the original 4,500 farmers of large-scale farms in operation when land seizures began in 2000. The announcement was followed by a sharp increase in reported cases where farms had been invaded, eviction notices served, arrests made, or farms visited in anticipation of future action during the last six months of the year. In July 2007 many of the remaining white farmers received eviction notices informing them to vacate their properties, most by September 2007. In October 2007 at least 15 farmers were summoned to court on charges of illegally occupying their farms past the eviction deadline. Several farmers appealed to the Supreme Court to declare the eviction notices unconstitutional.

In December 2007 the Southern African Development Community (SADC) Tribunal in Namibia, in its first decision since its establishment in 2000, ruled in favor of Michael Campbell, who was contesting the compulsory government acquisition of his farm. The tribunal was set up to ensure that SADC member states, including Zimbabwe, adhere to the SADC treaty and protocols, protect the rights of citizens, and ensure the rule of law. According to the protocol establishing the tribunal, a person can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Campbell brought the case to the tribunal after the Supreme Court in Zimbabwe failed to issue a judgment on the case. The tribunal issued an interim protective order, which prohibited the Government from evicting or allowing the eviction of or interference with the farm, its owners, employees, or property pending a decision by the tribunal on the issue of the legality of the contested expropriation; government representatives told the three-member tribunal it would abide by the decision.

However, on January 22, the Supreme Court issued a judgment dismissing the Campbell case. Soon after the ruling, Minister Mutasa declared that the country would only be bound by its laws and decisions of its superior courts.

In April the SADC tribunal ruled that more than 70 white farmers who had been evicted from their land could remain on their property pending a hearing on their joint application on May 28; their cases effectively joined the Campbell case that was still pending before the tribunal. On June 29, a group of 20 war veterans abducted and assaulted Michael Campbell and members of his family; they were hospitalized for their injuries. The perpetrators also looted the Campbell home and stole their car. On July 18, the tribunal reaffirmed the injunction, condemning the Government's recent land seizures, and turning the issue over to the SADC summit for further action. However, the Government asserted that it would move forward with prosecutions of the farmers who remained on the land, effectively dismissing the tribunal's authority.

On November 28, the SADC tribunal ruled in favor of the 79 farmers in the Campbell case, finding that by barring titleholders from being heard in Zimbabwe's courts, the Government violated its undertaking to SADC to uphold the rule of law; the farmers were discriminated against on the basis of race; and the Government should compensate three dispossessed landowners by June 30, 2009. Although the tribunal ordered Zimbabwe not to interfere with any applicant still on his or her land or in possession of it when applying for relief, in December the Government continued prosecutions of farmers for remaining on state-confiscated farms.

No action was taken against security officials involved in numerous 2007 and 2006 cases of land invasions, seizures of property, and attacks on farm owners and workers.

No action was taken, nor was any anticipated, in the numerous other reported 2007 and 2006 cases of arbitrary interference with citizens' homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health." The Government restricted these rights in practice. Journalists and publishers practiced self-censorship.

The Government continued to restrict freedom of speech, particularly by those making or publicizing comments critical of President Mugabe. Passage of the 2007 ICA increased the Government's ability to monitor speech and to punish those who criticized the Government.

Under authority of the Official Secrets Act, Public Order, and Security Act (POSA), or the Criminal Law Act, the Government arrested individuals for criticizing President Mugabe in public.

There were credible reports that CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the Government were frequently targeted for harassment, abduction, and torture.

On March 20, ZANU-PF youth conducted a citizen's arrest on 16-year-old girl Simanzeni Ngwabi after she allegedly made disparaging comments about Mugabe to other ZANU-PF youths who were putting up campaign posters in Bulawayo. Police detained Ngwabi for five days; she was charged with insulting the president and the case was pending at year's end.

On May 7, police arrested media and human rights lawyer Harrison Nkomo on charges that he insulted the president on May 2 while appearing in the High Court on behalf of freelance journalist Frank Chikowore. Nkomo was released on May 9; the case was pending at year's end.

On June 27, police arrested Lincoln Bongani Mathe, a student at Bulawayo Polytechnic College, after he wrote "Mugabe, he is evil" on his run-off ballot instead of voting for the candidate of his choice. Mathe was charged with violating the Electoral Act and insulting the president. He was released on bail on July 15, and the case was pending at year's end.

The Government continued to restrict freedom of the press. The Ministry for Information and Publicity controlled the state-run media, including the two remaining daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers and in the state-controlled media as a whole generally portrayed the activities of government officials positively, portrayed opposition parties and other antigovernment groups negatively, and downplayed events or information that reflected adversely on the Government. High-ranking government officials, including President Mugabe, used the state-controlled media to threaten violence against suspected critics of the Government.

There were two main independent domestic weekly newspapers, the Zimbabwe Independent and the Standard, and a semi-independent weekly paper, the Financial Gazette, all three of which continued to operate despite threats and pressure from the Government. Another independent weekly paper, The Zimbabwean, was published in South Africa for the Zimbabwe market. The independent newspapers continued to criticize the Government and ruling party; however, they also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

On May 24, armed individuals bombed a truck belonging to The Zimbabwean newspaper that was carrying 60,000 copies of the paper. Government and ZANU-PF party officials had displayed open hostility towards the newspaper, labeling it part of what they call the "regime change" agenda. No one was charged in the attack.

Radio remained the principal medium of public communication, particularly for the rural majority. The Government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings, supervised by the Ministry for Information and Publicity.

The popularity of independent short-wave and medium-wave radio broadcasts to the country continued to grow, despite government jamming of news broadcasts by radio stations based in other countries, including Voice of America and SW Radio Africa.

The Government controlled the only domestically based television broadcasting station, the Zimbabwean Broadcasting Corporation (ZBC). The NGO Media Monitoring Project of Zimbabwe analyzed the distribution of air time on ZBC before the elections. It found that between March 1 and March 28, ZBC devoted more than 90 percent of its news bulletins to positive coverage of ZANU-PF. For the March and June elections, ZBC provided over 200 hours of ZANU-PF coverage, and just over 16 of the MDC. Most of the MDC coverage was negative.

International satellite television broadcasts were available freely through private firms, but were not available to most citizens due to their expense and the requirement for payment in foreign currency.

Senior government officials repeatedly criticized both local and foreign independent media for what they deemed biased reporting meant to discredit the Mugabe regime and to misrepresent the country's political and economic conditions. Government used accreditation laws to prevent most major international media outlets and some local journalists from covering the country's combined presidential, parliamentary, and local government elections. The South Africa National Editor's Forum noted that only a handful of foreign correspondents were accredited to cover the elections. Five days before the March elections, government press secretary

George Charamba told the pro-government weekly *The Sunday Mail* that the Government was examining 300 accreditation requests from foreign journalists to cover the elections. Charamba said many were blocked since “we are aware of attempts to turn journalists into observers, or to smuggle in uninvited observers and security personnel from hostile countries under the guise of the media.”

According to the Media Institute for Southern Africa, ZEC denied local freelance journalist Hopewell Chino’ono accreditation despite his being previously accredited by the Government Media Information Commission for the duration of the year.

Security forces arbitrarily harassed and arrested local and foreign journalists who contributed to published stories critical of government policies or security force operations.

On April 4, Sipho Moses Maseko and Abdulla Ismail Gaibee, two engineers from Globecast Satellite in South Africa, were re-arrested on three counts, including practicing journalism without a license, after their acquittal by a magistrate following previous arrests on March 27. Police argued that the magistrate’s initial acquittal had been “defective.” On April 14, the two were acquitted of all charges and allowed to leave Zimbabwe. Nonetheless, the Government retained their equipment, including a camera and satellite truck. Lawyers filed an application with the High Court ordering the police to release the equipment, but no action had been taken by year’s end.

On April 15, police arrested freelance journalist Frank Chikowore and confiscated his computer, voice recorder, and a camera. Chikowore appeared in court together with the former secretary general of the Zimbabwe Union of Journalists (ZUJ), Luke Tamborinyoka, and six others on charges of public violence. They were granted bail on May 2; there were no further developments by year’s end.

On April 17, individuals wearing army uniforms assaulted and robbed ZUJ President Matthew Takaona. No further action was taken.

On April 18, journalist and VOA correspondent Stanley Karombo was assaulted by ZANU-PF supporters during Independence Day celebrations. After the assault, Karombo was handcuffed by police who searched his home before taking him to a police station. Karombo was detained for four days before being released without charge.

On May 8, police arrested Davison Maruziva, editor of *The Standard*, for publishing an opinion piece in the weekly’s April 20 edition authored by opposition leader Arthur Mutambara under the headline: “A shameful betrayal of national independence.” In the piece, Mutambara sharply criticized Mugabe for his handling of the general election. He also accused the Government of intimidation and questioned its right to stay in office. Maruziva and Mutambara were charged with publishing or communicating false statements prejudicial to the state. On May 12, Maruziva was released on bail. The case was pending before the Supreme Court at year’s end.

There were no developments in the 2007 and 2006 cases of harassment, abuse, and detention of journalists.

Journalists and publishers continued to practice self-censorship as a result of government action and threats. There were credible reports that the permanent secretary minister of information, George Charamba, routinely reviewed state-owned media news and excised reports on the activities of groups opposed to or critical of the Government.

On May 14, the Government dismissed Henry Muradzikwa, ZBC’s chief executive, for failing to slant coverage towards ZANU-PF ahead of the March elections. Sources say ZBC was blamed for carrying MDC political advertisements. In subsequent days, Muradzikwa’s replacement, Hapison Muchechetere, reprogrammed ZBC’s schedules to feature programs glorifying Mugabe’s role in the 1970s war of liberation and demonizing Tsvangirai.

On June 3, ZBC suspended seven senior journalists and news executives, allegedly as punishment for failing to cover Mugabe’s government favorably. The seven were not given reasons for the suspensions except that they failed to act in a manner that was in accordance with their contracts. Following an appeal by five of the journalists, the court ordered ZBC to reinstate them. However, upon their return to work, they were served with retrenchment letters, effectively initiating the process to lay them off. When ZBC stopped paying their salaries in October, their lawyers brought the matter to the Labor Court. ZBC then reinstated their salaries and stopped the retrenchment process, after being informed it was illegal.

The Government continued to use the Access to Information and Privacy Protection Act (AIPPA) to serve as the primary justification to control media content and licensing of journalists. The main provisions of the law give the Government extensive powers to control the media and suppress free speech by requiring the registration of journalists and prohibiting the “abuse of free expression.” AIPPA was amend-

ed in January, and initially observers believed the amendments would lead to a more open media environment. However, according to Human Rights Watch, “amendments to the AIPPA in the run-up to the 2008 general elections have not removed the restrictive requirements on reporting.”

On February 7, the Associated Newspapers of Zimbabwe, publishers of the banned papers *The Daily News* and *The Daily News on Sunday*, submitted a fresh application to the Minister of Communication to relaunch of their newspapers; the request was pending at year’s end.

On April 3, police arrested Johannesburg-based New York Times correspondent Barry Bearak, a foreigner, and British freelance journalist Steven Bevan, for practicing journalism without accreditation in violation of AIPPA. The same day, Canadian Broadcast Corporation correspondent Adrienne Arsenault was also detained briefly before being released. Bearak and Bevan were held in prison for 13 days before being released on April 16 when a magistrate ruled there were no legal grounds for their arrest.

On May 5, police arrested and detained Zimbabwean national and Reuters photographer Howard Burditt for three days for using a satellite phone to send pictures during his coverage of the aftermath of the elections. On May 28, Burditt pled guilty to charges of contravening the Broadcasting Services Act (BSA), which prohibits unauthorized possession, establishment, and operation of signal transmitting stations. The Post and Telecommunications Regulatory Authority of Zimbabwe, which licensed Reuters to cover the elections, specified in the contract that journalists were not to use satellite phones in their broadcasting. Burditt was sentenced to pay a fine of Z\$20 billion (approximately \$30).

The BSA, which parliament’s legal committee found to be unconstitutional but which remains in force, gives the minister of information final authority to issue and revoke broadcasting licenses. The act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. In 2007 Obert Muganyura, chief executive of the Broadcasting Authority of Zimbabwe, the licensing authority for broadcasters, testified before the parliamentary Committee on Transport and Communication that the restrictive provisions of the act do not allow for the entry of new players into the broadcasting arena. Since its enactment, media and legal rights groups have criticized the act for limiting free speech.

In February 2006 the Government passed the General Laws Amendment Act (GLAA), which amended sections of POSA to allow authorities to monitor and censor “the publication of false statements that will engender feelings of hostility towards or cause hatred, contempt or ridicule of the president or acting president.” The GLAA recommends a prison term for any journalist who “insults the president or communicates falsehoods.”

The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the constitution.

An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons.

POSA and the criminal code grant the Government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA.

In June the Government introduced a 40 percent import tax on all foreign newspapers after reclassifying them as luxury goods. The tax forced a number of publications, including the *Sunday Times*, the *Mail and Guardian*, *The Zimbabwean*, and magazines to reduce the number of copies imported. For example, *The Zimbabwean* was forced to pay almost Z\$7 trillion (approximately \$20,000) per week in U.S. currency and subsequently reduced its circulation from 200,000 copies to 60,000; it also stopped printing a Sunday edition. The World Association of Newspapers and World Editors Forum formally protested the tax and called for its repeal.

Internet Freedom.—There were no government restrictions on the Internet; however, the ICA permits the Government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a

lack of infrastructure was not widely accessed by the public beyond commercial centers.

In September local media reported that Justin Mutasa, CEO of Zimpapers, the state-run media, had put all of his editors under surveillance during the year. In an October Zimpapers internal disciplinary hearing against Bhokinkosi Ncube, editor of the Ndebele-language newspaper Umthunywa, Mutasa suspended Ncube for insulting the president in emails. The Zimpapers information manager stated that he had accessed the editors' private emails using password cracking software between August 3 and 15. Ncube's lawyers questioned the legality of the manner in which the evidence was obtained. Ncube's lawyers argued that the e-mail searches were in violation of the ICA, as Zimpapers had accessed a private and secure email address without the owner's consent or a warrant. The disciplinary committee ruled in Ncube's favor, but Zimpapers' management prevented him from returning to work. Ncube was subsequently terminated.

Academic Freedom and Cultural Events.—The Government continued to restrict academic freedom. The president is the chancellor of all five state-run universities and appoints all vice chancellors. The Government has oversight of all higher education policy at public universities. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricted the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students. The 2006 Zimbabwe Council of Higher Education Act mandated the establishment of a nine-member council made up of members of the higher education community from both public and private institutions. The council advises the minister of higher education and technology on matters pertaining to education, including funding for higher education and accreditation of higher education institutions. The minister, however, selects and appoints the council members, controls state universities, and appoints their chancellors and vice chancellors; the minister also appoints vice chancellors and other senior members of university administration, the deans of faculty, and most members of the university council. The appointed deans and heads of departments require faculty to submit final examinations well in advance of the end of term and have the right to censure exam content if they feel it is too controversial or threatens "sovereignty and national interest." During the year some lecturers were asked to revise final exams, and department chairs rewrote exam questions before they were given to students.

CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. CIO officers regularly attended all lectures where noted MDC activists were lecturers or students. In response both faculty and students often practiced self-censorship in the classroom and academic work.

According to the Students Solidarity Trust (SST), a local NGO that provides assistance to student activists, 188 students were arrested or detained and 17 students were expelled or suspended for engaging in student activism during the year.

The public education system failed to provide students with adequate education during the year. As a result of election-related violence, including harassment of teachers (many of whom were accused of being MDC sympathizers), poor wages, and sanitation concerns, most schools were open irregularly. In October, as the cholera epidemic escalated, many schools closed because they did not have running water and functioning toilets. Hyperinflation reduced the buying power of a teacher's wages to under Z\$374 million (approximately \$10 per month at the time), which did not cover even transportation costs. Mounting economic hardship drove many teachers to leave the country. On October 7, both teachers' unions called for the Government to cancel the school year because students had not received enough hours of instruction and were unprepared for annual exams. The primary and secondary level exams were held at the end of October, but had not been graded by year's end. Public universities were also forced to close due to a lack of teachers and sanitation on campuses.

The Zimbabwe Censorship Board continued to ban plays considered critical of the Government, and police arrested and interrogated actors and producers during the year.

On June 26, Harare Magistrate Gloria Takundwa fined two artists, Silvanos Mudzvova and Anthony Tongani, Z\$25 billion (approximately \$1.50 at the time) or four days in prison for contravening the Censorship and Entertainment Control Act. Police arrested the artists in October 2007 after they "unlawfully" performed a satire, "Final Push," that depicted the country's worsening political and economic crisis.

The Government argued that the two staged the play without approval from the Censorship Board as required by law.

According to media reports, the Government blocked the opening of two plays during the year. On April 24, police stopped the staging of the play "Sahwira-the Spirit of Friendship." Police said that they were not informed in advance about the staging of the play. Police also stopped the play "Crocodile of Zambezi" in Bulawayo.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, the Government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering seven days in advance. Failure to do so results in criminal prosecution as well as civil liability. In January POSA was amended as a part of constitutional Amendment 18 to require police to go to a magistrate's court and to state in an affidavit why a public gathering should not take place. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not they were notified.

In March 2007 the ACHPR's special rapporteur on human rights defenders in Africa, Reine Alapini-Gansou, expressed concern that police might be using POSA "to arrest and persecute human rights defenders" to prevent them from carrying out "their legitimate activities in defense of human rights." Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. The CIO also routinely sent personnel undercover to monitor meetings perceived to be potentially antigovernment.

During the election period, citing POSA, police routinely denied MDC candidates permission to hold political rallies. On February 1, police denied permission for two MDC marches in Mutare and Rusape. The magistrate in Mutare ruled that the protestors could not march into the city center but could hold a rally outside town.

On April 11, during the delay in announcing winners of the March 29 elections, Assistant Police Commissioner Faustin Masango announced that "no political party will be allowed to hold a rally during this period until after the announcement of the outstanding results." He told journalists that police had denied MDC clearance to hold a rally that day because "the current period is still very sensitive." Politicians and analysts said the ban was illegal and in contravention of POSA, which states that bans could only be imposed at the district, not national, level.

Security forces committed arbitrary or unlawful killings while disrupting non-violent demonstrations. Police erected roadblocks in urban and rural areas to prevent public gatherings, repeatedly used excessive force in dispersing demonstrations by the opposition and civil society, and arrested numerous demonstrators during the year.

On March 8, WOZA and MOZA held a march in Bulawayo to commemorate International Women's Day. After marching a few blocks, riot police chased the demonstrators and beat them with batons. One woman was reportedly thrown against a metal pole and one man was trampled on by a police officer. While police beat one woman, WOZA leaders Jenni Williams and Magodonga Mahlangu intervened. Police arrested all three and took them to the police station; they were later released without charge. WOZA reported that over 50 persons needed medical attention.

On October 27, in Harare, police used excessive force to disperse a group of 100 women, all members of prominent civil society organizations, who had gathered to present a petition to a meeting of the SADC Troika to encourage them to finish the power-sharing negotiations. When the women attempted to enter the hotel where the talks were taking place, they were denied access by police. The women retreated to a nearby field where they prayed for peace while waiting for the rest of the petitioners to arrive; some 800 women from at least 12 organizations were expected. Police then used tear gas against the women and beat them with batons; at least 42 were arrested and approximately 20 others sought medical attention for their injuries. Some of the women were released after paying an admission of guilt fine; others were released without charge.

On November 18, approximately 300 health workers protested outside the main public hospital in Harare, Parirenyatwa. The workers held a second protest on December 3, attended by an estimated 100 doctors and nurses outside the Ministry of Health. In both instances, the medical professionals called for improved wages and working conditions including equipment, medication, water, and electricity in public hospitals. The protests came as a cholera epidemic was accelerating and workers

worried about their own safety and the ability of deteriorated health facilities to handle the influx of patients. While police initially allowed the protests, they ultimately disrupted both demonstrations by chasing and beating health workers with batons. By year's end the escalating cholera epidemic had infected 30,938 persons and killed 1,551.

No further action was taken in the 2007 or 2006 cases in which opposition figures and civil society members were harassed or arrested by government authorities.

In response to continued unrest among student groups angered at increasing tuition, the Government continued its harassment of university student unions. On April 18, 10 students at the National University of Science and Technology were arrested while they staged a demonstration demanding that the ZEC release the presidential election results and calling for a reduction of university fees. The students' lawyer was denied access to the students twice when they were in custody. On April 19, eight were released after being forced to pay admission of guilt fines for breaching the peace. Two others were released on April 21 after they were charged with malicious damage to property. No action had been taken on the case at year's end.

On May 7, more than 600 students staged a peaceful protest at Chinhoyi University of Technology, demanding Mugabe step down as president. Leaders of the Zimbabwe National Students Union (ZINASU) addressed students and attributed the collapse of tertiary education to the national governance crisis. Two trucks of riot police interrupted the protest and beat students. Police arrested five student leaders. That night, war veterans abducted ZINASU spokesman Blessing Vava during a raid on the campus residence halls. Vava was released three days later at a farm in Banket.

On May 8, Chinhoyi University Students' Union leader Lothando Makhubalo was arrested on campus by armed riot police who forcibly dragged her from her residence hall, tearing her clothes off in the process. The Government later refused to prosecute the case. In September Chinhoyi University suspended Makhubalo for four semesters when the student disciplinary committee found her guilty of inciting violence, despite an apparent lack of evidence.

Freedom of Association.—Although the constitution and law provide for freedom of association, the Government restricted this right in practice. Organizations generally were free of governmental interference only if the Government viewed their activities as nonpolitical. ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The Government raided the offices and inquired into the activities of numerous NGOs and other organizations it believed opposed government policies.

On June 12, police raided the headquarters of the National Constitutional Assembly (NCA). Police threatened to arrest members if they did not reveal the whereabouts and contacts of the NCA leadership. They also demanded to see the registration certificate of the organization which police claimed was an NGO as police claimed they had been given a government directive to close NGO offices. After the chairman explained that the NCA, like ZLHR, operated on the basis of their own constitutions and were not subject to the provisions of the NGO bill, the police left.

On August 28, police raided and stopped the annual meeting of the NGO Crisis Coalition in Zimbabwe even though police permission was not legally required for an internal meeting. No action was taken against the police.

The formation of political parties and unions was not restricted; however, the Government interfered with activities of both during the year.

For example, according to the March HRW report *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, on February 10, the MDC party chairman in Bindura called a meeting of 20 MDC activists at a compound in the area. On February 20, a magistrate sentenced the chairman to six months' imprisonment for holding a political meeting; he was ordered to serve 105 hours of community service.

In February MDC supporters in Manicaland were forced to hold clandestine meetings because police frequently denied them permission according to HRW.

Police raided MDC's headquarters, Harvest House, twice. During the first raid, on April 25, armed police forcibly rounded up an estimated 200 internally displaced persons (IDPs), including women and children, who had fled post-election violence and sought refuge at the MDC offices. The police took the IDPs to the police station, and detained some for as long as four days. During the second raid on June 23, persons claiming to be city health inspectors demanded access to the building. Once MDC officials opened the doors, 50 armed police in riot gear stormed the building. The approximately 2,600 IDPs who had sought refuge at Harvest House were tipped off to the raid and had fled the building before police arrived, leaving behind an esti-

mated 30 IDPs who were too ill, injured, or elderly to leave. Police took the remaining IDPs to a newly established government camp in Ruwa where they were held for weeks. Police did not produce a warrant to enter the building in either raid.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. The Government and the religious communities historically have had good relations; however, the Government continued to criticize and harass religious leaders who spoke out against the Government's human rights abuses. Church leaders and members who criticized the Government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies.

In April and May police stormed various Anglican churches, breaking up services and attacking worshippers, mostly women, with batons. Police violence against citizens during April and May also included arresting parishioners, interrogating priests and lay leaders, and locking doors of churches to keep worshippers away.

The Government scrutinized churches suspected of providing food, shelter, and other assistance to displaced people. In May and June police raided several churches that were housing displaced persons and took the displaced into custody. There were also credible reports of ZANU-PF supporters threatening pastors for not encouraging congregants to vote ZANU-PF and stopping pastors from praying for MDC victims of violence.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of religious groups, including inter-religious and intrareligious incidents, other than incidents that were politically motivated.

The Jewish community numbered approximately 270. There were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country and foreign travel; however, the Government restricted freedom of movement, foreign travel, and the rights of IDPs in practice. The Government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers, but interfered with humanitarian efforts directed at IDPs.

During the year police continued to routinely erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In the inter-election period, in particular, security forces were deployed to strengthen roadblocks and border security. Security forces claimed that they were looking for criminals, smuggled goods, and food; however, in many cases, police arbitrarily seized goods for their own consumption.

On August 14, Harare airport security officials seized Morgan Tsvangirai's emergency travel document and the passports of other MDC officials as they attempted to leave Zimbabwe for a SADC summit in South Africa. Police returned the documents several hours later and they were allowed to travel.

Registrar General Tobaiwa Mudede continued to seek to strip the citizenship of persons deemed critical of the Government and to deny the renewal of some individuals' passports. Although Mudede lost a series of legal challenges in the Supreme Court and the High Court, authorities seized passports and prevented citizens from leaving the country during the year. For example, in May Morgan Tsvangirai applied for a new passport since the pages of his previous passport were filled. Although an emergency passport could typically be issued within two days, the registrar general's office stated it could not issue a passport due to a lack of material and instead gave Tsvangirai three different short-term emergency travel documents between June and November. However, the press reported that thousands of other passports were issued during that period. The Government also did not issue Tsvangirai a passport until December 25, despite his position as prime minister-designate and repeated requests to travel on the document for SADC-sponsored power-sharing negotiations.

During the year travel bans on a variety of persons remained in effect, including British government officials, members of the British parliament, a foreign human rights activist, and journalists. Foreign correspondents were denied visas during the year.

The constitution prohibits forced exile, and there were no reports that the Government used it. A number of persons, including former government officials, prominent businessmen, human rights activists, MDC members, and human rights lawyers, left the country and remained in self-imposed exile.

The registrar general continued to deny passports based on his interpretation of the Citizenship Act. The act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any five-year period. However, the High Court ruled in 2002 that this interpretation does not take into account the fact that a person is not automatically guaranteed foreign citizenship merely because their parents were born in a foreign country, as some countries require a person to confirm their citizenship, in which case they could be rendered stateless. It further held that it is incorrect to presume that when one has a parent or parents that are born out of the country they are citizens of the other country by descent. In addition, some countries, including in southern Africa, do not have a means to renounce citizenship. Independent groups estimate as many as two million citizens may have been disenfranchised by the law, including, those perceived to have opposition leanings, such as the more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals. The problem became particularly acute during voter registration in late 2007 and during the 2008 elections when some were denied the right to vote despite having voted previously because they could not adequately demonstrate their citizenship.

Internally Displaced Persons (IDPs).—According to independent assessments, hundreds of thousands of persons remain displaced within the country as a result of government policies including state-sponsored election-related violence, land reform, and Operation Murambatsvina in 2005. Eight percent of citizens surveyed in mid-2007 said they had moved in the last five years because they were “asked to move.” Nevertheless, the Government denies an IDP problem exists. The Government does not tolerate use of the phrase “internally displaced people” and instead refers to “mobile and vulnerable populations” (MVPs).

The Government’s campaign of forced evictions and the demolition of homes and businesses continued during the year. At least 30,000 people were displaced between April and July in the wake of government-sponsored political violence and destruction of property, particularly in rural areas. The Government did not provide assistance to IDPs, established an NGO ban that forbid humanitarian agencies from assisting IDPs or conducting surveys to assess the scope of the problem, and refused to acknowledge that its policies had caused internal displacement. In August, when violence levels in rural areas declined in the wake of political talks, many IDPs returned to or near their homes and were “fined” in food, animals, or money by local ZANU-PF militias.

In the wake of the Government ban on humanitarian organizations’ activities between June and the end of August, aid agencies had limited access to displaced persons. Private groups and individuals assisted IDPs in urban areas by providing shelter, food, and clothing in privately organized safe houses, which were routinely harassed by security forces and ZANU-PF supporters. Although the ban was eventually lifted, security forces and government officials continued to deny NGOs access to some needy populations.

In 2005 an estimated 700,000 persons lost their homes or businesses following Operation Murambatsvina, and approximately 2.4 million persons were directly affected. The Government program “Operation Live Well,” purportedly launched to build housing for those displaced, primarily benefited government officials and the police rather than victims of Operation Murambatsvina. The Swiss-based Internal Displacement Monitoring Centre’s August report *The Many Faces of Displacement: IDPs in Zimbabwe* reported that victims of Operation Murambatsvina continued to suffer and lacked permanent shelter. Some of those who returned to rural areas were regarded with suspicion by rural chiefs and were unable to remain. In urban areas, the continued lack of housing contributed to high rent and overcrowding.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, and granted refugee status or asylum.

According to law, refugees must live at Tongogara refugee camp, but the camp afforded no means to earn a livelihood. Most refugees lived in urban areas without the permission of the Government. In some cases, the Government permitted refu-

gees with special needs to live in urban centers. The Government granted work permits to a few refugees, primarily those with special skills.

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

The constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favor of ZANU-PF, which has ruled continuously since independence in 1980.

Elections and Political Participation.—In 2007 SADC designated South African President Thabo Mbeki to serve as mediator between Robert Mugabe's government and the MDC. The mediation aimed to determine a mutually agreed upon election date and procedures to rewrite the constitution. Mbeki described his main objective as facilitating elections "whose outcome would not be contested." While the mediation was ongoing, Mugabe announced on January 25 that elections would be held in March, despite Morgan Tsvangirai's protests that mediation was still underway and there was not enough time to campaign. On March 29, the country held harmonized elections for the presidency, House of Assembly, Senate, and local government.

As in previous elections in 2000, 2002, and 2005, the preelection period was not free and fair. The environment was characterized by some violence and a media environment that heavily favored Mugabe. Although Tsvangirai was allowed to campaign, the country police did not permit the MDC to hold all planned rallies, and some MDC activists were intimidated and beaten in the weeks before the election. Foreign journalists were not granted permission to cover the story from the country.

The law stipulates that the ZEC is responsible for maintaining and updating the voters' roll. However, the ZEC lacked the capacity to carry out these functions and relied heavily on the Registrar General of Voters office to help it carry out its responsibilities. In the weeks preceding the March harmonized elections, the Registrar General and the ZEC did not ensure an open inspection of the voters' roll for aspiring candidates of the opposition party or the electorate in certain cases until they were compelled to do so by a court order. In some cases, voter rolls contained the names of deceased persons, known as "ghost voters." Before the March elections, the MDC claimed there were as many as 8,000 ghost voters on the roll.

Election day was largely peaceful, with international observers from the African Union, SADC, and the Pan African Parliament present; international observers from Western nations were not invited. Domestic observers, including representative from all the political parties and independent groups such as ZESN, played a critical role in the March 29 election and observed both voting and vote tallying at polling places across the country. For the first time, election results were posted outside each polling station. At numerous polling places, observers photographed the final vote count sheet and distributed the images.

The March election results demonstrated a significant shift in the political environment. MDC secured a majority in numerous local government councils and in the House of Assembly. On August 25, Lovemore Moyo of the MDC was elected Speaker of the House by secret ballot, marking the first time a non-ZANU-PF member held the seat since 1980.

The results of the presidential race were not released until May 2. The lengthy delay called into question the credibility and independence of the ZEC. According to the ZEC tally, 2,537,240 votes were cast, with 1,195,562 (47.9 percent) for MDC's Tsvangirai, while Mugabe obtained 1,079,730 (43.2 percent). Simba Makoni, who left ZANU-PF in February to run as an independent, received 207,470 votes (8.3 percent). These calculations differed from the parallel vote tabulation conducted by ZESN and released on March 31. ZESN estimated that Tsvangirai received 49.4 percent (+/-2.4 percent margin of error), Mugabe received 41.8 percent (+/-2.6 percent margin of error), and Simba Makoni received 8.2 percent (+/-1.1 percent margin of error). The ZEC results fell within the margin of error as estimated by ZESN's projections, but also allowed for the possibility that Tsvangirai won outright. Initially the MDC challenged the results, asserting that Tsvangirai had secured the majority of votes needed to win the presidency. According to the ZEC tally, since no candidate secured the 50 percent-plus-one needed to win outright, a run-off election was set for June 27.

The months leading up to the run-off election were marred by widespread violence and intimidation perpetuated by the ZANU-PF government and its supporters. On June 21, Mugabe gave a speech to followers, indicating he intended to win by any means necessary. According to local press reports, he stated, "we will never allow an event like an election to reverse our independence, our sovereignty, our sweat and all that we fought for" and "we are not going to give up our country because

of a mere X [on a ballot].” Domestic election observers, non-ZANU-PF polling agents, and known MDC members and supporters were targeted and attacked. At least one observer died, and in June alone 30 observers were physically assaulted, over 200 displaced, and 14 had homes and property destroyed.

Violence throughout the pre-run-off period left more than 150 dead, thousands injured, and tens of thousands displaced. On June 22, in the wake of the violence, along with continued disruption of MDC rallies and campaign efforts, Tsvangirai announced that he would not contest the run-off election. The ZEC declared Tsvangirai’s withdrawal unlawful. A legal debate ensued over whether the Electoral Act required a withdrawal to be submitted 21 days before the run-off or whether the 21-day period related only to the first round of elections. The ZEC ultimately issued a statement on June 25 declaring the June 27 run-off would proceed, despite statements from regional and international bodies that the environment was not conducive to a free and fair election. Some voters stated that they would purposefully mismatch their ballot in protest while others reported that they would boycott the election entirely. On June 27, 2,514,750 voters went to the polls, according to official results. In the run-off, the ZEC reported that Mugabe received 2,150,269 votes, Morgan Tsvangirai received 233,000, and 129,781 ballots were spoiled. According to the ZEC figures, Mugabe received 1,070,539 more votes in June, and Tsvangirai received 962,562 fewer votes. On June 29, the ZEC announced Mugabe had won with more than 85 percent of the vote; he was inaugurated the same day.

During the run-off, there were numerous reports of voter intimidation. In the days leading up to the one-man election, ZANU-PF youths threatened voters with beatings or death if they could not show indelible ink on their finger as evidence of having voted. Some polling stations were located in areas regarded as intimidating to voters, such as at police stations, farms owned by war veterans, or next to local ZANU-PF headquarters. At some polling places, police officers and other unidentified individuals recorded the names of those who voted and used serial numbers to track their ballots.

Electoral laws provide for postal voting for citizens that are not able to vote in their area of residence on the day of election. During the run-off, members of the security forces such as police, soldiers, and prison officers were intimidated and forced to vote for the incumbent by mail. A prison official filmed a video of the conditions under which prison workers voted. The video depicted officers being told to vote for Mugabe by their superiors and forced to vote in front of them, violating secrecy of the ballot. According to HRW, senior officers threatened lower ranking officers and stated that the subordinates would not be allowed to “sell out” the country.

In a government policy shift from the March election, ZESN and other domestic observers faced significant bureaucratic obstacles that prevented them from observing the June election. Minister of Justice, Legal, and Parliamentary Affairs Patrick Chimamasa greatly reduced the number of accreditations from over 8,667 in the harmonized election to 500 in the presidential run-off, even though the Electoral Act provides for two election agents per organization per polling station, which would amount to 27,000 observers at the 9,231 polling places in the run-off. Observers charged the shortage of accreditations was a means to curtail the ability of civil society to monitor elections, especially polling.

While the country did not allow nationals of most Western countries to observe the elections, it did allow election observer missions from three African groups. The Pan African Parliament concluded the run-off election did not give rise to free, fair, or credible results. SADC’s report stated that the environment “impinged on the credibility of the electoral process” and the “elections did not represent the will of the people of Zimbabwe.” The African Union mission noted the violence and fear that led up to the election and said that the election “fell short of accepted AU standards.” Leaders of a number of neighboring countries, including Botswana and Zambia, condemned the poll.

Following domestic and international protests of Mugabe’s inauguration, ZANU-PF and MDC resumed negotiations, with Mbeki as lead SADC mediator. On July 21, the leaders of the two MDC factions and ZANU-PF signed a Memorandum of Understanding (MOU) which set terms for the forthcoming dialogue. The MOU, unlike the agenda of the eight-month-long SADC negotiations that ended in failure in January, envisaged that the parties would form an inclusive government. On September 15, Mugabe, Tsvangirai, and Mutambara signed a power-sharing agreement to establish an “inclusive” government.

At year’s end the agreement had not been implemented. The abductions of MDC officials, along with Mugabe’s reappointment of Reserve Bank Governor Gideon Gono and appointment of Attorney General Johannes Tomana, sparked criticism that Mugabe had violated provisions of the September agreement and acted unilaterally to form a new government.

Before the March elections, the Government enacted numerous changes that affected the electoral system. On January 11, amendments were enacted to the Electoral Laws Amendment Act, POSA, and AIPPA. The Electoral Act abolished the Electoral Supervisory Commission, which previously managed the election process, and turned its authorities over to ZEC. The act was intended to streamline the election bureaucracy and allow continuous voter registration, and prohibit the use of intimidation during campaigns. In addition, the act requires voters to vote at assigned polling stations in their wards, rather than at any polling station within their constituency. The locations of polling places were poorly advertised before the March and June elections.

The ZEC, established in 2005, is charged with directing voter registration, maintaining the voters roll, conducting voter education, and accrediting observers. ZEC is comprised of seven members, three of whom must be women, who are appointed by the president. The chairperson is appointed after consultation with the Judicial Service Commission, while the other six are appointed from a list of nominees submitted by the Parliamentary Committee on Standing Rules and Orders. ZEC also has provincial and district offices. Since its inception, observers have questioned ZEC's independence and impartiality. Despite a provision in the Electoral Act that prohibits military and civil servants from serving on the ZEC, the March HRW report, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, detailed cases of current and former military and intelligence officers serving as ZEC officials. Notably, the chairman of ZEC, Justice George Chiweshe, is a former military officer who also chaired the commission that oversaw flawed elections in 2005. The report also described the voter registration process as flawed. Mobile voter registration was not advertised openly and, in some cases, NGO officials said voters were not allowed to register unless they had ZANU-PF membership cards.

The law states that ZEC should start a voter education program no later than 90 days before election day. No person or entity other than ZEC, or someone appointed by it, can provide voter education. Given the new divisions of constituencies, the requirement to vote at a specific polling place, and the introduction of four elections on one day, independent groups charged that voter education was essential to informing voters well ahead of the March 29 election. While ZEC officers carried out voter education in urban areas, they provided little education in rural areas. Media provided some information; however, because of low literacy rates and limited access to media in rural areas, populations in these areas remained relatively uninformed. Although ZESN provided voter education in 2005, ZEC did not grant it permission to conduct voter education campaigns.

In September 2007 parliament unanimously passed constitutional Amendment 18. Among other changes, the amendment expanded the House of Assembly by increasing the number of constituencies from 120 to 210. It also empowered ZEC to set the boundaries of parliamentary and local constituencies. The delimitation report was finalized on January 17. Although the constitution provides that delimitations must be debated in parliament, parliament adjourned before the report could be debated. The MDC and members of civil society criticized the delimitation of wards and constituencies as favoring ZANU-PF.

Although the constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities.

During the year the Government manipulated the electoral process, including through partisan disbursement of food and other material assistance to perpetuate public dependence on the ruling party, disenfranchising of voters, and skewed elections in favor of ruling party candidates. In some areas a ZANU-PF card was required to obtain food and agricultural inputs. According to the ZESN, ZANU-PF prevailed on traditional leaders to get out the vote for the ruling party.

Under the constitution, the president may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve parliament and to appoint or remove a vice president and any minister or deputy minister; and directly appoints eight provincial governors who sit in parliament, and six senators.

There were reports that the Government removed, from the civil service and the military, persons perceived to be opposition supporters. There also were reports that the Government assigned soldiers and youth service members to work in government ministries.

The Government routinely interfered with MDC-led local governments. In the March 29 elections, the MDC won a majority of seats in city councils across the country. Under the Urban Councils Act, the Ministry of Local Government has the power to appoint "special interest councilors" to local councils to represent special interest groups. Such appointments should fill "gaps" by including members of busi-

ness and civil society in the councils. However, Minister Ignatius Chombo used this authority to appoint losing ZANU-PF candidates to councils across the country. City councils in Mutare, Harare, Bulawayo, and other cities challenged such appointments. In September a Bulawayo man filed a claim in the High Court calling for the nullification of nine of Minister Chombo's appointments to the Bulawayo council, a number of whom were losing ZANU-PF candidates. In addition, the Bulawayo council filed a report questioning the appointments, saying there "was no evidence of any special interest they represented." On October 11, in a High Court hearing in Bulawayo, the Government attorney admitted that the appointments were unlawful. By year's end the council had not convened any full council meetings and special interest councilors had not been inaugurated.

The ruling party's candidates continued to benefit from ZANU-PF's control of the state- and party-owned firms that dominated the country's economy and from its control of the state-monopolized broadcast media. Youth wings of the ruling party continued to commit abuses against the opposition and members of civil society with impunity.

After the March elections, there were 32 women in the 210-seat House of Assembly. Women won 21 of the 60 elected seats in the Senate, including the president of the Senate. One vice president, one deputy prime minister, four ministers, and two governors were women. Of these 270 elected positions, 53 were filled by women, constituting 19 percent of the total, short of the SADC target for female representation of one-third. In 2006 Rita Makarau became the first woman to hold the position of judge-president of the High Court. Women participated in politics without legal restriction, although according to local women's groups, husbands commonly directed their wives to vote for the husbands' preferred candidates, particularly in rural areas. The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations.

There were 10 members of minority groups in the cabinet, including Vice President Joseph Msika. There were 46 members of minority groups in the 210-seat House of Assembly, including 43 Ndebele and three whites.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively and impartially, and officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. Implementation of the Government's ongoing redistribution of expropriated, white-owned, commercial farms substantially favored the ruling party elite and continued to lack transparency. Top ruling party officials continued to handpick numerous farms and register them in the names of family members to evade the Government's one-farm policy. The Government continued to allow individuals aligned with top officials to seize land not designated for acquisition.

Top ruling party officials and entrepreneurs supporting the ruling party received priority access to limited foreign exchange, farm inputs such as fertilizer and seed, and fuel. The Government's campaign to provide housing plots and vending sites for victims of Operation Murambatsvina mostly benefited civil servants, security forces, and ruling party supporters.

After significant shortages of basic goods in stores, in August the Government established shops under the National Basic Commodities Supply Enhancement Program (BACOSS) designed to provide basic goods at reduced prices. Under the program, local traditional leaders including chiefs and headmen were involved in the distribution. Politicization of the program was widely reported. In some cases, chiefs reportedly refused to provide goods to members of their community who were members of the MDC. In many of the stores, ZANU-PF cards were reportedly required to purchase goods, and ZANU-PF leaders and soldiers reportedly stole goods from some stores and later sold them on the black market at an increased price. The Confederation of Zimbabwe Industries' 2008 Manufacturing Survey noted that "the BACOSS facilities are having little impact given that they tend to be targeted and those who get them are not getting their full disbursements."

A government-appointed Anticorruption Commission was established in 2005 but had yet to register any notable accomplishments. In September, one senior member of the ACC was implicated in the takeover of a commercial farm when she planted her own crops on someone else's farm.

In November the Inspector General of the Global Fund for AIDS, TB, and Malaria revealed that the Government had misused \$7.3 million of its \$12.3 million grant. For several months, local organizations providing life-saving medical assistance were unable to access the funds, which were being held by the Reserve Bank because the Government had reallocated the funds for other purposes. Due to the Gov-

ernment's failure to use the money appropriately, only 495 of an intended 27,000 health workers received training in proper distribution of HIV/AIDS, TB, and malaria drugs. Shortly after the misallocation became public, the Government returned the funds to the Global Fund's account.

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The Government targeted persons who had fallen out of favor with the ruling party or individuals without high-level political backing. Prosecutions were often for externalizing foreign currency, which was a common practice among the political and business elites.

There were several cases of government employees buying food and fertilizer and reselling it at an increased price. On September 22, police arrested five workers at the Grain Marketing Board depot in Chegutu for allegedly buying fertilizer from the Board and selling it in foreign currency to two foreigners to be smuggled to Zambia. More than 60 tons of fertilizer were recovered. The case was ongoing at year's end.

The Government stated that the AIPPA was intended to improve public access to government information; however, the law contains provisions that restrict freedom of speech and press, and these elements of the law were the ones the Government enforced most vigorously.

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

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however, they were subject to government restrictions, interference, monitoring, and harassment. Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA; election observation; constitutional and electoral reform; increasing poor women's access to the courts; raising awareness of the abuse of children; conducting civic education; preserving the independence of the judiciary; and combating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major domestic independent human rights organizations included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZESN, ZLHR, ZPP, NCA, SST, and WOZA.

The Government continued to use the state-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that were considered critical of the Government as efforts by groups that merely did the bidding of "Western governments."

During the year police arrested or detained NGO members, often in connection with demonstrations or marches; many were beaten during arrest and tortured while in custody. Some NGO members died in postelection violence.

The Government harassed some NGOs it believed opposed government policies with raids on their offices and investigations into their activities. On June 9, police raided the offices of ZimRights, Transparency International, the Student Christian Movement of Zimbabwe, the Ecumenical Support Services, Christian Alliance, the Zimbabwe National Pastors Conference, PADARE Men's Forum on Gender, and the NCA. The raids, which were conducted without warrants, led to 10 arrests. Those arrested were later charged with possessing subversive material and detained. On June 13, they were released after the attorney general's office declined to prosecute them, citing lack of evidence.

The Government increased its harassment and intimidation of human rights lawyers during the year. Police often threatened, and in some cases assaulted, lawyers when they attempted to gain access to their clients in police custody. For example, in June in Matabeleland North, 13 members of the Media Monitoring Project were arrested for holding a meeting without permission and held for three nights. Their lawyer was abducted and released 15 miles from town the day of their hearing; the 13 were never charged.

The Government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. The Government restricted feeding programs and blocked efforts by local and international NGOs to provide humanitarian relief to those affected by Operation Murambatsvina. Following the March 29 election, NGOs and humanitarian organizations were increasingly denied access by a variety of official and unofficial personnel acting on behalf of the Government.

On May 28, the Minister of Social Welfare, Labor, and Public Service Nicholas Goche ordered the NGO CARE to suspend all of its operations. The suspension came after months of harassment by war veterans, the military, and other officials who accused CARE of meddling in Zimbabwe's internal politics and of using food aid to encourage voters to vote for the MDC in the March 29 election.

On June 5, Minister Goche suspended all NGO "field operations," specifically referring to the distribution of food aid. Although the suspension technically only covered activities by NGOs and Private Voluntary Organizations (PVOs), activities by other organizations, including churches and UN agencies, were also curtailed by security officials.

On June 6, government officials and ZANU-PF supporters hijacked a truck carrying 20 metric tons of food donated by the international community and destined for children at 27 schools in eastern Zimbabwe. The truck driver was threatened and held at the local police station for three days without charge. The food was distributed to ZANU-PF supporters at an election rally.

The NGO suspension remained in effect until August 29 when organizations were allowed to renew their activities but were compelled to adhere to new reporting requirements to maintain valid NGO registrations with the ministry.

Representatives of International NGOs were harassed. For example, on April 3, security forces detained Dileepan Sivapathasundaram, a foreigner with the National Democratic Institute, while he was attempting to leave the country. Security forces interrogated Sivapathasundaram for over 22 hours without allowing him access to legal counsel and held him without charge for six days before his release.

In May the Government declared the country director for the Swedish Cooperative Center persona non grata and gave her 24 hours to leave the country. The Government did not provide a justification for the action.

At the 43rd session of the African Commission on Human and Peoples' Rights in May, the commission adopted a resolution expressing concern for the deteriorating human rights situation and calling for a stop to the escalating political violence and internal displacements.

On June 17, the Government abruptly deported a senior official with the UNHCR less than a week after the officer's arrival in the country; the Government did not provide a justification. Following the expulsion, High Commissioner Louise Arbour stated that "this seems to fit into a pattern of the Government taking a very uncooperative attitude vis-a-vis many international actors in the humanitarian sector."

In June UN Secretary General Ban Ki-moon appointed Assistant Secretary General for Political Affairs Haile Menkerios as special envoy to the country. The same month, Menkerios visited the country; he also supported SADC-sponsored negotiations between ZANU-PF and the MDC in August and September in South Africa. On June 30, the secretary general denounced the results of the June 27 presidential run-off election as illegitimate. UN Deputy Secretary-General Asha-Rose Migiro described the crisis as "the single greatest challenge to regional stability in southern Africa, not only because of its terrible humanitarian and security consequences, but also because of the dangerous political precedent it sets."

On July 1, at the 11th ordinary session of the African Union (AU), the body adopted a resolution expressing concern over the negative election reports from SADC, the AU, and the Pan-African Parliament and election-related violence and loss of life, as well as the urgent need to prevent further worsening of the situation.

In July the UN Security Council voted on a resolution to condemn the actions of and impose sanctions on ZANU-PF's leaders. The resolution sought to address political violence and intimidation perpetrated against the opposition party and would have instituted an arms embargo on the country, as well as a travel ban on Mugabe and 13 of his allies. While a majority of Security Council members voted in favor of the resolution, it was vetoed by two of the council's permanent members, Russia and China.

On November 22 and 23, three members of The Elders, former United States president Jimmy Carter, former UN secretary general Kofi Annan, and women's and children's rights advocate and former first lady of Mozambique Graca Machel attempted to visit the country to evaluate the growing humanitarian crisis. According to The Elders, on the eve of their departure from South Africa for Harare, SADC negotiator Thabo Mbeki informed them that their visit was not welcomed at that time by the Zimbabwean government and they would not be permitted entry to the country. The Elders remained in South Africa where they met with political, business, civil society, and humanitarian aid workers to discuss the crisis in Zimbabwe. In the report summarizing their findings, Carter stated that, "the entire basic structure in education, healthcare, feeding people, social services and sanitation has broken down. These are all indications that the crisis in Zimbabwe is much greater, much worse than we ever could have imagined."

On December 10, the UN Security Council held a closed-door meeting to discuss the humanitarian and political crisis in Zimbabwe. Although the Council agreed the humanitarian situation was appalling, Russia and South Africa opposed UN intervention and stated the crisis should be solved through regional negotiations.

In 2007 parliament unanimously approved Constitutional Amendment 18, which provides for the establishment of a parliamentary human rights commission. However, critics charged that the law would restrict efforts by international human rights organizations to accurately report on the country's human rights situation. No further action was taken toward establishing the commission by year's end.

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

The constitution and law provide that no person can be deprived of fundamental rights, such as the right to life, liberty, and security of person, based on one's race, tribe, place of origin, political opinions, color, creed, gender, or disability; however, the constitution allows for discrimination, primarily against women, on the grounds of "customary law." Discrimination against women and persons with disabilities remained problems. The Government and ruling party infringed on the right to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

Women.—The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases not associated with political violence, and the Government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to knowingly infect anyone with HIV. Local NGOs dealing with women's rights reported that rape cases were brought to the court and there were convictions; however, statistics were unavailable.

According to one local NGO, at least 50 women were raped during election-related violence leading up to the June 27 run-off election. Because rape was underreported, NGOs believe the actual number was much higher.

Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women's rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes. For example, in May, seven women were reported killed in incidents of domestic violence. In one of the cases, a man killed his pregnant wife when she prepared the wrong meal for him. There were no prosecutions in any of these cases. In May a police officer was sentenced to 15 years in prison for the 2005 murder of his wife after a dispute over a cell phone.

In May dozens of civil society and women's groups sent a petition to the UN Human Rights Council in Geneva calling for international assistance in ending the violence. The petition stated that because violence was predominant in rural areas where 80 percent of women lived, women and children were suffering disproportionately.

In October 2007 the Government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women's rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women's Affairs and local women's groups coordinated efforts to develop an implementation strategy after the act passed parliament in 2006. Government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 2007 killing of his wife. He was released on bail in January, and the case was pending at year's end.

During the year the Government continued a public awareness campaign on the act. Several women's rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women's rights groups reported that awareness of domestic violence increased; however, the press reported that the act has proven difficult to implement, as the form to report domestic violence to the police is 30 pages long, making it difficult to complete and photocopy.

Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country's worsening economic problems were forcing more women and

young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the borders with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year.

Labor legislation prohibits sexual harassment in the workplace and an employer may be held liable for civil remedies if found in violation of provisions against “unfair labor practices” including sexual harassment. The penalties for these violations are not specified in the law. Women commonly faced workplace sexual harassment, government enforcement was not effective, and there were no reports of any prosecutions during the year.

Despite laws aimed at enhancing women’s rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.

The law recognizes women’s right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.

Women and children continued to be adversely affected by the Government’s forced evictions and demolition of homes and businesses in several cities and towns. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband’s family when married and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband’s family in rural areas where resources were already strained.

The Ministry of Women’s Affairs, Gender, and Community Development continued its efforts to advance women’s rights. The ministry, through collaboration with local NGOs, continued training workshops for traditional leaders in rural communities to create more awareness on women’s issues. Women’s Affairs Minister Oppah Muchinguri maintained “gender units” in every ministry. The Government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the Government. NGOs reported that anecdotal evidence indicated women experienced economic discrimination including access to employment, credit, pay, and owning or managing businesses. However, detailed information was not available.

Several active women’s rights groups concentrated on improving women’s knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.

Children.—The Government’s commitment to children’s rights and welfare did not improve during the year. Declining socioeconomic conditions, violence, and a dysfunctional education system continued to place more children at risk. According to statistics from UNICEF, one-quarter of the country’s children were orphans, and 100,000 children lived in child-headed households. The education system experienced its worst year on record.

In 2007 the Ministry of Public Service, Labor, and Social Welfare and the UNICEF formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached just over 200,000 OVC with comprehensive support and protection since the beginning of the program. However, the Government-imposed NGO ban between June and August negatively affected the program, putting vulnerable children at greater risk.

Although legislation existed to protect children’s rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society

reported made it difficult for the children to enroll in school and access health services; however, the Government made improvements in 2007 by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country.

Primary education is not compulsory, free, or universal for any children. According to the UNICEF Humanitarian Action Report 2008: Zimbabwe, the educational system was “characterized by low enrolment rates, declining attendance and completion rates, low transition rate to secondary school and insufficient learning spaces, teachers and learning materials.” Many schools attempted to charge school fees in foreign currency, fuel coupons, or even livestock, as the value of local currency continued to fall. Many parents complained that they did not have access to resources to pay school fees. In October the two main teachers’ unions jointly called for the school year to be cancelled, labeling it a “wasted year.” Election preparations, elections, election-related violence, teacher strikes, and teacher salaries that were lower than commuting costs contributed to repeated disruptions to effective learning during the year. One teachers’ union estimated students averaged only 23 days of formal instruction in the entire academic year.

UNICEF estimated 82 percent net primary school enrollment through 2005; however, school attendance declined dramatically during the year. At year’s end UNICEF estimated that just 20 percent of children attended school. This decline resulted from severe economic hardship, displacement of thousands of children from their homes as a result of election-related violence, emigration of qualified teachers, the inability to pay school fees, and Operation Murambatsvina. The highest level achieved by most students was primary level education. UNICEF figures through 2005 showed a net secondary school enrollment of 35 percent for boys and 33 percent for girls.

In most regions of the country, fewer girls than boys attended secondary school. If a family was unable to pay tuition costs, it was most often female children who left school. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In 2006, in collaboration with UNICEF and other partners, the Government launched a National Girls’ Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school.

Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. Police statistics showed that child rape tripled between 2005 and 2007. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network reported that girls believed to be virgins were at risk for rape due to the belief among some that having sex with a virgin would cure men of HIV and AIDS. In February UNICEF and the Government launched the “Stand Up and Speak Out” child abuse awareness and prevention campaign.

The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year, as did arranged marriage of young girls. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF in 2006, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among orphans with HIV/AIDS.

The Government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the Government to carry out political violence.

With 1.6 million orphans with HIV/AIDS, the country had the world’s highest percentage of orphaned children at one in four, and the number increased during the year. Ninety percent of orphans were cared for by the extended family. Many grandparents were left to care for the young, and, in some cases, children or adolescents headed families and were forced to work to survive. Orphaned children were more likely to be abused, not to be enrolled in school, and to suffer discrimination. Some children were forced to turn to prostitution as a means of income.

UNICEF estimated that at least 10,000 children were displaced in election-related violence. At year’s end NGOs were uncertain how many children remained affected.

The continuing economic decline and the Government's lack of support for social welfare institutions contributed to a noticeable increase from the estimated 12,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

Trafficking in Persons.—No laws specifically address trafficking in persons, and the country was a source, transit, and destination country for trafficking in persons.

Trafficking was a serious problem. NGOs, international organizations, and governments in neighboring countries reported an upsurge in Zimbabwean emigrants facing conditions of exploitation. Rural children were trafficked into farms or cities for agricultural labor, domestic servitude, and commercial sexual exploitation, often under the false pretenses of job or marriage proposals, according to one NGO. Reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. Women and children were reportedly trafficked for sexual exploitation in towns along the borders with the four neighboring countries. In recent years, women and girls were lured to South Africa, China, Egypt, the United Kingdom, Canada, and Zambia with false employment offers that resulted in involuntary domestic servitude or commercial sexual exploitation. Women and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia were trafficked through the country to South Africa. Small numbers of South African girls were trafficked to the country for forced domestic labor.

Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young men and boys were exploited by "guides" when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South Africa before their "employers" reported them to authorities as illegal immigrants. Traffickers often transported victims covertly across borders at unrecognized border crossing points. The use of child laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members.

The constitution and law prohibit forced or compulsory labor, including by children, with the exception of working for parents or the national youth service. Forced labor is punishable by a fine, two years' imprisonment, or both. It is a crime under the criminal code to transport persons across the border for sex. The law provides for a fine and a maximum prison sentence of two years (10 years if the victim is under the age of 16) for procuring another person to become a prostitute, whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws.

The Government demonstrated interest in combating trafficking; however, it did not devote sufficient resources to investigating and prosecuting cases.

The primary government authority to combat trafficking was the ZRP which relied on NGOs to alert them to cases. During the year some traffickers were arrested, but none of the arrests resulted in prosecutions. The Interpol National Central Bureau Zimbabwe's "antitrafficking desk" was staffed with ZRP officers who assisted with international investigations.

There were reports suggesting that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The Government took steps during the year to educate and train officials to combat trafficking. Government officials attended International Organization for Migration (IOM) seminars on trafficking during the year. IOM held numerous sector-specific training workshops during the year: four for law enforcement, three for social services professionals, three for faith-based organizations, and three for health and hygiene officials.

In January the Government signed a memorandum of understanding with the South African government for a joint project to regularize the status of illegal Zimbabwean migrant farm workers in South Africa's Limpopo Province and ensure them proper employment conditions.

Although the Government lacked resources to provide protective services on its own, the police Victim Friendly Unit, social services, and immigration officials utilized an established process for referring victims to international organizations and NGOs that provided shelter and other services. The Government coordinated closely with the IOM-run migrant reception center in the town of Beitbridge on the border with South Africa, which provided social and reintegration services to the large number of illegal migrants repatriated from South Africa. In May IOM opened a

second reception center in the town of Plumtree on the border with Botswana on government-allocated land.

Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception centers in Beitbridge and Plumtree for unaccompanied children and trafficking victims.

The Government-run media prominently featured articles about trafficking in persons, and the Government had prevention programs to provide alternatives for children at risk. The Government also continued to cooperate with the IOM and Interpol in a public awareness radio campaign in five languages that led to the identification of several victims during the year. In December the IOM and local NGO Oasis Zimbabwe launched an antitrafficking hotline.

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

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the lack of resources devoted to training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include persons with albinism in the definition of “disabled” under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched, and children with disabilities often were hidden when visitors arrived. In September the Government announced it was reviewing the Disabled Persons Act, the Mental Health Act, and the constitution to align them with the Convention on the Rights of People with Disabilities; no further action was taken by year's end.

According to the National Association of Societies for the Care of the Handicapped (NASCOH), persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, the sector has largely been marginalized from HIV/AIDS intervention programs. Except for a short period in the 1990s, instructions on the use of condoms have never been distributed in Braille for the visually impaired, and no efforts were made to advertise condoms in sign language for the deaf. There was no HIV/AIDS information in Braille. The organization also reported that only 33 percent of children with disabilities had access to education.

Voter turnout by persons with disabilities in the March 29 election was low; only 245 of approximately 30,000 persons with disabilities in Harare voted. NASCOH reported that 48 persons with disabilities served as election observers in Harare in the March elections.

The amendments to electoral laws changed voting procedures for the disabled. On February 29, ZEC issued a notice explaining that “only the Presiding Officer and two other Electoral Officers or employees of the Commission will assist any voter who requests to be assisted.” Some groups complained that this violated persons with disabilities' right to cast their votes in secret. Ahead of the June 27 run-off, there were widespread reports that ZANU-PF militias and war veterans instructed voters to claim blindness at the polling place in order to be assisted to vote for Mugabe.

In May NASCOH denounced the ongoing political violence, particularly because the violence was resulting in permanently disabling injuries. NASCOH stated that organizations providing support and rehabilitation for persons with disabilities were already overstretched and could not afford to also provide for persons who were newly disabled.

Operation Murambatsvina in 2005 severely affected persons with disabilities and, according to the UN special envoy's report on the operation, the Government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population. The Government broadcast a regular, prime-time program on state radio to promote awareness of the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the white minority and other groups, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

The Government continued its attempts to attribute the country's economic and political problems to the white minority and Western countries. On some occasions, President Mugabe, members of his government, and the Government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program.

On March 9, Mugabe signed the Indigenization and Economic Empowerment Bill into law. The bill's official purpose was to increase participation of indigenous citizens in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980—the date of the country's independence—was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU-PF.

Other Societal Abuses and Discrimination.—Over a period of years, Mugabe publicly denounced homosexuals, blaming them for Africa's ills. Although there was no statutory law proscribing homosexual practice, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In 2006 the 2004 amended criminal code became effective, broadening the definition of sodomy to include “any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act.”

The Government had a national HIV/AIDS policy that prohibited discrimination against persons living with HIV/AIDS, and the law aims to protect against discrimination of workers in the private sector and parastatals. Despite these provisions, societal discrimination against persons affected by HIV/AIDS remained a problem. Although there was an active information campaign by international and local NGOs, the Ministry of Health, and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued.

Incitement to Acts of Discrimination.—Throughout the year government-controlled newspapers, radio, and television stations continued to selectively vilify citizens of European ancestry and to blame them for the country's problems.

Section 6. Worker Rights

a. The Right of Association.—While the law provides private sector workers with the right to form or join unions without prior authorization, and workers exercised these rights, they were not always respected in practice. The 2005 Labor Amendment Bill eliminated previous public sector worker rights and excluded such employees from protection under labor laws, placing them instead under the Public Service Act, which does not provide for the right to form and belong to trade unions, collective bargaining, strikes, or alternative dispute resolution mechanisms. These restrictions, however, were not enforced in practice. Public sector employees participated in unions and professional organizations. Some, particularly teachers and medical professionals, mounted increasingly vocal lobbies for improved wages and conditions during the year; however, union leaders and members were harassed, arrested, and beaten during the year. The Government also restricted union activity indirectly by defining all senior employees as managers even though such employees did not enjoy benefits attached to the title; this was not widely enforced in practice. Employees in positions designated as managerial were excluded from general union membership. Unions must be registered with the Ministry of Public Service, Labor, and Social Welfare.

During the year approximately 300,000 persons belonged to the 36 unions that form the Zimbabwe Congress of Trade Unions (ZCTU); approximately 65 percent of industries were unionized. The overall size of the formal sector shrank, but no estimates were available at year's end.

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to support splinter unions in each economic sector; however, there was no evidence that either employers or employees viewed the splinter unions as legitimate. In addition to fostering confusion among workers, splinter unions forced existing unions to spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education, and were not particularly influential during the year.

The Government openly targeted the ZCTU, declaring it aligned with the opposition MDC. Some pro-ZANU-PF employers declared their shops off-limits to the ZCTU. The Government continued to use POSA to limit the ZCTU and its affiliates' ability to meet with and consult their constituencies, although the law does not

apply to labor unions. For example, unions were prevented from holding meetings with their members, sometimes by the police and under threat of arrest. In preparation for Worker's Day celebrations on May 1, ZCTU submitted requests to hold events at 34 venues; five were denied. In some cases, police did not provide a justification for the refusal.

On May 7, ZCTU President Lovemore Matombo and Secretary General Wellington Chibebe were arrested and charged with communicating falsehoods prejudicial to the state at a Worker's Day celebration. The two were granted bail on May 19. Matombo and Chibebe appealed their case, asserting their right to free speech; the case was referred to the Supreme Court and was pending at year's end. Other unions were also targeted. For example, on February 18, nine members of the Progressive Teachers Union of Zimbabwe (PTUZ) were detained and beaten by police officers and ZANU-PF youths after three PTUZ members were accosted by ZANU-PF youths while distributing flyers. Initially, the nine were taken to a ZANU-PF office where they were beaten with iron bars and forced to recite ZANU-PF slogans; they were subsequently taken to Harare Central Police Station. Lawyers and the Chairperson of the Zimbabwe Association of Doctors for Human Rights (ZADHR) negotiated their release to a hospital under police guard. All nine sustained injuries including broken bones and serious bruising. No action was taken against the perpetrators. On February 26, five of the assaulted union members were arrested on charges of creating a criminal nuisance and were subsequently released; no further action was taken.

Throughout the country, teachers had served as poll officials in the March election. In the period between the March election and the June run-off, PTUZ members were targeted for their perceived support for and role in the MDC's victories on March 29. For example, on June 6, war veterans abducted a PTUZ member in Gokwe and held him captive and beat him for nine hours. On June 7, war veterans beat up PTUZ Gokwe coordinator Moses Mhaka and stole his identity card. On June 9, ZANU-PF supporters and war veterans stormed and ransacked PTUZ's Gokwe office. Similar incidents occurred in other areas.

In June the International Labor Organization's (ILO) Application of Standards Committee, in its report on trade union rights abuses, included cases filed by the ZCTU concerning violations of freedom of association and protection of the right to organize for the second consecutive year. Zimbabwe was one of two countries the committee criticized regarding implementation of ILO Convention 87, which deals with freedom of association. The committee called on the Government to halt arrests, detentions, and threats, and criticized it for refusing to appear before the committee for two consecutive years to face the allegations. The International Trade Union Confederation also criticized government harassment of unions during the year.

Although the Labor Relations Amendment Act (LRAA) explicitly recognizes the right to strike, it is circumscribed with procedural limits including 14-day advance-notice requirements, mandated 30-day reconciliation periods, possible mandatory referral to binding arbitration. It also requires that at least 50 percent of employees vote for a strike, although workers protesting health and safety standards or lack of equipment may strike without the notification and arbitration procedure. The act prohibits essential services employees from striking on the grounds that it "endangers immediately the life, personal safety, or health of the whole or any part of the public." The law also allows that "any nonessential service may be declared an essential service by the minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety, or health of the whole or part of the population is endangered." Managers were also prohibited from striking, and, in some industries, the Government defined most employees as managers.

In practice, the Government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes. Government-imposed delays prevented most employees and their unions from declaring legal strikes, and those who participated in strikes deemed illegal faced government intimidation and sentences of up to five years in prison.

On September 18, three weeks into a nationwide teachers strike, PTUZ President Takavafira Zhou was arrested and charged with "insulting the president" for allegedly describing an employee in the president's office as a dog. His jailers accused him of ruining their children's education through his role in calling the strike. The officer responsible for the arrest told the press, "if he interferes with the education of our children, we will deal with him and his group. we will not allow criminals to destroy the education system." The case was pending at year's end.

b. The Right to Organize and Bargain Collectively.—The LRAA provides workers with the right to organize and permits unions to bargain collectively over wages and

conditions of employment, and workers exercised this right in practice; however, government harassment of union leaders and interference by ZFTU sometimes made such negotiations difficult. Collective bargaining agreements applied to all workers in an industry, not just union members. Public sector employees do not have the right to collective bargaining, strike, or alternative dispute resolution mechanisms; however, these restrictions were not enforced in practice. For example, the Apex Council, which represents civil servants, negotiated with the Government over salaries. Teachers, the largest civil servant sector, engaged in labor actions during the year.

The minister of labor retained the power to veto agreements that he believed would harm the economy, but he did not involve himself directly in labor negotiations unless requested to do so by one of the parties.

Although the law prohibits antiunion discrimination, in practice union members faced discrimination and harassment. A labor court handled complaints of such discrimination under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination be reinstated, although this did not happen in practice.

The Export Processing Zones Act states the LRAA does not apply to workers in export processing zones (EPZs); however, according to the ZCTU, employers generally applied the same wages and standards in the EPZs as in the general economy. The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, with the exceptions of working for parents or the national youth service; however, such practices occurred. Forced labor is punishable by a fine, two years' imprisonment, or both. Forced labor by children occurred. Child labor occurred across a wide range of sectors; however, no detailed information was available on the extent of forced child labor. Although many children may not have been physically forced to engage in economic activities, economic realities and the lack of public education forced many to work.

d. Prohibition of Child Labor and Minimum Age for Employment.—Under the LRAA, child labor is punishable by a fine, two years' imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of "a course of training or technical or vocational education." The law further states that no person under 18 shall perform any work likely to jeopardize that person's health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age remains the minimum for light work, work other than apprenticeship, or work associated with vocational education.

The Government released the 2004 Child Labor Report in March 2006. According to the survey, approximately 46 percent of children between the ages of five and 17 were engaged in economic activity. The unemployment rate continued to grow, with some estimates as high as 90 percent, which decreased the number of children employed in the formal sector. However, the incidence of children who worked in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, underemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, as domestics, in illegal gold and diamond mining, as street vendors, and as car-watchers. In addition there were reports of an increasing number of girls engaged in prostitution. Although the Government and NGOs increasingly discussed the problem of child labor in the agricultural, domestic, and informal sectors, concrete data on the number of cases remained difficult to evaluate and confirm. An August 2007 survey by a domestic NGO documenting child labor reported that approximately one-third of children were working. Given the continued economic downturn and reduction in school hours, the organization believes the percentage of children working was higher during the year.

Most economically active children still worked in the agriculture industry and were also involved in mining, domestic labor, and the informal economy. Children worked in all aspects of tobacco farming, from planting to preparation of leaves for sale; in the forestry regions of the eastern highlands; and on tea and coffee plantations and small farms. Children worked on cotton farms; one NGO reported that school attendance rates declined in cotton growing areas during the harvest. In cities, children commonly worked as street vendors and as guards for parked automobiles. Throughout the country, children, particularly girls, worked as domestic laborers, often for family members. Information on the extent to which child labor occurred in the production of commercial products was not available. At year's end reports emerged that children as young as twelve living near the Chiadzwa diamond

mine in Manicaland were working under the guard of security forces in diamond fields. It was unclear if this labor was forced. There was no evidence that children were subjected to some of the worst forms of child labor, including slavery, production of pornographic material, or illicit activities. Children working in agriculture, mining, and as street vendors faced threats to their health and safety.

Some employers did not pay wages to child domestic workers, believing they were assisting a child from a rural home by providing housing and board. In addition some employers paid the parents for the child's work. Relatives often used AIDS-orphaned children as domestics without pay. There were also reports from NGOs that police rounded up street children and took them to work on farms without pay.

The Department of Social Welfare in the Ministry of Labor is responsible for enforcing child labor laws, but the department lacked the human resources to carry out inspections or any other monitoring. In 2007 the Ministry of Public Service, Labor and Social Welfare signed a memorandum of understanding with the ILO to collaborate on a multiphase program for the elimination of the worst forms of child labor. The program was expected to address child labor issues and the implementation of ILO Convention 182, including identifying the worst forms of child labor and implementing activities pertaining to the prevention of child labor and the protection of working children. In July the Government and the ILO launched a nationwide survey on the worst forms of child labor; the survey had not yet been released at year's end.

e. Acceptable Conditions of Work.—There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and more than 85 percent of the population continued to live below the Government's poverty line. The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. Minimum wages in the formal sector changed continuously as a result of the high inflation rate. During the year, the ILO reported that four of five jobs in the country were in the informal sector, 78 percent of which were in the agriculture. These jobs generally provided extremely low cash income and poor working conditions and did not offer adequate worker protections.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The Government designated the Zimbabwe Occupational Safety Council, a quasi-governmental advisory body made up of six representatives each from the Government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The National Social Security Authority (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. The NSSA reported in 2007 that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to monitor an estimated 14,000 registered factories. In 2007 government media reported 64 workplace fatalities and 5,568 injuries through November. By year's end the Government had not taken action to address health risks in the workplace. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment but in practice risked the loss of their livelihood if they did so.

Information on the treatment of foreign and migrant workers was not available. The Government considered many commercial farm workers foreigners, due to foreign-born heritage.

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia is a constitutional democracy with a federal parliamentary government. Its population was approximately 21.4 million. Citizens periodically choose their representatives in free and fair multiparty elections. In federal parliamentary elections held in November 2007, the Australian Labor Party (ALP) defeated the governing Liberal Party and National Party coalition, and in December ALP leader Kevin Rudd became prime minister. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Problems were reported in a few areas, including domestic violence against women and children, and societal discrimination against Aboriginal people.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these provisions in practice. However, there were occasional reports that police and prison officials mistreated suspects in custody. Some indigenous groups charged that police harassment of indigenous people was pervasive and that racial discrimination by some police and prison custodians persisted.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the armed forces and police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Police officers may seek an arrest warrant from a magistrate when a suspect cannot be located or fails to appear; however, they also may arrest a person without a warrant if there are reasonable grounds to believe the person committed an offense. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest, and arrested persons must be brought before a magistrate for a bail hearing at the next sitting of the court. However, the law permits police to hold individuals in preventive detention for up to 24 hours without charge if a senior police official finds it is “reasonably necessary to prevent a terrorist act or preserve evidence of such an act.” Individuals may be detained for an additional 24 hours under an extension of the initial court order. Bail generally is available to persons facing criminal charges unless the person is considered to be a flight risk or is charged with an offense carrying a penalty of 12 months’ imprisonment or more. Attorneys and families were granted prompt access to detainees. Government-provided attorneys are available to provide legal advice to detainees who cannot afford counsel.

The law permits a judge to authorize “control orders” on individuals suspected of involvement with terrorism-related activities. These orders may include a range of measures, such as monitoring of suspects and house arrest, and may be in effect for up to a year without the filing of criminal charges. If a control order is still war-

ranted after one year, a new order must be sought from a court. Both the preventive detention and control order provisions expire in 2015. The law mandates a review of these provisions in 2010.

In March the Government initiated an inquiry into the July 2007 detention of Mohamed Haneef, including an examination of “any deficiencies in the relevant laws” under which he was detained. Haneef, an Indian doctor working at a Queensland hospital on a temporary visa, was held by police for 12 days before being charged with recklessly providing support to a terrorist group in connection with a failed terrorist attack in the United Kingdom. The charges were dropped later the same month. Although the law states that the maximum investigation period a person can be held without charge is 24 hours (unless extended by court order), it also provides that the allowable time for questioning a suspect can be spread across an unspecified number of days (a concept known as “dead time”)—a provision criticized by human rights groups, the media, and the legal profession. In its report, released on December 23, the inquiry body stated it found no evidence connecting Haneef to terrorist activities. It recommended an independent review of counterterrorism laws, changes to investigation procedures, and better coordination between intelligence and law enforcement agencies. In response the Government stated it would implement most of the recommendations.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In the state district and county courts and the state and territorial supreme courts, there generally are a judge and jury for serious offenses. The judge conducts the trial, and the jury decides on the facts and the verdict. Defendants have the right to an attorney, and government-funded attorneys are available to low-income persons. The defendant’s attorney can question witnesses, present evidence on the defendant’s behalf, and access relevant government-held evidence. Defendants enjoy the presumption of innocence and have the right to appeal the court’s decision or the sentence imposed. The law extends these rights to all citizens.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. There is also an administrative process at the state and federal levels to seek redress for alleged wrongs by government departments. Generally, administrative tribunals may only review a government decision if the decision is in a category specified under a law, regulation, or other legislative instrument as subject to a tribunal’s review.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the constitution does not explicitly provide for freedom of speech or of the press, the High Court has held that a right to freedom of expression is implied in the constitution, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In April police raided The Sunday Times office in Perth. They executed a search warrant for Western Australia (WA) State government cabinet documents relating to an article reporter Paul Lampathakis wrote in February about a A\$16 million (approximately \$10.2 million) advertising bill charged to taxpayers apparently to help reelect the WA government. In July a WA parliamentary committee asked Lampathakis to reveal his source; he refused to comply. The then WA premier characterized the raid as a “complete overreaction,” and as of year’s end, the WA parliament had taken no further action in the case.

In September the Australian Federal Police (AFP) searched the home of Canberra Times reporter Philip Dorling, acting on warrants alleging that he and an unnamed public servant had committed four breaches of the Commonwealth Crimes Act by communicating confidential government information or documents. However, as of year’s end no charges had been brought against Dorling.

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

net, including by e-mail. Internet access was widely available and widely used by citizens.

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

b. Freedom of Peaceful Assembly and Association.—While the rights of peaceful assembly and association are not codified in law, the Government generally respected these rights in practice.

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

Societal Abuses and Discrimination.—According to the 2006 census, the country's Jewish community numbered 88,832 persons. In the 12-month period ending September 30, an annual report on anti-Semitism in the country written by the director of international and community affairs of the Australia/Israel and Jewish Affairs Council, a nongovernmental organization (NGO), recorded 652 anti-Semitic incidents. This was approximately twice the annual average of the previous 18 years and 2 percent higher than 2007, the previous record year. These incidents included physical assault, property damage, harassment, and offensive written and electronic media. Among the 58 recorded incidents of assault during the reporting period were an Orthodox man punched in the face in Sydney in January and four Orthodox Jews assaulted in Perth in May. The report also expressed concern about an increase in assaults on, and harassment of, Jewish families walking to and from synagogues, and anti-Jewish material posted on online social networking sites such as Facebook and YouTube. On the other hand, the report's author noted that the situation improved moderately in most other areas, including the media, political life, and among extremist groups.

In March the police in Victoria State established an intelligence desk focusing on attacks against the Jewish community. On August 19, a settlement was reached in a lawsuit filed by a Jewish man against the Victorian government and police for their response to a 2006 incident in which members of Melbourne's Ocean Grove Football Club assaulted the man. As part of the settlement, the Victorian deputy police commissioner acknowledged that an off-duty policeman at the scene had erred by not intervening at the earliest opportunity to assist the victim.

In November approximately 400 persons held a rally in Gold Coast, Queensland State protesting a planned Islamic school. On December 1, approximately 200 residents demonstrated against the school. While some protestors stated that their opposition stemmed from concerns about parking issues, not religion, others asserted that Islamic schools led to further segregation of Muslims from the rest of the community. The mayor stated that the town had "a very good mix of multicultural society" and that he would support the school if it met local council planning criteria; a decision was expected in 2009.

Following the rejection in May by the local council in Camden, New South Wales (NSW) of a 2007 proposal by the Quranic Society for a 1200-student Islamic school, the society appealed to the Land and Environmental Court. The town councilors stated they had based their decision solely on planning grounds, citing a report on the school's environmental impact. The court ordered the society to provide an amended plan to the council; in response the society indicated it would reduce the size of its proposal in a bid to obtain council approval. However, in October the council rejected a new application from the society, which indicated it would pursue the matter further in court.

The Government promoted acceptance of diversity through a number of programs, including public awareness programs conducted by the Human Rights and Equal Opportunity Commission (HREOC). The new government continued the A\$3.3 million (approximately \$2.1 million) National Action Plan for Social Cohesion, Harmony and Security, designed to help Muslim communities connect with the wider society, and the Living in Harmony program, which funded community projects to promote tolerance and combat racism. In December the Government announced the appointment of a 16-member Australian Multicultural Advisory Council to "bring new cultural diversity perspectives to the Australian Government."

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

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

The law does not address forced exile, but the Government did not use it in practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status and asylum and facilitated local integration. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government funded refugee resettlement services such as language and employment programs.

In February the Government transferred all remaining detainees at the country's offshore refugee processing center in Nauru to Australia for resettlement, and in March closed the center. In May the Government abolished Temporary Protection Visas (TPVs). Under the TPV scheme, unauthorized arrivals, in the first instance, could not be granted permanent visas.

On July 29, the Government announced major changes to the mandatory detention policy for unauthorized arrivals. Under the new policy, following health, identity, and security checks, unauthorized arrivals are detained while their applications are being processed only if it is determined that they pose a threat to the community. Previously, with the exception of families with children, individuals could only be released pending full adjudication of their asylum claim if they met certain criteria, such as old age, ill health, or experience of torture or other trauma.

The Department of Immigration and Citizenship (DIAC) provided immigration advice and assistance to persons making an initial asylum claim or application for lawful residence. DIAC also has a statutory obligation to facilitate access to legal representation for persons in immigration detention.

As of September 12, there were 274 persons in immigration detention, the lowest level since 1994. The majority of detainees had breached their visa conditions. Although delays in processing asylum applications were not a significant problem during the year, a small number of asylum seekers had remained in long-term detention despite having exhausted the appeal process. They could not be returned to their home country because they lacked travel documents or could not obtain necessary transit visas. The commonwealth ombudsman reviews all cases of persons in detention two years or more. In September the ombudsman reported that of the 19 persons in immigration detention longer than two years, only one remained and was awaiting removal from the country. The other 18 either were removed, granted a visa, or departed voluntarily.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage and mandatory voting.

Elections and Political Participation.—In federal elections held in November 2007, the ALP won a majority of seats in the lower house of Parliament, and in December ALP leader Kevin Rudd became prime minister. Political parties could operate without restriction or outside interference.

There are no legal impediments to public office for women and indigenous people. There were 67 women in the 226-seat federal Parliament (40 in the House of Representatives and 27 in the Senate). There were four female ministers in the 20-member federal cabinet, three women among the 10 ministers outside the cabinet, and three women among the 12 parliamentary secretaries. There was one woman among the eight premiers and chief ministers of the six states and two territories. The deputy prime minister was a woman, and there were two female judges on the High Court. On September 5, a woman was sworn in as governor-general, the first woman to hold that post.

Aboriginals generally were underrepresented among the political leadership. There were no Aboriginals in the federal Parliament. There was one Aboriginal in the Tasmania State parliament, one in the NSW State parliament, two in the WA State parliament, and five in the Northern Territory (NT) legislative assembly. In November 2007 an Aboriginal woman became the highest ranking indigenous member of government in the country's history when she was appointed NT deputy chief minister, a position she retained. There was one Asian-Australian in the federal cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption.

Queensland, WA, and NSW have independent anticorruption bodies that can investigate alleged government corruption, and every jurisdiction has an ombudsman who can investigate and make recommendations in response to complaints about government decisions. Public officials are subject to financial disclosure laws.

On March 3, the NSW Independent Commission against Corruption (ICAC) recommended that the Wollongong local council be dismissed because of “systemic corruption” related to its handling of development applications. The next day the NSW government dismissed the council. In May ICAC announced a finding of “serious corrupt contempt” against a planner on that council. In WA the Corruption and Crime Commission charged public servants and politicians with misconduct and corruption in relation to their dealings with a lobbyist; there were nine convictions in that case.

Federal, state, and territorial governments have freedom of information (FOI) laws that provide the public with access to government information, generally subject to both an application and a processing fee. Government information may be exempted from disclosure to protect essential public interests or the private or business affairs of others. An applicant, including foreign media, may appeal a government decision to deny a request for information to the quasi-legal Administrative Appeals Tribunal (AAT), an executive body that reviews administrative decisions by government entities. An adverse AAT decision may be appealed to the Federal Court of Australia.

The Australian Press Association and others have criticized the FOI application process as unduly lengthy and costly, particularly with regard to requests for non-personal information. On August 5, the Government asked the Australian Law Reform Commission (ALRC) to review secrecy laws and issue a report by October 31, 2009. On August 11, the ALRC released a report recommending changes to the privacy laws, including simplification of the laws; removal of exemptions for political parties and small businesses; and stronger penalties for violations. Parliament did not enact any of the recommended changes by year’s end.

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

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

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

Federal laws prohibit discrimination based on sex, disability, race, color, descent or national or ethnic origin, marital status, or age. An independent judiciary and a network of federal, state, and territorial equal opportunity offices effectively enforced the law. HREOC investigates complaints of discrimination or breaches of human rights under the federal laws that implement the country’s human rights treaty obligations.

Women.—The law criminalizes rape, including spousal rape, and the Government enforced the law effectively when cases were reported to the authorities. Penalties for rape are prescribed in the laws of the individual states and territories.

On June 13, the Court of Appeals upheld the Queensland State attorney general’s appeal of the sentences imposed by a lower court on nine defendants who pleaded guilty in the 2006 gang rape of a developmentally disabled 10-year-old indigenous girl in her community of Aurukun in the Cape York area. None of the nine defendants originally received prison sentences. As a result of the appeal of the original sentences, the Court of Appeals sentenced five of the nine defendants to prison terms.

The law prohibits violence against women, including domestic abuse, and the Government enforced the law. Nonetheless, violence against women remained a problem, particularly in Aboriginal communities.

According to the Australian Bureau of Statistics (ABS), approximately one in three Australian women experienced physical violence during their lives, and almost one in five experienced sexual violence. Aboriginal women were 40 times more likely to be victims of family violence compared with other women. Domestic violence was believed to be widely underreported in indigenous communities; among reasons cited for this were cultural factors and the isolation of many indigenous communities. The federal and state governments funded programs to combat domestic violence and support victims, including funding of numerous women’s shelters.

Prostitution is legal or decriminalized in several states and territories, and the Governments of Victoria, Queensland, NSW, and the Australian Capital Territory (ACT) license brothels operating within their borders. However, some brothels operated illegally. In some locations state-funded sexual health services employees visited brothels to educate workers about sexual health matters and to prevent worker mistreatment. Local governments or prostitution licensing authorities inspected brothels to ensure compliance with planning laws and licensing requirements, including health and safety regulations. However, government officials faced difficulties enforcing health and safety standards in illegal brothels. Trafficking in persons, primarily women from Asia, for prostitution was a limited problem.

The Sex Discrimination Act prohibits sexual harassment. Circumstances that give rise to complaints of such harassment can also give rise to criminal proceedings or disciplinary action against the subject of the complaint and to compensation claims by the complainant. On December 12, a Senate inquiry into the act reported its findings. Its recommendations included amending the act to include breast feeding as a specific ground of discrimination and to specifically protect workers from sexual harassment by customers. It also recommended that HREOC conduct a public inquiry to examine the merits of replacing the various existing federal antidiscrimination acts with a single Equality Act.

The independent federal sex discrimination commissioner, who is part of HREOC, undertakes research, policy, and educational work designed to eliminate discrimination between men and women. There also is a federal Office for Women.

HREOC received 857 complaints under the Sex Discrimination Act from July 2007 through June 2008. Of these, 22 percent alleged discrimination based on pregnancy, and 18 percent alleged sexual harassment. The commission resolved 421 of the complaints, 209 by conciliation.

Women have equal status under the law, and the law provides for pay equity. The law requires organizations with 100 or more employees to establish a workplace program to remove the barriers to women entering and advancing in their organization.

There were highly organized and effective private and public women's rights organizations at the federal, state, and local levels.

Children.—The Government demonstrated its strong commitment to children's rights and welfare through its publicly funded education and health care systems.

State and territorial child protection agencies investigate and institute prosecutions of persons for child neglect or abuse. All states and territories have laws or guidelines that require members of certain designated professions to report suspected child abuse or neglect. The federal government's role in child abuse prevention is limited to funding research and education campaigns, developing an action plan against the commercial exploitation of children, and funding community-based parenting programs.

According to the Australian Institute of Health and Welfare, there were 58,563 substantiated cases of child abuse and neglect from July 2006 to June 2007, the latest period for which national statistics were available. These included physical abuse, sexual abuse, emotional abuse, and neglect. In July, following revelations of child neglect in South Australia (SA), Queensland, and the ACT, the federal government and states agreed to establish a national child protection framework.

The Government has enacted tough criminal laws aimed at restricting the trade in, and possession of, child pornography; the law allows suspected pedophiles to be tried in the country regardless of where the crime was committed. The Child Sex Tourism Act prohibits child sex tourism and related offenses for the country's residents and citizens overseas and provides for a maximum sentence of 17 years' imprisonment upon conviction. From 2006–07, the AFP conducted 57 investigations and assessments under the act, securing 28 prosecutions and 18 convictions. During the year the Government continued its awareness campaign to deter child sex tourism through the distribution of materials to citizens and residents traveling overseas. Child protection NGOs raised community awareness of child trafficking. There were no reports of children trafficked into the country during the year.

The new Government largely continued federal emergency intervention measures initiated by its predecessor to combat child sexual abuse in 73 NT Aboriginal communities. The measures were taken following a June 2007 government report of widespread such abuse. These measures included emergency bans on alcohol and pornography sales, restrictions on the payment of welfare benefits in cash, linkage of support payments to school attendance, and medical examinations for all NT indigenous children under age 16. However, the Government dropped its predecessor's plan to abolish the permit system used to enter indigenous communities. In June the minister for indigenous affairs stated that there were "some positive signs coming out of some of the measures," including higher school attendance and increased food purchases. In October a board appointed by the Government to review the

intervention released its report. It recommended making the intervention compliant with the Racial Discrimination Act; the Government agreed. It also recommended that compulsory income management only be applied to parents that neglected their children; however, the Government did not accept this recommendation. While public reaction to the intervention remained generally positive, some lawyers and Aboriginal activists expressed concern that there was inadequate consultation and that the measures were racially discriminatory.

In May an SA state government inquiry reported widespread sexual abuse of children in Aboriginal communities in the state's northwest. The SA aboriginal affairs minister stated that overcrowded housing was "centrally related" to the problem of abuse, and the federal government offered additional funding for housing.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, but the country continued to be a destination for some trafficked women in the sex industry and trafficked laborers.

Some women, primarily from the People's Republic of China (PRC), the Republic of Korea, and Southeast Asia, entered the country for the purpose of prostitution, sometimes entering with fraudulently obtained tourist or student visas. Many of these women traveled to the country voluntarily to work in both legal and illegal brothels but under conditions that amounted to debt bondage or sexual servitude. There were several reports of men and women from India, the PRC, and South Korea migrating to Australia temporarily for work whose labor conditions amounted to slavery, debt bondage, and involuntary servitude.

Authorities believed that sex trafficking networks were composed primarily of individual operators or small crime groups that often relied on larger organized crime groups to procure fraudulent documentation for the trafficked women.

The law comprehensively criminalizes "people trafficking" offenses, including sexual servitude, slavery, deceptive recruitment, debt bondage, child trafficking, and domestic trafficking. These offenses carry penalties of up to 25 years' imprisonment for slavery, debt bondage, child trafficking, and domestic trafficking; 15 years for sexual servitude; and seven years for deceptive recruitment. It is an offense for citizens or residents to travel abroad to engage in sex with minors under age 16.

In March the AFP and DIAC arrested five persons in Sydney on several charges, including running a business that included sexual slavery. Ten women were freed during the police raids. On December 2, however, the public prosecutor's office ruled that there was insufficient evidence to prosecute those arrested.

On December 22, a Gold Coast man was sentenced to five years' imprisonment for crimes related to the sexual slavery of two Thai women. He was found guilty of trafficking under the sexual slavery laws.

On August 28, the High Court upheld the 2006 conviction of Melbourne brothel owner Wei Tang on charges of slavery for holding several Thai women in slave-like conditions. The court set a precedent in ruling that the law does not require the prosecutor to prove that the defendant knew or believed the victims to be slaves; if it is established that a victim was held in slave-like conditions, the perpetrator is guilty of slavery under the law.

The Government had a wide range of programs to combat trafficking, prosecute traffickers, and assist trafficking victims. The AFP and DIAC have lead roles in combating trafficking in persons. The AFP's Transnational Sexual Exploitation and Trafficking Teams are responsible for investigating trafficking syndicates operating in the country and abroad. State police forces worked closely with the AFP on a comprehensive policing strategy to counter trafficking in persons. From April 2007 through March 2008, the AFP investigated 27 cases, of which approximately 80 percent were related to sex trafficking.

An ambassador for people-smuggling issues is responsible for promoting a coherent and effective international approach to combating trafficking in persons (particularly in the Asia-Pacific region), assisting in the negotiation of international agreements for the return and resettlement of persons brought illegally into the country, and working for the prosecution of traffickers. The ambassador coordinates the country's participation with Indonesia in the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. The Government has antitrafficking agreements with Cambodia, Burma, Laos, and Thailand designed to improve international cooperation and police investigation of trafficking syndicates. The Government also funded awareness campaigns in source countries and continued funding the Asia Regional Cooperation to Prevent People Trafficking project. Underway in four countries—Thailand, Laos, Burma, and Cambodia—the project focused on strengthening the criminal justice process to combat trafficking in persons.

Within the country the Government continued an awareness campaign targeting the sex industry and the community at large and widely publicized criminal cases against traffickers. Trafficking victims willing to cooperate with authorities in the

investigation and prosecution of traffickers qualify for a temporary visa and a range of social services. Counseling, temporary shelter, and other assistance were available to all trafficking victims.

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

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment; education; access to premises; provision of goods, services (including health services), and facilities; accommodation; purchase of land; activities of clubs and associations; sport; and the administration of federal laws and programs. The Government effectively enforced the law.

The disability discrimination commissioner, who is part of HREOC, promotes compliance with federal laws that prohibit discrimination against persons with disabilities. The commissioner also promotes implementation and enforcement of state laws that require equal access and otherwise protect the rights of persons with disabilities. The law also provides for mediation by HREOC of discrimination complaints, authorizes fines against violators, and awards damages to victims of discrimination.

HREOC's July 2007 to June 2008 annual report stated that 988 complaints were filed under the Disability Discrimination Act during that period. Of these, 46 percent were employment related, and 29 percent involved the provision of goods and services. HREOC finalized 815 complaints, 385 complaints through conciliation.

The Government provided A\$26 million (approximately \$21 million) to the Australian Paralympic Committee to support athletes at the 2008 Paralympic Games.

National/Racial/Ethnic Minorities.—According to HREOC's July 2007 to June 2008 annual report, it received 376 complaints under the Racial Discrimination Act, citing 669 alleged grounds of discrimination. Of these, 50 percent involved employment, 13 percent involved provision of goods and services, and 11 percent alleged "racial hatred." Persons born outside the country filed 41 percent of the complaints, and Aboriginals and Torres Strait Islanders filed 46 percent.

Indigenous People.—According to the June 2006 census, Aboriginals and Torres Strait Islanders numbered approximately 517,200 persons, approximately 2.5 percent of the total population. The new government continued the previous government's emphasis on "practical reconciliation" aimed at raising the health, education, and living standards of indigenous people while promoting individual responsibility and an end to passive welfare. On February 13, Parliament made a significant symbolic gesture by passing a government motion apologizing for past mistreatment of indigenous citizens. This included an apology to those affected by the forcible removal of children from their families between 1910 and 1970—the "stolen generations."

A wide variety of continuing government initiatives and programs sought to improve all aspects of Aboriginal and Torres Strait Islander life. The Government budgeted A\$3.5 billion (approximately \$2.24 billion) for indigenous-specific services in 2007–08 and A\$4.3 billion (\$2.75 billion) in 2008–09.

An Australian Institute of Health and Welfare report published in April noted improvements in educational attainment, employment, income, and home ownership among indigenous people in recent years. The institute found, however, that the health status of indigenous people remained poor compared to the rest of the population. Life expectancy for indigenous citizens was 59 for males and 65 for females, compared with 77 and 82 respectively for the nonindigenous. Indigenous persons were twice as likely to be hospitalized as other citizens. According to the ABS, 24 percent of prisoners were indigenous, a rate 13 times higher than for the nonindigenous.

The National Drug Research Institute reported that Aboriginals were more than twice as likely as their nonindigenous counterparts to die from alcohol abuse. Researchers cited high rates of poverty and unemployment, low educational levels, and lack of adequate access to health services among Aboriginals as contributing causes, particularly in isolated communities.

In October the federal government agreed to make resources available for job training for Aboriginals under an "Australian employment covenant" signed by business and Aboriginal leaders with a goal of creating 50,000 jobs for indigenous citizens.

The National Native Title Tribunal resolves native land title applications through mediation and acts as an arbitrator in cases where the parties cannot reach agreement about proposed mining or other development of land. In 2002 the High Court ruled that native title rights do not extend to mineral or petroleum resources and that, in cases where leasehold rights and native title rights are in conflict, leaseholder rights prevail but do not extinguish native title rights. In May the Govern-

ment announced it would review the native title process with a view to reducing its complexity and ensuring that royalties indigenous communities received from the mining industry were used beneficially. A discussion paper on the subject was released in December.

On April 24, the full bench of the Federal Court overturned a 2006 decision by a federal court judge recognizing native title of the Nyoongar Aboriginal group over a large portion of southwestern WA, including the state capital of Perth. The state and federal governments had appealed the original decision. In its April ruling, the court cited serious errors in the original decision's application of High Court rules for establishing proof of native titles and referred the case back to a federal court judge for another hearing. There was no further action on the case by year's end.

The A\$1.4 billion (approximately \$896 million) indigenous land fund is a special account that provides an ongoing source of funds for indigenous people to purchase land for their use. It is separate from the Native Title Tribunal and is not for payment of compensation to indigenous people for loss of land or to titleholders for return of land to indigenous people.

Aboriginal NGOs included groups working on native title issues, reconciliation, deaths in custody, and Aboriginal rights in general. International NGOs, such as Amnesty International, also monitored and reported on indigenous issues and rights. HREOC has an Aboriginal and Torres Strait Islander social justice commissioner.

In December, the Government appointed a committee to develop a model for a national indigenous representative body.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination against homosexuals. In June 2007 HREOC presented a report to Parliament noting 58 federal laws that denied same-sex couples and their children basic financial and work-related entitlements available to heterosexual couples and their children. In November, Parliament passed government bills to amend 68 federal laws as a means of eliminating such discrimination.

On December 19, the minister for defense, science, and personnel announced that as of January 1, 2009, same-sex partners of Defence Ministry personnel would no longer be denied payment of death benefits from military pension funds.

Federal and various state laws prohibit discrimination on the grounds of HIV-positive status. HREOC reviews complaints of discrimination on the grounds of HIV/AIDS status under the category of disability-related complaints, but a specific breakdown of HIV/AIDS-related cases was not available.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers, including public servants, the right of association domestically and internationally and protection against antiunion discrimination, and workers exercised these rights in practice. An ABS survey released in April indicated that as of August 2007, union membership had decreased over the previous 12 months from 20.3 to 19 percent of the total workforce, and to only 13.7 percent of the private-sector workforce. Unions generally carried out their functions free from government or political control.

Under the law workers are free to join or decline to join industrial associations, and discrimination against individuals for membership or nonmembership in a union is prohibited.

The law provides for the right to strike, but confines strikes to the period when unions are negotiating a new enterprise agreement and specifies that strikes must concern matters under negotiation. This is known as "protected action." Protected action provides employers, employees, and unions with legal immunity from claims of losses incurred by industrial action. The law subjects strikers to heavy fines for taking industrial action during the life of an agreement and contains secondary-boycott provisions. Industrial action must be authorized by a secret ballot of employees; unions complained that this requirement was unduly time consuming and expensive to implement. The law permits the Government to stop strikes if they are judged to have an "adverse effect" on the employer or damage third parties, but this provision was not used during the year.

According to the ABS, during the 12-month period ending June 30, there were 166 industrial disputes, 22 more than the previous year; during the same period, total workdays lost due to strikes rose from 88,400 to 164,900.

b. The Right to Organize and Bargain Collectively.—Federal, state, and territorial laws provide workers with the right to organize and bargain collectively, and workers exercised this right in practice.

Under the 1996 Workplace Relations Act, negotiation of contracts covering wages and working conditions shifted further from a centralized awards system to enter-

prise-level agreements certified by the Australian Industrial Relations Commission (AIRC). The WRA also provided for the negotiation of Australian Workplace Agreements (AWAs) between employers and individual workers, which were subject to fewer government regulations than awards or enterprise bargaining agreements; however, AWAs had to meet a “no disadvantage” test: a worker could not be made worse off compared to the relevant award. Amendments to the law in 2005 (known as “WorkChoices”) removed the “no disadvantage” test and provided only for five minimum standards of employment: a minimum wage, annual leave, sick leave, unpaid parental leave, and maximum working hours. All other workplace conditions were negotiable.

In response to widespread opposition to the WorkChoices law from both unions and the general public, in March Parliament passed the Government’s “Transition to Forward with Fairness” bill, which came into effect on March 28. The new law abolished the signing of new AWAs and established a new “no disadvantage” test for future workplace agreements designed to ensure that they contain basic worker protections. The law allows existing AWAs to continue until their expiration and enables businesses that had staff on AWAs before December 1, 2007, to continue to sign individual contracts, known as Individual Transitional Employment Agreements (ITEAs), provided these pass the “no disadvantage” test. To do so, an ITEA must not disadvantage an employee as compared to an applicable collective agreement, or to an industry-standard award if there is no collective agreement. ITEAs can only run until December 31, 2009. In addition the new law authorized AIRC to modernize industrial awards (standard agreements for particular industries that have been created and refined by decisions of AIRC) as part of a broader overhaul of the labor laws planned by the Government for 2009.

Certain issues are excluded by law from inclusion in workplace agreements. Such “prohibited content” includes, for example, mandatory union involvement in dispute settlement and remedies for unfair dismissal. The law permits unions to enter certain workplaces to investigate a suspected breach of the WRA or hold discussions with employees. However, unions may only enter a workplace to investigate a breach of an award or collective agreement if a union member is carrying out work at the premises and the suspected breach affects a union member.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law explicitly prohibits forced or compulsory labor, including by children; however, trafficking in persons was a limited problem.

d. Prohibition of Child Labor and Minimum Age for Employment.—There is no federally mandated minimum age of employment, but state-imposed compulsory educational requirements, enforced by state educational authorities, effectively prevented most children from joining the work force full time until they were 15 or 16 years of age. Federal and state governments monitored and enforced a network of laws, which varied from state to state, governing the minimum school-leaving age, the minimum age to claim unemployment benefits, and the minimum age to engage in specified occupations. The Australian Confederation of Trade Unions also monitored adherence to these laws. Workers under age 18 require parental or guardian consent to sign an ITEA.

e. Acceptable Conditions of Work.—Although a formal minimum wage exists, most workers received higher wages through enterprise agreements or individual contracts. There are above-minimum wage classifications for individual trades and professions. In October the Australian Fair Pay Commission, which determines minimum wage increases, raised the federal minimum award wage to A\$543.78 (approximately \$348) per week from A\$522.86 (\$335) per week, an increase of 4.14 percent.

The Workplace Ombudsman provides employers and employees advice about their rights and has authority to investigate employers alleged to have unlawfully exploited employees.

Over the past two decades, there has been a substantial increase in the percentage of the workforce regarded as temporary workers. The ABS reported that, as of December, approximately three million persons (28 percent of the workforce) were employed as “part-time” workers, of whom 72 percent were women. Such employees were not entitled to certain employment benefits such as sick leave or annual leave but were paid at a higher hourly wage rate.

Federal or state occupational health and safety laws apply to every workplace. The law provides federal employees with the right to cease work without endangering their future employment if they believe that particular work activities pose an immediate threat to individual health or safety. Most states and territories have laws that grant similar rights to their employees. Employees have recourse to state

health and safety commissions, which investigate complaints and order remedial action.

Labor law protects citizens, permanent residents, and migrant workers alike. Migrant worker visas require that employers respect these protections and provide bonds to cover health insurance, worker compensation insurance, unemployment insurance, and other benefits. However, there were complaints that some individuals entering the country to work temporarily on so-called “457” skilled-worker visas were being underpaid or charged excessive rents by their employers. There also were complaints that some employers used foreign workers as a less expensive substitute for Australian workers. In response to the criticism and the report of a parliamentary committee on the issue, the Government proposed, and in December Parliament passed, legislation that expands DIAC’s authority to monitor and investigate possible noncompliance by employer-sponsors, introduces penalties for employers in violation of their obligations, provides for improved government information sharing, and defines sponsorship obligations for employers and other sponsors. On August 1, minimum salary levels for temporary overseas workers were increased by 3.8 percent. There were no reports of worker rights abuses in the country’s three inhabited dependent territories of Christmas Island, Cocos (Keeling) Island, and Norfolk Island.

BRUNEI DARUSSALAM

Brunei Darussalam is a sultanate ruled by the same family for more than 600 years, and it has a population of approximately 391,000. Sultan Haji Hassanal Bolkiah governed under emergency powers that place few limits on his power. The Legislative Council, made up of appointed, indirectly elected, and ex-officio members, with a limited role in recommending and approving legislation, met during the year. The sultan maintained control over the security forces.

The following human rights problems were reported: inability of citizens to change their government; arbitrary detention; limits on freedom of speech, press, assembly, and association; restrictions on religious freedom; discrimination against women; restricted labor rights; and exploitation of foreign workers.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory for 42 criminal offenses, and it was included in 80 percent of criminal sentences. In 2007 (2008 statistics were not provided by the Government), 68 persons were sentenced to caning for immigration violations. Canings were carried out in the presence of a doctor, who had the authority to interrupt the punishment for medical reasons.

Prison and Detention Center Conditions.—Prison conditions generally met international standards.

In previous years conditions in police station detention cells were considered Spartan. During the year lack of access prevented verification of conditions. In the past there were credible reports that Internal Security Act (ISA) detainees had been held in isolation, were denied access to sunlight or fresh air, and were denied facilities suited to performing Islamic religious obligations. Independent sources asserted that conditions improved at the ISA facility in response to complaints by detainees.

During the year there were no reports that human rights monitors requested prison visits; foreign diplomats had consular access to detained nationals. Family members were permitted to visit prisoners and bring food.

d. Arbitrary Arrest or Detention.—The law provides for prompt judicial determination regarding the validity of an arrest, but in practice these provisions were superseded through invocation of emergency powers.

Role of the Police and Security Apparatus.—The police force and Internal Security Department (ISD) are under the direct control of the Prime Minister’s Office. The police and the ISD were considered free of major corrupt practices, although there were reports of petty corruption. There were 67 arrests involving police and military

personnel for criminal acts. There were no reports of prosecution or conviction of police or military personnel for corruption.

Arrest and Detention.—A magistrate must endorse a warrant for arrest, except when police are unable to obtain an endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests without warrants of persons caught in the act of committing a crime. After arrest police may detain a suspect up to 48 hours before bringing the individual before a magistrate.

The ISA permits the Government to detain suspects without trial for renewable two-year periods. ISA detainees are denied the right to legal counsel and are not presumed to be innocent. According to reports, detainees were promptly informed of the charges against them. Information on detainees is made public only after their release.

The Government regularly convened an independent advisory board consisting of executive and judicial branch officials to review individual ISA detentions and recommend whether they should be renewed for an additional two years.

On September 1, the Government released 58-year-old Haji Sarbini bin Haji Junit, held under the ISA for involvement in a counterfeit ring. Of the 16 members of the ring, Sarbini was the fifteenth to be released. The advisory board renewed the detention of the lone remaining detainee allegedly involved in the ring. On July 14, the Government released three persons detained under the ISA for leaking government secrets and classified information: 47-year-old Haisan Mohamed Amin, 35-year-old Saiful Bahrin Metali, and 31-year-old Mahidi Ahmad. According to official information, one person was being held under the ISA at year's end.

The criminal procedure code allows for bail except in cases indicated as "discretionary" by law. Detainees generally had prompt access to lawyers and family visitations; however, police may deny access in exceptional cases, such as probable cause to suspect witness tampering. There is no legal provision to provide affordable legal counsel for poor defendants, except in capital cases. In noncapital cases, indigent defendants may act as their own lawyers in court.

e. Denial of Fair Public Trial.—The law does not provide specifically for an independent judiciary, but the courts appeared to act independently, and there were no known instances of government interference with the judiciary. All higher court judges are appointed by and serve at the pleasure of the sultan.

The judicial system consists of five levels of courts, with final recourse for civil cases available through the Privy Council in the United Kingdom.

A court run by the military legal unit provides military personnel with the same rights as in civilian criminal court.

Trial Procedures.—Secular law, based on English common law, provides all citizens with a fair and efficient judicial process. Procedural safeguards include the right to defense counsel, an interpreter, and a speedy trial, as well as the right to confront accusers and to avoid self-incrimination. Lawyers have access to the accused once charges are filed through the trial process, but not during initial questioning. Defendants in criminal proceedings are presumed innocent. Most criminal cases are conducted in public trials by a judge or panel of judges. ISA detainees were denied the right to legal counsel and were not presumed to be innocent.

Shari'a (Islamic law) supersedes secular law for Muslims in cases of divorce, inheritance, and some sexual crimes. Shari'a is not applied to non-Muslims.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees; however, information was very difficult to obtain.

Civil Judicial Procedures and Remedies.—There is no specific provision of law to bring civil suit for human rights violations. In customary practice individuals may present written complaints about rights violations to the sultan directly for review. Such complaints were typically handled privately, and there were no reports of civil remedies handled in this manner during the year. Individual government servants who act outside their authority resulting in a civil wrong may be subject to fines or prosecution. Civil courts are generally unbiased.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law permits government intrusion into the privacy of individual persons, families, and homes. Shari'a permits enforcement of khalwat, an Islamic prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse or close male relative. There continued to be numerous reports that religious enforcement officers entered homes, buildings, and vehicles to detain suspects. According to religious authorities, there were 163 khalwat cases during the year, 44 of which involved noncitizens.

The Government monitored citizens' private e-mail, cell phone messaging, and Internet chatroom exchanges believed to be subversive. An informant system was

used as part of the Government's internal security apparatus to monitor suspected dissidents.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Under the emergency powers, the Government significantly restricted freedom of speech and of the press. Members of the legislative council are allowed to “speak their opinions freely,” but they are prohibited from using language or exhibiting behavior deemed “irresponsible, derogatory, scandalous, or injurious,” and may be disqualified for service on the basis of various offenses, including disloyalty to the sultan.

Under the Sedition Act, it is an offense to challenge in any way the authority of the sultan or members of the royal family. The act also makes it an offense to challenge “the standing or prominence of the national philosophy, the Malay Muslim Monarchy concept.” This ideology permeates the country's life and government administration, promoting Islam as the state religion, monarchical rule as the sole acceptable governing system, and upholding the rights and privileges of the Brunei Malay race.

The act provides for prosecution of newspaper publishers, proprietors, or editors who publish anything allegedly having a seditious intent. Publication may be suspended for up to one year, and publishers, printers, or editors can be prohibited from publishing, writing, or editing any other newspaper. Printing equipment can also be seized. Persons convicted under the act face fines of up to B\$5,000 (approximately \$3,500) and jail terms of up to three years.

The law requires local newspapers to obtain operating licenses and prior government approval of foreign editorial staff, journalists, and printers. The law also gives the Government the right to bar distribution of foreign publications and requires distributors of foreign publications to obtain a government permit. The law allows the Government to close a newspaper without giving prior notice or showing cause. Journalists deemed to have published or written “false and malicious” reports may be subjected to fines or prison sentences.

The country's daily newspapers, the Borneo Bulletin and the Brunei Times, practiced self-censorship. However, letters to the editor often included comments critical of government handling of certain social, economic, and environmental issues. On occasion the Government responded to public opinion on topics concerning social or environmental problems and the delay of public services.

Foreign newspapers were routinely available, although the Government must approve their distribution. Internet versions of foreign media were routinely available.

The Government owned the only television station. Three Malaysian television stations were also available, along with two satellite television services. Some content was subject to censorship based on theme, but such censorship was not consistent.

Internet Freedom.—According to official statistics, more than 19,000 households had Internet access and over 199,500 persons (more than half of the population) were Internet users. The Government monitored private e-mail and Internet chatroom exchanges of citizens believed to be subversive. There was anecdotal information that fear of government surveillance reduced the number of visitors to Internet forums. The primary Internet service provider was state owned.

In 2006 the authorities advised Internet service and content providers to monitor for content contrary to public interest, national harmony, and social morals. There were no reports of any government action to enforce this advisory.

Academic Freedom and Cultural Events.—The Government generally respected academic freedom; however, some researchers chose to publish under a pseudonym from overseas when they perceived that subject matter would not be well received.

A Censorship Board made up of officials from the Ministries of Home Affairs, Religious Affairs, and the Prime Minister's Office determines the suitability of concerts, movies, cultural shows, and other public performances. Religious authorities also review publications to ensure compliance with social norms.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—Under the emergency powers, the Government significantly restricted the right to assemble. According to the Societies Order, public gatherings of 10 or more persons require a government permit, and police have the authority to stop an unofficial assembly of five or more persons deemed likely to cause a disturbance of the peace.

Freedom of Association.—The law requires formal groups, including religious, social, or cultural to register with the Registrar of Societies and provide regular reports on membership and finances. The Government continued to restrict the activities of international service organizations such as Rotary, Kiwanis, and the Lions, which developed out of the established business community. Religious regulations

promulgated by the Ministry of Religious Affairs and the State Mufti's Office prohibited Muslims from joining these organizations.

A Brunei political party maintained that government restrictions have limited the party's growth.

c. Freedom of Religion.—The law states that “the religion of Brunei Darussalam shall be the Muslim religion according to the Shafi'i sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam.” However, in practice the Government restricted non—Islamic religions and non—Shafi'i Islamic groups, reinforcing the legitimacy of the observance of traditional and Islamic values through its national Malay Muslim Monarchy ideology. All mosques are government controlled and the Ministry of Religious Affairs prepared the weekly Friday sermons delivered in mosques countrywide.

The Government used its internal security apparatus against persons it considered to be purveyors of radical Islam, non—Muslims who attempted to proselytize, and religious groups that did not belong to the official religion. According to government statistics, 28 foreign citizens were expelled during the year for religious violations.

Registration is required by law for a group to worship communally. An organization that fails to register can face charges of unlawful assembly. All non—Shafi'i religious groups are required to register as associations. There continued to be credible reports that certain Christian groups were denied permission to register or chose not to register out of the expectation that their applications would be rejected.

The Government routinely restricted the practice of non—Muslim religions by prohibiting proselytizing and, in the past, occasionally denying entry to foreign clergy, banning the importation of religious teaching materials or scriptures such as the Bible, and denying requests to expand or build new churches, temples, and shrines.

Unlike in past years, no persons were accused of proselytizing during the year.

Muslims who wished to change or renounce their religion faced considerable difficulties. Born Muslims faced both official and societal pressure not to leave Islam; permission from the Ministry of Religious Affairs must be obtained to do so. During the year the Ministry sanctioned one renunciation of Islam. There were instances of persons who converted to Islam (often foreign nationals) as a prelude to marrying Muslims; conversion is required by the country's Islamic law. Government statistics indicated that there were 340 conversions to Islam during the year. After marriage, those who wished to return to their former religion faced intense official pressure not to do so or encountered extraordinary delays in obtaining permission.

Authorities continued to arrest Muslims for offenses under Shari'a, such as *khalwat* and consumption of alcohol.

The Ministry of Education requires courses on Islam and the national ideology, and prohibits the teaching of other religions and comparative religious studies. Private Christian schools were not allowed to give Christian instruction to Christian or Muslim students but could offer voluntary, Islamic instruction to Muslim students. During the year the Government warned Christian schools that they could be fined or imprisoned for teaching non—Muslim religious subjects. However, the Government did not prohibit or restrict parents from giving religious instruction to children at home.

The Government routinely censored magazine articles on other faiths by blacking out or removing photographs of crucifixes and other religious symbols. Government officials also confiscated religious materials and prevented public display, distribution, and sale of items featuring non—Islamic religious symbols. However, some Christian churches displayed crosses on their buildings.

The Government requires residents to carry an identity card that states the bearer's ethnicity, which is used in part to determine whether they are subject to Shari'a law. Visitors to the country were asked to identify their religion on their visa applications. Ethnic Malays are assumed to be Muslim, and therefore subject to Shari'a law. Non—Muslims are not held accountable to Shari'a precepts. Religious authorities checked identity cards for ethnicity when conducting raids.

Only Islamic groups belonging to the Shafi'i school were permitted to organize public religious processions; however, the Government allowed public lion dances to celebrate the Lunar New Year.

Societal Abuses and Discrimination.—The country's various religious groups coexisted peacefully. There were no known Jewish communities in the country, and there were no reports of anti—Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration and repatriation, and the Government generally respected these rights. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad, which was granted routinely. The Government restricted the movement of former political prisoners during the year following their release. The country is not a party to the UN Convention relating to the Status of Refugees and its 1967 protocol and does not feel the need to cooperate with office of the UN High Commissioner for Refugees.

By law the sultan may forcibly exile, permanently or temporarily, any person deemed a threat to the safety, peace, or welfare of the country. However, there have been no cases of banishment since 1984.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and the 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice, the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Stateless Persons.—According to unofficial sources there are approximately 20,000 “stateless” persons in the country, including persons born and raised in the country who were not automatically accorded citizenship and its attendant rights but were granted permanent resident status. Since these individuals, mostly ethnic Chinese, did not enjoy full privileges of citizenship, they did not have the right to own land and were not entitled to subsidized health care or higher education. In lieu of Brunei passports, the Government issued “certificates of identity” to allow these persons international travel and reentry; foreign visas may be entered in the certificates.

Primary education is free for citizens and permanent residents. Secondary education (above grade 10 equivalent) fees of B\$140 (approximately \$100) per month are required for noncitizens. University fees for noncitizens are B\$2,800 to B\$3,500 (approximately \$2,000 to \$2,500).

The law, which was administered on a case-by-case basis, allows citizenship to permanent residents who have contributed to the country’s economic growth, to women married to a citizen for two years, to women married to permanent residents for five years, and to children of permanent resident fathers after the age of two years and six months.

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

Citizens did not have the right to change their government peacefully.

The same family has ruled the country for more than 600 years. In 1962 the then sultan invoked an article of the constitution that allowed him to assume emergency powers for two years. These powers have been renewed every two years since 1962. The state of emergency places few limits on the sultan’s power. The sultan also serves as prime minister, minister of defense, minister of finance, chancellor of the national university, inspector general of the Royal Brunei Police Force, and head of the Islamic faith.

Elections and Political Participation.—Political authority and control rested entirely with the sultan. A 29-person legislative council (LegCo), which has no independent power and is made up primarily of appointed members, provided a forum for public discussion of proposed government programs as well as administrative deficiencies. It convenes once a year.

Persons 18 years of age and above may vote by secret ballot in village consultative council elections, which are based on a traditional system of village chiefs. Candidates must be Muslim, approved by the Government, and be citizens or permanent residents for more than 15 years. The councils communicated constituent wishes through a variety of channels, including periodic meetings chaired by the minister of home affairs. The Government also met with mukim (collections of villages) representatives to allow for airing of local grievances and concerns.

The Brunei National Development Party (NDP) remained the country’s only registered political party. The NDP, as had other parties when they were registered, pledged to support the sultan and the Government. Although the parties criticized administrative deficiencies, their few activities received limited publicity and they were hindered by membership restrictions.

On June 21, the NDP held its third Party Congress which included discussion of the politically sensitive Brunei—Malaysia territorial dispute. In 2007 government

officials advised members of political parties not to discuss certain politically sensitive issues during their congresses.

Individuals sought to express their views or influence government decisions and policies by posting messages to Internet discussion boards, writing letters to local newspapers, and petitioning the sultan or handing him letters when he appeared in public.

There were no female ministers in the Government or female members of the LegCo; however, the sultan's sister, Princess Masna, was the second-ranking official in the Ministry of Foreign Affairs and Trade, and one of four permanent secretaries in the Prime Minister's Office was a woman. On February 19, a woman was promoted to become one of the four permanent secretaries in the Ministry of Foreign Affairs and Trade. One cabinet-level post and two LegCo positions were held by ethnic Chinese.

Government Corruption and Transparency.—There were reliable reports of corruption in the Government. In accordance with its zero tolerance policy for corrupt practices, the Government successfully prosecuted a number of low-level officials. At year's end the case of a former government minister accused of corruption in awarding government projects was pending a final ruling from the chief justice.

Government officials were not subject to financial disclosure reports.

During the year the LegCo approved, and the Government published, a summary of the fiscal year government budget. However, the Government continued to restrict and classify as confidential some information on the financial dealings of the Government and the royal family. The law provides that no court can compel any person to give evidence relating to unpublished government records unless consent is given by the relevant ministry's permanent secretary. The Anticorruption Bureau, under the purview of the Prime Minister's Office, reports directly to the sultan.

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

Few if any civil society organizations dealt directly with human rights. A nongovernmental organization (NGO) seeking to operate in the country is required to apply for permission under the Companies Act and provide a list of members. The Government may suspend the activities of a registered NGO if it deems such an act in the public interest.

In September official statistics reported 460 registered NGOs. In November the Registrar of Societies deregistered a political party and 54 youth, welfare, and sports associations for failing to submit activities reports. In the past the Consumers' Association of Brunei attempted to address human rights, but the Government impeded these attempts. However, the association remained active in building relationships with other NGOs in the region dealing with consumer protection issues.

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

The law does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, or social status.

Women.—The law stipulates imprisonment of up to 30 years and caning with not fewer than 12 strokes for rape. The law does not criminalize spousal rape; it explicitly states that sexual intercourse by a man with his wife, as long as she is not under 13 years of age, is not rape. According to police statistics, there were 46 reported rape cases during the year and 21 were under investigation. Police were generally responsive in the investigation of such cases.

There is no specific domestic violence law, but arrests have been made in domestic violence cases under the Women and Girls Protection Act. During the year there were 225 reported cases of domestic violence against women, and all cases were still under investigation at year's end. The criminal penalty for a minor domestic assault is one to two weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer jail sentence.

A special unit staffed by female officers existed within the police department to investigate domestic abuse and child abuse complaints. A hot line was available for persons to report domestic violence. The Ministry of Culture, Youth, and Sport's Department of Community Development (DCD) provided counseling for women and their spouses. Based on individual circumstances, some female and minor victims were placed in protective custody in the DCD-operated Taman Noor Hidayat shelter while waiting for their cases to be brought to court.

Islamic courts staffed by both male and female officials offered counseling to married couples in domestic violence cases. Officials did not encourage wives to reconcile with flagrantly abusive spouses, and Islamic courts recognized assault as grounds for divorce.

Prostitution is illegal. Women who entered the country for purposes of prostitution generally were tried, sentenced, and deported swiftly.

In accordance with the Government's interpretation of Koranic precepts, Muslim women have rights similar to those of Muslim men in areas such as divorce and child custody. The law requires that males receive twice the inheritance of women. The law permits female citizens to pass their nationality on to their children and to own property and other assets, including business properties.

Men were eligible for permanent positions in government service whether or not they had university degrees, but married women without university degrees were only eligible to hold government positions on a month to month basis. Women in these month to month positions could not apply for travel allowances for their husbands and children. With this exception, they received the same allowance privileges as their college-educated counterparts in permanent positions.

Children.—No statistics were published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provided most children a healthy and nurturing environment.

Trafficking in Persons.—The law prohibits trafficking and sexual exploitation of women and girls, and there were very few identifiable cases of trafficking. It was likely that trafficking of foreign workers recruited from Indonesia, the Philippines, Pakistan, India, and Bangladesh took place. Such workers occasionally faced harsh, exploitative conditions in which their freedom of movement was restricted. There were reports that women arrested for prostitution subsequently claimed to have been victims of trafficking. There were also reports that the country was used as a transit stop for smugglers trafficking women to third countries. On September 24, a foreign mission rescued four trafficking victims who were being exploited in a neighboring country and were in the country to obtain work visa reentry permits. Such visa renewals apparently occurred on a once-a-month basis. Local immigration officers assisted in the rescue mission.

Under the Trafficking and Smuggling Persons Order, a person convicted of trafficking persons, harboring smuggled persons, or endangering the lives or safety of trafficked or smuggled persons can be fined up to B\$1 million (\$700,000), imprisoned for up to 30 years, and caned. A person convicted of facilitating trafficking or smuggling persons can be fined up to B\$50,000 (\$35,000) and imprisoned for up to 10 years. Immigration and other law enforcement officials received training to investigate and prosecute suspected offenders and to deal with trafficked victims. During the year there were no reported cases of prosecutions for human trafficking, nor were there any reports of government officials involved in trafficking. A national committee coordinates government-wide strategies for combating transnational crime, including trafficking.

The country had limited capacity to protect foreign trafficking victims. There were no NGOs to assist trafficking victims, and victims were subject to prosecution for violations of immigration and labor codes. There was no formal system of protection or benefits for foreign trafficking victims. In cases where the Government considers a victim to be a material witness in the prosecution of traffickers, police will provide temporary protection and shelter as necessary. Several foreign embassies also provided shelter for persons who may have been victims of trafficking.

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

Persons With Disabilities.—The law does not mandate accessibility or other assistance for persons with disabilities. The Government provided educational services for children with disabilities, but countrywide the level of services available was uneven. The DCD conducted several programs targeted at promoting awareness of the needs of people with disabilities.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS. The law makes it a criminal offense to have "sexual intercourse against the order of nature." There were no reports of official discrimination based on sexual orientation in employment, housing, access to education, or health care.

Section 6. Worker Rights

a. The Right of Association.—Under the Trade Unions Act, unions are legal and must be registered with the Government. All workers, including civil servants other than those serving in the military and those working as prison guards or police officers, may form and join trade unions; however, in practice trade union activity was minimal. The Government did not encourage unions or facilitate their formation, and employers in the industrial sector did not encourage foreign workers to form

unions. The three registered trade unions were in the oil sector and had a total membership of less than 5 percent of the industry's total work force. There were an estimated 88,000 foreign workers, including almost 6,000 garment industry workers, none of whom were members of any trade union.

While the law permits the formation of trade union federations, it forbids affiliation with international labor organizations unless there is consent from the home affairs minister and Department of Labor (DOL).

The law makes no explicit provision allowing the right to strike.

b. The Right to Organize and Bargain Collectively.—The law prohibits employers from discriminating against workers in connection with union activities but provides no legal framework for collective bargaining. There was very little union activity in the country, and employer discrimination against union members was not reported.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ). Labor laws are fully applicable in the MEZ.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were isolated reports of non-payment of wages and little or no time off for some foreign domestic workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—Various laws prohibit the employment of children under age 16. Parental consent and approval by the Labor Commission is required for those under 18. Female workers under 18 may not work at night or on offshore oil platforms. The DOL, which is part of the Ministry of Home Affairs, effectively enforced laws related to the employment of children. There were no reports of violations of child labor laws.

e. Acceptable Conditions of Work.—Most employed citizens commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two rest periods of 24 hours each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays.

Occupational health and safety standards were established by government regulations. The DOL inspected working conditions on a routine basis and in response to complaints. The DOL generally enforced labor regulations effectively, but enforcement in the unskilled labor sector was lax, especially for foreign laborers at construction sites, where pay arrearage and inadequate safety and living conditions were reported. The DOL may close a workplace where health, safety, or working conditions are unsatisfactory. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally, this did not occur.

According to government data, approximately 88,000 foreigners worked in the country. Foreign workers are excluded from most labor law protections, including freedom of association. The rights of the estimated 25,000 female domestic workers frequently were abused and they had little access to legal remedies. Their liberty was severely restricted and they were required to work exceptionally long hours without being granted a day for rest. There also were isolated reports of employers who beat domestic employees or did not provide them with adequate food. Since most foreign female domestics were highly dependent on their employers, those subject to abuse often were unwilling or unable to bring complaints, either to the authorities or to their respective embassies. However, when complaints were made, the Government was usually quick to investigate and impose fines and punishment. Employers found guilty of abuses typically were fined or sentenced to prison and ordered to compensate the victim.

Government protective measures for foreign workers included arrival briefings for workers, inspections of facilities, and a telephone hot line for worker complaints. Government mediation continued to be the most common means used to resolve labor disputes. Abusive employers faced criminal and civil penalties. When grievances could not be resolved, repatriation of foreign workers was at the expense of the employer, and all outstanding wages were ordered paid. The majority of abuse cases were settled out of court by the employer paying financial compensation to the worker.

Workers, most notably in the garment industry, signed contracts with employment agents or other sponsors in their home countries that reduced their promised salaries through payments to the agencies or sponsors. The Government forbade wage deductions to agencies or sponsors and mandated that employees receive their full salaries; nevertheless, foreign workers continued to pay high fees to manpower agents to obtain work in the country.

There were credible reports of domestic and construction workers from neighboring countries paying the equivalent of two months' wages to fictitious employers to obtain labor passes and work freelance in the local economy. There were also

credible reports of nationals from South Asian countries working for little or no pay for up to two years to pay back foreign agents for securing jobs for them.

In 2007 (the Government did not provide 2008 statistics) the DOL recorded 26 complaints by domestic helpers and 108 complaints by corporate/garment workers against employers who failed to pay workers' salaries. Sixteen of the complaints by domestic workers and 60 of the complaints by corporate/garment workers were resolved, largely by employer compensation payments. Eighteen complainants withdrew their complaints while the remaining cases were still under investigation.

The Government also prosecuted employers who employed illegal immigrants or did not process workers' documents, rendering them in illegal status.

Immigration law allows for prison sentences and caning for workers who overstay their work permits and illegal immigrants seeking work, as well as for foreign workers employed by companies other than their initial sponsor. While the majority of prosecutions were for long-term overstayers, many workers stayed in an illegal status due to their former employers' negligence.

BURMA

Burma, with an estimated population of 54 million, is ruled by a highly authoritarian military regime dominated by the majority ethnic Burman group. The State Peace and Development Council (SPDC), led by Senior General Than Shwe, was the country's de facto government. Military officers wielded the ultimate authority at each level of government. In 1990 prodemocracy parties won more than 80 percent of the seats in a general parliamentary election, but the regime continued to ignore the results. The military government controlled the security forces without civilian oversight.

The regime continued to abridge the right of citizens to change their government and committed other severe human rights abuses. Government security forces allowed custodial deaths to occur and committed other extrajudicial killings, disappearances, rape, and torture. The Government detained civic activists indefinitely and without charges. In addition regime-sponsored mass-member organizations engaged in harassment, abuse, and detention of human rights and prodemocracy activists. The Government abused prisoners and detainees, held persons in harsh and life-threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. The army continued its attacks on ethnic minority villagers. Aung San Suu Kyi, general secretary of the National League for Democracy (NLD), and NLD Vice-Chairman Tin Oo remained under house arrest. The Government routinely infringed on citizens' privacy and restricted freedom of speech, press, assembly, association, religion, and movement. The Government did not allow domestic human rights nongovernmental organizations (NGOs) to function independently, and international NGOs encountered a difficult environment. Violence and societal discrimination against women continued, as did recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons, particularly of women and girls. Workers' rights remained restricted. Forced labor, including that of children, also persisted. The Government took no significant actions to prosecute or punish those responsible for human rights abuses.

Ethnic armed groups allegedly committed human rights abuses, including forced labor. Some cease-fire groups reportedly committed abuses. Armed insurgent groups and cease-fire groups also recruited child soldiers.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. The Government did not punish officials responsible for the deaths. In particular there were reports of extrajudicial killings and custodial deaths.

On February 21, police in Akyab, Rakhine State, severely beat Zawmir Uddin, a Rohingya who subsequently died in police custody.

On May 3, soldiers and riot police reportedly shot at a large group of inmates in Insein Prison after the prisoners started a fire to warm themselves. There were reports that at least 36 inmates were killed and approximately 70 injured. The regime claimed that only two prisoners were killed accidentally in the fire. Following the incident, prison authorities reportedly conducted an investigation that resulted in the death of four inmates during interrogation.

On May 20, soldiers killed a retired New Mon State Party medical worker during interrogation in Khawzar police station, Mon State.

In mid-June a man accused of stealing Buddha statues in Magwe Division died during interrogation at Magwe police station.

The Government took no action to investigate or punish those responsible for extrajudicial killings of at least 30 persons during the regime's violent suppression of peaceful prodemocracy demonstrations in September 2007, including Buddhist monk U Thilavantha and Japanese photojournalist Kenji Nagai. Additionally, the Government did not investigate or punish those responsible for custodial deaths in 2007, including the following cases: Maung Chan Kun, Lin Lin Naing, Ko Naing Oo, NLD member Win Shwe, and Ko Ko Win.

There were no developments in the 2006 killings of the following persons: former political prisoner Thet Naing Oo, Wai Phyo Naung, Ma Nyo Kyi, and Saw Stin Pho.

The Government persisted in its refusal to investigate or take responsibility for the 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin, in which as many as 70 persons were killed.

b. Disappearance.—Private citizens and political activists continued to “disappear” for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without informing family members and to the army's practice of seizing private citizens for portering or related duties, often without notifying family members. Requests for information directed to the military forces were routinely ignored. In some cases individuals who were detained for questioning were released soon afterward and returned to their families.

The Government took no action to investigate reports that security forces took large numbers of residents and monks from their homes and monasteries during numerous nighttime raids following the peaceful prodemocracy protests in September 2007.

The whereabouts of persons seized by military units to serve as porters, as well as of prisoners transferred for labor or portering duties, often remained unknown. Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families.

There was no information regarding the whereabouts of 31 persons who disappeared during a 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There are laws that prohibit torture; however, members of the security forces and other progovernment forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. As in previous years, authorities took little or no action to investigate the incidents or punish the perpetrators.

In 2005 the Thailand-based Assistance Association for Political Prisoners released a report on the “brutal and systematic” torture that the Government inflicted on political prisoners. Based on the testimony of 35 former political prisoners, the report gave details of the physical, psychological, and sexual abuse the Government employed on dissidents, and it identified by name many of the perpetrators. The report detailed the kinds of torture the Government used, including severe beatings, often resulting in loss of consciousness and sometimes death; repeated electric shocks to all parts of the body, including genitals; rubbing iron rods on shins until the flesh comes off; burning with cigarettes and lighters; prolonged restriction of movement for up to several months using rope and shackles around the neck and ankles; repeatedly striking the same area of a person's body for several hours; forcing prisoners to walk or crawl on an aggregate of sharp stones, metal, and glass; using dogs to rape male prisoners; and threatening female prisoners with rape. Authorities used prolonged solitary confinement to punish prisoners.

There were credible reports that prostitutes taken into police custody were sometimes raped or robbed by the police. Occasionally, authorities would arrest and prosecute women who reported being raped by police or soldiers. Security officials frequently placed a hood on those accused or suspected of political crimes upon arrest.

The armed forces routinely used coercive and abusive recruitment methods to procure porters. Persons forced into portering or other labor faced extremely difficult conditions, beatings, rape, lack of food and clean water, and mistreatment that at times resulted in death.

Prison and Detention Center Conditions.—Prison and labor camp conditions generally were harsh and life threatening. The Department of Prisons operated approxi-

mately 40 prisons and 70 labor camps. Food, clothing, and medical supplies reportedly were scarce in prisons. There were reports that authorities in some prisons forced prisoners to pay for food. Bedding often was inadequate, sometimes consisting of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed one or two visits per month, for basic necessities. The Government solicited private donations of food, clothing, and medical supplies as well as books and television sets for prisoner use but reportedly diverted all donated goods to government officials. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food. HIV/AIDS infection rates in prisons reportedly were high due to communal use of syringes for injections and sexual abuse by other prisoners.

The Government denied prisoners adequate medical care, although medical services in prisons partially reflected the poor health care services available to the general population.

There were numerous instances in which the Government failed to provide prisoners with adequate medical care. On March 6, detained NLD member Ko Win Tin died in Bago prison. He had been suffering from untreated dysentery and tuberculosis.

On April 19, Azizullah, a 30-year-old man from Rathidaung Township, Rakhine State, died in Akyab prison. He reportedly did not receive proper medical treatment.

On July 18, political prisoner Khin Maung Tint died of tuberculosis in Mandalay prison.

Officials allowed a prison doctor to visit detained Min Ko Naing, an 88 Generation Students member, who was suffering from high blood pressure and a degenerative spinal disease. However, they denied requests to have a specialist examine and treat him.

The health of 88 Generation Students member Myo Yan Naung Thein continued to deteriorate significantly in prison. The press reported that authorities repeatedly denied his requests for adequate medical care, including an operation to treat his paralysis. According to Amnesty International, his condition was the result of beatings received in custody.

In his August visit, UN Special Rapporteur for Human Rights in Burma Tomas Ojea-Quintana urged authorities to allow a dentist to treat prisoner Thurein Aung, who had been denied dental treatment for more than a year. Shortly after Ojea-Quintana's visit, prison officials allowed a dentist to treat the prisoner.

Prominent political prisoners who suffered from deteriorating health included NLD member of parliament-elect (MP-elect) Naing Naing. The health of writer Than Win Hlaing, held in Thayarwady Prison in Bago Division, continued to deteriorate due to harsh prison conditions. Rohingya MP-elect Kyaw Min and family also continued to experience health problems. MPs-elect Than Nyein and May Win Myint, as well as journalist Win Tin, also suffered health problems before their release in September.

There was no information on the condition of imprisoned Shan National League for Democracy (SNLD) Chairman Khun Htun Oo or SNLD member U Sai Hla Aung, who were suffering from numerous health problems but had not been permitted to receive medical attention.

Despite the Government's insistence that it did not hold any political prisoners, reports by prisoners indicated that authorities frequently placed politically active prisoners in communal cells, where they were subjected to beatings and severe mistreatment by common criminals.

The Government continued to deny the International Committee of the Red Cross (ICRC) unfettered access to prisoners. The ICRC was unable to talk in private with prisoners, make repeated visits as desired, or provide necessary healthcare and hygienic supplies. As a result the ICRC could not follow the cases of more than 4,000 detainees, including security detainees, minors, foreigners, and prisoners who were especially vulnerable, such as the sick and elderly.

d. Arbitrary Arrest or Detention.—The law does not prohibit arbitrary arrest or detention, and the Government routinely used them. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the Government regularly used this provision.

Role of the Police and Security Apparatus.—The Myanmar Police Force is under direct military command but falls administratively under the Ministry of Home Affairs. Police primarily deal with common crimes and do not handle political crimes. Corruption and impunity were serious problems, due to a government-imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations and routinely

extorted money from the civilian population. There are no effective legal mechanisms available to investigate security force abuses. The Government took no significant measures to reform the security forces.

Military Security Affairs (MSA) officers and Special Branch (SB) police officers are responsible for detaining persons suspected of "political crimes" perceived to threaten the Government. Once a person is detained, MSA or SB officers interrogate the individual for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation.

The Union Solidarity and Development Association (USDA) and the Government-backed "private" militia Swan Arr Shin increasingly assumed the responsibilities of law enforcement authorities, engaging in the arrest, detention, and interrogation of human rights and prodemocracy activists.

Arrest and Detention.—By law warrants for searches and arrests are required; however, the MSA and police have special authority to conduct searches and make arrests at will. The law permits a court to detain persons without charge for up to two weeks, with the possibility of a second two-week extension. However, authorities frequently extended detentions beyond this period without producing the detainees before a judge. The Government often held persons under the Emergency Act of 1950, which allows for indefinite detention. In practice many persons were held for years without being informed of the charges against them.

Bail was commonly offered in criminal cases, but it was rarely allowed for political prisoners. The Government regularly refused detainees the right to consult a lawyer, denied them and their families the right to select independent legal representation, or forced them to use government-appointed lawyers. The Government continued to use incommunicado detention and often failed to inform detainees' relatives of detentions until much later.

During the year the regime detained numerous prodemocracy and human rights activists and several top opposition leaders and MPs-elect. Other activists wanted by the regime remained in hiding or self-imposed exile at year's end.

On January 9, police arrested NLD member and labor activist Htet Wei while he attended a friend's trial in Rangoon. According to witnesses, police took Htet Wei into custody when they allegedly saw the defendant, detained protester U Ohn Than, pass him a piece of paper. At year's end authorities had not released any information concerning the status of Htet Wei.

In April and May, the regime detained more than 130 persons suspected of campaigning against the Government's draft constitution in the period preceding the May constitutional referendum. Many of these individuals were released shortly after their arrest. Several others remained in detention at year's end.

On April 1, Thingangyun township officials arrested NLD youth activist Ko Aung Htun at his home, according to witnesses. At year's end authorities had not released any information concerning the status of Ko Aung Htun.

On June 13, police arrested prodemocracy activist Myat Thu, alleged to be a leading figure in the 88 Generation Students prodemocracy group. At year's end authorities had not released any information concerning the status of Myat Thu.

On June 15, authorities arrested Myanmar Tribune editor Aung Kyaw San and several other unidentified persons after they returned from the cyclone-affected Irrawaddy Delta, where they had been burying cyclone victims. The Government did not publicly acknowledge Aung Kyaw San's arrest, although some observers believed that officials suspected him of providing information about the cyclone's aftermath to foreign news services. At year's end Aung Kyaw San remained in detention, and authorities had not released any information regarding his legal status.

On June 25, police in Rangoon arrested a protester in front of city hall. According to the press, the woman shouted slogans calling for the release of Aung San Suu Kyi and other political prisoners before the authorities took her away. Officials did not acknowledge her arrest or release her identity.

On July 2, authorities detained NLD official Khun Maung, reportedly in connection with a small explosion at a USDA office earlier that day. The Government did not release any information about his condition or reasons for his arrest.

Amnesty.—On September 23, authorities announced the release of 9,002 prisoners as part of an amnesty. While the majority of those released were incarcerated for minor common crimes, at least six political prisoners were released, including journalist Win Tin, NLD Central Executive Committee (CEC) member Khin Maung Swe, NLD member Aye Thein, and MPs-elect May Win Myint, Than Nyein, and Aung Soe Myint. Win Tin spent 19 years in prison before his release.

Win Htein, Aung San Suu Kyi's former assistant, was released on September 23 as part of the amnesty but rearrested the next morning.

e. Denial of Fair Public Trial.—The judiciary is not independent of the Government. The SPDC appoints justices to the Supreme Court, which in turn appoints lower court judges with SPDC approval. These courts adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels. While separate military courts for civilians do not exist, the military regime frequently directs verdicts in politically sensitive trials of civilians.

The Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system remain formally in place, the court system and its operation were seriously flawed, particularly in the handling of political cases. The misuse of blanket laws—including the Emergency Provisions Act, Unlawful Associations Act, Habitual Offenders Act, Electronic Transactions Law, Video Act, and Law on Safeguarding the State from the Danger of Subversive Elements—as well as the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and to stifle peaceful dissent. Executive Order 5/96, which provides for the arrest of any person deemed a threat to the National Convention and the “roadmap to democracy,” effectively stifled open debate among citizens. Pervasive corruption further served to undermine the impartiality of the justice system.

The new constitution provides for the right to a fair trial, but it also grants broad exceptions that in effect allow the regime to violate these rights at will.

Trial Procedures.—There is a fundamental difference between criminal trials involving political prisoners and defendants charged with common crimes. Some basic due process rights, including the right to be represented by a defense attorney, were generally respected in common criminal cases but not in political cases that the Government deemed especially sensitive. By law the Government is not obligated to provide an attorney at public expense except in death penalty cases. Juries are not used in any criminal trials. In common criminal cases, defense attorneys generally were permitted 15 days to prepare for trial, could call and cross-examine witnesses, examine evidence, and were granted a 15-day delay for case preparation. However, their primary function was not to disprove their client’s guilt, which was usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for their clients. Political trials often were not open to family members or the public, and defense attorneys frequently were not permitted to attend. Reliable reports indicated that senior government authorities dictated verdicts in political cases, regardless of the evidence or the law.

The law provides those convicted of crimes with a right of appeal; however, in most cases verdicts were upheld without consideration of the legal merits of the appeal.

In July a single judge on the Supreme Court rejected the appeals of six labor activists arrested in connection with a Rangoon seminar in May 2007. The court did not publish an opinion or otherwise explain the legal rationale for its decision, as it normally does. Although the law allows for the defendants to appeal to a multijudge panel of the Supreme Court, many legal observers pointed out that it would be difficult to do so without the court’s opinion on which to base the appeal.

NLD members and other prodemocracy activists generally appeared able to retain the counsel of lawyers without fear that the lawyers might be imprisoned; however, lawyers were not always told when trials would begin, and authorities often refused to allow them to attend their clients’ trials.

During the year authorities held closed legal hearings for a large number of political prisoners. Foreign diplomatic observers were able to confirm that the regime sentenced at least 120 persons, although some human rights NGOs, such as the Assistance Association for Political Prisoners (AAPP), estimated that more than 200 persons were convicted. Some of those convicted had been detained for more than a year without trial.

In October and November, criminal defense attorneys Aung Thein, Khin Maung Shein, and Nyi Nyi Htwe were sentenced to between four and six months’ imprisonment for contempt of court after they objected to the lack of due process afforded several political prisoners they were representing. Another attorney, Saw Kyaw Kyaw Min, was cited for contempt but fled before he was imprisoned. Independent legal observers noted that it was unusual for lawyers to be imprisoned, rather than fined, for contempt of court. Fourteen other lawyers, most sentenced prior to 1998, remained imprisoned at year’s end.

The Government routinely extended prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The minister of home affairs has the right to extend unilaterally a prison sentence on six separate occasions for

two months, for a total of up to one year. SPDC Chairman Senior General Than Shwe can add five years to a sentence.

Political Prisoners and Detainees.—Human rights observers reported that at year's end there were approximately 2,100 "security detainees," including political prisoners, merchants, violators of state security laws, and those accused of fostering religious disturbances. Because the Government usually charged political detainees with criminal offenses, it denied holding any political prisoners. Despite government assertions, a vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

On January 29, authorities charged detained labor activist Su Su Nwe with sedition, libel against foreign powers, and association with an unlawful organization.

Also on January 29, officials charged Ye Min Oo, Ye Myat Hein, Kyi Phyu, and Si Thu Maung with sedition. The four were arrested for their alleged participation in the September 2007 prodemocracy protests. In November authorities sentenced Ye Min Oo to five years' imprisonment and Ye Myat Hein and Kyi Phyu to six years and six months each. Human rights observers believed that Si Thu Maung remained in detention at year's end.

In January nine 88 Generation Students members, including Min Ko Naing and Ko Ko Gyi, were charged with failing to register printed materials. The other seven persons charged were Kyaw Min Yu (Jimmy), Mya Aye, Aung Thu, Min Zeya, Zaw Htet Ko Ko, Myo Aung Naing, and Ko Tin Htoo Aung. In September 35 members of 88 Generation Students, including Min Ko Naing and Ko Ko Gyi, were charged under statutes prohibiting libel against friendly foreign governments and prohibiting speech or conduct intended to disrupt the Government's "roadmap to democracy." In November Min Ko Naing, Ko Ko Gyi, Kyaw Min Yu, Mya Aye, Aung Thu, Min Zeya, and Myo Aung Naing were each sentenced to 65 years' imprisonment. Tin Htoo Aung was sentenced to 33 years' imprisonment. Zaw Htet Ko Ko remained in custody at year's end.

On March 8, police arrested opposition activist Aung Kyaw Oo, allegedly a leading figure in Generation Wave, an opposition group that authorities claimed was involved in the September 2007 protests. On November 11, authorities sentenced Aung Kyaw Oo to four years and six months in prison for his alleged involvement in the protests.

On the night of June 4, officials arrested prominent comedian and activist Zarganar and charged him with violating the Video Act, Electronics Act, and Unlawful Association Act, among others. On June 13, police arrested Zaw Htet Htwe, a journalist who worked with Zarganar to provide relief to victims of Cyclone Nargis. In November Zarganar was sentenced to 59 years' imprisonment and Zaw Htet Htwe to 15 years' imprisonment.

Between January and August, officials charged detained monk U Gambira with 10 counts, including illegal border crossing, association with an unlawful organization, publication of unapproved printed materials, undermining the security of the state, and rioting. In November he was sentenced to 68 years in prison.

On August 6, authorities arrested human rights activist Myo Min. On November 28, Myo Min was sentenced to five years' imprisonment.

On August 8, police arrested human rights activist Myint Aye at his home. On September 7, Director General of Police Khin Yi publicly accused Myint Aye of having engaged in a conspiracy to commit bombings, and on November 28, he was sentenced to 28 years' imprisonment after a closed trial.

On September 10, police arrested 88 Generation Students member Nilar Thein, who had been in hiding since August 2007, when authorities arrested 70 other 88 Generation Students activists, including her husband, Kyaw Min Yu. In November authorities sentenced Nilar Thein to 65 years' imprisonment. During the period she was in hiding, authorities reportedly kept under surveillance her infant daughter, whom she had been forced to leave with relatives.

Numerous prodemocracy and human rights activists arrested in 2007 were formally sentenced to prison terms during the year. In November leading 88 Generation Students members Phone Cho, Arnt Bwe Kyaw, Htay Kywe, Thet Zaw, Sandar Min, and Nyan Lin were sentenced to 65 years. Human rights observers believed that several other 88 Generation Students members arrested in 2007 remained in detention without conviction, including Zeya, Kyaw Kyaw Htwe (Markee), Panneik Tun, and Zaw Zaw Min.

In November officials sentenced several NLD members who were arrested in 2007 to prison terms, including Ko Kyi Phyu, who received a sentence of six years and six months; Aung Min Naing and Ko Wunna Aung, four years and six months each; and Ko Tin Myint, two years and six months. Human rights observers believed that several other NLD members arrested in 2007 remained in detention without conviction.

tion at year's end, including Ko Ye Min Zaw, Ko Soe Khine, Shwe Maung, Ko Myo Khin, Ko Tun Myint, Ko Tin Oo Maung, Thin Gan Gyun, Ko Phyo Min Kyin, Ko Tin Zaw Oo, Ko Law Lwin, Ko Taw Taw Aung, and Ko Ye.

Also in November officials sentenced Myanmar Development Committee leader Htin Kyaw, who was arrested in 2007, to 12 years' imprisonment. Human rights observers believed that several of his supporters remained in detention at year's end, including Zaw Nyunt, Ko Han, and Han Ti.

In November authorities sentenced human rights activist Aung Zaw Oo, arrested in 2007, to 12 years' imprisonment. Prodemocracy activist and musician Win Maw was sentenced to two years' imprisonment.

Human rights observers believed that prodemocracy activist Myat San, who was arrested in 2007, remained in detention at year's end. They also believed that the leader of Maggin Monastery, Sayada Aindakaat, remained in detention, as well as other monks arrested in 2007, including Sanda Wara.

NLD general secretary Aung San Suu Kyi remained under house arrest without charge and without trial. In May the regime again extended her detention, which began in 2003. Authorities continually denied Aung San Suu Kyi the ability to meet freely with her supporters and others at a time and place of her choosing. However, in January authorities allowed her a supervised meeting with NLD party leaders, and in March she met with UN Special Envoy Gambari. In August and September, authorities permitted Aung San Suu Kyi to meet with her attorney on five occasions at her home to prepare her legal appeal of her house arrest. She also was permitted to meet with her doctor four times during the year. NLD Vice-Chairman Tin Oo also remained under house arrest without trial.

Civil Judicial Procedures and Remedies.—Civil judicial procedures and remedies existed in principle, but in practice there was no assurance that a complainant would receive a fair hearing.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law does not prohibit such actions, and authorities routinely infringed citizens' privacy. Through its intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

Forced entry without a court order is legal. The law requires that any person who intends to spend the night at a place other than his registered domicile inform local peace and development council authorities in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to authorities. Ward-level officials continued unannounced nighttime checks of residences for unregistered visitors. Authorities in Rangoon Division continued sporadically to require households to have "family photographs" taken for government agents to use when conducting nighttime checks of residences. Households subjected to this requirement were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorized residents.

Security personnel regularly screened private correspondence, telephone calls, and e-mail.

The Government continued to control and monitor closely the licensing and procurement of all two-way electronic communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem is punishable by imprisonment. Users of unregistered cordless telephones face up to three years in prison and a heavy fine. Use of unregistered radios is also punishable by a fine and imprisonment.

The Government continued its practice of conscripting members of ethnic minorities for service as military porters in Bago Division and Karen, Kachin, Kayah, and northern Rakhine states.

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The Government used coercion and intimidation to induce persons, including nearly all public-sector employees and many students, to join the Government's mass mobilization organizations—the USDA, Myanmar Women's Affairs Federation (MWAFF), and Myanmar Maternal and Child Welfare Association—and attend meetings in support of the regime. The Government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicized the coerced resignations in government media.

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the Government. The law does not permit private ownership of land, recognizing only different categories of land-use rights, many of which are not freely transferable. Postcolonial land laws also revived the precolonial

tradition that private rights to land are contingent upon the land being put to productive use.

Forced relocations in rural areas continued during the year. The relocations reportedly were often accompanied by executions, rapes, and demands for forced labor to build infrastructure for military units.

While less frequent than in rural areas, reports persisted of forced relocation in urban areas. The Government reportedly continued to relocate forcibly some urban households for “security” reasons. In Rangoon persons were compelled to leave homes or dwellings located on property that could be used for commercial gain. In some cases those forced to move were poorly compensated, if at all.

At year’s end most civil servants in the administrative capital Nay Pyi Taw continued to live separately from their families in Rangoon.

There were numerous reports that government troops looted and confiscated property and possessions from forcibly relocated persons or persons who were away from their homes. The materials often were used for military construction. Commandeering privately owned vehicles for military or VIP transport without compensating the vehicle owners was commonplace throughout the country. The practice was particularly widespread in Shan, Kayah, and Karen states and in areas of Mon State and Bago Division.

In these same areas, thousands of civilians were displaced from their traditional villages—which often were then burned to the ground—and moved into settlements tightly controlled by government troops in strategic areas. In other cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care.

Forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the Government. In some areas the Government replaced the original occupants with ethnic Burmans. In Karen State army units forced, or attempted to force, ethnic Karen to relocate to areas controlled by the Democratic Karen Buddhist Army.

The Government routinely confiscated property, cash, and food from civilians. Additionally, USDA members, acting under the cover of governmental authority, confiscated property for their own use.

Military personnel also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, and money. Such abuses were widespread. Regional commanders forced contributions of money, food, labor, and building materials from civilians throughout the country.

Marriages between female citizens and foreigners are banned, and the Government ordered local attorneys not to be witnesses to such marriages; however, the ban was not widely enforced.

The Government punished family members for alleged violations by individuals. On September 9, police detained Ko Moe Htet Hlyan, the brother-in-law of detained monk U Gambira. On September 11, authorities arrested Ko Aung Ko Ko Lwin, the younger brother of U Gambira. Both remained in detention at year’s end.

On September 12, police arrested Daw Tin Tin Win, the 75-year-old mother of detained 88 Generation Students member Ko Arnt Bwe Kyaw. She was released later that day.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Ethnic insurgent groups continued to battle the Government for autonomy or independence, including the Shan State Army—South, the Karenni National Progressive Party, and the Karen National Union (KNU), through its armed wing, the Karen National Liberation Army. In ethnic minority regions, military personnel reportedly killed and raped civilians, shelled villages and burned homes, destroyed food and seized possessions, confiscated land, forced villagers to work on infrastructure projects, and demanded that villagers provide food and construction materials for military camps.

Killings.—There were unverified reports of deaths and injuries caused by security forces using civilians to clear landmines, particularly in Karen State, where the army continued attacks against ethnic villages.

Disappearances.—There were reports of disappearances in connection with the conflicts in Bago Division and Karen, Kayah, and Shan states.

Physical Abuse, Punishment, and Torture.—Newly arrived refugees and internally displaced persons (IDPs) near the Thai border reported that government soldiers in Chin, Shan, Kayah, Kachin, and Karen states continued to rape ethnic women and girls. The Thailand-based Karen Women’s Organization cited 959 cases of women and girls in Karen State who reported sexual abuses in the past 25 years. Additionally, NGOs and international organizations continued to report numerous sexual assaults by soldiers throughout the rest of the country.

Karen NGO sources indicated that government forces continued to commit human rights abuses in Karen State, despite intermittent peace talks. Numerous Karen villages were attacked and burned, forcing hundreds of villagers to flee into the jungle.

Military forces also continued to abuse villagers and drive them from their homes during campaigns in Bago Division and Kayah and Shan states.

There were no reports that the Government investigated or otherwise attempted to identify and punish those responsible for numerous acts of killing, injury, and destruction committed against Karen communities during the year.

Child Soldiers.—The army continued to recruit and use child soldiers. The official age of enlistment in the army is 18 years. The Government stated that its official policy is to avoid conscripting child soldiers; however, numerous recruiters reportedly ignored the policy. The International Labor Organization (ILO) reported that, compared with 2007, the number of child soldier complaints rose in the first half of the year. Some recruiting staff and other military personnel were charged under military regulations for taking part in child soldier recruitment. In most cases they were issued a reprimand that was entered into their military records, but there were no confirmed reports of any persons being criminally charged for their involvement in child soldier recruitment.

In October 2007 Human Rights Watch published a report, *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, which detailed numerous specific instances of child soldier recruitment and use by government forces and various armed insurgent groups.

In her November 2007 report on the use of child soldiers in Burma, UN Special Representative for Children and Armed Conflict Radhika Coomaraswamy cited evidence that the both the Government army and several armed insurgent and cease-fire groups, including the United Wa State Army, Kachin Independence Army, Karenni National People's Liberation Front, Democratic Karen Buddhist Army, Shan State Army—South, Myanmar National Democratic Alliance Army, and Karen National Union Peace Council, recruited child soldiers.

Other Conflict Related Abuses.—According to the Office of the UN High Commissioner for Refugees (UNHCR), approximately 150,000 Burmese refugees lived in camps in Thailand. The regime did not allow the UNHCR to monitor fully the potential areas of return to assess conditions for the voluntary return of the refugees and IDPs, leading the UNHCR to determine that conditions remained unsuitable for their return.

Approximately 21,000 Rohingyas lived in refugee camps in southeastern Bangladesh, and it was estimated that as many as 200,000 others lived outside the camps.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new constitution provides for freedom of speech and of the press, but the Government continued to restrict these rights severely and systematically.

The Government arrested, detained, convicted, and imprisoned citizens for expressing political opinions critical of the Government and for distributing or possessing publications in which opposition opinions were expressed. Security services also monitored and harassed persons believed to hold antigovernment opinions.

On January 22, authorities in Taungot Township, Rakhine State, arrested Ko Than Htay and Ko Kalar Shay. Witnesses reported that the two men, who were not NLD members or known political activists, rode their bicycles through town calling for the release of political prisoners and the reduction of commodity prices. Officials released the two on February 5.

The Government continued to use force to prohibit all public speech critical of the regime by all persons, including by individuals elected to parliament in 1990 and leaders of political parties. The Government pursued this policy consistently with few exceptions.

On August 12, authorities arrested NLD MPs-elect U Nyi Pu and Tin Min Htut, two of five MPs-elect who signed a July 21 letter to UN Secretary-General Ban Ki-Moon and the UN Security Council criticizing the May constitutional referendum. They remained in detention at year's end. Two other signatories reportedly went into hiding following the arrest.

The law prohibits the publication or distribution of any printed material without obtaining prior approval from the Government. The Government controlled content in all print publications and owned and controlled all domestic radio and television broadcasting facilities. The official media remained propaganda organs of the Government and did not report opposing views except to criticize them.

Privately owned media existed, but the Government's Press Scrutiny Board tightly controlled all media and publications and took action against any attempt to provide independent interpretation or comment on news. The Ministry of Information issued licenses to private media publishers as long as the media printed government-approved material. An estimated one-third of private media licenses were held by government agents or supporters.

A few foreign news agencies remained but had no expatriates based in the country, leading them to rely on local journalists. Their bureau chiefs were rarely permitted to enter on journalist visas.

Reporters were subject to arrest, harassment, intimidation, and violence by the authorities and supporters of the regime. In November Thet Zin and Sein Win Maung, the editor and office manager of Myanmar Nation magazine, respectively, were sentenced to seven years' imprisonment for violating the Printers and Publishers Act.

On September 1, authorities arrested Saw Myint Than, former correspondent of the privately owned magazine Flower News Journal, and charged him with violating the Electronics Law and criticizing government authorities. He was released on October 21.

On October 1, NLD member and former journalist Ohn Kyaing was arrested at his home. Ohn Kyaing was the chair of the NLD's Cyclone Nargis relief committee. He previously had served 15 years' imprisonment for "writing and distributing seditious pamphlets" and "threatening the security of the state." He was held without charge and released without explanation on December 11.

On November 5, authorities in Rangoon arrested journalists Khin Maung Aye and Htun Htun Thein of the privately owned news journal News Watch. In November authorities sentenced Khin Maung Aye and Htun Htun Thein to six months' imprisonment.

Many prominent writers and journalists remained in prison for expressing their political views. According to Reporters Without Borders, at the beginning of the year, eight journalists were in prison, including Ko Aung Gyi, former editor of the sports magazine 90 Minutes, and Myat Swe (Sunny Swe) and his father Thein Swe, co-owners of the English—and Burmese-language weekly newspaper Myanmar Times. Government censorship boards prohibited publication or distribution of works authored by those in prison.

Government controls encouraged self-censorship, and publications generally did not report domestic political news or sensitive economic and political topics.

Imported publications remained subject to predistribution censorship by state censorship boards, and possession or distribution of publications not approved by the censorship boards was a serious offense. The Government also restricted the importation of foreign news periodicals and discouraged subscriptions to foreign periodicals; however, some foreign newspapers could be purchased in Rangoon. Some foreign newspapers and magazines were distributed uncensored.

Due to widespread poverty, limited literacy, and poor infrastructure, radio and television remained the primary media of mass communication. News periodicals rarely circulated outside of urban areas. The Government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, and the Democratic Voice of Burma, remained the principal sources of uncensored information.

The Government also continued to monopolize and control all domestic television broadcasting tightly, offering only three channels, including an armed forces channel. The general population was allowed to register satellite television receivers for a fee. Illegal satellite television was also available, but access to satellite television remained far too expensive for the majority of the population.

The law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. The Government continued to crack down on uncensored foreign videotapes and digital video discs, although pirated copies remained widely available on the street.

On March 8, authorities arrested Hlaing Township NLD members Ko Thant Zin and Ko Tun Tun for allegedly possessing copies of the latest "Rambo" movie.

Internet Freedom.—No laws or regulations exist regarding monitoring Internet communications or establishing penalties for the exercise of freedom of expression via the Internet. However, the Government monitored Internet communications and blocked Web sites so that individuals could not freely engage in such activities.

Authorities frequently blocked access to Web sites that attracted many users or large attachments related to political issues. E-mail messages sometimes took several days to arrive in a receiver's inbox, often with attachments deleted. Citizens believed this was due to the regime's censoring of incoming and outgoing e-mail.

The Government banned most Web sites critical of the regime and its activities. Authorities also periodically blocked access to free e-mail services as well as to other Internet telephone and messaging services.

The Government attempted to block most Web sites containing words that it considered suspicious, such as Burma, drugs, military government, democracy, student movement, 8888, and human rights. Users could sometimes reach the home pages of the Democratic Voice of Burma and BBC's Burma service, but they could not access most articles on the sites. Occasionally the Government mistakenly blocked educational or other sites when its software detected censored words. The Government, working with government-controlled Internet providers Myanmar Teleport and the Ministry of Posts and Telecommunications, continued to search for and shut down Web sites that posted news and photographs of the September 2007 protests.

While the Government rarely charged persons explicitly for expressing political, religious, or dissenting views in electronic fora, including e-mail, it often charged persons suspected of such activities with other crimes.

On January 30, authorities arrested Nay Phone Latt (Nay Myo Kyaw), an Internet blogger and owner of three Internet cafes. He was later charged with the unauthorized creation, reproduction, and distribution of videos; crimes against public tranquility; and engaging in unlawful electronic transactions. In November authorities sentenced Nay Phone Latt to 20 years and six months in prison.

In its annual report, Reporters Without Borders stated that the Government closely monitored Internet cafes, at which many computers automatically executed screen captures every five minutes to monitor a user's activity. All Internet cafes displayed a notice that forbade users to access political and pornographic sites but did not state a specific punishment.

Academic Freedom and Cultural Events.—The Government restricted academic freedom. University teachers and professors, most of them state employees, were subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Education routinely warned teachers against criticizing the Government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners. The Government closely monitored curricula, censored course content, and intimidated academics to practice self-censorship. Like all other state employees, professors and teachers were required to join the USDA. Teachers at all levels continued to be held responsible for the political activities of their students. Foreigners were not permitted to visit university campuses without prior approval or attend any meetings involving students, including graduation ceremonies.

To limit the possibility of student unrest, the Government placed undergraduate campuses in remote areas, warned teachers and students that disturbances would be dealt with severely, and kept most on-campus dormitories closed. The Government placed heavy security around schools, even during summer vacation. These measures caused the quality of education to deteriorate to such an extent that many students opted to use self-study or private tutoring.

The Government tightly controlled the limited number of private academic institutions and their curricula. Similar controls extended to Buddhist monastery-based schools, Christian seminaries, and Muslim madrassas. During the year the Government cracked down on private tutoring and tried to ban the practice.

The Government monitored and censored most cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law limits freedom of assembly, and the Government severely restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently and authorities sometimes prohibited smaller gatherings. While still a legal political party, all NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not lawfully conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the Government to hold meetings of their members. Informal meetings involving NLD members occurred outside the NLD office; however, security officials closely monitored these activities. Authorities occasionally demanded that NLD leaders provide them with lists of attendees in advance in an attempt to discourage participation.

The regime and its supporters routinely used intimidation, violence, and the power of arrest to disrupt peaceful demonstrations and meetings.

On January 2, authorities arrested NLD MP-elect Aung Moe Nyo along with NLD members Nay Myo Kyaw, Sein Win, Than Tun, and Maung Oo. All were detained after holding meetings to commemorate Burmese Independence Day.

On June 19, Swan Arr Shin members arrested up to 14 participants at a ceremony to mark the 63rd birthday of NLD leader Aung San Suu Kyi. Witnesses reported that the detainees were beaten before being loaded into trucks and driven away. At year's end the persons remained in detention.

Police in Taungot, Rakhine State, detained 48 persons on August 8 following a silent procession through the streets on the 20th anniversary of the date in 1988 when the regime violently suppressed prodemocracy protests in Rangoon. Although 43 detainees were subsequently released, five of the alleged leaders remained in custody.

On September 27, authorities arrested nine NLD members as they made their way to a ceremony at the party's Rangoon headquarters to mark the NLD's 20th anniversary. All nine were released later that day but were not permitted to attend the ceremony.

On December 30, authorities in Rangoon arrested nine NLD members as they carried a banner reading "Free Aung San Suu Kyi" on a major Rangoon thoroughfare. They remained in detention at year's end.

Freedom of Association.—The Government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. A statute prohibits associating with any organization that the head of state declares to be unlawful.

Freedom of association generally existed only for government-approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund. Authorities harassed and intimidated parties that did not support regime policies.

c. Freedom of Religion.—The new constitution provides for the freedom of religion; however, it also grants broad exceptions that allow the regime to restrict these rights at will.

There is no official state religion, but the Government continued to show preference for Theravada Buddhism, the majority religion. Most adherents of registered religious groups generally were free to worship as they chose; however, the Government imposed restrictions on certain religious activities and promoted Buddhism over other religions. The Ministry of Religious Affairs has a separate department for the "promotion and propagation of Sasana" (Buddhism). The Government promoted education at Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay.

Virtually all organizations, religious or otherwise, must register with the Government. Although an official directive exempts "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. Consequently, most religious organizations registered with the Government.

The Government continued its efforts to control the Buddhist clergy (Sangha). It tried Sangha members for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct enforced by criminal penalties. The Government did not hesitate to arrest and imprison lower-level Buddhist monks who opposed the Government. In prison monks were defrocked and treated as laypersons. In general imprisoned monks were not allowed to shave their heads and were not given food in accordance with the monastic code. Like other political prisoners, they were often beaten and forced to do hard labor. The Government also subjected the Sangha to special restrictions on freedom of expression and association.

The Government prohibited efforts by Buddhist clergy to promote human rights and political freedom. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures could not contain any words, phrases, or stories reflecting political views. The regime told Sangha members to distance themselves from politics, political parties, and members of political parties. The Government prohibited any organization of the Sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee. The Government prohibited all religious clergy from being members of a political party.

On July 15, police arrested nine monks at Rangoon Central Railway Station. In August they were sentenced to two years' imprisonment for "the deliberate and malicious...outraging of religious feelings."

On August 23, authorities arrested monks U Damathara and U Nandara, both from the Thardu monastery in Rangoon. Officials did not acknowledge their arrest,

although human rights observers believed they may have been detained as a precaution against future protests. They likely remained in custody at year's end.

In the weeks before the September anniversary of the 2007 protests and crack-down, security forces occupied some monasteries in the cities of Rangoon and Mandalay and the state of Rakhine that were suspected of involvement in prodemocracy activities.

The Government continued to restrict the building of religious structures by minority religious groups. The Government also permitted the destruction of religious centers and schools.

The Government's border security force continued to conduct arbitrary "inspections" of mosques in northern Rakhine State, demanding that mosque officials show permits to operate the mosques. When mosque officials could not produce the permits, officials ordered congregation members to destroy the mosques.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations occasionally were able to proceed, but based only on informal approval from local authorities. These groups reported that formal requests encountered long delays, generally were denied, and even when approved, could subsequently be reversed by a more senior authority.

Religious activities and organizations were subject to restrictions on freedom of expression and association. The Government's pervasive internal security apparatus imposed de facto restrictions on collective and individual worship through its infiltration and monitoring of meetings and activities of virtually all organizations, including religious ones.

Although authorities appear to have moved away from a campaign of forced conversion, there continued to be evidence that other means were used to entice non-Buddhists to convert to Buddhism. Christian Chins were pressured to attend Buddhist seminaries and monasteries and encouraged to convert to Buddhism. Christian Chins reported that local authorities operated a high school that only Buddhist students could attend and promised government jobs to the graduates. Christians had to convert to Buddhism to attend. An exile Chin human rights group claimed that local government officials placed the children of Chin Christians in Buddhist monasteries, where they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that in Sagaing Division the Government also sought to induce members of the Naga ethnic group, most of whom are either Christian or animists, to convert to Buddhism by similar means.

The Government discouraged proselytizing by all clergy. Evangelizing religions, including some Christian denominations and Islam, were most affected by these restrictions. The Government generally did not allow permanent foreign religious missions to operate in the country.

Buddhist doctrine remained part of the state-mandated curriculum in all government elementary schools. Students could opt out of instruction in Buddhism, and some did, but students of government schools were required to recite a Buddhist prayer daily. Some Muslim students were allowed to leave the room during this act, while at some schools non-Buddhists were forced to recite the prayer.

Citizens and permanent residents of the country were required to carry government-issued national registration cards that often indicated religious affiliation and ethnicity. There appeared to be no consistent criteria governing whether a person's religion was indicated on the identification card. Citizens also were required to indicate their religion on certain official application forms, such as for passports.

The Government allowed some Muslims to go on the annual hajj and Buddhists to go on pilgrimage to Bodhgaya, India, although it limited the number of pilgrims.

Societal Abuses and Discrimination.—There were no reports of conflicts between Muslims and Buddhists in the country. While official religious discrimination was limited, de facto preferences for Buddhists remained. There was one synagogue in Rangoon that served a small Jewish congregation. There were no reports of anti-Semitic acts.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Although the Government restricted freedom of movement, most citizens were able to travel within the country. Exceptions included Muslims traveling to, from, and within Rakhine State, as well as some opposition political party members. However, citizens' movements were closely monitored, and all were required to notify local officials of their whereabouts. Movement was restricted in areas of armed conflict. Citizens were subjected to arbitrary relocation. Authorities

often prohibited NLD members who traveled to Rangoon to attend party functions from lodging in the city overnight.

The Government maintained close control over most ethnic leaders' movements, requiring them to seek permission from the Government before making any domestic trips.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Irrawaddy Division, continued to experience tight controls on personal movement, including frequent military checkpoints and monitoring by the MSA. Government agents demanded bribes at checkpoints in border areas.

In Rakhine State many controls and checkpoints applied only to the Muslim population. The Government tightly controlled the movement of Muslim Rohingyas, particularly in Buthidaung, Kyauktaw, Maungdaw, and Rathedaung townships along the border with Bangladesh. Muslim youth from Rakhine accepted for admission to universities and medical schools outside the state were unable to enroll due to travel restrictions imposed on them. The Government also required other noncitizens, primarily ethnic South Asians and Chinese, to obtain prior permission to travel internally. Nonetheless, the country's borders with China, Thailand, Bangladesh, and India remained very porous, with significant undocumented migration and commercial travel occurring.

An ordinary citizen needed three documents to travel outside the country: a passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population. To address the problem of trafficking in persons, the Government continued to hinder or restrict international travel for women, particularly those under 25 years of age.

The Government carefully scrutinized prospective travel abroad of all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to 300,000 kyat (approximately \$230), roughly equivalent to the average annual salary of a skilled worker. The Government regularly denied passports on political grounds. College graduates who obtained a passport (except for certain government employees) were required to reimburse the Government for the cost of their education. It frequently took several months to receive a passport, particularly if the applicant was unwilling to offer a bribe as incentive for speedier service.

The Government permitted foreign diplomats and foreign UN employees based in Rangoon to travel outside of Rangoon to designated tourist sites without prior permission; all other travel required advance permission and was regularly denied. The Government required all foreign and local residents, except diplomats, to apply for authorization to leave the country. Travel to and from the Irrawaddy Delta after Cyclone Nargis in May was tightly controlled. Checkpoints were established on all major roads leading in and out of the Delta, and foreigners were required to obtain permission before traveling. Travel permission was required to travel to the Delta, but access for cyclone-related travel improved later in the year.

The abrogated 1974 constitution did not provide for forced exile, and the Government generally did not use it. The constitution that the Government reported was approved in a May referendum also does not provide for forced exile.

In general citizens who emigrated legally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

The Government did not have legal arrangements to accept its citizens deported from other countries; however, in the past the Government accepted the return of several thousand illegal migrants from Thailand and China.

Harassment, fear of repression, and deteriorating socioeconomic conditions continued to force many citizens to leave for neighboring countries and beyond. In border regions populated by minority ethnic and religious groups, the Government maintained its practices of forced labor, confiscation of land, compulsory contributions of food and money, and forced relocations. These policies continued to produce large numbers of refugees in neighboring countries, particularly Thailand, India, Malaysia, and Bangladesh.

Internally Displaced Persons (IDPs).—According to the International Displacement Monitoring Center, there were at least 500,000 IDPs in the country, although precise figures were difficult to determine due to poor access to affected areas. The Government provided little or no protection or assistance to IDPs, many of whom were forcibly resettled under dangerous conditions. IDPs did not have unfettered access to domestic and international humanitarian organizations, although the UNHCR had limited access to IDPs in northern Rakhine State. Humanitarian organizations were denied access to many IDPs in eastern regions along the Thai border

on security grounds. IDPs in these areas regularly suffered hardships as a result of ongoing fighting between government army and insurgent groups, according to credible observers along the border. In addition IDP women frequently suffered rape, according to these observers.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum.

On December 2, authorities along the Thai—Laos—Burma border detained 19 North Koreans who had fled the Democratic People's Republic of Korea. They were detained for 29 days before being expelled from the country. Government officials did not permit these persons to see representatives from the UNHCR or foreign diplomatic missions.

The UNHCR continued to negotiate for permission to work with “communities that are affected by displacement.” Despite the fact that the previous memorandum of understanding (MOU) between the Government and the UNHCR expired in November 2007, the Government continued to allow the UNHCR to provide humanitarian assistance to Rohingyas in northern Rakhine State, whom the Government does not recognize as citizens. At year's end discussions were ongoing between the UNHCR and the Government regarding the UNHCR's status in that area.

A two-year MOU signed in 2007 permitted the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon states and Tanintharyi Division. Under the MOU, UNHCR foreign personnel also were permitted to monitor their project activities in the region.

Stateless Persons.—According to the new constitution, the terms of which were scheduled to take effect after the parliament is convened in 2010, citizenship is extended to all current citizens and anyone whose parents are both nationals of the country as prescribed by law. This provision is consistent with the 1982 Citizenship Law, still in force. There are 135 officially recognized “national races” who qualify for citizenship. Some members of native-born but so-called nonindigenous ethnic populations, such as Chinese, Indians, Bengalis, some Eurasians, and the country's Rohingya population, are not included in the list and are denied the full benefits of citizenship based on their nonindigenous ancestry. Of these, the majority—Muslim Rohingya fare the worst, with nearly all of Rohingya denied any benefits of citizenship.

According to the UNHCR, there were approximately 730,000 legally stateless persons, mostly Rohingya, residing in northern Rakhine State near the border with Bangladesh. Only persons who were able to prove long familial links to the country were eligible to apply for naturalization. The Government has never recognised the existence of the “Rohingya” ethnicity and claims that the Muslim residents of northern Rakhine State are merely the descendants of illegal immigrants from Bangladesh who moved into the country during the British colonial rule. The Government consistently denied citizenship to most Rohingyas on the grounds that their ancestors did not reside in the country for one year prior to the start of British colonial rule in 1824, as required by the highly restrictive citizenship law.

Persons without full citizenship faced restrictions in domestic travel. They were barred from certain advanced university programs in medicine and technological fields and excluded from government positions.

Rohingyas experienced severe legal, economic, and social discrimination. The Government required them to receive prior approval for travel outside their village tract of residence. Local residents reported that the farther from home the applicant intended to travel, the more difficult it was to obtain permission, with travel outside of Rakhine State severely restricted. Rohingyas had extremely limited access to higher education and could not work as civil servants, including service as doctors, nurses, or teachers. Access to medical care was extremely limited. Rohingyas did not have access to state-operated schools beyond primary education. Rohingyas who did not possess temporary identification cards did not have the right to vote in the May constitutional referendum. A number of restrictions are in place on the construction or renovation of mosques and religious schools in northern Rakhine State. The authorities pursued a number of other practices intended to maintain pressure on the group, including a requirement to obtain official permission for marriages. Numerous regulations inevitably led to high demands for unofficial fees and created additional difficulties for the impoverished population.

The Government continued a program, supported by the UNHCR, that issued temporary identification cards to stateless persons in northern Rakhine State. At year's end the UNHCR estimated that approximately 385,000 stateless persons be-

yond the age of 10 possessed temporary identification cards and that 210,000 persons remained undocumented. The cards, which are necessary for many basic tasks such as seeking a marriage license and travel authorization, did not confer citizenship but, by confirming lawful residence, contributed to improving legal status.

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

The regime continued its systematic use of coercion and intimidation to deny citizens the right to change their government. The regime continued to prevent the parliament elected in 1990 from convening.

The new constitution provides for popularly elected legislators to a bicameral parliament; however, it ensures that at least 25 percent of the seats will be reserved for military members appointed by the uniformed commander in chief of Defense Services. It also bars many persons from office on the basis of not having resided in the country for at least 10 consecutive years prior to election, prior misconduct the regime deems is disqualifying, having accepted assistance from a foreign government, or being entitled to citizenship of a foreign nation. Additionally, while the constitution technically came into effect in May, by the constitution's own terms, the SPDC will continue to "exercise state sovereignty" until the parliament is convened in 2010.

Since 1962 active-duty military officers have occupied the most important positions in the central government and in local governments, and the regime placed active duty or retired military officers in senior-level positions in almost every ministry. At year's end active-duty or retired military officers occupied 30 of 33 ministerial-level posts, including that of prime minister and the mayoral posts in Rangoon, Mandalay, and the administrative capital, Nay Pyi Taw.

Elections and Political Participation.—On May 10, the regime held a referendum to approve its draft constitution except in cyclone-affected areas in Rangoon and Irrawaddy divisions, where the vote was delayed until May 24. Nonetheless, on May 15, the regime announced that 98.12 percent of eligible voters had participated and that the constitution had been approved by 92.48 percent of voters, figures that no independent observers believed were valid. The regime did not permit comprehensive election monitoring. It allowed diplomats to visit only hand-picked polling places under supervision of the Ministry of Foreign Affairs. Despite these restrictive conditions, foreign diplomatic observers witnessed irregularities, including voters being photographed by authorities and officials following voters into ballot booths. Domestic and international human rights groups reported numerous, more serious election irregularities, including voter intimidation and ballot stuffing.

According to its terms, the constitution came into force the day it was approved. However, the constitution specifies that the SPDC will continue to "exercise state sovereignty" and "carry out...all the functions of the parliament" until the parliament is convened. Thus, even though the constitution went into effect, the SPDC and military remained in control of all organs of government.

Women were excluded from political leadership. Members of certain minority groups also were denied a role in government and politics. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

Government Corruption and Transparency.—The law provides for criminal penalties for official corruption; however, the Government rarely and inconsistently enforced the anticorruption statute, and officials frequently engaged in corrupt practices with impunity. A complex and capricious regulatory environment fostered corruption. Authorities usually enforced anticorruption laws only when the regime's senior generals wanted to take action against officials whose egregious corruption had become an embarrassment or when they wanted to punish officials deemed a threat to the senior generals' power. Public officials were not subject to financial disclosure laws.

The Government did not provide access to most official documents, nor is there a law allowing for it. Most government data, even routine economic statistics, were classified or tightly controlled. Government policymaking was not transparent, with decision-making confined to the top layers of government, and new government policies rarely were published or explained openly.

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

The Government did not allow domestic human rights organizations to function independently, and it remained hostile to outside scrutiny of its human rights record.

Approximately 44 nonpolitical, international humanitarian NGOs operated in the country. A few others had a provisional presence while undertaking the protracted

negotiations necessary to establish permanent operations in the country. With the exception of relief efforts directed at cyclone-affected areas, many international humanitarian NGOs and UN agencies reported government pressure to limit their activities, and access to human rights activists, prisoners, and ethnic minorities by international personnel became more difficult.

UN agencies and NGOs continued to negotiate with the Government to agree on mutually acceptable guidelines for the activities of humanitarian organizations. The Burmese-language version of the guidelines, released in 2006, contained measures that were more restrictive than those in the English-language version.

The Government maintained travel restrictions on foreign journalists, NGO staff, UN agency staff, and diplomats in most regions. Human rights advocates regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government. The Government's monitoring of the movements of foreigners, its frequent interrogation of citizens concerning contacts with foreigners, its restrictions on the freedom of expression and association of citizens, and its practice of arresting citizens who passed information about government human rights abuses to foreigners obstructed efforts to investigate human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

After Cyclone Nargis struck in May, the Government required NGOs, the UN, and foreign aid agencies to obtain permission to travel to the cyclone-affected areas but generally granted permission. Authorities often allowed staff to travel to these areas "unaccompanied," although SB police monitored many visits. Some international NGOs and UN agencies were required to have a government representative accompany them on field visits to other areas of the country, at the NGOs' or UN's expense, although this rule was not consistently enforced. Foreign staff often experienced difficulty obtaining permission to travel to project sites outside of the cyclone-affected areas.

There were several high-level visits by UN officials during the year. UN Secretary-General Ban Ki-Moon visited twice in May to address the international humanitarian relief efforts undertaken in the aftermath of Cyclone Nargis. On May 22, Ban participated in a government-run tour of cyclone-affected areas in the Irrawaddy Delta. The next day he traveled to Nay Pyi Taw, where he met with Senior General Than Shwe. Ban returned to the country on May 25 to attend an international donor conference on cyclone relief.

UN Special Envoy Gambari visited the country in March and August. During his March visit, he met with eight ministers and the committee responsible for organizing the May constitutional referendum. As in previous visits, he was granted a supervised meeting with Aung San Suu Kyi and several members of the NLD's CEC. During his August visit, Gambari met with Prime Minister Thein Sein, other government officials, the NLD CEC, and foreign diplomats. However, unlike during past visits, Gambari did not meet with Aung San Suu Kyi, reportedly because she refused to meet with him. On August 29, the NLD issued a statement denouncing his mission as ineffectual.

In early August UN Special Rapporteur on Human Rights for Burma Tomas Ojea Quintana met with several government officials. He also visited the Irrawaddy Delta and met with the Cyclone Nargis Tripartite Core Group, consisting of the UN, the Association of Southeast Asian Nations, and the Government. Although his schedule was tightly controlled, he was permitted to visit Insein Prison, where Ojea Quintana insisted on meeting privately with five political prisoners: Win Tin, U Gambira, Su Su Nwe, Kyaw Kyaw, and Thurein Aung. He had a 10-minute meeting with the NLD's CEC as well as meetings with the Government-sponsored National Union Party.

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

The new constitution prohibits discrimination on the basis of "race, birth, religion, official position, status, culture, sex, and wealth." However, the SPDC continued to rule by decree and was not bound by any constitutional or statutory provisions concerning discrimination based on race, gender, disability, language, or social status.

Women.—Rape is illegal, but the Government did not enforce the law effectively. If the victim is under 14 years of age, the act is considered rape with or without consent. In such cases the maximum sentence is two years' imprisonment when the victim is between ages 12 and 14, and 10 years' to life imprisonment when the victim is under 12. Spousal rape is not a crime unless the wife is under 14.

The Government did not release statistics regarding rape; however, it stated that rape was not common in populous urban areas but occurred more often in remote

areas. The regime did not release any statistics concerning the number of rape prosecutions and convictions.

Domestic violence against women, including spousal abuse, remained a problem; however, because the Government did not maintain statistics related to spousal abuse or domestic violence, it was difficult to measure. There are no laws specifically against domestic violence or spousal abuse, although there are laws related to committing bodily harm against another person. The related prison terms range from one year to life, in addition to possible fines. The Government-affiliated MWAFF sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse. Since the MWAFF is controlled by wives of regime leaders, police usually investigated such cases referred to them by the group.

Prostitution is prohibited by law and punishable by three years in prison; however, its prevalence grew in urban areas, particularly in some of Rangoon's "border towns" and "new towns," populated chiefly by poor families who were relocated forcibly from older areas of the capital.

There are no laws against sexual harassment, which continued to be a problem.

Women remained underrepresented in most traditionally male occupations and were effectively barred from certain professions, including the military officer corps. Poverty affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally are entitled to receive up to 26 weeks of maternity benefits, but in practice these benefits often were not accorded them.

There were no independent women's rights organizations, although there were several groups with some relationship to the Government. The MWAFF, chaired by the wife of former prime minister General Soe Win, was the leading "nongovernmental" women's rights organization. With branches in all 14 states and divisions, it was the primary government organization responsible for addressing women's interests. The Myanmar Maternal and Child Welfare Association, another government-controlled agency, provided assistance to mothers and children. These organizations were closely allied with the Government and conducted activities that furthered government objectives. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women starting new businesses. While not controlled by the Government, the association enjoyed good relations with the Government and was allowed to conduct its activities to support women in business.

Children.—The Government did not dedicate significant resources to protecting the rights and welfare of children. Children were at high risk, as deteriorating economic conditions forced destitute parents to take them out of school to work in factories and teashops or to beg. Many were placed in orphanages. With few or no skills, increasing numbers of children worked in the informal economy or in the street, where they were exposed to drugs, petty crime, risk of arrest, trafficking for sex and labor exploitation, and HIV/AIDS.

Rohingya Muslims who returned to Rakhine faced difficulty when attempting to register births of their children.

By law education is compulsory, free, and universal through the 4th standard (approximately age 10). However, the Government continued to allocate minimal resources to public education. There has been a growth in private educational institutions to fill the gap, despite a law requiring private schools to obtain government authorization to collect tuition. Additionally, due to extremely low teachers' wages, many parents had to supplement teachers' salaries in order to send their children to school. Rates of school attendance were low, largely due to increasing economic hardship. The UN Children's Fund (UNICEF) reported that 50 percent of primary school students left school before finishing the 4th standard.

There are laws prohibiting child abuse, but they were neither adequate nor enforced. The Government stated that child abuse was not a significant problem. However, accurate statistics were not available, and some international NGOs believed the problem was more widespread than the Government acknowledged.

Trafficking in girls for the purpose of prostitution—especially Shan girls who were sent or lured to Thailand—persisted as a major problem. In Rangoon and Mandalay, foreign diplomatic representatives noted widespread presence of female prostitutes who appeared to be in their teens. Additionally, some brothels reportedly offered young teenage "virgins" to their customers for a substantial additional fee.

Trafficking in Persons.—Although there are laws prohibiting trafficking in persons, trafficking, including of children, remained a problem; however, there were no reliable statistics regarding its extent. Laws specifically prohibiting child prostitution and child pornography were not enforced effectively. In addition to forced labor and forced recruitment of adult and child civilians to work as soldiers, victims were

trafficked to East and Southeast Asia and the Middle East for sexual exploitation, domestic servitude, and bonded labor.

Government data showed that Thailand was the primary destination for trafficking victims, with much smaller numbers going directly to China, Malaysia, Bangladesh, the Republic of Korea, and Macau.

Young women and girls were at high risk for trafficking for the purpose of sexual exploitation, while both young men and women were trafficked to East and Southeast Asia and the Middle East for domestic servitude and bonded labor. Victims of trafficking faced hazardous conditions, including sexual and physical abuse by their traffickers, poor nutrition and sanitary conditions, and disease, including tuberculosis and HIV/AIDS.

Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban centers to areas where prostitution flourished (trucking routes, mining areas, military bases, and industrial areas) as well as along the borders with Thailand and China. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor.

Some human traffickers appeared to be free-lance, small-scale operators using village contacts to send victims to trafficking brokers. Brokers were primarily foreign, but some Burmese brokers operated in Thailand and China.

The penalties for trafficking women and minors is 10 years to life; for trafficking men, five to 10 years; for fraud for the purpose of trafficking, three to seven years; for using trafficked victims for pornography, five to 10 years; for trafficking with an organized criminal group, 10 years to life; for serious crime involving trafficking, 10 years to life or the death penalty; for a public official accepting money related to an investigation of the trafficking law, three to seven years. All penalties also include the option of a fine.

The Government made limited progress against trafficking in persons. Officials recognized the importance of preventing cross-border trafficking and prosecuting traffickers, although they often conflated human smuggling and human trafficking, and they did little to combat domestic trafficking and took no action on forced labor. Authorities claimed to identify more than 400 traffickers involved in 191 separate cases in 2006; the Government took action against 274 offenders, of whom 65 were convicted, and returned 419 trafficking victims, according to police reports. Most of those convicted received sentences of less than five years. Since the Government did not accurately distinguish between human traffickers and smugglers, the actual number of traffickers convicted was probably less.

The Ministry of Home Affairs continued to maintain that there was no complicity of government officials in trafficking; however, corruption among local government officials was widespread. NGOs reported that government officials were complicit in trafficking, although it appeared limited to local and regional officials turning a blind eye to trafficking activities. Authorities took no law enforcement action against trafficking by government or military officials. Although corruption was pervasive along the borders, there were no reports of action taken against officials complicit in profiting from or involved in trafficking.

The Government had four vocational training centers and one house to shelter female trafficking victims; male victims were temporarily sheltered in training schools. The Government insisted that repatriated victims stay for one month in these centers, where they were confined contrary to international norms of victim protection.

The MWAFF and the Department of Social Welfare provided some basic health and compulsory counseling services and job training for trafficking victims before turning them over to an NGO or returning them to their families. However, government funding for these programs was very limited.

The Government made it difficult for single women to obtain passports or marry foreigners, ostensibly to reduce the outflow of women as victims of trafficking. Regulations forbid females under the age of 25 from crossing the border unless accompanied by a guardian, but most trafficked women crossed the border without passports.

The Ministry of Home Affairs placed antitrafficking units at nine locations known for frequent trafficking. With assistance from international NGOs, the Government conducted training and advocacy workshops and also approved nationwide television and radio announcements and distribution of materials at the state/division level.

The Government worked with the UN Inter-Agency Project on Human Trafficking to sponsor seminars for national, state/division, and lower-level authorities and received training from the Asia Regional Trafficking in Persons Project.

On February 7, the Government approved a National Action Plan against Trafficking in Persons. The five-year plan lays out the Government's priorities for 2007–2011. A senior police official stated that the Government's priorities included conducting training courses, improving support services provided to victims, raising public awareness, and improving coordination with neighboring countries on cross-border trafficking-in-persons matters.

International and local NGOs offered poverty alleviation and educational programs designed to counter trafficking. These programs were moderately successful.

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

Persons With Disabilities.—The Government did not actively discriminate against persons with disabilities in employment, access to health care, education, or the provision of other state services, but there were few official resources to assist persons with disabilities. There are no laws mandating accessibility to buildings, public transportation, or government facilities, and persons with disabilities faced societal discrimination. There were several local and international organizations that assisted persons with disabilities, but most such persons had to rely exclusively on their families to provide for their welfare.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. In principle, official assistance to nonmilitary persons with disabilities included two-thirds of pay for up to one year for a temporary disability and a tax-free stipend for permanent disability; however, the Government did not provide job protection for private sector workers who became disabled.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The Government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the Government provided inadequate funds for its schools and programs for persons with disabilities.

National/Racial/Ethnic Minorities.—Wide-ranging governmental and societal discrimination against minorities persisted. Animosity between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. The abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Rohingya, Shan, Mon, and other ethnic groups by government soldiers. Some armed ethnic groups also may have committed abuses, but on a much smaller scale than the Government army.

Rohingya Muslims who returned to Rakhine State were discriminated against because of their ethnicity. Returnees faced severe restrictions on their ability to travel, engage in economic activity, obtain an education, and register births, deaths, and marriages.

Ethnic minority groups generally used their own languages at home. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the mandatory language of instruction in state schools, and teaching in local languages was not offered. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

The Government continued to resettle groups of ethnic Burmans in various ethnic minority areas through the establishment of "model villages" in Rakhine State and other regions. Many of these new inhabitants had been released from prison on the condition that they resettle in a "model village." Government jobs in ethnic minority regions, including as teachers, were increasingly reserved for ethnic Burmans, according to reports from Kachin and Kayah states.

There were ethnic tensions between Burmans and nonindigenous ethnic populations, including South Asians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province. Chinese immigrants increasingly dominated the economy of the northern part of the country.

Other Societal Abuses and Discrimination.—Many citizens viewed homosexuals with scorn. Penal code provisions against "sexually abnormal" behavior were applied to charge gays and lesbians who drew unfavorable attention to themselves. Nonetheless, homosexuals had a certain degree of protection through societal traditions.

HIV-positive patients were discriminated against, although HIV activists reported that awareness campaigns helped to reduce discrimination and stigma. However, some persons reportedly were reluctant to visit clinics that treat HIV/AIDS patients for fear of being suspected of having the disease.

Section 6. Worker Rights

a. The Right of Association.—The law permits workers to form trade unions with the prior consent of the Government; however, no free trade unions existed in the country. Domestic and internationally affiliated unions are not allowed, nor is individual membership in unions.

The Government maintained its 2006 ruling that criminalizes contact with the Federation of Trade Unions—Burma (FTUB), claiming it is a “terrorist group.”

The Government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from having contact with the Seafarers’ Union of Burma (SUB)-affiliated to the Government-banned FTUB—and the International Transport Workers’ Federation, and the Government often refused to document seafarers who were abroad, which made it impossible for a seafarer to find regular employment.

The law prohibits labor strikes, although employees at a number of large factories organized more than 60 informal strikes during the year and in many cases won higher wages. Most strikes were resolved without government intervention, but in some cases authorities pressured workers and employers for resolution.

In July a single judge on the Supreme Court rejected the appeals of six labor activists—Thurein Aung, Kyaw Kyaw, Wai Lin (Wai Aung), Nyi Nyi Zaw, Kyaw Win (Wanna), and Myo Min—arrested in connection with a labor rights seminar in Rangoon in May 2007 and sentenced in September 2007 to 20 to 28 years’ imprisonment for sedition, reportedly without proper legal representation. In November labor rights activist Su Su Nway, who had successfully brought a forced labor complaint to the ILO in 2006 but subsequently was arrested for supporting the Saffron Revolution, was sentenced to more than 12 years’ imprisonment for sedition.

These convictions were in addition to previously incarcerated FTUB leaders and labor activists serving long-term sentences, including FTUB Central Executive Committee member Myo Aung Thant, U Aung Thein, Khin Maung Win, Ma Khin Mar Soe, Ma Thein Thein Aye, U Aung Moe Tin Oo, Kyi Thein, Chaw Su Hlaing, U Tin Hla, and 10 FTUB organizers in the Pegu area.

b. The Right to Organize and Bargain Collectively.—The Government generally does not allow workers to organize or bargain collectively. However, Workers’ Supervision Committees (WSCs) have been created in some government-designated industrial zones. The WSCs were composed of four representatives of the workers and chaired by the factory owner. In some cases, particularly in wholly WSC foreign-owned companies, workers were permitted to elect their representatives. However, in many companies management selected the workers’ representatives to the WSC. On average WSCs met monthly to discuss grievances. If a dispute could not be resolved at the factory level, it was referred to a township committee chaired by the township chairman. The township committee attempted to resolve the problem through negotiation or, if necessary, arbitration. During the period that a dispute is before the WSC process, the workers must continue their work, and demonstrations are prohibited.

The Government’s central arbitration board, which once provided a means for settling major labor disputes, remained dormant, although the Ministry of Labor reportedly played an arbitration role in settling some disputes. Township WSCs addressed minor labor concerns. Local labor authorities intervened as mediators in informal labor strikes to ensure peaceful resolutions between workers and employers.

The Government unilaterally set wages in the public sector. In the private sector, market forces generally set wages; however, the Government pressured joint ventures to pay salaries no greater than those of ministers or other senior government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

There are no export processing zones; however, there are special military-owned industrial parks. Labor laws are applicable in all industrial zones and across all industries, but they were not always enforced.

c. Prohibition of Forced or Compulsory Labor.—The law provides for the punishment of persons who impose forced labor on others. However, government and military use of forced or compulsory labor remained a widespread and serious problem, particularly targeting members of ethnic minority groups. Throughout the country international observers verified that the Government routinely forced citizens to work on roads, construction, and other maintenance projects. Citizens also were forced to work in the military-owned industrial zones.

The Government’s use of forced labor in support of military garrisons or military operations remained serious in ethnic or religious minority regions. According to

credible NGO sources, villagers were ordered to build or repair military camp infrastructure and perform other tasks within the camps, such as standing guard. The same sources also reported that villagers were required to bring lumber, at their own expense, to construct and repair military facilities.

During the year NGOs presented credible evidence that the army continued to use ethnic Karen villagers as porters in attacks against Karen villages in Bago Division and Karen and Kayah states.

The ILO reported that military units continued to issue oral rather than written demands to village heads to provide forced labor. The ILO also reported that in some cases the Government substituted demands for forced labor with demands for forced contributions of materials, provisions, or money. The ILO reported that since 2002 the Government increasingly used prisoners not sentenced to hard labor in place of civilians as forced laborers, possibly due to international pressure against the use of civilians.

Reports of forced labor for smaller projects in villages countrywide persisted. Authorities also continued to use forced labor countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities. Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations.

There were reports from nearly every division and state that authorities forced citizens to buy and plant physic nut trees on public and private property as part of the regime's campaign to produce more biodiesel fuel. Those who tried to avoid planting the trees were frequently threatened with fines.

In February the 2007 Supplementary Understanding, an agreement between the Government and the ILO, was extended for an additional 12 months. Under the agreement the Government allows the ILO to set up a system allowing citizens to register complaints with the ILO without government retaliation; it also requires the Government and the ILO to investigate jointly allegations of labor abuses referred by the ILO.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets a minimum age of 13 for the employment of children, but in practice the law was not enforced. Child labor was prevalent and highly visible. In cities children were employed primarily in small or family enterprises. In rural areas children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at very young ages. In cities child workers were found mostly in the food processing, street vending, refuse collecting, and light manufacturing industries and as restaurant and teashop attendants.

The law does not prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portage or military service.

No specific government agency was designated to enforce child labor laws. UNICEF continued to work with the Ministry of Labor to facilitate several inter-agency meetings and workshops on the protection of children. UNICEF representatives stated that the Government worked with them to disseminate the minimum standards for the protection of working children.

e. Acceptable Conditions of Work.—Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum monthly wage for salaried public employees remained on a par with the market monthly wage of 15,000 kyat (approximately \$11.50) for what was in effect an eight-hour workday. The rate for day laborers was 500 kyat (\$0.38) per day. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living. Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers earned 500 to 1,000 kyat (\$0.38 to \$0.75) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more; for example, a skilled factory worker earned 30,000 kyat (\$23) per month, according to private sector employers.

A surplus of labor, a poor economy, and the lack of protection by the Government continued to foster substandard conditions for workers. The law prescribes a five-day, 35-hour workweek for employees in the public sector and a six-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. Factory workers at state-owned enterprises must work 44 to 48 hours per week, depending on the type of factory. The law also allows for a 24-hour rest period per week, and workers are permitted 21 paid holidays per year; however, in

practice such provisions benefited only a small portion of the labor force, since most was engaged in rural agriculture or the informal sector. The laws were generally enforced in the Government sector, but there were frequent violations by private enterprises.

Numerous health and safety regulations existed, but the Government did not enforce them. Although workers may remove themselves from hazardous conditions, many could not expect to retain their jobs if they did so.

CAMBODIA

Cambodia is a constitutional monarchy with an elected government and a population of approximately 14 million. In national elections on July 27, the Cambodian People's Party (CPP), led by Prime Minister Hun Sen, won 90 of 123 National Assembly seats. Most observers assessed that the elections took place in an overall peaceful atmosphere with an improved process over past elections. However, observers noted the elections did not fully meet international standards. The CPP continued to dominate the three branches of government and other national institutions, with most power concentrated in the hands of the prime minister. Although the civilian authorities nominally controlled the security forces, in many instances security forces acted under directives of the CPP leadership.

The Government's human rights record remained poor. Security forces committed extrajudicial killings and acted with impunity. Detainees were abused, often to extract confessions, and prison conditions were harsh. Human rights monitors reported arbitrary arrests and prolonged pretrial detention, underscoring a weak judiciary and denial of the right to a fair trial. Land disputes and forced evictions were a continuing problem. The Government restricted freedom of speech and the press and at times interfered with freedom of assembly. Corruption was endemic. Domestic violence and child abuse occurred, education of children was inadequate, and trafficking in women and children persisted. The Government offered little assistance to persons with disabilities. Antiunion activity by employers and weak enforcement of labor laws continued, and child labor in the informal sector remained a problem.

On February 15, the Government passed and promulgated a comprehensive Law on Suppression of Human Trafficking and Sexual Exploitation containing provisions criminalizing all forms of human trafficking. By year's end the Cambodian National Police had arrested perpetrators in 48 trafficking-in-persons and related cases, and the courts had convicted at least 12 persons on trafficking-related charges.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed politically motivated killings; however, human rights nongovernmental organizations (NGOs) reported that extrajudicial killings continued to occur.

From January to August, the Cambodian Human Rights and Development Association (ADHOC) recorded 40 cases of extrajudicial killings, 16 of which allegedly were committed by police, 15 by soldiers, and the remaining nine reportedly by local-level government officials. Police arrested suspects in at least three cases.

On April 13, a Palhal Commune police officer in Tbeng Meanchey District, Preah Vihear Province, shot and killed Buern Soksina during a motorcycle chase. The victim reportedly was unarmed. The officer paid the victim's family five million riels (approximately \$1,250). At year's end there was no arrest in the case, and the police officer remained on duty.

On April 12, a villager who had sustained head injuries after government security forces beat him during the November 2007 Preah Vihear eviction died. An NGO reported that the victim had remained in pretrial detention until April 6, when he was taken to the hospital for medical treatment. According to the NGO, a hospital doctor stated that the deceased died from a previously undiagnosed brain disease; however, the NGO claimed that the villager died from head injuries.

On October 2, military soldier Heng Phanith reportedly opened fire into a small crowd gathered near his parked car after the soldier found damage to his car, killing bystander Suon Chanthoeun and injuring two others. Heng Phanith fled the scene, and at year's end his whereabouts were unknown. The Phnom Penh Municipal Court reportedly issued an arrest warrant for the soldier. His family reportedly paid

monetary compensation to the deceased victim's family and was negotiating to compensate one of the other victims.

Political and human rights activists continued to be the victims of killings, but NGOs, international organizations (IOs), and police could not confirm that the deaths were politically motivated. During the year there were as many as 17 killings of political activists reported, with NGO and IO investigations coming to different conclusions and indicating that anywhere from none to seven of the killings may have been politically motivated.

On May 7, villagers in Tak O'Khang Cheung Village, Kirivong District, Takeo Province, found in an irrigation channel the body of Cheang Sorm, reportedly a former CPP activist who a local Human Rights Party (HRP) chief claimed had switched to the HRP. CPP officials denied the deceased had switched parties. A police investigation concluded that Cheang Sorm died after accidentally falling and closed the investigation. An NGO reportedly viewed photos of Cheang Sorm's corpse showing his head twisted in a way that suggested his neck may have been broken and his front teeth broken and missing. One NGO investigation concluded that the incident was politically motivated.

On May 17, Norodom Ranariddh Party (NRP) Deputy Chief Sok Run in Banteay Dek Commune, Kien Svay District, Kandal Province, was found dead in an irrigation channel with bruises on his back and signs of bleeding from his nose, ears, and eyes. He was last seen alive walking home after inviting village NRP members to a meeting. A local police investigation concluded that Sok Run accidentally fell to his death. NGO investigations concluded that an unidentified assailant caused the injuries and that the death was politically motivated.

On July 11, unidentified assailants on a motorcycle shot and killed journalist Khem Sambo, known for his work for pro-opposition Sam Rainsy Party (SRP) newspaper Moneaksekar Khmer, and his 22-year-old son, Khat Sarintheada. Some investigators noted eyewitness accounts that after shooting Khem Sambo and driving away, the assailants returned to the scene and fired additional shots at his son. At year's end the investigation was ongoing, and the identity of the killers and their motive remained unknown.

There were no developments in the following cases: the February 2007 death of Khmer Kampuchea Krom monk Eang Sok Thoeurn, who was found with his throat cut in Kandal Province; the February 2007 killing of SRP activist Chea Sovin, who was shot in Battambang Province; the April 2007 incident involving police officer Siv Soeun, who killed a person in Kampong Cham Province; or the July 2007 killing of SRP commune level vice party chairperson Kleb Un.

There were no developments in the following 2006 deaths: SRP activists Koent Chhuon and Thoeung Thear; Pao Rum and Khat Thoeun; 10 inmates killed after escaping from Kampong Thom and Battambang prisons; and Nong Sam.

Mines dating from the Indochina conflict and Khmer Rouge period continued to cause casualties. According to the Cambodia Mine/UXO Victim Information System, during the year mines and unexploded ordnance caused 47 deaths, 47 amputations, and 169 other injuries.

Local NGOs reported two mob killings during the year—one related to a gambling dispute, the other to a theft. No suspects were arrested in the cases. An NGO reported five cases of mob killings in 2007. In previous years NGOs noted that a majority of mob killings were related to thefts, robberies, or suspected witchcraft.

There were no developments in the June 2007 mob killings in Kampong Speu and Kampong Chhnang provinces.

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

On June 28, a Vietnam prison released Khmer Kampuchea Krom monk Tim Sakhorn, head of a pagoda in Takeo Province who disappeared from Cambodia in June 2007; at year's end he was reportedly under house arrest in Vietnam with constant police surveillance.

In the August 2007 disappearance of Land Border Protection Unit 504 soldier Im Bun Ny, at year's end there were no arrests, and Im Bun Ny remained missing. Four soldiers from his unit reportedly paid compensation to the victim's family. The soldiers allegedly had beat Im Bun Ny to death and buried his body.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, beatings and other forms of physical mistreatment of police detainees and prison inmates continued to be a serious problem.

There were credible reports that military and civilian police officials used physical and psychological torture and on occasion severely beat criminal detainees, particularly during interrogation. NGO reports stated that authorities allegedly tortured at

least 85 prisoners, of whom 78 were tortured in police custody and seven in prisons. Kicking, punching, and pistol whipping were the most common methods of physical abuse, but techniques also included electric shocks, suffocation, caning, and whipping with wire. NGOs reported that it was not uncommon for police to torture detained suspects until they confessed to a crime. Courts used forced confessions as legal evidence during trial despite admissibility prohibitions under the law.

ADHOC noted that there were 110 cases of physical assaults on civilians by local authorities, government agents, or private bodyguards during the year, compared with 181 cases in 2007.

At year's end there was no arrest in connection with the May 2007 case of Kampong Speu Province military police officer Prak Vutha, who reportedly arrested and beat unconscious a man named Sok Soeun.

There were no developments in the following 2006 cases: two policemen from Border Protection Unit 701 implicated in the beating of a 13 year old boy, Police Commissioner Team Sangkriem in Preah Vihear Province and three other police agents who detained Kong Salath without a warrant and beat him, and Battambang military police who reportedly beat a motorist. In the 2006 case of Tous Sdoeung, whom two military police officials allegedly tortured to death, there were no arrests or court action; the police officials reportedly paid compensation to the victim's family.

Reliable reports indicated that some police and the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) guards raped, physically abused, robbed, and extorted some detainees in police custody and MOSAVY rehabilitation centers.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards. Conditions remained harsh and at times were life threatening. Government efforts to improve them continued to be hampered by a lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, medical and sanitation problems, food and water shortages, malnutrition, and poor security.

There were reports at some prisons that cells of 40 by 20 feet held up to 110 prisoners. At Correctional Center 1 prison, cells of 26 by 26 feet held an average of 50 prisoners. In some prisons authorities used shackles and held prisoners in small, dark cells as a form of harsher punishment. There were reports that at least 36 prisoners died in custody in 18 prisons during the year.

On April 6, in the Toul Sangke area of Russei Keo District in Phnom Penh, a mob beat Bun Vannarith for allegedly stealing a necklace. After police arrived on the scene, they took the man to the hospital for treatment but then removed him with a doctor's approval and placed him in police detention. Police later found Bun Vannarith dead in his cell; there was no police investigation of his death.

On April 28, 21-year-old prisoner Yan Sok Kea died at Preah Monivong Hospital, reportedly from a high fever. An NGO believed the death was the result of delays in providing medical treatment.

On November 21, 24-year-old prisoner Heng Touch died at Calmette Hospital in Phnom Penh. Prey Sar prison officials reported that Heng Touch was trying to kill himself by banging his head against a wall. However, persons close to the victim reported that before Heng Touch was sent to the hospital, he told them that he had been beaten with a metal rod wrapped with cloth. An NGO reported Heng Touch had serious injuries to his skull and torso. A hospital medical certificate stated that he suffered multiple traumas and died while in a coma. The victim's family filed a complaint to the Phnom Penh Municipal Court, and the court investigation reportedly was ongoing at year's end.

An NGO reported that one elderly woman died while in detention in one of the MOSAVY rehabilitation centers, having had no access to medical care.

Government ration allowances for purchasing prisoners' food routinely were misappropriated and inadequate, exacerbating malnutrition and disease. One NGO claimed that in some cases prison authorities sold the NGO's donations of supplemental food intended for prisoners. According to rights organizations, families had to bribe prison officials to visit prisoners or provide food and other necessities. NGOs reported that prisoners whose families bribed prison authorities received preferential treatment including access to visitors, transfer to better cells, and the opportunity to leave cells during the day.

There were credible reports that officials demanded bribes before allowing prisoners to attend trials or appeal hearings and before releasing inmates who had served full jail terms.

In most prisons there was no separation of adult and juvenile prisoners, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. Pretrial detainees were routinely held together with convicted

prisoners. As of December 703 minors ages 13 to 17 reportedly were incarcerated, and many were held in prisons that did not have facilities to separate minors from adult prisoners. Also as of December, it was reported that three pregnant women were in prison, and at least 43 children were detained together with their mothers.

The Government generally continued to allow international and domestic human rights groups, including the International Committee of the Red Cross, to visit prisons and provide human rights training to prison guards. However, NGOs reported that at times cooperation from local authorities was limited, sometimes making it difficult to gain access to pretrial detainees. The Ministry of Interior (MOI) continued to require that lawyers, human rights monitors, and other visitors obtain permission prior to visiting prisoners. The MOI withheld such permission in some politically sensitive cases. Contrary to previous years, at times officials permitted NGOs to interview prisoners in private.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, at times the Government did not respect these prohibitions. The criminal procedures code allows for pretrial detention of up to six months for misdemeanors and 18 months for felonies. Legal Aid of Cambodia reported that some accused were held in pretrial detention longer than the legal time limit, sometimes without legal representation or trial. Additionally, some courts lost case files during pretrial detention periods, delaying court procedures.

ADHOC reported at least 96 cases of illegal arrest or detention during the year. ADHOC stated that victims in 46 illegal detention cases subsequently were freed following detainee complaints, interventions by human rights NGOs, or payment of bribes. ADHOC believed that the actual number of arbitrary arrests and detentions was somewhat higher, because some victims in rural areas did not file complaints due to difficulty in traveling to the NGO's offices or out of fear for their family's security. According to ADHOC, authorities took no legal or disciplinary actions against the persons responsible for the illegal actions.

Role of the Police and Security Apparatus.—The General Commissariat of the National Police, which is under the supervision of the MOI, manages all civilian police units. The police forces are divided into those who have the authority to make arrests, those without such authority, and the judicial police. Military police are permitted to arrest civilians on military property or when authorized by local governments.

Police officials killed citizens and committed other abuses with impunity, and in most cases the Government took little or no action. There were reports that police, prosecutors, investigating judges, and presiding judges received bribes from owners of illegal businesses.

The law requires police, prosecutors, and judges to investigate all complaints, including those of police abuses; however, in practice judges and prosecutors rarely conducted an independent investigation prior to a public trial. Presiding judges passed down verdicts based only on written reports from police and witness testimonies. In general police received little professional training. Police who failed to prevent or respond to societal violence were rarely disciplined.

On July 11, Brigade 70 Major Meur Bora reportedly beat two men after the vehicle they were driving scratched the side of Meur Bora's vehicle. Phnom Penh police detained Meur Bora overnight but released him the next day after he gave money to the victims. There was no further police or court investigation into the case.

On August 3, the unidentified driver of a vehicle belonging to the prime minister's nephew struck and killed a man on a motorcycle. Local police stationed nearby reportedly left the scene without taking action. Military police arrived; however, the driver later left the scene without charge. Several days later the victim's family was reported to have been paid \$4,000 in compensation. There was no report of further police or court investigation into the case.

On September 4, a person believed by some witnesses to be a government bodyguard shot and killed a woman while reportedly playing with a gun during a drinking bout in a restaurant in Kandal Province. Later that night Phnom Penh police arrested the perpetrator; however, the court released him without charges. The alleged perpetrator reportedly gave 10.8 million riel (\$2,700) to the victim's family as compensation. At year's end the case was under review by the Kandal Provincial Court investigating judge.

There were no developments in the following 2006 cases: an antidrug department and military police officer who shot and injured singer Sovansocheata; two Brigade 70 military unit officials who shot and injured a person in Phnom Penh; a military officer who shot and injured a garment factory worker; or the appeal of the 2006 acquittal of three judges, two deputy prosecutors, and two court clerks originally convicted, then retried after appeal on finding of a mistrial, on charges of corruption.

and corruption related conspiracy. In the 2006 case of three police officials accused of raping a 12 year old girl, on July 4, the Siem Reap Provincial Court convicted in absentia the officials to 17 years in prison each. However, police reportedly were not able to locate the three to enforce the sentence.

Arrest and Detention.—The law requires police to obtain a warrant from an investigating judge prior to making an arrest, but police may arrest without a warrant anyone caught in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before charges must be filed. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. However, authorities routinely held persons for extended periods before charging them. Many prisoners, particularly those without legal representation, had no opportunity to seek release on bail. Under the criminal procedures code, accused persons may be arrested and detained for up to 24 hours before being afforded access to legal counsel, but prisoners routinely were held for several days before gaining access to a lawyer or family members. According to government officials, such prolonged detention largely was a result of the limited capacity of the court system.

In June human rights groups reported the arbitrary detention of prostitutes detained after brothel raids and persons who were homeless, including the mentally ill, pregnant, sick, elderly, and children, at two rehabilitation centers run by MOSAVY in Phnom Penh and Kandal Province. The detainees had not been charged with a crime by police or courts but reportedly were held behind bars in the rehabilitation centers. In June and September, MOSAVY released the detainees from the centers.

It was reported by an NGO that as of December at least 25 pretrial detainees had been detained longer than the four month limit for misdemeanors and the 18-month limit for felonies.

On February 18, Order Police in the Cham Chao district of Phnom Penh detained Priep Pov, a police officer who was involved in a Kep Municipality land dispute with Princess Norodom Marie Ranariddh, and held him without charges for five weeks. Police reported that they had the right to detain another officer as part of their internal disciplinary procedures. However, the 1995 Declaration on the Discipline of the National Police Forces specifies only warnings, demotions, expulsions from units, or court prosecution as punishments. On March 24, Priep Pov was released for medical attention. Criminal charges were filed against him with the Kampot Province Court in relation to the land dispute. No action was taken against Phnom Penh Order Police.

There were no developments in the following 2007 arrest and detention cases: two military police officials in Banteay Meanchey Province who detained Kim Heang without a warrant; or the Ratanakiri Province pretrial detention and sentencing of a 13 year old Jarai ethnic minority youth to eight months and 10 days, despite his being under the minimum age for imprisonment when he was arrested. At year's end the youth remained in jail, and the appeals court had not set a trial date to review the case appeal, filed by the court prosecutor in May 2007.

At year's end the appeals court had not set a trial date for the appeal of an August 2007 Phnom Penh Municipal Court decision convicting six persons and acquitting two charged with planning bombings at the 2006 Water Festival. Lawyers and NGOs maintained that police did not serve arrest warrants or inform the suspects of the charges against them.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, but in practice the Government generally did not respect judicial independence. The courts were subject to influence and interference by the executive branch, and there was widespread corruption among judges, prosecutors, and court officials.

The court system consists of lower courts, an appeals court, and the Supreme Court. The constitution also mandates a Constitutional Council, which is empowered to review the constitutionality of laws, and a Supreme Council of the Magistracy, which appoints, oversees, and disciplines judges and prosecutors. The composition of both councils heavily favored the CPP.

There is a separate military court system, which suffered from deficiencies similar to those of the civilian court system. While civilians may fall under military court jurisdiction in some cases, the legal distinction between the military and civil courts sometimes was ignored in practice.

In August the Extraordinary Chambers in the Courts of Cambodia (ECCC) refined its internal rules to prosecute more rapidly egregious crimes of the 1975-79 Khmer Rouge regime. In July the ECCC coinvestigating judges brought the closing order (indictment) against Kaing Guek Eav (alias Duch), former Khmer Rouge director of

the S 21 torture prison (Tuol Sleng), for crimes against humanity and grave breaches of the 1949 Geneva Convention (war crimes). On an appeal of the closing order, a December pretrial chamber decision added the charges of premeditated murder and torture. At year's end Duch remained in an ECCC provisional detention center awaiting trial. The ECCC continued investigating cases against four other detained Khmer Rouge leaders charged with crimes against humanity and war crimes.

Trial Procedures.—Trials are public. Juries are not used; the presiding judge possesses the authority to pass a verdict. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. If a defendant cannot afford an attorney, the court is required to provide the defendant with free legal representation; however, the judiciary lacked the resources to provide legal counsel, and most defendants sought assistance from NGOs or went without legal representation. Trials typically were perfunctory, and extensive cross examination usually did not take place. Defendants and their attorneys have the right to examine government held evidence relevant to their cases; however, at times it was difficult for them to obtain such access, especially if the case was political or involved a high ranking government official or well connected member of the elite.

Defendants are entitled by law to the presumption of innocence and the right of appeal, but due to pervasive corruption, defendants often were expected to bribe judges to secure a favorable verdict. A citizen's right to appeal sometimes was limited by difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus were heard in the absence of the defendant.

A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and the Government did not ensure due process. During the year the Center for Social Development (CSD) monitored 2,329 felony and misdemeanor hearings with 3,902 defendants and found moderate trial procedure abuses in the Supreme Court, appeals court, and in four of the courts of first instance. In a report of trials observed during the same period, the center stated that courts tried approximately 27 percent of 3,902 defendants in absentia. Defendants were not present during 66 percent of appeals court trials. Of defendants charged with felonies, 83 percent had legal representation, compared with 22 percent of those charged with misdemeanors. In trials monitored by the CSD, 78 percent of juvenile defendants had access to legal representation.

Of 2,329 trials the CSD observed in seven provinces from January to December, many defendants awaiting appeal hearings remained in custody for prolonged periods, sometimes for a year or more. Thirty-six percent were released while waiting for their appeal trial, including juvenile defendants. Authorities released 67 percent of defendants in misdemeanor cases pending appeal hearings. The CSD monitored 464 appeals court trials during the same period and reported that the court postponed 277 for periods of between one week and three months. Of the 260 adult defendants in detention pending appeal, seven were detained for less than four months, at least 27 were detained four to 12 months, 144 were detained one to three years, 66 from three to five years, and 15 more than five years. Of juvenile detainees, 32 percent were detained pending appeal for two to four years.

Observers reported that many cases were pending due to a shortage of judges and courtrooms. Observers also speculated that court officials might have been focusing on cases from which they could gain financial benefits.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel often in effect were denied the right to a fair trial. According to the Bar Association, approximately 20 percent of the country's 647 lawyers provided pro bono legal counsel to poor persons, which was inadequate to cover the basic legal rights of all of the country's poor.

Sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. The accused person's statements sometimes were coerced through beatings or threats, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign. In cases involving military personnel, military officials often exerted pressure on judges of civilian criminal courts to have the defendants released without trial.

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials or members of their families who committed crimes often enjoyed impunity.

Although the courts prosecuted some members of the security forces for human rights abuses, impunity for most of those who committed abuses remained a problem. In many criminal cases, rich or powerful defendants usually paid money to victims and authorities to drop criminal charges against them. Authorities were known

to urge victims or their families to accept financial restitution in exchange for dropping criminal charges or failing to appear as witnesses.

On December 31, the Supreme Court released on bail Born Samnang and Sok Sam Oeun, imprisoned since their 2004 arrest for the murder of labor leader Chea Vichea, and remanded the case to the appeals court for reinvestigation and retrial. In 2007 the appeals court had upheld the original convictions and sentences of 20 years each in prison. During the Supreme Court announcement of its ruling, the court president cited insufficient evidence and gaps in procedures, and he relied on the constitution and new penal code as grounds for the decision.

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

Civil Judicial Procedures and Remedies.—The country has a judiciary in civil matters, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Generally, there are both administrative and judicial remedies. However, the judiciary generally was viewed as corrupt, politically biased, and weak, and according to a September sample survey of adult citizens, 82 percent said going to court was too expensive and required bribing judges or the police. The public appeared especially distrustful of the judiciary to act in a transparent manner when a case was in conflict with the Government. Enforcing a court order for a civil or criminal case often was problematic. Persons occasionally turned to vigilante justice.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides for the privacy of residence and correspondence and prohibits illegal searches; however, observers reported that police routinely conducted searches and seizures without warrants.

There continued to be reports of authorities entering private properties without proper judicial authorization. Due to the forced collectivization during Khmer Rouge rule and the return of hundreds of thousands of refugees, land ownership often was unclear. The 2001 land law states that any person who peacefully possessed private or state private property (not state public land) without contention for five years prior to the 2001 promulgation of the law has the right to apply for a definitive title to that property. Although the Ministry of Land Management, Urban Planning, and Construction issued its one millionth land title in 2007, most of the country's impoverished population continued to lack adequate formal documentation of land ownership. Provincial and district land offices continued to follow pre-2001 land registration procedures, which did not include accurate land surveys and opportunities for public comment. The Cadastral Commission failed to implement the identification and demarcation of state land, leading to land conflicts, arbitrary evictions, and ill-defined, uncontrolled state development. Widespread land speculation, while slowed somewhat in the last half of the year by stagnating land values, continued to fuel disputes in every province and increased tensions between poor rural communities and speculators. The Cadastral Commission continued to perform its functions slowly. The courts remained responsible for resolving disputes in cases where land was registered or disputants were given land titles. The National Authority for Land Dispute Resolution was ineffective, and confusion existed over its jurisdiction, which overlapped with that of the national and provincial cadastral commissions.

Cases of inhabitants being forced to relocate continued to occur when officials or businesspersons colluded with local authorities. Some persons also used the court system to intimidate the poor and vulnerable into exchanging their land for compensation below market value. ADHOC reported receiving 306 land related cases during the year. During the same period, another NGO received 112 land related cases in Phnom Penh and 14 provinces, affecting a total of 13,397 families. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those expelled successfully contested these actions in court, but the majority of the cases in the courts were still being processed.

In January Jarai ethnic minority villagers from Kong Yu and Kong Thom villages appeared for questioning before the Ratanakiri provincial criminal prosecutor in connection with their land dispute case involving Keat Kolney, a well-connected individual. In June 2007 Keat Kolney filed a criminal complaint accusing some of the villagers of fraud and defamation. She claimed 1,112 acres of land in Pate Commune, O'Yadau District, Ratanakiri Province, based on 100 land contracts dated August 2004. In July 2007, 42 of the 200 villagers retracted earlier statements and said they willingly sold the land to Keat Kolney. On October 23, the Ratanakiri provincial court appointed a new judge to the case after villagers' lawyers successfully petitioned for the removal of the previous judge on grounds of lack of progress. At year's end there continued to be reports of Keat Kolney's company clearing land in

the disputed territory, despite an agreement to halt development there while the court case proceeded.

On February 22, approximately 100 armed police and military police evicted 23 families from a community in the Russei Keo District of Phnom Penh. Some community members protested the eviction. During the protest, authorities beat one woman and injured as many as four others. Despite documents showing residents had lived on the private land since 1994, several businesspersons also appeared to have legitimate titles to the land. The Supreme Court decided that the businesspersons had a legal right to the land and authorized the eviction. Evicted families were not paid compensation.

On March 9, soldiers in the Malai District of Banteay Meanchey Province fired into a crowd of approximately 500 villagers, hitting two in the legs. The villagers were protesting the bulldozing of state land straddling Banteay Meanchey and Battambang provinces, on which they lived and farmed. A man named Chea Sam Ath, who falsely claimed to be a local village chief, and his wife reportedly ordered the soldiers to shoot evictees. Chea Sam Ath and his wife fled; however, at year's end Chea Sam Ath reportedly had returned freely to the village. Villagers allegedly did not file complaints with the courts, and there was no investigation into the shootings. According to one NGO, some of the protesting villagers had bought the land from local soldiers and police officials, who also claimed to own the land; others were squatters.

On June 21 and 22, Brigade 31 soldiers evicted approximately 450 squatter families from the Anlong Kroum area of Chey Sena Villages in Taken Commune, Chhuk District, Kampot Province. Military and provincial government representatives stated that the eviction was part of a relocation program approved by the prime minister to provide land and homes to 260 handicapped soldiers and their families in a military development area already partly occupied by a military tree-planting program. The evicted persons apparently had no clear legal claim to the state land that Brigade 31 commanders claimed the prime minister awarded to the unit in a social land concession. During the eviction the military sealed off the villages and prevented others, including commune officials and police, from entering. Soldiers reportedly gave some squatters slips of paper with land plot numbers on them with a promise that an actual title would come later. Some of those who received the slips of paper were moved to a neighboring village, Kbal Damrey, where existing villagers reportedly were forced to share the land where they lived with the incoming evictees. Some of the existing villagers protested, and soldiers allegedly beat one of them unconscious and arrested him and three others on charges of willful damage to property and another for allegedly stealing a cellular telephone. On December 15, the Kampot Provincial Court acquitted three of the arrested villagers and sentenced the fourth to time served.

On November 17, Kampot provincial government, forestry, environment, and police officials, together with military Brigade 31 soldiers, attempted to evict approximately 300 families from Anlong Khmeng Leng village, Taken Commune, Chhuk District, Kampot Province, under orders from the Kampot governor. Forestry officials claimed the villagers' occupation was illegal because the land was within the borders of Bokor National Park. During the eviction soldiers hit three villagers and caused them serious injuries. NGOs on the scene reportedly attempted to evacuate the injured but alleged that soldiers prevented them from leaving until later in the evening. Four additional villagers sustained minor injuries and remained on the site. Forestry officials burned the villagers' houses. Although they did not have a legal claim to the land under the land law, approximately 200 of the village families remained on the land after the attempted eviction. At year's end community representatives reported that although there were checkpoints at both ends of the through roads to the area, soldiers allowed villagers to come and go freely.

There were no developments in the April 2007 eviction of 117 families from the Mittapheap District in Sihanoukville. In the May 2007 Kampong Speu Province case of 40 soldiers from ACO Tank Command Headquarters who destroyed crops and fences on land for which there had been no clear classification as state or private land, throughout the year soldiers occupying the land divided it among themselves and built demarcation fences. The land was also occupied by 25 Phnom Srouch District families.

In April representatives of the Phnom Penh Tonle Bassac Group 78 (G78) met with Phnom Penh Governor Kep Chuktema regarding a 2006 eviction notice. While authorities claimed the land was state land, the Government did not provide documents classifying it as state property, and the land did not meet the 2001 land law definition for state public land. According to the 2001 law, the land was eligible for transfer by the state into private land. Many of the families had lived on the land since the 1980s and claimed ownership under the 2001 law. G78 community mem-

bers stated that the municipality offered compensation that was approximately equal to 2 percent of a November 2007 independent assessment of market value, plus one plot in a Phnom Penh eviction resettlement site per family. Municipal authorities reportedly told the G78 community members that no eviction of G78 would occur. At year's end the community remained under threat of eviction, and the municipality had not ensured a transparent process for determining the fair market value for compensation; dropping land prices made assessment difficult.

On February 15, the appeals court upheld the decision of the Siem Reap Provincial Court ordering SRP parliamentarian Son Chhay to sell 7.8 acres of land he purchased in 1995 to a government agency for an amount reportedly below the market price. The land was to be turned over to a private developer to build a hotel as part of a local development plan. Son Chhay took the case to the Supreme Court; at year's end the Supreme Court had not set a trial date.

The appeals court took no action in the 2006 case of 12 persons convicted of deforestation and staking claims to state-owned land in connection with a Kampot Province confrontation between 2,000 squatters and local police. In a 2006 eviction case in Peam Chor District, Prey Veng Province, that left one person dead and four others injured, police from the same unit as the police who were implicated in the killing arrested two of the villagers on robbery charges, in what NGOs said was an attempt to intimidate the villagers. In November Prey Veng Provincial Court acquitted one of the villagers and convicted the other, sentencing him to six years in prison.

On February 18, villagers from 265 families in Sre Ambel District, Koh Kong Province, held a peaceful demonstration along National Road 48 to protest two economic land concessions, shares of which in 2006 were granted to Senator Ly Yong Phat, the Khon Kaen Sugar Corporation of Thailand, and Ve Wong Corporation of Taiwan. The villagers were evicted in 2006. The MOI has acted intermittently as mediator in the dispute; however, as of year's end, the villagers had received no compensation for the land.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, these rights were not always respected in practice.

The constitution requires that free speech not adversely affect public security. The constitution also declares that the King is “inviolable.” In December 2007 the Ministry of Information issued a directive in conformity with the defamation law that reiterates these limits and prohibits publishers and editors from disseminating stories that insult or defame government leaders and institutions.

The 1995 press law prohibits prepublication censorship or imprisonment for expressing opinions. However, the Government continued to use the older UN Transitional Authority in Cambodia (UNTAC) law to prosecute journalists and others on defamation and disinformation charges. A 2006 amendment eliminates imprisonment for defamation but not for spreading disinformation, which carries prison sentences of up to three years. In both types of cases, judges can order fines, which may lead to jail time if not paid.

The Government and influential individuals used the weak and often politically biased judiciary to file defamation and disinformation suits, both civil and criminal, in an effort to silence critics. In January a Phnom Penh Municipal Court investigating judge questioned pro-opposition newspaper *Khmer Machas Srok* (Khmer—Owned Land) publisher Hang Chaktra in connection with an article that reportedly was considered defamatory towards Commerce Minister Cham Prasidh and his wife. As of December no trial date had been set. Also in January the MOI questioned So Visal, a reporter for the radio station Voice of Democracy, regarding a story about the demolition of a large Buddha statue in Phnom Penh. Police briefly detained So Visal in December 2007 in connection with the same story.

On June 8, Dam Sith, editor in chief of the pro-opposition newspaper *Moneaksekar Khmer* (Khmer Conscience), was arrested and charged by the Phnom Penh Municipal Court after Foreign Minister Hor Namhong filed a defamation and disinformation suit because the newspaper printed opposition leader Sam Rainsy's allegations against Foreign Minister Hor Namhong. On June 15, at the prime minister's request, the court released Dam Sith from pretrial detention. It was reported that Dam Sith privately apologized to Hor Namhong regarding the story. Foreign Minister Hor Namhong later announced that he dropped the lawsuit to avoid problems in the July 27 national elections. On April 22, Hor Namhong filed a defamation lawsuit in the Cambodian courts against Sam Rainsy over the same comments; on July 27, he also filed a lawsuit with a French court, which was pending at year's end.

All major political parties had reasonable and regular access to the print media. All major Khmer language newspapers received financial support from political parties and were politically aligned. There were an estimated 20 Khmer language newspapers published regularly; the majority were considered pro CPP, and at least four newspapers were considered to support each of the other main political parties—the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC), SRP, HRP, and NRP. Although the three largest circulation newspapers were considered pro CPP, most newspapers criticized the Government, particularly on corruption and land grabbing. The prime minister, NRP President Prince Norodom Ranariddh, FUNCINPEC party leaders, and opposition party leaders frequently came under attack.

The Government, military forces, and ruling political party continued to dominate the broadcast media and influence the content of broadcasts. There were eight domestic television stations and approximately 50 radio stations. All television stations and most radio stations were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties. In the months preceding the July 27 national election, major television stations were dominated by stories outlining the ruling party's accomplishments. Equal broadcast time was not given to opposition parties. In May the Ministry of Information closed indefinitely Angkor Ratha, a private radio station in Kratie Province, stating it did not respect the terms of its government-issued license. Station owner Keo Chanratha was quoted as saying that the Government shut down Angkor Ratha on grounds that, by its own admission, it sold broadcast time to FUNCINPEC, HRP, the League for Democracy Party, NRP, and SRP without prior permission, as stipulated in the license contract. During the 30-day election campaign, state television and radio stations made time available to all 11 contesting parties based on an equity formula. State TVK television also broadcast 10 multiparty debates. On the night before the July 27 national election, approximately 20 police officials and soldiers shut down the opposition-aligned FM 93.5 radio station after it broadcast a reading of Sam Rainsy's book about his political life. The Information Ministry stated that it closed the station because the broadcast violated a 39-hour preelection day ban on political propaganda. The station resumed broadcasting 11 days later after issuing an apology letter.

Journalists, publishers, and distributors were also subject to other forms of harassment and intimidation, including two death threats, and most reporters and editors privately admitted to some self censorship due to fear of government reprisals.

In April six bullets were found outside the home of Battambang Province-based Radio Free Asia reporter Lem Pichpisey. This was the second time the reporter was threatened after reporting on drug trafficking involving a casino, a high-ranking police officer, and the killing of a drug suspect in Poipet. In June the reporter went into hiding after reportedly receiving a threatening telephone call about his investigation of illegal logging in Kampong Thom Province.

In April Koh Kong police beat unconscious and arrested Meas Asi, a reporter with the Koh Kong Province-based Khmer-language newspaper Panhavorn Khmer (Khmer Intellectual). The reporter was on his way to cover a land dispute protest in Chhouk Village. The reporter was released on bail 17 days later. In July Sihanoukville military police Captain Nget Chantha threatened and hit Koh Santepheap (Island of Peace) journalist Ros Panha after the journalist refused to retract his allegation that the officer was plotting to transport illegal timber into the port.

The Government controlled national television and radio stations broadcast taped National Assembly sessions; however, in several instances these broadcasts were heavily edited. National radio and television stations broadcast some human rights, social action, public health, education, and civil society programming produced by domestic NGOs.

In 2005 the Phnom Penh Municipal Court chief ordered that reporters must have written permission to bring recording devices into the courtroom and to interview court officials. Such permission rarely was sought, and there were no reports of the court denying permission. A 2006 Council of Ministers directive prohibiting government officials and employees from speaking to the media or the public about government corruption remained in effect but did not appear to be enforced. After the July general election, the Council of Ministers appointed a Secretary of State who acted as a spokesperson and discussed corruption and other issues.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. However, in late December the minister of information confirmed that his office was drafting a law that would extend libel, defamation, and ethics rules governing print

media to other media platforms such as radio and television. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. According to an industry survey, less than one-thousandth of the total population had Internet subscriptions, most of them in Phnom Penh and Siem Reap. In urban areas Internet access was widely available through Internet cafes.

Academic Freedom and Cultural Events.—In general there were no legal impediments to academic freedom. However, scholars tended to be careful when teaching politically related subjects for fear of offending politicians. There were no developments in the February 2007 conviction of Tieng Narith, a former professor at the Buddhist University of the Royal Academy of Preah Sihanouk Reach, who was sentenced to two years and six months in prison for teaching from a self-published text containing antigovernment material. Tieng Narith's lawyer appealed the decision in 2007, but at year's end Narith remained in prison, and the Appeals Court had not taken any action in the case.

There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of peaceful assembly, but at times the Government did not respect this right in practice. The Government required that a permit be obtained in advance of a march or demonstration. The Government routinely did not issue permits to groups critical of the ruling party or of nations with which the Government had friendly relations. Authorities cited the need for stability and public security as reasons for denying permits. Police forcibly dispersed groups that assembled without a permit, in some instances causing minor injuries to some demonstrators. At times rallies organized by groups critical of the ruling party received government permission, but the Government intermittently blocked access to demonstration sites and thus participation by some persons.

ADHOC reported that out of 122 protests—58 of which were related to land, 30 to labor disputes—police and military police dispersed 21 protests, four of which were by labor protesters, 12 by land dispute protesters, four by Khmer Kampuchea Krom monks, and one by persons protesting a powerline tower to be constructed near their homes.

On April 6, the SRP organized a Phnom Penh rally to express concerns over negative economic developments such as high inflation. While the Government granted permission for the rally, police set up intermittent roadblocks, stopping trucks and forcing persons on board to disembark. Those who disembarked were not allowed to reboard but could hire motorcycles or cars to complete the journey to the rally.

On May 23, the Ratanakiri provincial government denied permission for an NGO to organize a march in Bunlong on grounds that the march would threaten public order. However, in cooperation with provincial government officials, the NGO held a gathering with approximately 270 community members at its office. The provincial governor later held a joint workshop between community members, human rights organizations, and law enforcement officials to discuss illegal logging.

There were cases of local government officials attempting to disrupt opposition party meetings, sometimes with warnings that participants would be prevented from accessing local administrative services. On May 1, a village chief in Sieng Kvang Commune, Kamchaymea District, Prey Veng Province, reportedly told NRP supporters going to an NRP meeting that he would not help them access local administrative services such as obtaining birth certificates and marriage and funeral permits.

Local government officials attempted to disrupt or prevent some public information and public forum gatherings. On February 24, Chhnuk Tru Commune council members, police officials, and a village chief in Boribo District, Kampong Chhnang Province, threatened organizers from Cambodian Center for Human Rights (CCHR) and a local home owner with arrest if they held a community dialogue with 30 participants, stating the meeting would incite the community, but the organizers held the event as scheduled. Several days later, police again threatened the owner of the house with arrest if he organized this type of gathering again.

On July 17, Tek Phus district officials denied permission for a CCHR forum about human rights and community development in Preah Mlu Village, Krang Thka Commune, Kampong Chhnang Province, stating that they did not want to allow the forum so close to the July 27 national election because it would be a public order concern.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice; however, the Government did not effectively enforce the freedom of association provisions of the labor law.

Membership in the Khmer Rouge, which ruled the country from 1975 to 1979 and after its overthrow conducted an armed insurgency against the Government, is illegal, as is membership in an armed group.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution also prohibits discrimination based on religion, and minority religions experienced little or no official discrimination. Buddhism is the state religion, and more than 93 percent of the population is Buddhist. Ethnic Cham Muslims constitute most of the remaining population.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs to construct places of worship and conduct religious activities. However, there is no penalty for failing to register. In July 2007 the Ministry of Cults and Religious Affairs issued a directive restating a 2003 order prohibiting public proselytizing, which continued to be loosely enforced.

Societal Abuses and Discrimination.—Minority religions experienced little or no societal discrimination. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

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

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

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

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government allows the Office of the UN High Commissioner for Refugees (UNHCR) to process asylum seekers and assist refugees while they are in the country.

A 2005 memorandum of understanding with the UNHCR and the Government of Vietnam to resolve the situation of Montagnards under UNHCR protection remained in effect. Asylum seekers who reached the UNHCR Phnom Penh office were processed with government cooperation. During the year 200 Montagnard and 39 non-Montagnard new arrivals sought asylum with the UNHCR. According to the UNHCR, 82 Montagnard and 24 non-Montagnard refugees departed for a third country, while authorities deported 224 rejected Montagnard asylum seekers to Vietnam, and 91 Montagnards voluntarily returned to their country of origin. At year's end there were 226 Montagnards in UNHCR protection sites in Phnom Penh. According to the UNHCR, during the year no refugees requested local integration.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Through the assistance of the UNHCR, the Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

An NGO claimed that local authorities at the border with Vietnam continued searches for Montagnards when they received information about new arrivals of Montagnards. There were unconfirmed reports that Vietnamese authorities offered incentive awards to Cambodian border police who returned Vietnamese refugees to Vietnam and that Vietnamese secret police covertly conducted searches for Vietnamese refugees on the Cambodian side of the border.

Stateless Persons.—The country had habitual residents who were de facto stateless, and the Government did not effectively implement laws or policies to provide such persons the opportunity to gain nationality. Under the nationality law, citizenship is derived by birth from a foreign mother and father if both were born and living legally in Cambodia, or if either parent has Cambodian citizenship. A study commissioned by the UNHCR estimated that several thousand potentially stateless persons lived in the country. However, the study's estimated number of such persons came from anecdotal evidence from NGOs that provided services to disenfranchised communities, including persons with no proof of nationality, and not from a survey of stateless persons; therefore, local UNHCR representatives did not consider the figure conclusive.

The UNHCR stated that the country's potentially stateless population included mostly ethnic Vietnamese. According to an NGO that worked with ethnic Vietnamese, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, and land ownership. The

most common reason for statelessness was lack of proper documents from the country of origin.

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

The constitution provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage. Suffrage is voluntary for all citizens age 18 years and older.

Elections and Political Participation.—On July 27, the country held an election for its 123 National Assembly seats. The CPP won 90 seats, SRP 26, HRP three, NRP two, and FUNCINPEC two. Most observers agreed the national elections took place in an overall peaceful atmosphere with a process that was generally an improvement over past elections. There were reports of 17 killings of political activists, with NGO and international organization investigations coming to different conclusions and indicating that anywhere from none to seven of the killings may have been politically motivated.

Although some election day irregularities persisted, they were low in number and did not appear to affect the outcome or distort the will of the citizens. However, observers noted the elections did not fully meet international standards. Outside of the 30-day campaign period, the opposition parties' access to television broadcasting was minimal, and the CPP dominated the airwaves. While more radio stations broadcast a greater number of independent and opposition views, hindrances to their operations persisted. Access by voters to their polling stations was a problem in some areas of the country. A Neutral and Impartial Committee for Free and Fair Elections in Cambodia survey showed that in 24.9 percent of all polling stations, five or more voters came to the polling station but failed to find their name on the voter list. The problem reflected difficulties with the Voter Information Notices, the reassignment of voters to different polling stations from one election to the next, and the deletion of as many as 57,000 legitimate voters (approximately 0.6 percent) during a 2007 voter list cleanup exercise.

Parties could register, and individuals were free to be candidates without restrictions. On July 30, the Supreme Court upheld a March 2007 Phnom Penh Municipal Court decision sentencing NRP president Prince Norodom Ranariddh in absentia to 18 months in prison and a 600 million riel (\$150,000) fine on charges of breach of trust. The prince chose self exile during the election campaign and on election day. On September 28, the prince returned, and on October 2, he formally withdrew from politics. On December 6, the King appointed Prince Norodom Ranariddh as chief of high advisors to the King.

Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid.

Traditional culture limited the role of women in government; however, women took part in the July 27 national election. The country's first female candidate debates took place July 8–9. The number of women increased in the National Assembly from 22 after the 2003 election to 27 after the July 27 election. A woman was appointed deputy prime minister for the first time. There were nine women in the 61 seat Senate and 46 women working as ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisors, and there were 23 female judges in the municipal and provincial courts, appeals court, and Supreme Court. Although there were no female governors, the Government appointed women as deputy governors in all but one of 20 provinces and four municipalities. In the April 2007 commune council elections, 14.6 percent of the elected councilors were women, of whom 67 were elected as chiefs.

There were five members of minorities—four Cham and one other ethnic minority—in the National Assembly. There also were three members of minorities in the Senate. At least eight officials in senior positions in the Government were from minority groups.

Government Corruption and Transparency.—There is no anticorruption law, and only a few provisions of other laws provide criminal penalties for official corruption.

In 2005 the prime minister instructed the Ministry of National Assembly Senate Relations and Inspection to prepare a draft anticorruption law. As of year's end, observers had not seen a revised draft since September 2006, and the issue was pending with the Council of Ministers. Donors and potential investors continued to express concern about the lack of an anticorruption law and the urgent need to pass such legislation.

Corruption was considered endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of government. Offi-

cials frequently engaged in corrupt practices. Meager salaries contributed to “survival corruption” among low level public servants, while a culture of impunity enabled corruption to flourish among senior officials. Public officials are not subject to financial disclosure laws.

Reported public experience with corruption was widespread, indicating many corrupt practices were not hidden. On May 16, more than 40 civil society organizations presented to the National Assembly a petition calling for the passage of an international standard anticorruption law, containing signatures and thumbprints of more than 1.1 million persons of voting age.

Legislation does not contain provisions offering protection to persons who expose corruption in an organization. An independent anticorruption body does not exist. The Council of Ministers’ Anti—Corruption Unit is charged with developing anticorruption measures and presenting proposals to the Government. The Unit largely was credited with a crackdown on three corrupt customs officials who illegally smuggled cars from Thailand into the country. The Ministry of National Assembly—Senate Relations and Inspections is mandated to investigate allegations of corruption. The National Audit Authority has the authority to audit ministries, institutions, and other entities.

The National Archives Law allows unlimited access to informational documents in the public archive. However, the law grants access to other unspecified government documents only after 20 years, and documents affecting national security and preservation of personal lives would be released after 40 and 120 years, respectively. Some NGOs reported that in practice it was difficult for them to access information; the Government frequently did not or could not answer requests for information.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often cooperated with human rights workers in performing their investigations; however, there were multiple reports of lack of cooperation and, in some cases, intimidation by local government officials throughout the country.

There were approximately 40 human rights NGOs in the country, but only a small portion of them were actively involved in organizing training programs or investigating abuses.

Domestic and international human rights organizations faced threats and harassment from local officials. These took the form of restrictions on and disruptions of gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction. NGO public interest lawyers reported being denied access to clients in detention in some human rights abuse cases, and an NGO reported that government officials had warned that the NGO’s representatives might be charged with disinformation and incitement if they spoke to the media about the cases.

The Government had three human rights bodies: two separate Committees for the Protection of Human Rights and Reception of Complaints, one under the Senate and one under the National Assembly; and a Cambodian Human Rights Committee that reported to the prime minister’s cabinet. The committees did not have regular meetings or a transparent operating process.

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

The constitution prohibits discrimination based on race, sex, color, or language; however, the Government did not generally protect these rights.

Women.—The law prohibits rape and assault; nevertheless, local and international NGOs reported that violence against women, including domestic violence and rape, was common. Rape is a criminal offense and punishable by a prison sentence of between five and 10 years, according to the UNTAC law. A case of spousal rape could be prosecuted as “rape,” “causing injury,” or “indecent assault” under the UNTAC law. Under the 2005 domestic violence law, spousal rape may fall within the definition of domestic violence that includes “sexual aggression.” Such charges for spousal rape cases under the UNTAC law and the domestic violence law were rare. The domestic violence law criminalizes domestic violence but does not specifically set out penalties. However, the UNTAC law on battery and injury can be used to penalize domestic violence offenses, with penalties ranging from two months to five years’ imprisonment.

According to one NGO, there were 419 cases of rape and 674 cases of domestic violence reported during the year; courts tried 110 of these cases. A different NGO documented 168 cases of domestic violence affecting 168 victims in 12 provinces during the same time period. During the year the MOI’s antitrafficking department in-

investigated 256 cases of violence against women and children, resulting in the arrest of 91 perpetrators and rescue of 90 victims. Of the 256 cases, 226 were for rape and attempted rape. The MOI reported that three cases of rape resulted in the death of the victims. A legal advocacy NGO reported receiving 1,022 cases of domestic violence, 639 of which went to trial during the year. The number of cases likely under-reported the scope of the problem, due to ineffective enforcement, inadequate crime statistics reporting, and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

The Government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. A local media center, an NGO, and the Ministry of Women's Affairs produced programming on women's issues. NGOs provided shelters for women in crisis.

The constitution prohibits prostitution; however, there is no specific legislation against working as a prostitute. Trafficking in women for the purpose of prostitution was a serious problem, despite laws against procuring and kidnapping for purposes of sexual exploitation. There were reports that police abused prostitutes. Despite increased crackdowns on brothel operators in Phnom Penh, prostitution and related trafficking persisted. Estimates of the number of working prostitutes ranged from 14,725 to 18,250. Sex tourism was a problem, fueled by pervasive poverty and the perception of impunity.

The labor law has provisions against sexual harassment in the workplace but does not specify penalties. The International Labor Organization (ILO) reported that sexual harassment in the industrial sector was rare.

The constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. Women often were concentrated in low paying jobs and largely were excluded from management positions. Men made up the vast majority of the military, police, and civil service.

The Ministry of Women's Affairs, mandated to protect the rights of women and promote gender equality in society, continued its Neary Ratanak (Women as Precious Gems) program. The program aimed to improve the image of women through gender mainstreaming, enhanced participation of women in economic and political life, and protection of women's rights.

Children.—The constitution provides for children's rights, and the Government made the welfare of children a specific goal. The Government relied on international aid to fund most child social welfare programs, resulting in only modest funding for problems that affect children.

The MOI administered a modernized birth registration system and reported the program registered 91 percent of births in 2006, but it was unclear whether this level of success was sustained in following years. The system did not include special outreach to minority communities. The Government's failure to register all births resulted in discrimination, including the denial of public services. A study commissioned by the UNHCR on statelessness in the country stated that the birth registration process often excluded children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration and family books were often denied access to education and healthcare. They stated that later in life the same individuals may be unable to access employment, own property, vote, and use the legal system.

Children were affected adversely by an inadequate educational system. Education was free, but not compulsory, through grade nine. Many children left school to help their families in subsistence agriculture, worked in other activities, began school at a late age, or did not attend school at all. The Government did not deny girls equal access to education; however, families with limited resources often gave priority to boys. In many areas schools were remote and transportation was a problem. This especially affected girls, due to safety concerns in traveling between their homes and schools.

Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; a local NGO reported 280 cases of rape and attempted rape committed on persons under age 18. Twenty-three of the cases involved children below age five, 57 involved children ages five to 10, and 200 involved children ages 10 to 18. Sexual intercourse with a person under age 15 is illegal; however, child prostitution and trafficking in children occurred. During the year

raids on brothels rescued underage girls trafficked for prostitution. The MOI reported arrests of nine foreign pedophiles. Some children engaged in prostitution for survival without third party involvement.

A domestic NGO estimated that more than 2,000 street children in Phnom Penh had no relationship with their families and an estimated 10,000 to 20,000 children worked on the streets but returned to families in the evenings. An estimated 500 to 900 children lived with their families on the streets in Phnom Penh. MOSAVY provided lower statistics, reporting 3,084 street children nationwide in 2005.

As of December at least 43 children under the age of six reportedly were living with their mothers in prison, and those children were subjected to mistreatment by prison guards and faced physical dangers from adult criminal cellmates. The children generally lacked proper nutrition and education.

Child labor was a problem in the informal sector of the economy.

Trafficking in Persons.—On February 15, the Government passed and promulgated a comprehensive Law on Suppression of Human Trafficking and Sexual Exploitation that contains provisions criminalizing all forms of trafficking. However, the country remained a source, destination, and transit country for men, women, and children trafficked for sexual exploitation and labor. Children were trafficked domestically for sexual exploitation and labor. Some Vietnamese women and girls were trafficked through the country for exploitation in the commercial sex trade in other Asian countries.

Children were trafficked to Thailand and Vietnam for begging, soliciting, street vending, and flower selling. The children frequently were placed into debt bondage to beg or sell, or they formed part of organized begging rings. Women as well as children were trafficked to Malaysia and Thailand for sexual exploitation and forced labor in factories or as domestic servants, while men were trafficked for forced labor in the agriculture, fishing, and construction sectors. The country is a destination for foreign child-sex tourists, and there were increasing reports that Asian men travelled to the country to have sex with underage virgin girls.

Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. In some cases victims were detained and physically and mentally abused by traffickers, brothel owners, and clients.

Local traffickers covered specific small geographic areas and acted as middlemen for larger trafficking networks. Organized crime groups, employment agencies, and marriage brokers were believed to have some degree of involvement. Traffickers used a variety of methods to acquire victims. In many cases victims were lured by promises of legitimate employment or travel documents. In other cases acquaintances, friends, and family members sold the victims or received payment for helping deceive them. Young children, the majority of them girls, were often pledged as collateral for loans by desperately poor parents; the children were responsible for repaying the loan and the accumulating interest. A 2007 report by the International Organization for Migration (IOM) stated that child domestic workers, particularly those used as collateral or placed into debt bondage, were more likely to be trafficked and to enter commercial sexually exploitive activities.

The law establishes a prison sentence of 15 to 20 years for a person convicted of selling, buying, or exchanging a person under 18 years of age; the penalty is seven to 15 years in prison for trafficking persons age 18 or older. According to the Cambodian National Police Anti—Human Trafficking and Juvenile Protection Department, from January to December police investigated 43 cases of trafficking in persons. The investigations resulted in the arrest of 48 offenders. However, NGOs continued to report the general inability of law enforcement and other government officials to act on trafficking tip offs.

The Ministries of Interior, Women's Affairs, and Justice had primary responsibility to combat trafficking in persons. A National Task Force served as an inter-ministerial antitrafficking coordination body. The task force included an oversight body involving the top government officials. There was a Department of Anti Human Trafficking and Juvenile Protection, and the MOI operated specialized antitrafficking divisions in all provinces and municipalities. While the Government arrested and prosecuted traffickers and continued its support for prevention and protection programs through collaboration with foreign and domestic NGOs and international organizations, its antitrafficking efforts continued to be hampered by corruption and a weak judicial system. Certain observers of trafficking in persons in the country believed that some law enforcement, court officials, and other government officials received bribes that facilitated the sex trade and trafficking in persons.

On June 4, a Sihanoukville Municipal Court judge released on bail foreigner Fabio Cencini, who was arrested on charges of allegedly sexually abusing six children, ages eight to 13.

On July 21, a Sihanoukville Municipal Court judge suspended the three-year sentence of convicted pedophile Nikita Belov and released him on probation after he had spent six months in prison for sexually abusing two underage boys. On August 5, Belov fled the country. The appeals court prosecutor appealed the case; however, Belov had already left the country, and Cambodia has no extradition treaty with Belov's home country.

On August 26, the appeals court reduced the sentence of pedophile Philippe Dessart, a foreigner, from 18 years in prison, as was allowable under the 1996 antitrafficking law, to three years in prison under the new law, although Dessart committed his child abuse crimes in 2006. According to an NGO, Dessart compensated the victim, and the victim thereafter told NGO lawyers their services were no longer required. In December the prosecutor appealed the case to the Supreme Court. As of year's end, a Supreme Court trial date had not been set.

On December 4, the appeals court reduced the prison sentence of foreigner Thomas Wayne Rapanos from 30 months in prison to one year. Rapanos was convicted in August by the Phnom Penh Municipal Court of indecent acts with an underage victim, despite testimony that money exchanged hands for sex with 12- and 16-year-old girls.

An unconfirmed MOI report stated there were seven convictions on human trafficking charges with sentences ranging from two to 15 years in prison during the year; however, a legal advocacy NGO reported that at least five additional trafficking cases went to trial during the year, resulting in three convictions. An unconfirmed Phnom Penh Municipal Court report stated there were 12 convictions of human trafficking offenders from January to October. Police, court officials, and judges often did not separate victims from perpetrators during raids, arrests, and trials. In some cases officials acted as though victims were perpetrators.

MOSAVY referred trafficking victims to NGOs, which provided most assistance to victims. The Government participated as a partner in a number of these efforts; however, its contributions were severely hampered by limited resources. NGOs provided intake screening services to identify trafficking victims. Some victims were encouraged by NGOs and the MOI to file complaints against perpetrators; however, in the general climate of impunity, victim protection was problematic, and some victims were known to be intimidated into abandoning their cases. Social stigma against women who were prostitutes, victims of sexual assault, or victims of sex trafficking made it difficult for victims to reintegrate into families, communities, and society.

The antitrafficking law contains no provisions to protect foreign victims from being charged under immigration laws, but during the year there were no reported cases of trafficking victims being treated as illegal immigrants. MOSAVY, often working with the IOM, repatriated from Thailand, Vietnam, and Malaysia 864 child and adult victims, as well as others vulnerable to becoming victims, and reintegrated them with their families. With financial and technical support from the IOM, MOSAVY repatriated four trafficked Vietnamese girls; however, repatriation to Vietnam continued to be a long and arduous process.

Both the Government and international donors had programs to prevent child labor or remove children from labor. The country is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking, whose activities include ensuring the legal, social, and community protection of victims of trafficking; strengthening law enforcement capacity to combat trafficking; and building a comprehensive response involving all relevant ministries. Several ministries, including the Ministry of Women's Affairs and the Ministry of Tourism, had antitrafficking initiatives to reduce child labor. Donors supported programs to combat child labor implemented by the ILO and World Education, among others.

MOSAVY worked with the UN Children's Fund and local NGOs to manage community based networks aimed at preventing trafficking.

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

Persons With Disabilities.—There is no law explicitly prohibiting discrimination against persons with disabilities. The Government does not require that buildings or government services be accessible to persons with disabilities. The Government prohibits persons with disabilities from being teachers in public schools.

Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons who had lost limbs, but they faced considerable societal discrimination, especially in obtaining skilled employment.

There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the Government did not make any concerted effort to assist them in becoming more civically engaged. MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skill training for persons with disabilities.

National/Racial/Ethnic Minorities.—The rights of minorities under the nationality law are not explicit; constitutional protections are extended only to “Khmer people.” Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society, but animosity continued toward ethnic Vietnamese, who were seen as a threat to the nation and culture. Some groups continued to make strong anti Vietnamese statements. They complained of political control of the CPP by the Vietnamese government, border encroachment, and other problems for which they held ethnic Vietnamese at least partially responsible.

Indigenous People.—The Government often ignored efforts by indigenous communities to protect their ancestral lands and natural resources. Despite the 2001 land law requiring for the registration of communal lands of indigenous people, little was done to implement communal land titling. NGOs called for a moratorium on land sales and land concessions affecting indigenous communities. International and local NGOs were active in educating the indigenous communities about the land registration process and providing legal representation in disputes.

Starting on April 20, the foreign-owned Oryung Construction Company reportedly began clearing approximately 250 acres of land claimed by members of the indigenous community of Kak Village in Ta Lav Commune, Andoung Meas District, Ratanakiri. NGOs stated that the Government granted a 17,000-acre economic land concession covering the disputed land to the company for a rubber plantation in 2006. NGOs reported that much of the land in the concession may be eligible for registration as indigenous community land under the 2001 law. The affected community members were not aware of the concession until the land was cleared. In September community members filed complaints with the Council of Ministers, Ministry of Agriculture, and Ministry of Land Management, Urban Planning and Construction, but at year’s end they reportedly had not received a government response.

On May 2, the Ratanakiri provincial governor reportedly granted a 1,250-acre, 90-year lease to the BVB Investment Company to develop a tourist attraction site on Youl Mountain in Yeak Laom commune, Banlung District, including parts of the indigenous Phnom, Sill, and Lapo villages. NGOs reported that much of the leased area may be eligible for registration as indigenous community land under the 2001 law. The affected indigenous communities were not involved in lease negotiations.

On December 20, 400 ethnic Phnong villagers in Pech Chreada District, Mondulakiri Province, confronted workers of real estate development company Khao Chuly Group who were clearing a 6,600-acre economic land concession area for a rubber plantation. Villagers claimed to own and farm part of the land and demanded that the company leave or pay compensation. Villagers set fire to three of the company’s excavators and damaged a fourth. An NGO reported that police and company workers did not attack or harm villagers during the incident. The Khao Chuly Group agreed to pay compensation if the villagers could prove that they owned the land. Under the 2001 law, economic concessions are blocked in indigenous properties. However, the National Cadastral Commission had not yet categorized indigenous community areas in Mondulakiri and Ratanakiri provinces, and at year’s end the case was ongoing.

In the 2007 case of Stung Treng Province community forest land cleared by four companies to which the Government allegedly illegitimately granted timber concessions, a special committee was established to resolve the dispute. The committee decided that disputed land being farmed by villagers was to be returned to the local indigenous community, and land not farmed by villagers was to be returned to the companies. Both sides agreed to the decision. In the 2007 case of a Ratanakiri provincial official preventing Tampoun indigenous villagers from burying their dead on land that had served as their traditional burial ground since 1979, a local NGO reported that in mid-year the Ministry of Agriculture registered the land as state private land and reportedly transferred it to Tai Seng Company. There were no developments in the 2007 case of Ratanakiri Jarai indigenous families demanding the removal of local officials allegedly involved in the fraudulent sale of more than 3,000 acres of their communal land.

Other Societal Abuses and Discrimination.—Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs. There was no official discrimination against those infected with HIV/AIDS.

There were no reported cases of sexual orientation discrimination in employment, housing, statelessness, or access to education or health care. However, homosexuality was typically treated with fear and suspicion, and there were few support groups based on sexual orientation where such cases could have been reported.

Section 6. Worker Rights

a. The Right of Association.—The labor law provides only private-sector workers in the formal economy the right to join the trade union of their choice without prior authorization; however, the Government's enforcement of this right was selective. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations, although a few unions attempted to intimidate workers who wanted to withdraw. Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally. While the law applies to foreign workers, it does not apply to civil servants, including teachers, judges, and military personnel, or to workers in the informal sector. Personnel in the air and maritime transportation industries are not entitled to the full protections of the law but are free to form unions.

Less than 3 percent of the labor force, estimated in 2007 to be 8.4 million persons, was unionized. Unions were concentrated in the garment and footwear industries, where approximately 70 to 75 percent of the estimated 337,000 workers were union members. The Cambodian Tourism and Service Workers Federation reported that it represented approximately 2,300 hotel, casino, and airport workers. There were more than 1,500 factory-level unions and 48 union federations and associations, the majority of which were aligned with the Government, and five of which were independent.

The Cambodia Independent Teachers Association (CITA), registered as an "association" due to prohibitions on public sector unions, represented 8,410 of the country's 110,000 teachers. CITA marches and other protests were often forbidden, although the union reported no direct government interference in day to day activities.

Another public sector association, the Cambodian Independent Civil Servants' Association (CICA), represented approximately 1,060 officials from ministries, provincial departments, and commune councils, out of approximately 160,000 civil servants nationwide.

There were no developments in the February 2007 killing of local union leader Hy Vuthy. In September an NGO reported that the Phnom Penh Municipal Court had suspended the investigation into the killing, but neither the lawyer in the case nor the court could confirm whether the investigation was suspended.

The law provides for the right to strike and protects strikers from reprisal. The law stipulates that strikes can be held only after several requirements have been met, including the failure of other methods of dispute resolution (such as negotiation, conciliation, or arbitration), a secret-ballot vote of union membership, and a seven day advance notice to the employer and the Ministry of Labor and Vocational Training (MOLVT).

The MOLVT reported that 82 strikes occurred in the Phnom Penh area during the year. The Garment Manufacturers Association of Cambodia reported 105 strikes nationwide. International observers, employers, and many union leaders agreed that almost no strikes fulfilled all prestrike legal requirements. Although some unions complained of a lack of MOLVT involvement, the MOLVT resolved up to 50 percent of the disputes.

The Government allowed most strikes held at factories but denied worker requests to hold protest marches outside of the factory area. Police intervention in strikes generally was minimal and restrained, even in those cases where property damage occurred.

On February 6, a car carrying a Kingsland Garment Factory management team injured nine workers when it violently forced its way out of the Phnom Penh factory as workers were striking outside. Four of the nine workers were seriously injured. Workers also accused police officials of using force to clear the way for the car to drive away. Police denied any violence directed at the workers and stated that they intervened because strikers were preventing workers from leaving the factory. One week later the union filed a complaint with the Phnom Penh Municipal Court and the MOI. No one was arrested in the incident, and at year's end the court had taken no action.

In spite of legal provisions protecting strikers from reprisals, there were credible reports that workers were dismissed on spurious grounds after organizing or participating in strikes. While most strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases employers pressured strikers to accept compensation and leave their employment. There are

potential remedies for such dismissals, although none was particularly effective. The MOLVT can issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement. Collective disputes, such as when multiple employees are dismissed, can be brought before the Arbitration Council for a decision. Parties can choose if decisions are binding or non-binding; if neither party objects to the arbitral award within eight days of its being issued, it automatically becomes binding. Individual disputes can be brought before the courts, although the judicial system was neither impartial nor transparent. Some unions urged the Government to expand the role of the Arbitration Council to include individual and collective interest disputes and to make its decisions binding.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, but the Government's enforcement of these rights was inconsistent. Collective bargaining agreements existed within the garment industry, hotels, and contract workers at the two international airports.

There were 11 collective bargaining agreements registered with the MOLVT during the year.

A regulation establishes procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. The regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal. The Bureau of Labor Relations is responsible for facilitating the process of union registration and certification of "most representative status" (MRS) for unions, which entitles a union representing an absolute majority of workers in a given enterprise to represent all of the workers in that establishment. However, the MRS registration process was considered cumbersome, and international observers reported that government lists of MRS unions included management controlled unions. The Government began reexamining its MRS certification process with support from international organizations and a diplomatic mission. In April authorities issued a new MRS notification detailing the procedures for applying, objecting to, and holding of elections.

Enforcement of the right of association and freedom from antiunion discrimination was poor. Acts of union discrimination by the employer often went unpunished. Government enforcement of rights was hampered by a lack of political will and by confused financial and political relationships among employers and union leaders. The Government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay officials adequate salaries. The MOLVT often decided in favor of employees but rarely used its legal authority to penalize employers who defied its orders, instead referring many cases to the Arbitration Council.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders, in garment factories and other enterprises. During the year approximately 50 union leaders were dismissed or suspended without cause. Prominent independent and opposition union leaders reported receiving veiled threats of violence, including death threats. Three union leaders affiliated with the Free Trade Union of Workers in the Kingdom of Cambodia, one of the five independent union federations, were injured by progovernment rival unions. In seven cases, 15 union leaders were sued for inciting workers to strike, destroying private property, and attempting to incite workers to commit assault. On several occasions dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce laws requiring their reinstatement. At other times the Government upheld labor rights. For example, during the year the MOLVT formally warned 927 companies of legal violations and fined 12 companies for violation of the labor law and regulations. The MOLVT sent 84 cases of unresolved labor disputes to the Arbitration Council.

Unions continued to gain strength, but many were not able to represent member interests adequately due to insufficient resources, training, and experience. In addition, corruption plagued the ranks of unions, employers, and government officials, hampering legitimate industrial relations. Violence, harassment, and intimidation between rival unions were common.

In some factories persons employed in management appeared to have established their own unions, supported promanagement unions, or compromised union leaders. Union leaders from across the political spectrum complained that the progovernment Khmer Youth Federation of Trade Unions habitually threatened strikes to extort money from management and threatened and harassed workers from other unions. Independent union leaders complained that the progovernment Cambodian Coalition of Trade Unions frequently intervened in the affairs of other unions, extorted money from management in exchange for discouraging workers

from conducting legal strikes and demonstrations, and threatened rival union leaders.

Some CITA members feared that affiliation with the teachers association could hamper their chance of career advancement, according to union officials. CICA leaders alleged that fears of harassment or demotion prevented other civil servants from joining.

There were no special laws or exemptions from regular labor laws in export processing zones (known as special economic zones).

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred, almost exclusively in the informal sector. There were reports of forced labor by domestic servants.

Involuntary overtime remained widespread. Under the law legal overtime work cannot exceed two hours daily and must be voluntary; however, in practice overtime was often extended beyond the legal limit, and employers used coercion to force employees to work. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace; however, enforcement was often weak. The law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law permits children between 12 and 15 to engage in “light work” that is not hazardous to their health and does not affect school attendance.

Child labor was widespread in agriculture, brick making, fishing, the commercial sex industry, domestic service, and on tobacco and rubber plantations. Child labor was also reported in the formal sector but to a much lesser extent. According to a 2006 study conducted by the World Bank and others, more than 750,000 economically active children were below the absolute minimum working age of 12, and an additional 500,000 children (12 to 14 years old) conducting nonlight economic activity were below the minimum age for this type of work. More than 250,000 children ages 15 to 17 worked more than 43 hours per week or in hazardous sectors. Three-quarters of economically active children were in the agriculture sector, 15 percent in commerce, 5 percent in small-scale manufacturing, and 2 percent in services.

No aspect of the law prohibiting child labor was adequately enforced in the formal employment sector. No employer was prosecuted for violating laws against child labor. The MOLVT has responsibility for child labor issues in both the formal and informal sectors of the economy, but its labor inspectors played no role in the informal sector or in enforcing the law in illegal industries, such as unregistered garment factories operating without a license from the MOLVT and the Ministry of Commerce. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor is negligible), but in some industries with the highest child labor risk, labor inspections were entirely complaint driven.

The constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem in the commercial sex industry, particularly among those ages 15 to 18. Law enforcement agencies failed to combat child prostitution in a sustained, consistent manner. Widespread corruption, lack of transparency, inadequate resources, and staffing shortages remained the most challenging obstacles.

e. Acceptable Conditions of Work.—The law requires the MOLVT to establish a garment sector minimum wage based on recommendations from the Labor Advisory Committee. There was no minimum wage for any other industry. Garment-sector workers were guaranteed a minimum wage equivalent to \$50 per month, plus a minimum \$6 living allowance, which was added on April 1. Prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living, although garment-sector wages were generally higher than wages in the informal economy. The vast majority of employers in garment factories paid the minimum wage to permanent workers, although temporary and other such workers were often paid less.

The law provides for a standard legal workweek of 48 hours, not to exceed eight hours per day. The law establishes a nightshift rate of 130 percent of daytime wages and 150 percent for overtime, which increases to 200 percent if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work up to two hours of overtime each day. However, the Government did not enforce these standards effectively. Workers reported that overtime was frequently excessive and sometimes mandatory. Similarly, outside the garment industry, regulations on working hours were rarely enforced.

The law states that the workplace should have health and safety standards adequate to ensure workers' well being. The Government enforced existing standards selectively, in part because it lacked trained staff and equipment. Work related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small scale factories and cottage industries were poor and often did not meet international standards. Penalties are specified in the law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, but those who did so may have risked loss of employment.

CHINA (includes Tibet, Hong Kong, and Macau)

The People's Republic of China, with a population of approximately 1.3 billion, is an authoritarian state in which the Chinese Communist Party (CCP) constitutionally is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member political bureau (Politburo) of the CCP and its nine-member standing committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor and worsened in some areas. During the year the Government increased its severe cultural and religious repression of ethnic minorities in Tibetan areas and the Xinjiang Uighur Autonomous Region (XUAR), increased detention and harassment of dissidents and petitioners, and maintained tight controls on freedom of speech and the Internet. Abuses peaked around high-profile events, such as the Olympics and the unrest in Tibet. As in previous years, citizens did not have the right to change their government. Nongovernmental organizations (NGOs), both local and international, continued to face intense scrutiny and restrictions. Other serious human rights abuses included extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced labor, including prison labor. Workers cannot choose an independent union to represent them in the workplace, and the law does not protect workers' right to strike.

The Government continued to monitor, harass, detain, arrest, and imprison journalists, writers, activists, and defense lawyers and their families, many of whom were seeking to exercise their rights under the law. A lack of due process and restrictions on lawyers further limited progress toward rule of law, with serious consequences for defendants who were imprisoned or executed following proceedings that fell far short of international standards. The party and state exercised strict political control of courts and judges, conducted closed trials, and carried out administrative detention. Individuals and groups, especially those deemed politically sensitive by the Government, continued to face tight restrictions on their freedom to assemble, their freedom to practice religion, and their freedom to travel. The Government continued its coercive birth limitation policy, in some cases resulting in forced abortion or forced sterilization. The Government failed to protect refugees adequately, and the detention and forced repatriation of North Koreans continued to be a problem. Serious social conditions that affected human rights included endemic corruption, trafficking in persons, and discrimination against women, minorities, and persons with disabilities.

On October 17, the Government made permanent rules granting foreign journalists greater freedoms, which were initially applied in the period leading up to and during the Olympic Games. The new rules eliminated previous requirements that foreign journalists first seek permission from local officials before conducting interviews in a particular province or locality.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year security forces reportedly committed arbitrary or unlawful killings. No official statistics on deaths in custody were available. The outbreak of widespread unrest in the Tibet Autonomous Region (TAR) and other Tibetan areas in March and April resulted in significant

loss of life, with many credible reports putting the number killed at over 200 (see Tibet Addendum).

On January 7, Wei Wenhua was beaten to death by municipal “urban management” officials in Tianmen, Hubei Province, after he filmed their clash with local residents on his mobile phone. Authorities detained 41 officials and sentenced four to short prison terms for their role in Wei’s death. On February 6, authorities reportedly instructed the family of Falun Gong practitioner Yu Zhou, who had been arrested in Beijing on January 26, to come to an emergency center to see him. Yu was dead when the family arrived, and authorities claimed he had died of diabetes. However, Yu’s family stated that he was healthy at the time of his arrest and that authorities refused the family’s request for an autopsy. On May 26, the family of Tibetan protester Paltsal Kyab was informed he died in custody, after he was detained in April for participating in a March 17 protest. Authorities claimed Paltsal Kyab had died from kidney and stomach problems, although relatives reported he was healthy at the time of his arrest. According to witnesses his body was covered with bruises and burn blisters. There were no reports of any official investigation into his death. On July 16, 100 individuals reportedly attacked police in Huizhou, Guangdong Province, after a motorcyclist died. Police reported the man died in a traffic accident but his relatives claimed he was beaten to death by security guards.

There were no developments in a 2007 incident in which 18 persons were killed and 17 were arrested during a raid at a location in the XUAR that officials called a terrorist training camp.

Defendants in criminal proceedings were executed following convictions that sometimes took place under circumstances involving severe lack of due process and inadequate channels for appeal. On November 26, Yang Jia, who was accused of killing six Shanghai police officers on July 1, was executed following a decision by the Shanghai High Court to uphold his conviction. Yang’s case included serious irregularities at trial, and the appellate court deprived him an opportunity to be examined for mental illness despite a request by Yang’s new attorney to allow it. On November 28, biomedical researcher Wo Weihai was executed on charges of espionage. Wo, who was convicted in a closed trial, was reportedly coerced into confessing and mistreated in detention. Executions of Uighurs whom authorities accused of separatism, but which some observers claimed were politically motivated, were reported during prior reporting periods. In February 2007 authorities executed Ismail Samed, an ethnic Uighur from the XUAR, following 2005 convictions for “attempting to split the motherland” and other counts related to possession of firearms and explosives.

b. Disappearance.—In May underground Catholic priests Zhang Li and Zhang Jianlin disappeared after authorities detained them while they were preparing to visit a Catholic shrine in Sheshan Province. At year’s end their whereabouts remained unknown. The whereabouts of Wu Qijing, the bishop of Zhouzhi, Shaanxi Province, who was detained in March 2007, also remained unknown. Human rights defender Gao Zhisheng was detained and questioned several times over the past two years, and during the reporting period his whereabouts were unknown. There were no new developments in the September 2007 disappearances of 21 farmers who reportedly traveled from Chengdu to Beijing to petition the Government in a land compensation case. At year’s end the Government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits the physical abuse of detainees and forbids prison guards from extracting confessions by torture, insulting prisoners’ dignity, and beating or encouraging others to beat prisoners. However, during the year there were reports that officials used electric shocks, beatings, shackles, and other forms of abuse.

Mao Hengfeng, a family planning issues petitioner, reportedly was physically and mentally abused in prison. During an August 13 phone call, Mao reportedly told her husband that scars on her wrists that resulted from being tied up tightly had not healed. On May 22, Heilongjiang resident and reform activist Liu Jie was transferred from a Qiqihar reeducation through labor (RTL) camp to the Harbin Drug Rehabilitation Center, where she reportedly was tortured. Human rights organizations also reported democracy activist and member of the China Democracy Party (CDP) Chi Jianwei reportedly was tortured in July 2007 for refusing to confess to “using an evil cult to hinder law enforcement.”

In November the UN Committee Against Torture (UNCAT) stated its deep concern about the routine and widespread use of torture and ill-treatment of suspects in police custody, especially to extract confessions or information used in criminal proceedings. However, UNCAT did acknowledge government efforts to address the

practice of torture and related problems in the criminal justice system. Many alleged acts of torture occurred in pretrial criminal detention centers or RTL centers. Sexual and physical abuse and extortion occurred in some detention centers.

According to foreign researchers, the country had 20 ankang institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security (MPS). Political activists, underground religious believers, persons who repeatedly petitioned the Government, members of the banned Chinese Democracy Party (CDP), and Falun Gong adherents were among those housed with mentally ill patients in these institutions, and they had no mechanism for objecting to public security officials' determinations of mental illness. Patients in these hospitals reportedly were given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person to an ankang facility were not clear. Activists sentenced to administrative detention also reported they were strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities.

Prison and Detention Center Conditions.—Conditions in penal institutions for both political prisoners and common criminals generally were harsh and often degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Inadequate prison capacity was an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods.

Many inmates in penal and RTL facilities were required to work, with minimal or no remuneration. In some cases prisoners worked in facilities directly connected with penal institutions; in other cases they were contracted to nonprison enterprises. Former prison inmates reported that workers who refused to work in some prisons were beaten. Facilities and their management profited from inmate labor.

In January 2007 Ministry of Health spokesman Mao Qunan reportedly acknowledged that the Government harvested organs from executed prisoners. Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. In October 2007 Chen Ningbiao died in prison, reportedly due to mistreatment and denial of medical treatment. Chen was one of seven villagers who led protests against forced land evictions in April 2007, and was convicted of "extortion and blackmail." Labor activist Yao Fuxin remained in prison in very poor health, in part because of abuse suffered in prison and inadequate access to medical attention. Authorities continued to deny his family's requests for medical parole. The poor health of reform activist Liu Jie reportedly eroded further as a result of inadequate medical care and other harsh treatment suffered while in detention. In April cyber dissident He Depu wrote a letter to International Olympic Committee President Jacques Rogge complaining about deteriorating conditions for himself and other political prisoners. Prison officials reportedly denied a February request from family members that He be released on medical parole, and He's health reportedly remained poor due to medical neglect and maltreatment. Many other prisoners with serious health concerns remained in prison at year's end. Prison officials often denied privileges, including the ability to purchase outside food, make telephone calls, and receive family visits to those who refused to acknowledge guilt.

Conditions in administrative detention facilities, such as RTL camps, were similar to those in prisons. Beating deaths occurred in administrative detention and RTL facilities.

The law requires juveniles to be held separately from adults, unless facilities are insufficient. In practice children sometimes were held with adult prisoners and required to work. Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings.

The Government generally did not permit independent monitoring of prisons or RTL camps, and prisoners remained inaccessible to local and international human rights organizations, media groups, and the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest or Detention.—Arbitrary arrest and detention remained serious problems. The law permits police and security authorities to detain persons without arresting or charging them. Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to arbitrary arrest or detention.

Role of the Police and Security Apparatus.—The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police,

the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. The Ministries of State Security and Public Security and the People's Armed Police were responsible for internal security. The Supreme People's Procuratorate (SPP) and the Supreme People's Court (SPC) officials admitted that courts and prosecutors often deferred to the security ministries on policy matters and individual cases. The SPP was responsible for the investigation of corruption and duty crimes. The PLA was responsible for external security but also had some domestic security responsibilities.

The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Some efforts were made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight was limited, and checks and balances were absent. Corruption at the local level was widespread. Security officials, including "urban management" officials, reportedly took individuals into custody without just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators.

The SPP acknowledged continuing widespread abuse in law enforcement. Domestic news media reported the convictions of public security officials who had beaten to death suspects or prisoners in their custody. On October 23, Li Litian, a former policeman in Zhoukou City, Henan Province, was executed for killing laid-off worker Li Shengli in 2004. Li Litian and five other officers beat Li Shengli at the request of a local court official with whom Li Shengli had a dispute. After beating Li Shengli, police threw him off of the third story of the police station. The court official, Lu Liusheng, was sentenced to death with a two-year reprieve in May 2007. Investigation of misconduct typically only came in response to publicity, public pressure, and persistent efforts by relatives of victims to petition the Government.

Arrest and Detention.—Public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to seven months while public security organs further investigate the case. Another 45 days of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional 45 day period between filing and trial. However, in practice the police sometimes detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. The criminal procedure law allows detainees access to lawyers before formal charges are filed, although police often limited such access.

The criminal procedure law requires a court to provide a lawyer to a defendant who is blind, deaf, mute, a minor, or persons who may be sentenced to death, if the defendant has not already retained a lawyer. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not appoint counsel in such circumstances.

Detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for bail; however, in practice few suspects were released on bail pending trial.

The Government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals often were held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to provide notification if doing so would "hinder the investigation" of a case. In some cases police treated those with no immediate family more severely.

There were numerous reports of citizens who reportedly were detained with no or severely delayed notice. For example, on February 5, a court in Hanzhou sentenced writer and rights activist Lu Gengsong to four years in prison for "inciting subversion of state power." Lu was detained in August 2007 following publication of articles critical of authorities. On March 5, consumer rights advocate Chen Shuwei was seized without warrant by a dozen police officers in a Beijing hotel and held without charge until March 20. On March 7, human rights activist and lawyer Teng Biao was taken by Beijing Public Security agents and held incommunicado for two days. On May 18, police detained Nanjing-based blogger and professor Guo Quan after Guo posted articles critical of the Government's response to the May 12 earthquake in Sichuan Province. Guo was released 10 days later but was detained

again on November 13 by Nanjing authorities on suspicion of “inciting subversion of state power.”

The law permits nonjudicial panels, called labor reeducation panels, to sentence persons without trial to three years in RTL camps or other administrative detention programs. The labor reeducation committee is authorized to extend a sentence up to one year. Defendants could challenge RTL sentences under the administrative litigation law and appeal for a reduction in, or suspension of, their sentences. However, appeals rarely succeeded. Many other persons were detained in similar forms of administrative detention, known as “custody and education” (for women engaged in prostitution and those soliciting prostitution) and “custody and training” (for minors who committed crimes). Administrative detention was used to intimidate political activists and prevent public demonstrations. On June 4, Chen Lianqing was detained while petitioning authorities in Beijing to investigate the murder of his father; he was later sent to RTL. Authorities used special reeducation centers to prolong detention of Falun Gong practitioners who had completed terms in RTL.

Authorities arrested persons on charges of revealing state secrets, subversion, and common crimes to suppress political dissent and social advocacy. Citizens also were detained and prosecuted under broad and ambiguous state secrets laws for, among other actions, disclosing information on criminal trials, meetings, and government activity. Information could retroactively be classified a state secret by the Government.

During the year human rights activists, journalists, unregistered religious figures, and former political prisoners and their family members were among those targeted for arbitrary detention or arrest.

The Government continued to use house arrest as a nonjudicial punishment and control measure against dissidents, former political prisoners, family members of political prisoners, petitioners, underground religious figures, and others it deemed politically sensitive. House arrest encompassed varying degrees of stringency but sometimes included complete isolation in one’s own home or another location under lock and guard. In some cases house arrest involved constant monitoring, but the target of house arrest was occasionally permitted to leave the home to work or run errands. Sometimes those under house arrest were required to ride in the vehicles of their police monitors when venturing outside. When outside the home, the subject of house arrest was usually, but not always, under surveillance. In some instances security officials assumed invasive positions within the family home, rather than monitoring from the outside.

On April 3, a Beijing court sentenced HIV/AIDS and environmental activist Hu Jia to three years and six months in prison for “inciting subversion” of state authority. Hu Jia was detained in December 2007 on suspicion of inciting subversion. Hu Jia’s wife, activist Zeng Jinyan, remained under house arrest with the couple’s newborn child. During the Olympics, authorities required Zeng and her child to go to the northeastern city of Dalian, and restricted Zeng’s contact with outsiders. On May 31, police at Guiyang Airport apprehended human rights activist Chen Xi as he was attempting to fly to Beijing to commemorate the Tiananmen massacre. He was detained for nine hours without explanation and then sent home, where he remained under house arrest. Several underground Catholic clergy were under house arrest for varying periods during the year. The longest serving among them may be Bishop Su Zhimin, who has reportedly been detained in a form of house arrest in Baoding, Hebei Province, since 1997. An unverified 2006 press report stated that Bishop Su had died in custody; the Government has never responded to inquiries about Bishop Su.

Police continued the practice of placing under surveillance, harassing, and detaining citizens around politically sensitive events, including before the third anniversary of Zhao Ziyang’s death, the plenary sessions of the National People’s Congress (NPC) and the Chinese People’s Political Consultative Conference (CPPCC), and the Olympic Games. Authorities in the XUAR used house arrest and other forms of arbitrary detention against those accused of subscribing to the “three evils” of religious extremism, “splittism,” and terrorism. Raids, detentions, arrests, and judicial punishments indiscriminately affected not only those suspected of supporting terrorism but also those who peacefully sought to pursue political goals or to worship.

e. Denial of Fair Public Trial.—The law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary was not independent. It received policy guidance from both the Government and the CCP, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the Government and CCP frequently interfered in the judicial system and dictated court deci-

sions. Trial judges decide individual cases under the direction of the adjudication committee in each court. In addition the CCP's law and politics committee, which includes representatives of the police, security services, procuratorate, and courts, had the authority to review and influence court operations at all levels of the judiciary; in some cases the committee altered decisions. People's congresses also had authority to alter court decisions, but this happened rarely.

Corruption often influenced judicial decision making, and safeguards against corruption were vague and poorly enforced. Local governments appointed judges at the corresponding level of the judicial structure. Judges received their court finances and salaries from these government bodies and could be replaced by them. Local authorities often exerted undue influence over the judges they appointed and financed. Several high-profile corruption cases involved procuracy officials.

Courts lacked the independence and authority to rule on the constitutionality of laws. The law permits organizations or individuals to question laws and regulations they believe contradict the constitution, but a constitutional challenge first requires consultation with the body drafting the questioned regulation and can only be appealed to the NPC. Accordingly, lawyers had little or no opportunity to use the constitution in litigation.

The SPC is followed in descending order by the higher, intermediate, and basic people's courts. These courts handle criminal, civil, and administrative cases, including appeals of decisions by police and security officials to use RTL and other forms of administrative detention. There were special courts for handling military, maritime, and railway transport cases.

The CCP used a form of discipline known as *shuang gui* for violations of party discipline, but there were reports of its use against nonparty members. *Shuang gui* is similar to house arrest and can be authorized without judicial involvement or oversight. *Shuang gui* requires the CCP party member under investigation to submit to questioning at a designated place and time. According to regulations of the Central Discipline Inspection Commission (CDIC) governing *shuang gui*, corporal punishment is banned, the member's dignity must be respected, and he or she is regarded as a comrade unless violations are proved. Absent any legal oversight, it is unclear how these regulations were enforced in practice.

Trial Procedures.—Trials took place before a judge, who often was accompanied by "people's assessors," lay persons hired by the court to assist in decision making. According to law, people's assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function.

There was no presumption of innocence, and the criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. The combined conviction rate for first and second instance criminal trials was more than 99 percent in 2007; 933,156 defendants were tried, and 1,417 were found not guilty. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenues for review, and there were inadequate remedies for violations of defendants' rights.

SPC regulations require all trials to be open to the public, with certain exceptions, such as cases involving state secrets, privacy, and minors. Authorities used the legal exception for cases involving state secrets to keep politically sensitive proceedings closed to the public and sometimes even to family members and to withhold access to defense counsel. Under the regulations, foreigners with valid identification are allowed the same access to trials as citizens, but in practice foreigners were permitted to attend court proceedings by invitation only. As in past years, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as "state secret" cases, fill all available seats with security officials, or otherwise close them to the public. For example, foreign diplomats requested but were denied permission to attend Hu Jia's March 18 trial on charges of subverting state authority. Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.

The law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation, although police frequently interfered with this right. Individuals who face administrative detention do not have the right to seek legal counsel.

Both criminal and administrative cases remained eligible for legal aid, although 70 percent or more of criminal defendants still went to trial without a lawyer. Ac-

According to the Ministry of Justice, the number of legal-aid cases reached 420,000 in 2007, 3.3 times the 2002 figure. The country had 12,285 full-time legal aid personnel, including 5,927 lawyers, and 76,890 registered volunteers at the end of 2007, although the number of legal-aid personnel remained inadequate to meet demand. Nonattorney legal advisors and volunteers provided the only legal aid options in many areas. According to the SPC's March work report to the NPC, courts over the past five years have waived RMB 5.4 billion (\$790 million) in litigation costs.

Government-employed lawyers often refused to represent defendants in politically sensitive cases, and defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented effective representation of counsel. Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court, and physical abuse.

During the year the Beijing Judicial Bureau refused to renew the professional license of distinguished lawyer Teng Biao, who offered to represent Tibetans taken into custody for their role in the March protests in Lhasa. Other lawyers deprived of their license to practice law included Henan lawyers Li Wusi and Li Subin; Shanghai lawyers Zheng Enchong and Guo Guoting; Beijing lawyer Gao Zhisheng; and Guangdong lawyers Tang Jingling, Guo Yan, and Yang Zaixin. On June 2, Beijing-based lawyer Pu Zhiqiang, who was barred from commemorating the June 4 massacre in Tiananmen Square, was followed by Beijing police and detained on June 3 for several hours.

According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to speak during trials. In practice criminal defendants often were not assigned an attorney until a case was brought to court. Even in nonsensitive criminal trials, only one in seven defendants reportedly had legal representation.

The mechanism that allows defendants to confront their accusers was inadequate; the percentage of witnesses who came to court in criminal cases was less than 10 percent and as low as 1 percent in some courts. According to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials, prosecutors read witness statements, which neither the defendant nor his lawyer had an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, sometimes due to hardship or fear of reprisals. Although the criminal procedure law states pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial.

Police and prosecutorial officials often ignored the due process provisions of the law, which led to particularly egregious consequences in death penalty cases. By law there are at least 68 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption.

In 2007 the SPC reassumed jurisdiction to conduct final review of death penalty cases handed down for immediate execution (but not death sentences handed down with a two-year reprieve). In most cases the SPC does not have authority to issue a new decision or declare a defendant innocent if it discovers errors in the original judgment, and can only approve or disapprove lower court decisions. SPC spokesman Ni Shouming stated that, since reassuming the death penalty review power in January 2007, the SPC had rejected 15 percent of the cases it reviewed due to unclear facts, insufficient evidence, inappropriateness of the death sentence in some cases, and inadequate trial procedures. The SPC remanded these cases back to lower courts for further proceedings, although it did not provide underlying statistics or figures. Because official statistics remained a state secret it was not possible to evaluate independently the implementation and effects of the procedures.

Following the SPC's reassumption of death penalty review power, executions were not to be carried out on the date of conviction, but only with the SPC's approval. On May 23, the chief judge of the third criminal law division of the SPC declared that since the implementation of this reform, the number of death sentences with a two-year reprieve surpassed the number of immediate-execution death sentences. Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption.

Through the monitoring of publicly available records and reports, Amnesty International estimated that in 2007 at least 470 persons were executed and 1,860 per-

sons were sentenced to death, although Amnesty stated that the true figures were believed to be much higher. The foreign-based Dui Hua Foundation estimated that about 6,000 persons were executed in 2007, a 25 to 30 percent decrease from the previous year's estimate.

Political Prisoners and Detainees.—Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in RTL camps or administrative detention. The Government did not grant international humanitarian organizations access to political prisoners.

Foreign NGOs estimated that several hundred persons remained in prison for the repealed crime of “counterrevolution,” and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution. Foreign governments urged the Government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for nonviolent offenses under provisions of the criminal law, which were eliminated when the law was revised. No systematic review has occurred. The Government maintained that prisoners serving sentences for counterrevolution and endangering state security were eligible on an equal basis for sentence reduction and parole, but evidence suggested that political prisoners benefitted from early release at lower rates than those enjoyed by other prisoners. Dozens of persons were believed to remain in prison in connection with their involvement in the 1989 Tiananmen prodemocracy movement. International organizations estimated that at least 10 and as many as 200 Tiananmen activists were still in prison. The exact number was unknown because official statistics have never been made public.

Many political prisoners remained in prison or under other forms of detention at year's end, including rights activists Hu Jia and Wang Bingzhang; Alim and Ablikim Abdureyim, sons of Uighur activist Rebiya Kadeer; journalist Shi Tao; dissident Wang Xiaoning; land-rights activist Yang Chunlin; Internet writers Yang Zili and Xu Wei; labor activists Yao Fuxin, Hu Mingjun, Huang Xiangwei, Kong Youping, Ning Xianhua, Li Jianfeng, Li Xintao, Lin Shun'an, Yue Tianxiang, Li Wangyang, and She Wanbao; CDP cofounder Qin Yongmin; family planning whistleblower Chen Guangcheng; Bishop Su Zhimin; Christian activist Zhang Rongliang; Inner Mongolian activist Hada; Uighurs Tohti Tunyaz and Dilke Tilivaldi; and Tibetans Jigme Gyatso, Tenzin Delek, and Gendun Choekyi Nyima. Labor activist Hu Shigen was released in August. Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners.

Criminal punishments included “deprivation of political rights” for a fixed period after release from prison, during which the individual is denied the already-limited rights of free speech and association granted to other citizens. Former prisoners sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Former political prisoners and their families frequently were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing.

Civil Judicial Procedures and Remedies.—Courts deciding civil matters suffered from internal and external limitations on judicial independence. The State Compensation Law provides administrative and judicial remedies for deprivations of criminal rights, such as wrongful arrest or conviction, extortion of confession by torture, or unlawful use of force resulting in bodily injury. In civil matters, prevailing parties often found it difficult to enforce court orders, and resistance to the enforcement sometimes extended to forcible resistance to court police.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law states that the “freedom and privacy of correspondence of citizens are protected by law;” however, the authorities often did not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently was ignored; moreover, the Public Security Bureau (PSB) and prosecutors can issue search warrants on their own authority without judicial consent, review, or consideration. Cases of forced entry by police officers continued to be reported.

During the year authorities monitored telephone conversations, facsimile transmissions, e-mail, text messaging, and Internet communications. Authorities also opened and censored domestic and international mail. The security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. All major hotels had a sizable internal security pres-

ence, and hotel guestrooms were sometimes bugged and searched for sensitive or proprietary materials.

Some citizens were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned dissidents and activists, underground religious figures, former political prisoners, and others whom the Government considered to be troublemakers not to meet with foreign journalists or diplomats, especially before sensitive anniversaries, at the time of important government or party meetings, and during the visits of high-level foreign officials. Security personnel also harassed and detained the family members of political prisoners, including following them to meetings with foreign reporters and diplomats and urging them to remain silent about the cases of their relatives.

Forced relocation because of urban development continued and in some locations increased during the year. During the year protests over relocation terms or compensation, some of which included thousands of participants, were increasingly common and some protest leaders were prosecuted. There were numerous reports that evictions in Beijing were linked to construction for the Olympics. In rural areas relocation for infrastructure and commercial development projects resulted in the forced relocation of millions of persons.

The Government restricted the rights of parents to choose the number of children they will have and the period of time between births. While the national family planning authorities shifted their emphasis from lowering fertility rates to maintaining low fertility rates and emphasized quality of care in family planning practices, the country's birth limitation policies retained harshly coercive elements in law and practice. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies. Although some officials suggested that adjustments to the policy were needed to address aging and sex-ratio at birth problems, during the year the family planning minister announced the policy would not change for at least a decade.

The law standardizes the implementation of the Government's birth limitation policies; however, enforcement varied significantly. The law only grants married couples the right to have one birth and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. The law requires couples that have an unapproved child to pay a "social compensation fee," which sometimes reached 10 times a person's annual disposable income, and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, these rights, as well as penalties for violating them, are not clearly defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

Social compensation fees are set and assessed at the local level. The law requires family planning officials to obtain court approval before taking "forcible" action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. However, in practice this requirement was not always followed and the national authorities remained ineffective at reducing abuses by local officials.

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas the policy was more relaxed, with slightly more than half of women permitted to have a second child if the first was a girl or had a disability.

All provinces have regulations implementing the national family planning law. For example, Anhui Province's law permits 13 categories of couples, including coal miners, some remarried divorcees, and some farm couples, to have a second child. Ethnic minorities, such as the Uighurs and the Tibetans, are also allowed more than one child. Several provinces—Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia—require "termination of pregnancy" if the pregnancy violates provincial family planning regulations. An additional 10 provinces—Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan—require unspecified "remedial measures" to deal with out-of-plan pregnancies.

Zhejiang and Hunan provinces revised their regulations to eliminate their birth spacing requirement to adjust for local circumstances. Birth spacing policies are set at the provincial level, typically requiring that a couple wait four years between births if the couple is eligible to have a second child. If the second pregnancy occurs during the four-year waiting period, it is considered an unapproved pregnancy and local officials may require termination. However, Hunan Province also raised the social compensation fee from two times a family's annual income to up to six times

if the family was wealthy. Hunan Province also added that violators of the birth limitation regulations could not work as public servants.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures. Those who violated the child limit policy by having an unapproved child or helping another do so faced disciplinary measures such as social compensation fees, job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of private property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization.

In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to have a child. In November 2007, Hunan Province adopted new penalties for children conceived out of wedlock, requiring violators to pay 6 to 8 percent of their income from the previous year, in addition to the standard social compensation fee. The law states that family planning bureaus will conduct pregnancy tests on married women and provide them with unspecified "follow-up" services. Some provinces fined women who did not undergo periodic pregnancy tests. For example, in Hebei Province fines ranged from RMB 200 to RMB 500 (approximately \$29 to \$73), and in Henan Province fines ranged from RMB 50 to RMB 500 (\$7 to \$73).

Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. Promotions for local officials depended in part on meeting population targets. Linking job promotion with an official's ability to meet or exceed such targets provided a powerful structural incentive for officials to employ coercive measures to meet population goals. In an effort to meet local sterilization targets, officials in Gansu Province, who were often promised a promotion and a monetary reward, reportedly forcibly detained and sterilized a Tibetan woman who had abided by local population planning requirements. There continued to be sporadic reports of violations of citizens' rights by local officials attempting to reduce the number of births in their region. In March family-planning officials in Henan Province reportedly forcibly detained a 23-year-old unmarried woman who was seven months pregnant. Officials reportedly tied her to a bed, induced labor, and killed the newborn upon delivery. In April population-planning officials in Shandong Province reportedly detained and beat the sister of a woman who had illegally conceived a second child in an attempt to compel the woman to undergo an abortion. In November in XUAR, family planning officials and police escorted a Uighur woman, Arzigul Tursun, who was more than six months pregnant with her third child, to the hospital for an abortion. Tursun had gone into hiding to save her pregnancy but returned amid threats that her family's home and land would be confiscated. After the situation was brought to the attention of central government officials, Tursun was released from the hospital without having to undergo the procedure.

According to law, citizens may sue officials who exceed their authority in implementing birth-planning policy. However, there were few protections for whistleblowers against retaliation from local officials.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies. National Population and Family Planning Commission (NPFPC) regulations ban nonmedically necessary determinations of the sex of the fetus and sex-selective abortions, but some Chinese experts believed that the penalties for violating the regulations were not severe enough to deter unlawful behavior. According to government estimates released on February 28, the male-female sex ratio at birth was 120 to 100 at the end of 2007 (compared with norms elsewhere of between 103 and 107 to 100).

Family members of activists and rights defenders, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest, detention, and harassment. Some were required to leave Beijing during the Olympics. Rights activist Zeng Jinyan, the wife of Hu Jia, reportedly was held at a hotel in Dalian during the Olympics. After returning Zeng Jinyan to her Beijing apartment, authorities kept her under close surveillance. Yuan Weijing, the wife of legal advisor Chen Guangcheng, continued to be subjected to ongoing harassment, including strict surveillance, confinement to her home, and denial of prison visits.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, although the Government generally did not respect these rights in practice. The Government interpreted the CCP's "leading role," as mandated in the constitution, as superseding and circumscribing these rights. The Government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. During the year the Government increased censorship and manipulation of the press and the Internet during major events, including the Tibetan protests in March through June, the May 12 Sichuan earthquake, and the Olympic games. All media were expected to abide by censorship guidelines issued by the party. In a June 20 speech on propaganda work, CCP General Secretary Hu Jintao reiterated local media's subordinate role to the party, telling journalists they must "serve socialism" and the party.

Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. During the year propaganda officials issued guidelines restricting media coverage of sensitive topics, including demonstrations by parents whose children died in the May 12 Sichuan earthquake when their schools collapsed. On August 12, the Hong Kong-based South China Morning Post reported that propaganda authorities had issued a 21-point directive outlining how the domestic media should handle certain stories during the Olympics. According to the directive, Chinese journalists were barred from reporting on the lifting of censorship of foreign Web sites during the Olympics, the private lives of visiting heads of state, and Tibetan and Uighur separatist movements, among other topics. The directive also ordered journalists to report positively on Olympic security arrangements.

So long as the speaker did not publish views that challenged the CCP or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and criticisms of the Government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed, as did speeches pertaining to sensitive social topics.

The Government also frequently monitored gatherings of intellectuals, scholars, and dissidents where political or sensitive issues were discussed. Those who aired views that disagreed with the Government's position on controversial topics or disseminated such views to domestic and overseas audiences risked punishment ranging from disciplinary action at government work units to police interrogation and detention. To commemorate human rights day on December 10, a group of 303 intellectuals and activists released a petition calling for human rights and democracy. Security forces questioned or detained several signatories to the document. At year's end one signer, writer Liu Xiaobo, remained in detention. On May 21, police in Liaoning Province detained Shenyang resident Gao Qianhui a day after she posted a YouTube video criticizing the lack of entertainment during the national period of mourning for Sichuan earthquake victims.

The Central Propaganda Department continued to list subjects that were off limits to the domestic media, and the Government maintained authority to approve all programming. Nearly all print media, broadcast media, and book publishers were owned by, or affiliated with, the CCP or a government agency. There were a small number of privately owned print publications, but no privately owned television or radio stations. International media were not allowed to operate freely and faced heavy restrictions.

In October the Government permanently adopted the Olympics-related temporary regulations that expanded press freedoms for foreign media. In a September 17 statement, the Foreign Correspondent's Club of China (FCCC) noted some improvements in government transparency, including the release of more official data, especially on environmental matters, and increased access to government officials. However, the FCCC also reported that local authorities continued to infringe upon the freedom of foreign journalists to travel and conduct interviews, and that during the year harassment of foreign journalists rose sharply, particularly in the weeks before and during the Olympics. Between July 25, when the Olympics media center opened, and August 23, the day before the Olympics closing ceremony, the FCCC reported 30 cases of "reporting interference." On July 22, police manhandled Hong Kong journalists who were covering a crowd attempting to purchase Olympic tickets. In Kashgar, XUAR police detained and beat two Japanese journalists attempting to cover the aftermath of an August 4 deadly attack on a People's Armed Police unit. From August 8 to 11, a foreign writer and photographer and a foreign photojournalist were detained and searched repeatedly while attempting to cover bombings in the Xinjiang Province. On August 13, Beijing police roughed up and detained

a journalist for Independent Television News who was covering a Tibet-related protest near the Olympic village. Foreign correspondents were still unable to visit the TAR without official permits, which rarely were granted.

Between January 1 and December 2, the FCCC reported 178 incidents of harassment compared with 160 cases for all of 2007. On January 24, thugs in Shandong Province threw stones at a German television crew attempting to meet with Yuan Weijing, the wife of imprisoned rights activist Chen Guangcheng. In November thugs beat a Belgian television crew attempting to cover the HIV/AIDS epidemic in Henan Province. The thugs also robbed the crew of its tapes, camera memory card, mobile phones, and money.

After protests and rioting broke out in Tibetan areas in March, more than two dozen foreign reporters were turned away from or forced to leave Tibetan areas, including Lhasa, Tibet's regional capital, and Xiahe in Gansu Province. Also in Xiahe, authorities barred a foreign film crew from using e-mail and ordered the crew not to report on the police in riot gear and soldiers they saw headed toward Labrang Monastery. Several other reporting teams were turned away from Tibetan areas during this period, including a foreign television crew, which was told that foreigners were not allowed into the area due to concerns for their safety. In the weeks after the riots, several Beijing-based foreign correspondents received death threats after their personal contact information, including mobile phone numbers, was revealed on the Internet.

In May police in Henan Province detained two Finnish journalists for seven hours while preparing a report on a migrant worker who had been employed on an Olympics-related construction site in Beijing.

In the immediate aftermath of the May 12 Sichuan earthquake, authorities generally allowed foreign reporters access to the disaster areas, although the FCCC reported some incidents of local authorities detaining journalists and confiscating photos and videos. However, this access was sharply curtailed by June when parents of children who had died in collapsed school buildings began organizing protests. The FCCC reported ten incidents of harassment and intimidation of foreign reporters attempting to report on the school collapses.

Officials can be punished for unauthorized contact with journalists. According to Reporters Without Borders (RSF), Li Fuguo, a municipal official in Fuyang, Anhui Province, died in prison in March. RSF reported that Li was arrested in August 2007 after speaking with a journalist about an illegal requisition of farm land. Prison officials, RSF reported, claimed Li took his own life.

In December the Committee to Protect Journalists documented the cases of 28 imprisoned journalists. Editors and journalists continued to practice self-censorship as the primary means for the party to limit freedom of the press on a day-to-day basis. Official guidance on permitted speech was often vague, subject to change at the whim of propaganda officials, and retroactively enforced. Propaganda authorities can force newspapers to fire editors and journalists who print articles that conflict with official views and can suspend or close publications. The system of post-publication punishment encourages editors to take a conservative approach since a publication could face enormous business losses if it were suspended for inadvertently printing forbidden content. In September authorities ordered the China Business Post to suspend publication for three months as punishment for publication of an article critical of the Agricultural Bank of China.

Government officials used criminal prosecution, civil lawsuits, and other punishments, including violence, detention, and other forms of harassment, to intimidate authors and domestic journalists and block controversial writings. On January 4, officials in Xifeng, Liaoning Province, dispatched police to Beijing to arrest Zhu Wenna, a reporter for the magazine *Faren Zazhi*, on defamation charges after Zhu criticized a local communist party leader in a story about a contested land seizure in Xifeng. Xifeng officials abandoned efforts to arrest Zhu after a public and media outcry. On June 10, police in Chengdu detained Internet writer and activist Huang Qi, director and cofounder of the Tianwang Human Rights Center in Chengdu, after he posted an article on his Web site criticizing the Government's handling of the May 12 earthquake. On August 8, a reporter for the Chengdu newspaper, Peng Shijun, was reportedly beaten by thugs and hospitalized while reporting on alleged false advertising by a language translation school in Xian, Shaanxi Province.

A domestic journalist can face demotion or job loss for publishing views that challenge the Government. In April journalist Zhang Ping (who writes under the name Chang Ping) was demoted from his job as deputy editor of *Nandu Weekly* after publishing an article on his blog critical of official censorship surrounding the outbreak of protests in Tibet. In August Mehbube Ablesh, a Uighur writer, poet, and employee of Xinjiang People's Radio, was fired from her post and detained by police

after posting articles online that criticized the central government and provincial leaders.

Journalists who remained in prison included Lu Gengsong, Lu Jianhua, Huang Jinqiu, Yu Huafeng, Li Mingyong, Cheng Yizhong, and Shi Tao. In February Ching Cheong, who had been imprisoned since 2005 on espionage charges, was released unexpectedly. During the year, Li Changqing, former deputy news director of the Fuzhou Ribao, was released after serving his two-year sentence in prison. However, authorities refused to issue Li Changqing a passport, preventing him from traveling overseas to receive the World Association of Newspapers' Gold Pen prize. Authorities stopped Li's wife, Bao Dingling, at Beijing's airport when she attempted to attend the June 2 award ceremony on her husband's behalf.

During the year journalists and editors who exposed corruption scandals frequently faced problems with the authorities. On May 16, police in Heilongjiang Province reportedly detained Ren Shangyan, assistant director of the corruption-monitoring Web site China Justice Advocacy Web (Zhonghua Shenzheng Wang), for her reporting on national and local corruption cases. Newspapers and journalists who reported on corruption without government or party approval faced possible sanction, although authorities allowed reporting on some high-profile cases. On May 13, Qi Chonghuai, a journalist in Shandong Province, was convicted of "extortion and blackmail" and sentenced to four years in prison. Qi was arrested in June 2007 after he and a friend published an article on the Xinhuanet Web site alleging official corruption in the Tengzhou Communist Party. The coauthor of the article, photographer Ma Shiping, remained in jail at year's end. On May 13, He Yanjie, who was working as Qi's research assistant, was sentenced to two years in prison.

According to an official report, during the year authorities confiscated more than 83 million copies of "pornographic, pirated, and unauthorized publications." Some copies of the July 24 edition of the Beijing News were removed from newsstands after the paper printed a photo related to the 1989 Tiananmen Square crackdown. The paper also removed the related story from its Web site.

Officials continued to censor, ban, and sanction reporting on labor, health, environmental crises, and industrial accidents. Official censorship, including strict media controls surrounding the Beijing Olympic Games, prevented timely reporting by Chinese journalists of the discovery of dairy products tainted with the chemical melamine. Authorities later restricted reporting on efforts by parents of children harmed by the tainted products to seek redress through the court system.

By law only government-approved publishing houses were permitted to print books. The State Press and Publications Administration (PPA) controlled all licenses to publish. No newspaper, periodical, book, audio, video, or electronic publication may be printed or distributed without the PPA and relevant provincial publishing authorities' approval of both the printer and distributor. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other sanctions. The CCP exerted control over the publishing industry by preemptively classifying certain topics as off-limits.

During a nationwide teleconference on January 17, party propaganda department head Liu Yunshan ordered officials to step up the campaign against "illegal publications," a term that includes pornography and pirated material, but also any content deemed politically subversive.

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. The censorship process for private and government media also increasingly relied on self-censorship and, in a few cases, post-publication sanctions.

At year's end Korash Huseyin, the former editor of the Uighur-language Kashgar Literature Journal, remained in an undisclosed prison. In late 2004 Huseyin was sentenced to three years for publishing Nurmuhemmet Yasin's short story "Wild Pigeon," which authorities considered critical of CCP rule of Xinjiang. Yasin remained in prison serving a 10-year sentence. Authorities continued to ban books with content they deemed controversial.

The authorities continued to jam, with varying degrees of success, Chinese—, Uighur—, and Tibetan-language broadcasts of the Voice of America (VOA), Radio Free Asia (RFA), and the BBC. English-language broadcasts on VOA generally were not jammed. Government jamming of RFA and BBC appeared to be more frequent and effective. Internet distribution of "streaming radio" news and "podcasts" from these sources often was blocked. Despite jamming overseas broadcasts, VOA, BBC, RFA, Deutsche Welle, and Radio France International had large audiences, including human rights advocates, ordinary citizens, and government officials.

Television broadcasts of foreign news, which were largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. According to an October 18 report by the communication news Web site c114.net, in the first half

of the year authorities confiscated more than 110,000 private satellite dishes and closed over 2,000 vendors of illegal satellite equipment. In the days following the outbreak of the March 14 riots in Lhasa and protests in other Tibetan communities, authorities cut off satellite feeds from the BBC World News and CNN when the stations aired reports about Tibet. Such censorship of foreign broadcasts also occurred around the anniversary of the 1989 crackdown in Tiananmen Square. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive. Authorities banned the May issue of the *Far Eastern Economic Review*, reportedly because of an article headlined, "Beijing Embraces Classical Fascism."

Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. The Government prohibited some foreign and domestic films deemed too sensitive.

Internet Freedom.—During the year the China Internet Network Information Center reported that the number of Internet users increased to 298 million, 91 percent of whom had broadband access. The Government took steps to monitor Internet use, control content, restrict information, and punish those who violated regulations, but these measures were not universally effective. A large number of Internet users used proxy servers to access banned content. During the year political dissidents successfully used Internet instant-messaging technology to hold large-scale, virtual meetings.

The MPS, which monitors the Internet under guidance from the Central Propaganda Department, employed thousands of persons at the national, provincial, and local levels to monitor electronic communications. Xinhua News Agency reported that during the year authorities closed 14,000 illegal Web sites and deleted more than 490,000 items of "harmful" content from the Internet. In 2007 authorities reported closing 62,600 illegal Web sites as part of a nationwide crackdown on "illegal and pornographic" publications. Many Web sites included images of cartoon police officers that warn users to stay away from forbidden content. Operators of Web portals, blog hosting services, and other content providers engaged in self-censorship to ensure their servers were free from politically sensitive content.

Individuals using the Internet in public libraries were required to register using their national identity card. Internet usage reportedly was monitored at all terminals in public libraries. Internet cafes were required to install software that allows government officials to monitor customers' Internet usage. Internet users at cafes were often subject to surveillance. Many cafes sporadically enforced regulations requiring patrons to provide identification.

The Government consistently blocked access to Web sites it deemed controversial, especially those discussing Taiwanese and Tibetan independence, underground religious and spiritual organizations, democracy activists, and the 1989 Tiananmen crackdown. The Government also at times blocked access to selected sites operated by major foreign news outlets, health organizations, foreign governments, and educational institutions. During the year, particularly during the outbreak of unrest in Tibet and the run-up to the Olympic Games, authorities maintained tight control over Internet news and information. Computers set up at the Olympic press center were subject to censorship, and journalists complained that they were unable to visit some overseas Web sites. Following complaints by foreign reporters, many normally blocked Web sites were temporarily available during the games. During the Olympics, authorities temporarily blocked iTunes, reportedly because officials were concerned that Olympic athletes were downloading pro-Tibet songs.

Authorities employed an array of technical measures to block sensitive Web sites based in foreign countries. The ability of users to access sensitive foreign Web sites varied from city to city. Internet police were also able to automatically censor e-mail and web chats based on an ever-changing list of sensitive key words, such as "Falun Gong" and "Tibetan independence." While such censorship was effective in keeping casual users away from sensitive content, it was defeated easily through the use of various technologies. Software for defeating official censorship was readily available inside the country. Despite official monitoring and censorship, during the year some dissidents continued to use voice-over-Internet and instant messaging software, such as Skype, to conduct online meetings and events.

Given the limitations of technical censorship, self-censorship by Internet companies remained the primary means for authorities to restrict speech online. All Web sites are required to be licensed by, or registered with, the Ministry of Information Industry and all Internet content providers inside the country faced the potential suspension of their licenses for failing to adequately monitor users of e-mail, chat rooms, and instant messaging services. The Internet Society of China, a group composed of private and state-run Internet companies, government offices, and aca-

demic institutions, cosponsored a Web site, China Internet Illegal Information Reporting Centre (ciirc.china.cn), which invited members of the public to report illegal online activity. Users were able to use the site to report crimes such as pornography, fraud and gambling, but also “attacks on the party and government.” Self-censorship by blog-hosting services intensified in the weeks before and during the Olympic Games.

An October report by the OpenNet Initiative Asia and the Information Warfare Monitor revealed that TOM—Skype, a Chinese version of the Skype Internet communication software, was logging and saving user messages on to TOM—Skype servers based on the presence of sensitive key words, such as “Communist Party,” “Falun Gong,” and “Taiwan independence.” In response to the report, Skype President Josh Silverman stated that while Skype’s Chinese partner, TOM Online, monitored and blocked certain messages in accordance with Chinese law, the logging and storage of such messages was conducted without Skype’s knowledge.

In January provisions went into effect reiterating licensing requirements for audio— and video-hosting Web sites, requiring them to be state owned or state controlled. In March the Government reported the results of the two-month crackdown on audio and video, as well as online map and geographical information Web sites, reporting that it shut down 25 video Web sites and warned 32 others for, among other things, failing to have the proper license or “endangering the security and interest of the state.” The Government also reported that most of the 10,000 Web sites that provided online maps did so without approval and were subject to closure. In April the Government began a year-long campaign to remove “illegal” maps from the Internet, including those that label Taiwan as a country or fail to note the Government’s territorial claims in the South China Seas, the Diaoyu Island, and the Chiwei Islands.

During the year authorities continued to jail numerous Internet writers for peaceful expression of political views. For example on June 5, authorities in Shanghai detained Feng Zhenghu, a rights defender, online writer, and freelance journalist, on suspicion of “intentionally disturbing public order.” The charges came after Feng published and distributed a list of wrongful convictions handed down by Shanghai courts, along with other writings. Feng was released June 15. On June 27, Sun Lin, a reporter for the foreign-based Web site Boxun, was sentenced to four years in prison for creating social unrest. Sun and his wife He Fang were arrested in May 2007 after Sun wrote articles on sensitive subjects, including crime and police brutality. He Fang was also charged and given a suspended sentence. In July Internet writer Du Daobin was rearrested and ordered to serve the remaining two years of a previously suspended sentence for “inciting subversion of state power.” On July 5, Shanghai PSB officers traveled to Suzhou to arrest 23-year-old blogger Jia Xiaoyin, who later was charged with libel for “spreading rumors” that Yang Jia’s killing of six Shanghai police officers July 1 was “justifiable homicide” because police allegedly had tortured Yang (See Section 1.a). Jia’s parents were not notified of his arrest until mid-October. At year’s end he was awaiting trial. In May Chen Daojun, an Internet writer and environmental activist based in Chengdu, Sichuan Province was arrested, and on November 21 he was sentenced to three years in prison for “inciting subversion of state power.” Chen was arrested after he participated in an environmental protest and posted articles online supportive of Tibetan demonstrators. According to Chen’s lawyer, three of his articles were submitted as evidence that he had attacked the CCP.

According to the PEN American Center, persons who remained in prison as a result of their online writings and activities included: Zhu Yufu (who was sentenced to two additional years in prison), Guo Qizhen, Jin Haike, Kong Youping, Li Zhi, Lu Zengqi, Ning Xianhua, Tao Haidong, Wu Yilong, Xu Wei, Yan Zhengxue, Yang Tongyan, Yang Zili, Yuan Qiuyan, Zeng Hongling, Zhang Jianhong (aka “Li Hong”), Zhang Honghai, Zhang Lin, and Zheng Yichun.

Regulations prohibit a broad range of activities that authorities interpret as subversive or slanderous to the state. Internet Service Providers were instructed to use only domestic media news postings, to record information useful for tracking users and their viewing habits, to install software capable of copying e-mails, and to end immediately transmission of so-called subversive material.

Academic Freedom and Cultural Events.—The Government did not respect academic freedom and increased restrictions on political and social discourse at colleges, universities, and research institutes during the period leading up to and during the Olympics. Scholars and researchers reported varying degrees of control regarding issues they could examine and conclusions they could draw. There were reports that academics who advocated political reform were discouraged from attending academic conferences in the run-up to the Olympics. Others were urged by

their schools to keep a low profile and not publish during the Olympics. Instructors were not allowed to raise certain topics in class, such as the 1989 suppression of the Tiananmen protesters. In July the General Administration of Press and Publication banned the book *The Real DPRK* by writer Yu Yonglie, reportedly in response to complaints from the Government of North Korea.

Authorities canceled university conferences involving foreign and domestic academics on short notice when they deemed the topics too sensitive. Information outreach, educational exchanges, and other cultural and public diplomacy programs organized by foreign governments occasionally were subject to government interference. Foreign experts invited to participate in foreign government-sponsored programs on certain topics were denied visas. During the year the Government imposed new restrictions on cultural expression and banned artists it deemed controversial. In November authorities banned the album "Chinese Democracy" by the band Guns N'Roses, both because of the album title and song lyrics. In March, according to media reports, the State Administration of Radio, Film, and Television (SARFT) issued orders to television stations and print media to pull all advertising featuring the actress Tang Wei, allegedly because of Tang's work in the film *Lust, Caution*, which some officials deemed unpatriotic. In February the General Administration of Press and Publications announced a ban on the sale of horror movie videos. In January SARFT banned the film *Lost in Beijing* and also barred the film's producer from working in the film industry for two years. Prior to the Olympics, customs officials seized a painting by New York-based artist Zhang Hongtu because officials disliked the painting's portrayal of the Olympic "Bird's Nest" stadium.

The Government continued to use political attitudes and affiliations as criteria for selecting persons for the few government-sponsored study abroad programs but did not impose such restrictions on privately sponsored students. The Government and the party controlled the appointment of high-level officials at universities. While party membership was not always a requirement to obtain a tenured faculty position, scholars without party affiliation often had fewer chances for promotion.

Researchers residing abroad also were subject to sanctions, including denial of visas, from the authorities when their work did not meet with official approval. For example, during the year some scholars who contributed to the 2004 book *Xinjiang: China's Muslim Borderland* reported subsequent difficulty obtaining visas.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. The law stipulates that such activities may not challenge "party leadership" or infringe upon the "interests of the state." Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views.

All concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from public security authorities. Although peaceful protests are legal, in practice police rarely granted approval. Despite restrictions, during the year there were many demonstrations, but those with political or social themes were broken up quickly, sometimes with excessive force. Social inequalities and uneven economic development, combined with dissatisfaction over widespread official corruption, increased social unrest. As in past years, the vast majority of demonstrations concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns. Others were provoked by accidents or related to personal petition, administrative litigation, and other legal processes.

On June 28, an estimated 30,000 persons rioted and set fire to government buildings and vehicles in Weng'an, Guizhou Province, after a female middle school student died under mysterious circumstances. On July 19, 400 rubber farmers clashed with police in Menglian County, Yunnan Province. Police fired plastic bullets at the rioters and state media reported two deaths and 54 persons injured, including 41 police officers.

Beijing Olympic organizers designated three parks as special protest zones during the August 8–24 Olympic Games. However, the Beijing PSB did not approve a single application to stage a demonstration, although reportedly 77 persons applied. At least six of those who applied to use the protest zones later were detained and several were returned forcibly to their home provinces. Two elderly women who applied were administratively sentenced to one year of RTL, although authorities later reportedly rescinded these sentences.

Police detained foreign citizens attempting to demonstrate near the Olympic Village or on Tiananmen Square. Most foreign demonstrators were expelled from the country within 24 hours.

During the Olympics Beijing-based dissidents were forced to leave the city, placed under house arrest, or subjected to 24-hour police surveillance. Many reported that in the weeks leading up to the opening ceremony, they were visited by state security officials who warned them to keep a low profile. Some dissidents were also warned against granting media interviews.

Persons petitioning the Government continued to face restrictions on their rights to assemble and raise grievances. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial "letters and visits" offices.

Efforts to rid Beijing of petitioners resulted in heightened harassment, detention, incarceration, and restrictions on rights to assemble and raise grievances. During the year police in Beijing stepped up a campaign to rid the capital of petitioners before the Olympics. As the Olympics approached, Beijing hotels reportedly were pressured by police not to rent rooms to petitioners. Police from provinces across the country dispatched officers to the capital to apprehend petitioners from their jurisdictions. During the Olympics police cars from numerous provinces were seen near the offices of the State Bureau of Letters and Calls, the primary government agency responsible for receiving petitions. Police were also stationed outside the Beijing municipal letters and calls office. In December the Beijing News newspaper reported that authorities in Xintai, Shandong Province, had been abducting petitioners and confining them to mental hospitals and that some petitioners were reportedly force fed drugs. Officials from Nanyang City, Henan Province, reportedly operated a "black" or illegal jail in Beijing to detain Nanyang petitioners arriving in the capital to press grievances for property claims, police brutality, and official corruption. An official at the "black jail" reportedly stated that the detention site operated with central government permission.

Although regulations banned retaliation against petitioners, reports of retaliation continued. This was partly due to incentives provided to local officials by the central government to prevent petitioners in their regions from raising complaints to higher levels. Incentives included provincial cadre evaluations based in part on the number of petitions from their provinces. This initiative aimed to encourage local and provincial officials to resolve legitimate complaints but also resulted in local officials sending security personnel to Beijing and forcibly returning the petitioners to their home provinces. Such detentions occurred before and after the enactment of the new regulations and often went unrecorded.

Freedom of Association.—The law provides for freedom of association, but the Government restricted this right in practice. CCP policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. In practice these regulations prevented the formation of truly autonomous political, human rights, religious, spiritual, labor, and other organizations that might challenge government authority.

The Government maintained tight controls over civil society organizations and in recent years heightened legal restraints and surveillance aimed at controlling them, particularly in the run-up to the Olympics. A government task force aimed at blocking NGOs involved in social, political and charitable activities, and groups dedicated to combating discrimination against women, persons with disabilities, and minorities from fomenting political change.

To register, an NGO must find a government agency to serve as its organizational sponsor, have a registered office, and hold a minimum amount of funds. Some organizations with social or educational purposes that previously had been registered as private or for-profit businesses reportedly were requested to find a government sponsor and reregister as NGOs during the year. Although registered organizations all came under some degree of government control, some NGOs were still able to operate with some degree of independence.

The number of NGOs continued to grow, despite tight restrictions and regulations. According to official statistics, by the end of 2007 there were 387,000 registered NGOs, a 9.3 percent increase from 2006. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP. The lack of legal registration created numerous logistical challenges for NGOs, including difficulty opening bank accounts, hiring workers, and renting office space. To register, private NGOs often had to partner with government agencies, while other NGOs chose to register as commercial consulting companies, which allowed them to obtain legal recognition at the cost of forgoing tax-free status. Security authorities routinely warned domestic NGOs, regardless of their registration status, not to accept donations from the National Endowment for Democracy and international organizations deemed sensitive by the Government. Authorities supported the growth of some NGOs that focused on social problems, such as poverty

alleviation and disaster relief, but authorities remained concerned that these organizations might emerge as a source of political opposition among disgruntled citizens. Several NGOs working in Tibetan areas were forced to delay some activities following the outbreak of riots in Lhasa and other Tibetan communities in March.

No laws or regulations specifically govern the formation of political parties. But the CDP remained banned, and the Government continued to monitor, detain, and imprison current and former CDP members.

c. Freedom of Religion.—The constitution and laws provide for freedom of religious belief and the freedom not to believe, although the constitution only protects religious activities defined as “normal.” The Government sought to restrict legal religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of both registered and unregistered religious groups, including house churches. To be considered legal, religious groups must register with a government-affiliated patriotic religious association (PRA) associated with one of the five recognized religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism. The PRAs supervised the activities of each of these religious groups and liaised with government religious affairs authorities charged with monitoring religious activity. The Government tried to control and regulate religious groups, particularly unregistered groups, and repression and harassment of unregistered religious groups intensified in the run-up to the Olympics. Nonetheless, freedom to participate in religious activities continued to increase in many areas. Religious activity grew not only among the five main religions, but also among the Eastern Orthodox Church and folk religions.

The Government’s repression of religious freedom intensified in Tibetan areas and in the XUAR. Authorities reportedly requested that some house church groups in Beijing, including those with large congregations, those that were high-profile, or those located near Olympic venues, suspend meetings during the Olympic Games and Paralympic Games, although few groups reported that this request was enforced. Authorities reportedly asked some Beijing area house church leaders to sign a written agreement not to meet, although there were no confirmed instances in which any church leaders were required to sign the document. Beijing authorities reportedly closed or requested a very small number of unregistered groups to stop meeting during the Olympic Games and Paralympic Games, although at least one large group ignored the request with impunity. Officials detained and interrogated several foreigners about their religious activities and in several cases alleged that the foreigners had engaged in “illegal religious activities” and cancelled their visas. Officials in the XUAR, the TAR, and other Tibetan areas tightly controlled religious activity. Followers of Tibetan Buddhism, including those in the Inner Mongolian Autonomous Region and most Tibetan autonomous areas, faced more restrictions on their religious practice and ability to organize than Buddhists in other parts of the country. The “patriotic education” campaigns in the TAR and other Tibetan regions, which often required monks and nuns to sign statements denouncing the Dalai Lama, and other new restrictions on religious freedom were major factors that led monks and nuns to mount peaceful protests at a number of monasteries on March 10. The protests and subsequent security response gave way to violence in Lhasa and other Tibetan communities by March 14 and 15. “Underground” Roman Catholic clergy faced repression. The Government continued to repress groups that it designated as “cults,” which included several Christian groups and Falun Gong.

Government officials stated that the five PRAs were the only groups registered as religious organizations under the Regulations on Social Organizations, which are administered by the Ministry of Civil Affairs and cross-referenced under the regulations on religious affairs (RRA). The RRA states that all religious venues are required to register with the State Administration for Religious Affairs (SARA) or its provincial or local offices, which are known as Religious Affairs Bureaus (RABs). SARA and the RABs were responsible for monitoring and judging whether religious activity was “normal” and therefore lawful. SARA and the CCP’s United Front Work Department provided policy guidance and supervision over implementation of government regulations on religious activity.

The RRA and supplementary regulations issued between 2005 and 2007 provide some legal advantages and protections for activities in registered religious venues. Inability to register under the RRA deprived groups of the ability to hold funds in their own names and enter lease contracts. Vague language and inconsistent implementation limited the effectiveness of these regulations even for registered groups, and the legal protections remain limited in scope, conditioned on government approval, and applicable only to state-sanctioned religions.

The law requires religious groups to register religious venues, although many thousands of religious groups did not register. Spiritual activities in religious venues

that have not registered may be considered illegal and participants can be punished. Government officials stated that private homes where family and friends gather to study the Bible would not be required to register. Clergy did not have to be approved by the Government but had to be reported to the Government after being selected pursuant to the rules of the relevant government-affiliated religious association. Reports of government pressure on religious groups to register or to come under the supervision of official religious organizations continued during the year. Various unofficial groups reported that authorities refused them registration without explanation or that they were denied registration because of their failure to affiliate with a PRA or to employ PRA-approved clergy. The Government acknowledged that only those groups associated with a PRA would be allowed to register a religious venue. Some religious groups were reluctant to comply with the regulations out of principled opposition to state control of religion. In the past some groups expressed a fear of adverse consequences if they revealed, as required, the names and addresses of church leaders and members. Members of some house church groups reported that they did not want to become a registered meeting point or venue of a state-approved church, because they would not be able to administer communion or baptism and would not be able to choose their own clergy.

Local authorities' handling of unregistered Protestant groups varied in different regions of the country. In some regions unregistered groups or house churches with hundreds of members met openly, with the full knowledge of local authorities, who characterized the meetings as informal gatherings. In other areas meetings of more than a handful of family members and friends were strictly proscribed. Leaders of unauthorized groups were sometimes the target of abuse. Authorities disrupted church meetings and retreats; detained, beat, and harassed leaders and church members; and confiscated the personal property of church leaders and members. Unregistered groups were more likely to encounter difficulties when their membership was large or when they forged links with other unregistered groups or foreign organizations. Unregistered groups also faced increased scrutiny from authorities when they engaged in discussions of legal or political activism.

In June several prominent Christians were harassed, placed under surveillance, restricted to their homes, or forced to leave Beijing during the visit of a delegation of foreign officials. These individuals included religious freedom attorneys Li Baiguang and Li Heping, Christian writer Yu Jie, and pastor Zhang Mingxuan and his wife. Zhang Mingxuan was detained on and off for the last six months of the year, including during the Olympics and during a celebration to commemorate the third anniversary of the China House Church Alliance (CHCA). Security officials in Beijing also severely beat his sons, Zhang Jian and Zhang Chuang, and detained Zhang's wife and sister-in-law. Authorities also pressed Zhang to sign a document agreeing to abolish the CHCA, and when Zhang refused and attempted to file an administrative statement of complaint, the court refused to accept his case.

During the year there were numerous reports of detention and harassment of unregistered Protestant groups. On November 5, pastor Lou Yuanqi was tried for using superstition in violation of the criminal law. He was accused of organizing people in his residence to preach religion, contacting overseas individuals and organizations, and providing them with false information to influence international opinion.

On June 24, the Government extended the detention of Beijing bookstore owner Shi Weihuan, who was taken into police custody on March 19, for two months. Shi was initially detained in November 2007 for the illegal publication of Bibles and Christian literature, but authorities released him in January due to "insufficient evidence." PSB officials reportedly denied him contact with his family since March, and Shi was not granted access to his lawyer until April.

On May 27, the Kashgar District Intermediate People's Court, XUAR, tried Alimujiang Yimiti, a Uighur Christian employed by a foreign-owned company, on the charge of "endangering national security." The court sent Yimiti's case back to prosecutors due to "insufficient evidence," yet reportedly had not released him at year's end. Yimiti had been arrested in January on charges of engaging in illegal religious activities "in the name of business" and preaching Christianity to ethnic Uighurs. On May 11, authorities disrupted a worship service at the unregistered Shouwang Church in Beijing and ordered church members to stop meeting prior to the Olympics. However, Shouwang Church continued to meet before and during the Olympics and the Government did not interfere again. Officials had previously rejected multiple attempts by the church to register.

The Government permitted registered and unregistered religious groups to play a larger role in providing social services. Some groups were permitted to provide assistance in response to natural disasters, including the May earthquake in Sichuan Province.

Harassment of unregistered Catholic bishops, priests, and laypersons continued, including government surveillance and detentions. On August 24, officials reportedly detained 74-year-old Jia Zhiguo, an underground bishop of the diocese of Zhengding, Hebei Province. There was no new information about unregistered Bishop Su Zhimin, who remained unaccounted for since his reported detention in 1997.

The Catholic Patriotic Association did not recognize the authority of the Holy See to appoint bishops. However, it allowed the Vatican's discreet input in selecting some bishops.

The distinction between the official Catholic Church, which the Government controlled politically, and the unregistered Catholic Church has blurred over time. In some official Catholic churches, clerics led prayers for the pope, and pictures of the pope were displayed. An estimated 90 percent of official Catholic bishops have reconciled with the Vatican. Likewise, the large majority of Catholic bishops appointed by the Government have received official approval from the Vatican through "apostolic mandates."

Traditional folk religions, such as Fujian Province's "Mazu Cult," were still practiced in some locations. They were tolerated to varying degrees, often seen as loose affiliates of Taoism or as ethnic minority cultural practices. However, the Government labeled folk religions "feudal superstition" and sometimes repressed them. An administrative division at SARA was responsible for the activities of folk religions and religions outside the main five, including the Eastern Orthodox Church and the Church of Jesus Christ of Latter-day Saints.

Buddhists made up the largest body of organized religious believers. The traditional practice of Buddhism continued to expand among citizens in many parts of the country. However, in Tibetan areas, the level of repression of Tibetan Buddhists increased significantly during the year, especially following the outbreak of protests across the Tibetan Plateau in the spring.

Press and NGO reports suggested that continued tight government controls on religious practices and places of worship in Tibetan areas was a major factor contributing to the widespread protests that began in March. Although authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence, including worshipping the Dalai Lama.

Following violent protests in Lhasa on March 14 and 15, authorities locked down many monasteries across Tibetan areas and detained and physically abused an unknown number of monks and nuns, or expelled them from their monastery. The Government expanded and intensified patriotic education campaigns in monasteries and nunneries, prompting additional rounds of protests through June. At year's end some of the monasteries in Tibetan areas remained closed. Following the outbreak of demonstrations in Tibetan areas in March, government officials and representatives of the Dalai Lama held three rounds of discussions in May, July, and November, with no progress.

The Government tightly controlled the practice of Islam, and official repression of Uighur Muslims in the XUAR increased. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in the XUAR. Measures to tighten control over religion in XUAR included increasing surveillance of mosques, religious leaders, and practitioners; detaining and arresting persons engaged in unauthorized religious activities; curbing illegal scripture readings; and increasing accountability among implementing officials. On August 5, authorities in Kashgar reportedly issued accountability measures to local officials responsible for high-level surveillance of religious activity in the region. Also in August in Kashgar, authorities called for enhancing controls of groups that included religious figures as part of broader CCP measures of "prevention" and "attack." Authorities in Hotan reportedly restricted women from wearing head coverings (Hijab) in government offices. Coupled with news of a proposed government ban on headscarves, this led to large protests in March. In addition some men were required to shave their beards.

The Government reportedly continued to limit access to mosques, detain citizens for possession of unauthorized religious texts, imprison citizens for religious activities determined to be "extremist," pressure Muslims who were fasting to eat during Ramadan, and confiscate Muslims' passports to strengthen control over Muslim pilgrimages. Following violent clashes in western Xinjiang during the Olympic Games, XUAR authorities imposed widespread detentions, restricted movement within the XUAR, and established curfews in some cities. XUAR party secretary Wang Lequan declared in September that the XUAR government would carry out "preemptive attacks," implement "antiseparatist reeducation" across the region, and increase policing of religious groups.

XUAR authorities maintained the most severe legal restrictions in the country on children's right to practice religion. Authorities continued to prohibit the teaching of Islam outside the home to elementary- and middle-school-age children in some areas, and children under the age of 18 were prohibited from entering mosques. In August authorities reportedly forced the return of Uighur children studying religion in another province and detained them in the XUAR for engaging in "illegal religious activities."

According to procuratorial officials, XUAR authorities arrested nearly 1,300 persons on state security charges during the first 11 months of the year. Authorities approved the prosecution of 1,154 of these individuals for committing one or more of the "three evils" of terrorism, separatism, and extremism. This was a dramatic increase from 2007, when the number of individuals arrested for state security crimes nationwide was 744.

Authorities reserved the right to censor imams' sermons, and imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion. Certain Muslim leaders received particularly harsh treatment. Authorities in some areas conducted monthly political study sessions for religious personnel, which, according to one CCP official who took part in a study session, called for "creatively interpreting and improving" religious doctrine. Authorities also reportedly tried to restrict Muslims' opportunities to study religion overseas. The China Islamic Conference required religious personnel to study "new collected sermons" compiled by an Islamic Association of China (IAC) committee, including messages on patriotism and unity aimed at building a "socialist harmonious society." In contrast to the heavy-handed approach to Muslims in the XUAR, officials in Ningxia, Gansu, Qinghai, and Yunnan Provinces did not interfere heavily in Muslims' activities.

In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, teachers, professors, and university students in the XUAR were sometimes not allowed to practice religion openly. Authorities imposed restrictions on state employees' observance of Ramadan and prohibitions on closing restaurants during periods of fasting. A local party secretary, Zhang Zhengrong, reportedly called on schools to strengthen propaganda education during Ramadan and to put a stop to activities including fasting and professing a religion. The Kashgar Teachers College reportedly implemented a series of measures to prevent students from observing Ramadan, including imposing communal meals and requiring students to obtain permission to leave campus. School authorities also made students gather for a school assembly at a time of day coinciding with Friday prayers.

The Government took steps to prevent Muslims from traveling on unauthorized pilgrimages. The Government continued to enforce a policy barring Muslims from obtaining hajj visas outside of China. The Government published banners and slogans discouraging hajj pilgrimages outside those organized by the IAC. Foreign media reported that XUAR officials confiscated the passports of Uighur Muslims in some areas to prevent unauthorized hajj pilgrimages. Government officials in some areas also arbitrarily detained Muslims to prevent them from going on the hajj, required them to show that their hajj travel funds were not borrowed from other sources, required them to pay a large deposit to retrieve their passports for overseas travel, and required them to pass a health test.

Official reports noted that 11,900 Muslims traveled to Mecca during the year for the hajj pilgrimage. This figure did not include participants who were not organized by the Government, for whom there were no official estimates but who numbered in the thousands in previous years.

The law does not prohibit religious believers from holding public office; however, party membership is required for almost all high-level positions in government, state-owned businesses, and many official organizations.

Despite regulations encouraging officials to be atheists, some party officials engaged in religious activity, most commonly Buddhism or a folk religion but also Christianity. The NPC included several religious representatives. Religious groups also were represented in the CPPCC, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial governments. CPPCC Standing Committee vice chairmen included Pagbalha Geleg Namgyal, a Tibetan reincarnate lama, and Cao Shengjie, president of the China Christian Council.

The authorities continued a general crackdown on groups considered to be "cults." These "cults" included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as qigong groups), but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine.

Actions against members of such groups continued during the year. Police also continued efforts to close down the underground evangelical group Shouters, an off-

shoot of a pre-1949 indigenous Protestant group. Government action against the South China Church continued.

Public Falun Gong activity in the country remained negligible, and practitioners based abroad reported that the Government's crackdown against the group continued. In the past the mere belief in the discipline (even without any public practice of its tenets) sometimes was sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Falun Gong sources estimated that since 1999 at least 6,000 Falun Gong practitioners have been sentenced to prison, more than 100,000 practitioners have been sentenced to RTL, and almost 3,000 have died from torture while in custody. Some foreign observers estimated that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in RTL camps, while Falun Gong sources overseas placed the number even higher.

Over the past several years, Falun Gong members identified by the Government as "core leaders" were singled out for particularly harsh treatment. More than a dozen Falun Gong members were sentenced to prison for the crime of "endangering state security," but the great majority of Falun Gong members convicted by the courts since 1999 were sentenced to prison for "organizing or using a sect to undermine the implementation of the law," a less serious offense. Most practitioners, however, were punished administratively. Some practitioners were sentenced to RTL. Some Falun Gong members were sent to "legal education" centers specifically established to "rehabilitate" practitioners who refused to recant publicly their belief voluntarily after their release from RTL camps. Government officials denied the existence of such "legal education" centers. In addition hundreds of Falun Gong practitioners were confined to mental hospitals, according to overseas groups.

Police continued to detain current and former Falun Gong practitioners and used possession of Falun Gong material as a pretext for arresting political activists. The Government continued its use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to RTL camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

The Government supported atheism in schools. Authorities in many regions barred school-age children from attending religious services at mosques, temples, or churches and prevented them from receiving religious education outside the home.

Official religious organizations administered local religious schools, seminaries, and institutes to train priests, ministers, imams, Islamic scholars, and Buddhist monks. Students who attended these institutes had to demonstrate "political reliability," and all graduates had to pass an examination on their political, as well as theological, knowledge to qualify for the clergy. The Government permitted registered religions to train clergy and allowed an increasing number of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies, but some religion students had difficulty getting passports or obtaining approval to study abroad. In most cases foreign organizations provided funding for such training programs.

Although Bibles and other religious texts were available in most parts of the country, the Government tightly regulated the publication of religious texts and prohibited individuals from printing religious material.

In 2007, XUAR authorities also confiscated 25,000 illegal religious publications. The Xinjiang People's Publication House was the only publisher officially permitted to print Muslim literature.

The supply of Bibles was adequate in most parts of the country, but some members of underground churches complained that the supply and distribution of Bibles, especially in rural locations, was inadequate. Individuals could not order Bibles directly from publishing houses. Customs officials continued to monitor for the "smuggling" of religious materials into the country. Authorities in a few areas reportedly sometimes confiscated Bibles, Korans, and other religious material. In August Kunming officials confiscated 315 Bibles that four foreign citizens imported into the country. The Bibles were returned when the visitors departed China.

Societal Abuses and Discrimination.—There were no reports of societal abuses of religious practitioners or anti-Semitic acts during the year. The Government does not recognize Judaism as an ethnicity or religion.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country,

foreign travel, emigration and repatriation; however, the Government generally did not respect their rights in practice. Authorities heightened restrictions periodically, particularly curtailing the movement of individuals deemed politically sensitive before key anniversaries and visits of foreign dignitaries, and to forestall demonstrations. Freedom of movement was extremely limited in the TAR and other Tibetan areas following the protests and unrest in March. Police checkpoints were established in most counties and on roads leading into many towns, as well as within major cities such as Lhasa. The Government continued to consider all North Koreans “economic migrants” rather than refugees, and the UN High Commissioner for Refugees (UNHCR) continued to have limited access to North Korean refugees inside China. The lack of access to UNHCR-supported durable solutions and options, as well as constant fear of forced repatriation by authorities, left North Korean refugees vulnerable to human traffickers. Even refugees under UNCHR care were subjected to harassment and restrictions by authorities.

Although the Government maintained restrictions on the freedom to change one’s workplace or residence, the national household registration system (*hukou*) continued to change, and the ability of most citizens to move within the country to work and live continued to expand. Rural residents continued to migrate to the cities, where the per capita disposable income was more than four times the rural per capita income, but many could not officially change their residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits that could be issued, and all workers, including university graduates, had to compete for a limited number of such permits. It was particularly difficult for peasants from rural areas to obtain household registration in more economically developed urban areas.

The household registration system added to the difficulties rural residents faced even after they relocated to urban areas and found employment. The Ministry of Human Resources and Social Security (MOHRSS) reported that there were approximately 230 million migrant workers from rural areas engaged in wage employment in urban areas. These economic migrants lacked official residence status in cities, and it was difficult for them to gain full access to social services, including education, despite laws, regulations, and programs meant to address their needs. Furthermore, law and society generally limited migrant workers to types of work considered least desirable by local residents, and such workers had little recourse when subject to abuse by employers and officials. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported that it was difficult to qualify for these benefits in practice.

Under the “staying at prison employment” system applicable to recidivists incarcerated in RTL camps, authorities denied certain persons permission to return to their homes after serving their sentences. Some released or paroled prisoners returned home but were not permitted freedom of movement.

The Government permitted legal emigration and foreign travel for most citizens. There were reports that some academics faced travel restrictions around the year’s sensitive anniversaries, particularly the anniversary of the Tiananmen Square massacre and the Olympics. Most citizens could obtain passports, although those whom the Government deemed threats, including religious leaders, political dissidents, and ethnic minorities were refused passports or otherwise prevented from traveling overseas. In March prominent human rights lawyer Teng Biao told reporters that authorities seized his passport. On May 14, the Chaoyang People’s Court in Beijing upheld an administrative decision that barred Yuan Weijing, the wife of lawyer Chen Guangcheng, from leaving the country in August 2007 to receive an award on her imprisoned husband’s behalf. In July Tsering Woeser, a well-known Tibetan writer, filed a lawsuit against the Government for denying her a passport for more than three years.

The law neither provides for a citizen’s right to repatriate nor otherwise addresses exile. The Government continued to refuse reentry to numerous citizens who were considered dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad were allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists residing abroad were imprisoned upon their return to the country.

Some 2,445 Tibetans reportedly fled Tibetan areas for India in 2006, most of them teenagers and novice monks and nuns seeking religious education. Police vowed to “strike hard” against such border crossings as part of a campaign against “separatists.” The Government continued to try to prevent many Tibetans from leaving and detained many who were apprehended in flight (see Tibet Addendum). By year’s end Tibetan arrivals in the UNHCR reception center in Kathmandu were down to 550, a 75 percent decrease from 2,164 in 2007. The biggest disparities in arrivals oc-

curred during the heavily trafficked fall and winter months when border security historically has been weak. Decreased flows were attributed to tightened security across Tibet, along the border and inland, in the wake of the Lhasa crackdown in March.

Protection of Refugees.—Although the country is a signatory of the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of refugee or asylum status. The Government largely cooperated with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. During the year the Government and UNHCR continued ongoing discussions concerning the granting of citizenship to these residents. However, the Government continued to deny the UNHCR permission to operate along its northeastern border with North Korea.

In practice the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year, reportedly in preparation for the Olympics, authorities stepped up efforts to locate, detain, and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed. Police in Yanbian reportedly offered an award of RMB 2,000 (\$292) to RMB 2,700 (\$395) for turning over North Koreans. Some North Koreans were permitted to travel to third countries after they entered diplomatic compounds in the country. The intensified crackdown against North Korean refugees reportedly extended to harassment of religious communities along the border. The undocumented children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access to health care and other social services. The Government also arrested and detained individuals who provided food, shelter, transportation, and other assistance to North Koreans. According to reports, some activists or brokers detained for assisting North Koreans were charged with human smuggling, and in some cases the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated clandestinely within the country to forcibly repatriate North Korean citizens.

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

The law does not provide citizens with the right to change their government peacefully, and citizens cannot freely choose or change the laws and officials that govern them. The CCP continued to control appointments to positions of political power.

Elections and Political Participation.—According to the law, the NPC is the highest organ of state power. Formally the NPC, composed of 2,987 deputies, elects president and vice president, the premier and vice premiers, and the chairman of the State Central Military Commission. In practice the NPC Standing Committee, which is composed of 175 members, oversaw these elections and determined the agenda and procedure for the NPC. The NPC Standing Committee remained under the direct authority of the CCP's nine-member Politburo Standing Committee. Despite its broad authority under the state constitution, the NPC does not have power to set policy independently or remove political leaders without the party's approval. At the March NPC plenary session, Hu Jintao was reelected to a five-year term as president; Xi Jinping was elected vice president.

All of the country's approximately one million villages were expected to hold competitive, direct elections for members of local village committees, which were sub-government organizations. The direct election of officials by ordinary citizens remained narrow in scope and strictly confined to the local level. The Government estimated that one-third of all elections had serious procedural flaws. Corruption, vote buying, and interference by township-level and party officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.

Although the law includes a provision for recalling village committee members, local implementing regulations proved sufficiently vague or cumbersome so as to prevent most attempted recalls. In cases of alleged corruption, a handful of local legislative deputies, but not village heads, were recalled.

The election law governs legislative bodies at all levels. Under this law, citizens have the opportunity to vote for local people's congress representatives at the county level and below, although in most cases the nomination of candidates in those elections was strictly controlled by the party. Legislators selected people's congress delegates above the county level. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently as

the head of the local people's congress, thus strengthening party control over legislatures.

In 2006 and 2007 independent candidates not selected by local authorities ran or attempted to run in CPC elections held across the country. While a small number of independents were elected in some areas, local officials reportedly exerted manipulation and pressure to prevent others from winning. Local police detained and monitored independent candidates, seized campaign materials, and intimidated supporters, family members, and friends. Some activists also alleged that vote counts were rigged to ensure defeat.

Although the CCP controlled appointments of officials to government and party positions at all levels, some township, county, and provincial elections featured experiments with increased competition, including self-nomination of candidates, campaign speeches by candidates, public vetting of nominees, and a two-tiered indirect election system. State-run media reported in April that 16 candidates used a live television debate format while running for four Nanjing municipal government positions. Each of the candidates, including a nonparty member, gave a speech and answered questions. A studio audience of more than 240 commented and voted on candidates. Candidates with the most votes were recommended to the Nanjing Municipal Party Committee for final selection.

Official statements asserted that "the political party system China has adopted is multiparty cooperation and political consultation under" the CCP leadership. However, the CCP retained a monopoly on political power and forbade the creation of new political parties. The Government recognized nine parties founded prior to 1949, but not the CDP, an opposition party founded in 1998 and subsequently declared illegal. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP's founders, Qin Yongmin, who was imprisoned in 1998, remained in prison at year's end, as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. More than 30 current or former CDP members reportedly remained imprisoned or held in RTL camps, including Chen Shuqing, Zhang Lin, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun.

The Government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions of significant influence in the CCP or government structure. There was one female member of the CCP's 25-member Politburo, who also concurrently served as one of five state councilors. During the year women headed three of the country's 27 ministries.

The Government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning.

Minorities, who made up approximately 8.4 percent of the population, constituted 13.9 percent of the NPC. All of the country's 55 officially recognized minority groups were represented in the NPC membership. The 17th Communist Party Congress elected 40 members of ethnic minority groups as members or alternates on the Central Committee. The only ministerial-level post held by an ethnic minority was the ethnic affairs post, and there was one ethnic minority, Vice Premier Hui Liangyu, on the Politburo. Minorities held few senior party or government positions of significant influence.

Government Corruption and Transparency.—Corruption remained an endemic problem. The National Audit Office in 2007 found that 56 ministerial level departments and their affiliates made unauthorized use of RMB 6.87 billion (approximately \$1 billion) during the first 11 months of the year. During the year a report delivered to the NPC by the National Audit Office stated that in 2007 the office audited 53 departments at the central level and 368 affiliated organs, and that RMB 46.37 billion (approximately \$6.78 billion) had been misused. Corruption plagued courts, law enforcement agencies, and other government agencies.

During the year the courts and party agencies took disciplinary action against many public and party officials. In the first five months of the year, prosecutors filed and investigated 20,294 cases of embezzlement, bribery, or dereliction of duty, down 9.6 percent from the same period in 2007. From December 2002 to June 2007, the CCP's CDIC reported that 518,484 party members were punished for breaking party discipline. From November 2007 to November, 151,000 party officials and cadres were disciplined. Of the 4,960 persons who were at or above director level, 801 were transferred to judicial organs for investigation of possible violations of law.

The Government experimented with various forms of public oversight of government, including telephone hot lines and complaint centers, administrative hearings, increased opportunity for citizen observation of government proceedings, and other

forms of citizen input in the local legislative process, such as hearings to discuss draft legislation. Citizens continued to file administrative lawsuits to seek legal redress against government malfeasance. According to official statistics, 101,510 administrative lawsuits were filed against the Government in 2007, slightly more than in the previous year. Petitioning officials directly and outside the court system was also a common avenue used by citizens to redress grievances.

The national regulations on the disclosure of government information went into effect on May 1. The regulations seek to ensure access to government information in accordance with the law, enhance government transparency, promote law-based government administration, and foster open access to government information for use in the service of the people's productivity and livelihood in social and economic activities. According to a state council official, the regulations attempt to protect "the public's right to know, the right to participate, and the right to supervise," and seek to "curb corruption at its source, largely reducing its occurrence."

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

The Government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and prevent what it has called the "westernization" of the country. The Government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed. The Government tended to be suspicious of independent organizations and increased scrutiny of NGOs with links overseas. Most large NGOs were quasigovernmental, and all NGOs had to be sponsored by government agencies.

An informal network of activists around the country continued to serve as a credible source of information about many human rights violations. The information was disseminated through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy and the foreign-based Human Rights in China.

The Government remained reluctant to accept criticism of its human rights record by other nations or international organizations. It criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country's internal affairs. Representatives of some international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them. The Government-established China Society for Human Rights is an NGO whose mandate is to defend the Government's human rights record. The Government maintained that each country's economic, social, cultural, and historical conditions influence its approach to human rights. Many domestic and international NGOs were required to suspend meetings and other activities around the Olympics. Some foreign NGO employees reported difficulty obtaining and renewing visas during the period leading up to the Olympics.

The ICRC operated an office in Beijing, but the Government did not authorize the ICRC to visit prisons. The Government continued unofficial discussions on human rights and prisoner issues with a foreign-based human rights group, although the Government's cooperation with the group was not as extensive as in previous years.

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

There were laws designed to protect women, children, persons with disabilities, and minorities. However, in practice some discrimination based on ethnicity, gender, and disability persisted.

Women.—Rape is illegal, and some persons convicted of rape were executed. The law does not recognize expressly or exclude spousal rape. According to official statistics, 31,833 cases of rape were reported to police in 2007, down from 32,352 cases in 2006. In June media reports indicated that riots erupted in the Southwest over what was seen as a cover-up by police of a schoolgirl's rape and murder. Police arrested up to 200 protesters who claimed that police were attempting to protect the suspect of the crime, reportedly the son of a local politician. The protests became violent when it became known that the 15-year-old girl's uncle died, allegedly due to police beatings after questioning the police's conclusion that his niece had committed suicide.

Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the criminal law, marriage law, and other laws on public security provide for mediation and administrative penalties in cases of domestic violence. Critics asserted that these penalties are vague and lack specific measures for implementation.

Although the NPC amended the Law on the Protection of Women's Rights specifically to prohibit domestic violence in 2005, critics complained that the provision

failed to define domestic violence. According to media reports, approximately 30 percent of families suffered from domestic violence, while 90 percent of the victims were women and children. The All—China Women's Federation (ACWF) reported that it received some 300,000 letters per year complaining about general family problems, mostly involving domestic violence. In 2007 ACWF reported that it received approximately 40,000 specific complaints about domestic violence, more than double the number received in 2000. The actual incidence was believed to be higher because spousal abuse largely went unreported. ACWF also reported that approximately one-quarter of the 400,000 divorces registered each year were the result of family violence. According to experts, domestic abuse was more common in rural areas than in urban centers. An ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police.

In response to an increased awareness of domestic violence, there were a growing number of shelters for victims. During the year the ACWF reported 27,000 legal aid service centers, 12,000 special police booths for domestic violence complaints, 400 shelters for victims of domestic violence, and 350 examination centers for women claiming to be injured by domestic violence had been established nationwide. Most shelters were government run, although some included NGO participation.

In August a District Court in Wuxi, Jiangsu Province, issued a precedent-setting court order on the protection of personal safety, prohibiting a husband from intimidating or beating his wife who had tried to divorce him and who, he claimed, had not provided him with a son. A second, similar order was issued in September at a District Court in Changsha, Hunan Province. The two protection orders were based on guidance issued by the SPC in May, intended for rulings on family cases involving domestic violence. Building on lessons learned at the provincial level and placing an emphasis on protection of victims, the recommendations addressed a range of issues affecting domestic violence cases, including typical behavior patterns of the offender and victim, protection of victims during trial, testimony of children, and special considerations for evidence collection, as well as effective mediation techniques to be used in such cases.

Experts pointed out that in addition to the new guidance, 25 of 33 provinces and administrative regions have adopted their own legislation to combat domestic violence. In July seven ministries, including the MPS, the Ministries of Civil Affairs and Health, as well as the ACWF issued new guidelines on the prevention and elimination of domestic violence, which lay out specific actions to be taken to raise awareness of the issue, properly handle domestic violence cases, protect victims, and provide legal assistance where needed.

The law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local birth-planning officials using physical coercion to meet government goals (*See* Section 1.f.). Such practices required the use of birth control methods (particularly intrauterine devices and female sterilization, which according to government statistics, accounted for more than 80 percent of birth control methods employed), and the abortion of certain pregnancies.

Although prostitution is illegal, experts estimated that between 1.7 million and 6 million women were involved in prostitution in the country. According to state-run media, one out of every five massage parlors in the country was involved in prostitution, with the percentage higher in cities. In December Xinhua reported that, according to Beijing's municipal health bureau, only 47 percent of Beijing's 90,000 sex workers used condoms. The report also mentioned that sexual transmission surpassed intravenous drug use as the primary method of infection, which accounted for 55 percent of all HIV transmissions in the capital.

Although the Government made some efforts to crack down on the sex trade, media reports claimed that some local officials were complicit in prostitution, owned prostitution venues, or received proceeds from such businesses. Prostitution involved organized crime groups and businesspersons as well as the police and the military. According to official statistics, 94,687 cases involving prostitution were investigated by police in 2007. Courts prosecuted persons who organized or procured prostitutes, but actions to curtail prostitution had limited results.

After the Law on the Protection of Women's Rights was amended in 2005 to include a ban on sexual harassment, the number of sexual harassment complaints increased significantly. In June a court in Chengdu sentenced a manager from a high-tech firm to five months in prison for molesting a female employee, marking the first sexual harassment conviction in the country.

The constitution states "women enjoy equal rights with men in all spheres of life." The Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. The ACWF

was the leading implementer of women's policy for the Government, and the State Council's National Working Committee on Children and Women coordinated women's policy. Nonetheless, many activists and observers were concerned that the progress made by women over the past 50 years was eroding. They asserted that the Government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability.

Women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. In 2007 the ACWF reported that female migrant workers, comprising more than 30 percent of all migrant workers in the country, faced numerous challenges in the workplace. The survey found that female migrant workers lacked legal protection (more than 50 percent had no labor contract, compared with 40 percent of male migrants), had long working hours (more than 40 percent worked nine to 10 hours a day while 24.8 percent worked more than 11 hours a day), earned low wages, and did not have access to safe and sanitary work environments. The ACWF studies also showed that 21 percent of rural women working in cities were fired after becoming pregnant or giving birth and that some women delayed motherhood for fear of losing job and promotion opportunities.

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages, so very few cases were brought to court. Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women's rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. In principle rural contract law and laws protecting women's rights stipulate that women enjoy equal rights in cases of land management, but experts argued that in practice, this was rarely the case due to the complexity of the law and difficulties in its implementation.

Many employers preferred to hire men to avoid the expense of maternity leave and childcare, and some lowered the effective retirement age for female workers to 40 (the official retirement age for men was 60 and for women 55, with the exception of men and women involved in physically demanding jobs for which the retirement age was 55 and 45, respectively). In addition work units were allowed to impose an earlier mandatory retirement age for women than for men, which limited a woman's lifetime earning power and career span. Lower retirement ages also reduced pensions, which generally were based on the number of years worked. Job advertisements sometimes specified height and age requirements for women.

Women had less earning power than men, despite government policies mandating nondiscrimination in employment and occupation. MOHRSS and the local labor bureaus were responsible for ensuring enterprises complied with the labor law and the employment promotion law, each of which contains antidiscrimination provisions. Despite the existence of administrative and civil remedies for discrimination, labor law enforcement was generally lax. Lawyers explained that there were very few cases of disputes regarding alleged discrimination, as such allegations were difficult to prove.

The UN Economic and Social Council reported that less than 2 percent of women between the ages of 15 and 24 were illiterate. According to 2008 official government statistics, women comprised more than 70 percent of all illiterate persons above the age of 15. In some underdeveloped regions, the female literacy rate lagged behind the male literacy rate by 15 percent or more.

A high female suicide rate continued to be a serious problem. According to the World Bank and the World Health Organization, there were approximately 500 female suicides per day. The Beijing Psychological Crisis Study and Prevention Center reported that the suicide rate for females was three times higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable.

While the gap in the education levels of men and women narrowed, differences in educational attainment remained a problem. Men continued to be overrepresented among the relatively small number of persons who received a university-level education. According to Ministry of Education statistics, in 2006 women accounted for 48 percent of undergraduate and college students, 44 percent of postgraduate students, and 34 percent of doctoral students. Women with advanced degrees re-

ported discrimination in the hiring process as the job distribution system became more competitive and market-driven.

Children.—The law prohibits maltreatment of children and provides protection for a wide range of children's rights. However, accurate statistics were difficult to obtain from the official sources, and enforcement of laws remained weak. The State Council's National Working Committee on Children and Women was tasked with carrying out policy on children. Parents must register their children in compliance with the national household registration system within one month of birth. Children not registered cannot access public services.

The law provides for nine years of compulsory education for children. However, in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended at all. Public schools were not allowed to charge tuition but faced with insufficient local and central government funding, many schools continued to charge miscellaneous fees. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school.

According to reports, the proportion of girls attending school in rural and minority areas was smaller than in cities; in rural areas 61 percent of boys and 43 percent of girls completed education higher than lower middle school. The Government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Most children of migrant workers who attended school did so at schools that were unlicensed and poorly equipped.

The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the NPFPC, a handful of doctors have been charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide norm. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys and that neglect was one factor in their lower survival rate.

There were more than 150,000 urban "street children," according to state-run media. This number was even higher if the children of migrant workers who spend the day on the streets were included. In August state media reported that the number of children in rural areas left behind by their migrant worker parents totaled 5.8 million.

The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

The Government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth limitation regulations in most locations. As a result, couples that adopted abandoned baby girls were sometimes barred from having additional children.

Trafficking in Persons.—The law prohibits trafficking in women and children for sexual exploitation; however, there were reports that men, women, and children were trafficked to, from, through, and within the country for sexual exploitation and forced labor. The Government increased efforts to combat trafficking, including raising public awareness, expanding social services, and improving international cooperation. However, trafficking laws do not fully comply with international standards, and the definition of trafficking did not include forced labor or trafficking of men and boys; minors were defined as persons under 14 years of age.

The country was both a source and destination for trafficking in persons. Most trafficking was internal for the purposes of sexual exploitation, forced labor, and forced marriage. Women and children, who made up 90 percent of trafficking cases, were often trafficked from poorer, rural areas where they were abducted or lured to urban centers with false promises of employment and then trafficked into prostitution or forced labor. The MPS estimated that 10,000 women and children were abducted and sold each year, and NGOs estimated that between 10,000 and 20,000 were trafficked annually.

Domestic and cross-border trafficking continued to be significant problems, although the exact number of persons involved could only be estimated, due in part to an itinerant population of approximately 150 million. The MPS reported about 2,500 trafficking cases during the year, although experts claimed the number was much higher.

In April state media reported that police dismantled a trafficking ring that allegedly was trafficking elementary and middle school students from Liangshan, Sichuan Province, to factories in coastal cities. In June the Fujian Provincial High Court reportedly upheld criminal sentences for a group of men convicted of trafficking more than 130 individuals to various countries from 2002 to 2006. The three ringleaders of the group were sentenced to jail terms of 13, 8, and 5 years. Between February and July, police in Guangdong Province reportedly handled 33 trafficking cases and arrested 57 suspects involved in trafficking in persons, 15 of whom were foreign nationals.

In November police in Fujian Province cracked a trafficking case involving 18 Vietnamese women who had been trafficked to Yunnan, Guangxi, and other provinces in China. The women were reportedly sold into marriages in rural communities for RMB 20,000 (approximately \$3,000) to RMB 30,000 (approximately \$4,400) each. In Guizhou Province state media reported that courts heard a case involving 30 suspects accused of trafficking more than 80 women over a four-year period from Guizhou to Shanxi, Fujian, Zhejiang, and other provinces. The women were led to believe they were being provided employment, but instead were trafficked to rural areas for forced marriage.

Some experts and NGOs suggested trafficking of persons has been fueled by economic disparity and the effects of population planning policies and that a shortage of marriageable women fueled the demand for abducted women, especially in rural areas. The serious imbalance in the male-female sex ratio at birth, the tendency for women to leave rural areas to seek employment, and the cost of traditional betrothal gifts all made purchasing a wife attractive to some poor rural men. Some men recruited women from poorer regions, while others sought help from criminal gangs. Once in their new "families," these women were "married" and sometimes became victims of forced labor and/or rape. Some joined their new communities, others struggled and were punished, and a few escaped. Some former trafficking victims became traffickers themselves, lured by the prospect of financial gain.

Over the past five years, there reportedly was an increase in cross-border trafficking cases, with most trafficked women and girls coming from North Korea, Mongolia, and Vietnam. Others came from Burma, Laos, Russia, and Ukraine. All were trafficked into the country for sexual exploitation, forced marriage, and indentured servitude in domestic service or businesses. North Korean women and girls were trafficked into the country to work in the sex industry and for forced marriages and other purposes, including forced labor. Because the Government continued to classify all North Korean trafficking victims as economic migrants, they were routinely deported back to North Korea. North Korean women reportedly were sold for RMB 2,900 to RMB 9,700 (approximately \$425 to \$1,420). In the year leading up to the Olympic Games, authorities stepped up efforts to locate and forcibly repatriate North Korean refugees, including trafficking victims. The UN reported that Chinese citizens were most often trafficked to Malaysia, Thailand, the United Kingdom, and the United States. Second-tier destinations included Australia, European countries, Canada, Japan, Burma, Singapore, South Africa, and Taiwan.

Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped their economic prospects would improve. Some reportedly promised to pay RMB 231,000 to RMB 385,000 (approximately \$33,791 to \$56,320) for passage. Upon arrival many reportedly were forced to repay traffickers for the smuggling charges and their living expenses by working in specified jobs for a set period of time. Living and working conditions for trafficked persons were generally poor. Traffickers restricted their movements and confiscated their travel documents. Threats to report trafficking victims to the authorities or to retaliate against their families if they protested made trafficked persons even more vulnerable.

The revised law on the protection of minors, which took effect in June 2007, prohibits trafficking, kidnapping, and sexual exploitation of minors. Persons convicted of forced prostitution, abduction, or commercial exploitation face criminal sanctions including fines, confiscation of personal property, life imprisonment, and, in extreme cases, the death penalty; convictions for trafficking minors carry heavier sentences. Victims and their families can also bring civil suits against offenders, but in practice few civil suits made it beyond initial stages. In cases where they did go beyond initial stages, victims encountered obstacles in claiming their award compensation.

Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children trafficked. Most children trafficked internally were sold to couples unable to have children, particularly sons. Those convicted of buying an abducted child may be sentenced to three years' imprisonment. In the past most

children rescued were boys, but increased demand for children reportedly drove traffickers to focus on girls as well.

NGOs reported an increase in child trafficking, especially in rural areas, and in cases of children forced to work as beggars, petty thieves, and prostitutes. Some children worked in factories, but many ended up under the control of local gangs and were induced to commit petty crimes such as purse snatching (*See* Section 6.d.).

MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return. However, authorities acknowledged that some victims continued to be sentenced or fined because of corruption among police, provisions allowing for the imposition of fines on persons traveling without proper documentation, and the difficulty in identifying victims. Trafficking victims often lacked proper identification, which made it difficult to distinguish them from persons who illegally crossed borders. MPS trained border officials to spot potential victims of trafficking, and MPS opened two border liaison offices on the Burma and Vietnam borders to process victims. However, the ACWF reported that ongoing problems required intervention to protect trafficking victims from unjust punishment.

The law criminalizing the purchase of women makes abduction and sale separate offenses. There were reports of local officials' complicity in both alien smuggling and in prostitution, which sometimes involved trafficked women. In some cases village leaders sought to prevent police from rescuing women who had been sold to villagers. Authorities had yet to take sufficient steps to deter or prevent trafficking-related corruption in the country.

Principal organs responsible for combating trafficking or assisting its victims were the MPS, the State Council's Work Committee for Women and Children, and the ACWF. It was central government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women's federation offices and other women's organizations provided some counseling on legal rights, rehabilitation, and other assistance to trafficking victims, although lack of funding reportedly limited services in many areas. The Government and NGOs also supported centers in communities with large numbers of migrant laborers, to train members of at-risk groups to avoid being trafficked and to get out of trafficking situations. The Government distributed information to combat trafficking, and schools provided antitrafficking training to students. The December 2007 National Action Plan on Combating Trafficking of Women and Children formalizes cooperation among government agencies and establishes a national information and reporting system. However, there were no plans for resources to be allocated to local and provincial governments for the implementation of the plan. Additionally, the plan covered only sex trafficking of females, and did not address labor trafficking or male victims of sex trafficking. The ACWF assisted victims in obtaining medical and psychological treatment. Overseas NGOs provided treatment to trafficking victims and conducted educational outreach programs to educate rural youth about the dangers of trafficking. However, the country continued to lack comprehensive, countrywide victim protection services.

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

Persons With Disabilities.—The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them.

The Ministry of Civil Affairs and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. State-run media reported that there were 83 million persons with disabilities living in the country. According to government statistics, 3,250 educational and vocational centers provided training and job-placement services for persons with disabilities. In 2007, 572,000 persons with disabilities received education or training, but approximately 1.15 million urban and 3.37 million rural persons with disabilities were unemployed.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. In 2007 the Ministry of Education reported that nationwide there were 1,618 schools for children with disabilities. During the year there were 63,400 new enrollments, bringing the total number of children with disabilities at school to 419,000. The physical abuse of children can be grounds for criminal prosecution. Nationwide 243,000 school-age children with disabilities did not attend school. Nearly 100,000 organizations existed, mostly in urban areas, to serve those with disabilities and protect their legal rights. The Government, at times in conjunction with NGOs, sponsored programs to integrate per-

sons with disabilities into society. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems.

According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities remained a serious problem. Under the Employment Promotion Law, local governments were required to offer incentives to enterprises that hired persons with disabilities. Existing regulations in some parts of the country also required employers to pay into a national fund for the disabled when the employees with disabilities did not make up the statutory minimum percentage of the total workforce. Standards adopted for making roads and buildings accessible to persons with disabilities were subject to the Law on the Handicapped, which calls for their "gradual" implementation; compliance with the law was lax. Students with disabilities were discriminated against in access to education. The law permits universities legally to exclude otherwise qualified candidates from higher education.

The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births. Media reports publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province.

National/Racial/Ethnic Minorities.—Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. However, the substance and implementation of ethnic minority policies remained poor, and discrimination against minorities remained widespread.

Minority groups in border regions had less access to education than their Han counterparts, faced job discrimination in favor of Han migrants, and earned incomes well below those in other parts of the country. Government-run development programs often disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons. Han Chinese benefited disproportionately from government programs and economic growth. As part of its emphasis on building a "harmonious society," the Government downplayed racism against minorities, which remained the source of deep resentment in the XUAR, Inner Mongolia Autonomous Region, and Tibetan areas.

Minorities constituted nearly 14 percent of the NPC, which was higher than their percentage in the population. According to 2007 government statistics, 36.3 percent of Guangxi's cadres were ethnic minorities. All five of the country's ethnic minority autonomous regions had governors from minority groups for the first time in history. However, the Communist Party secretaries of these five autonomous regions were all Han. Han officials continued to hold most of the most powerful party and government positions in minority autonomous regions, particularly the XUAR.

The Government's policy to encourage Han Chinese migration into minority areas has significantly increased the population of Han in the XUAR. In recent decades the Han-Uighur ratio in the capital of Urumqi has shifted from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. According to 2005 statistics published by XUAR officials, eight million of the XUAR's 20 million official residents were Han. Hui, Kazakhs, Kyrgyz, Uighur, and other ethnic minorities comprised approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term "temporary workers." While the Government continued to promote Han migration into the XUAR and fill local jobs with migrant labor, overseas human rights organizations reported during the year that local officials under direction from higher levels of government have deceived and pressured young Uighur women to participate in a government sponsored labor transfer program.

The XUAR government took measures to dilute expressions of Uighur identity, including measures to reduce education in ethnic minority languages in XUAR schools and to institute language requirements that disadvantaged ethnic minority teachers. The Government continued to apply policies that prioritized Mandarin Chinese for instruction in school, thereby reducing or eliminating ethnic-language instruc-

tion. Graduates of minority language schools typically needed intensive Chinese study before they could handle Chinese-language course work at a university. The dominant position of standard Chinese in government, commerce, and academia put graduates of minority-language schools who lacked standard Chinese proficiency at a disadvantage.

During the year authorities increased repression in the XUAR, and targeted the region's ethnic Uighur population. In August officials in XUAR reiterated a pledge to crack down on the Government-designated "three forces" of religious extremism, "splittism," and terrorism. In September XUAR CCP Chair Wang Lequan stated that "this winter and next spring we will launch a concentrated antiseparatist re-education campaign across the whole region." It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the "three forces" were instead actually used to target those peacefully seeking to express their political or religious views. The Government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, often citing counterterrorism as the reason for taking action.

Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. In April 2007 foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. During the year the Government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.

Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, those possessing such materials received lengthy prison sentences, such as Uighur Mehbube Ablesh, who was detained for expressing sensitive views online. Uighurs who remained in prison at year's end for their peaceful expression of ideas the Government found objectionable included Abdulla Jamal, Tohti Tunyaz, Adduhelil Zunun, Abdulghani Memetemin, and Nurmuhemmet Yasin.

During the year XUAR officials defended the campaign against separatism as necessary to maintain public order and continued to use the threat of violence as justification for extreme security measures directed at the local population and visiting foreigners.

Han control of the region's political and economic institutions also contributed to heightened tension. Although government policies brought economic improvements to the XUAR, Han residents received a disproportionate share of the benefits.

(See also the Tibet addendum.)

Other Societal Abuses and Discrimination.—No laws criminalize private homosexual activity between consenting adults. Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure.

The Employment Promotion Law, which went into effect January 1, improves protection against discrimination in employment, and local governments began modifying their regulations to reflect the new law. Under the new law and adopted regulations, employment discrimination against persons carrying an infectious disease is prohibited, and provisions allow such persons to work as civil servants. While the new law improves protection against discrimination in employment, it does not address some common types of discrimination in employment, including discrimination based on height, physical appearance, or place of origin.

Despite provisions in the new Employment Promotion Law, discrimination against persons with HIV/AIDS and hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas. Persons with HIV/AIDS suffered discrimination, and local governments sometimes tried to suppress their activities. At the same time, international involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in some localities. Some hospitals that previously refused to treat HIV/AIDS patients had active care and treatment programs because domestic and international training programs improved the understanding of local healthcare workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups.

Some NGOs working with HIV/AIDS patients and their family members continued to report difficulties with local governments, particularly in Henan Province, where thousands were infected in government-run blood-selling stations during the 1990s. Henan authorities successfully provided free treatment to persons with HIV/

AIDS, but foreign and local observers noted that local governments were reluctant or even hostile toward coordinating efforts with NGOs and preferred to work independently.

Section 6. Worker Rights

a. The Right of Association.—Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. Workers cannot choose an independent union to represent them in the workplace, as independent unions are illegal. The right to strike is also not protected in law.

The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to "uphold the leadership of the Communist Party." In some cases, the ACFTU and its constituent unions influenced and implemented government policies on behalf of workers. During the first half of the year, the ACFTU claimed to have 209 million members in 1.7 million constituent unions in 3.6 million enterprises. The number of active members and union organizations was unknown.

Already established in the state-owned sector, where union representatives frequently held senior management positions, the ACFTU continued its 2006 campaign to organize unions in foreign-invested enterprises. Labor laws make no distinction between domestic and foreign-invested enterprises with respect to the establishment of unions. The ACFTU set a goal to organize unions in 80 percent of foreign-invested enterprises by the end of September; the actual percentage was unknown at year's end. The ACFTU dropped barriers to migrant workers joining ACFTU unions, and launched a campaign to increase the number of migrant worker members.

Direct election by workers of union leaders was rare, occurred only at the enterprise level, and was subject to supervision by higher levels of the union or Communist Party organization. Although the law states that trade union officers at each level should be elected, most were appointed by higher levels of the ACFTU, often in coordination with employers. In enterprises where direct election of union officers took place, regional ACFTU offices and local party authorities retained control over the selection and approval of candidates.

Some workers acted outside the ACFTU structure to demand back wages, pension or health insurance contributions, or other benefits owed by employers. During the year strikes and labor protests throughout the country were increasingly widespread and well-organized. Reports of protests in which workers blocked traffic or damaged employers' facilities appeared to increase during the year. Most of these protests occurred at export-oriented Hong Kong and Taiwan-invested factories, which shut down suddenly due to deteriorating business conditions without paying back wages or severance pay.

During the year the Government acted against some activist workers, especially when they engaged in organized campaigns. Some workers who complained to local labor and social security bureau offices about working conditions reported that they faced harassment from their employers and police and sometimes from labor bureau officials. Labor rights activists complained throughout the year of police surveillance, including interviews with police. In March authorities in Guangzhou arrested and subsequently detained 13 workers from three factories in Guangzhou's Panyu District who were involved in public protests over unpaid wages. Authorities used force to suppress the demonstrations, bringing criminal charges against the protestors, and continued to use administrative detention, which is not subject to judicial review, as a penalty for involvement in such protests.

Although the Government showed some tolerance for civil society organizations and law firms involved in protecting workers' rights, authorities continued to monitor labor rights organizations closely, especially those receiving funding from foreign sources. In some cases local authorities interfered with the programs or activities of labor organizations. On May 16, Chen Yuping was reportedly sentenced to 18 months of RTL for "disturbing public order" after he applied to the AFTCU to establish a labor union for workers involuntarily retired or laid off by their former employer, Jilin Oilfield. According to international NGOs, authorities detained two other workers connected with the case for 10 days after they talked to overseas media. Labor organizations reported close surveillance by government security agencies, including close attention to sources of funding and connections to foreign organizations. Some labor organizations reported pressure from local governments to cancel certain activities and public events.

Labor activists detained in previous years were reportedly still in detention at year's end, including Yao Fuxin, Wang Sen, He Zhaohui, Yue Tianxiang, Miao

Jinhong, Ni Xiafei, Huang Xiangwei, Li Xintao, Hu Mingjun, Li Wangyang, Liu Zhihua, Luo Mingzhong, Luo Huiquan, Kong Youping, Ning Xianhua, Li Jianfeng, Lin Shun'an, Chen Wei, She Wanbao, and Zhu Fangming. Family members of some imprisoned labor activists reported surveillance and harassment by public security officials.

The trade union law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Local government interpretations of laws and regulations with respect to the right to strike vary, with some jurisdictions showing limited tolerance for strikes. Other jurisdictions continued to treat worker protests as illegal demonstrations. Without a clearly defined right to strike, workers had only a limited capacity to influence the negotiation process.

In some cases workers did strike to demand better conditions and benefits. During the year labor strikes and protests throughout the country became increasingly widespread and well organized. In January in Guangzhou and Dongguan in Guangdong Province, thousands of workers from Hong Kong and Taiwan-invested factories protested wage arrears and other grievances. Some of these strikers reportedly clashed with police.

During the year there were numerous media accounts of worker protests other than strikes, involving actual or feared job loss, wage or benefit arrears, dissatisfaction with new contracts offered in enterprise restructuring, failure to honor contract terms, or discontent over substandard conditions of employment. In March pilots flying out of Kunming simultaneously turned their planes around in flight in what the press reported was an organized protest against new airline policies affecting their take home pay. In July the airline suspended or demoted 13 of the pilots involved in the March incident. In November and December, there were also a series of spontaneous taxi strikes, beginning in Chongqing and spreading to other cities, in which taxi drivers protested high operating fees and competition from unlicensed cabs. Labor experts reported that such protests were typically initiated by small numbers of workers and organized through text messaging.

b. The Right to Organize and Bargain Collectively.—The labor law permits collective bargaining for workers in all types of enterprises; however, in practice collective bargaining fell far short of international standards. Under the law, collective contracts are to be developed through collaboration between the labor union and management and should specify such matters as working conditions, wage scales, and hours of work. In the private sector, where active labor unions were rare and alternative union organizations had no legal standing to negotiate, workers faced significant obstacles to bargaining collectively with management.

The trade union law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. Regulations required the union to gather input from workers prior to consultation with management and to submit collective contracts to workers or their congress for approval. There is no legal obligation for employers to negotiate, and some employers refused to do so.

On January 1, the new labor contract law went into effect. A key article of the labor contract law requires employers to consult with labor unions or employee representatives on matters that have a direct bearing on the immediate interests of their workers. Although the central government had not clarified the meaning of this article, some local jurisdictions interpreted it as a mandate for collective bargaining and reflected such an interpretation in local regulations on collective contract negotiations. During the year the ACFTU also called on its local organizations to carry out more aggressively their mandate to conclude collective contracts with employers. In 2007 the ACFTU reported that there were more than 975,000 collective contracts in place, covering 1.7 million enterprises and 128 million workers; 343,000 of these were contracts specifically covering wages. During the first half of the year, the ACFTU reported that there were more than 1.09 million collective contracts in place, covering 1.8 million enterprises and 143 million workers; 376,000 collective contracts specifically addressed the issue of wages. However, the majority of the collective contracts were prefabricated contracts adopted without negotiation. Collective contracts generally reflected statutory minimum labor standards. The majority of collective contracts did not address the issue of wages.

The law provides for labor dispute resolution through a three-stage process: mediation between the parties, arbitration by officially designated arbitrators, and litigation. The labor dispute mediation and arbitration law, which went into effect in May, improved workers' access to and streamlined this three-stage process. During the year the volume of cases processed through this system increased sharply, with some jurisdictions, especially in the coastal exporting regions, posting increases of 300 to 500 percent, according to government statistics. The number of such officially

adjudicated labor disputes had already more than doubled between 2001 and 2007. Experts claimed that this notable rise in recorded disputes was due to both an increase in actual disputes and to the Government's increased capacity to record and handle these disputes.

The trade union law provides specific legal remedies against antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Collective contract regulations provide similar protections for employee representatives during collective consultations. ACFTU officials and other observers reported that such protections were difficult to enforce in practice.

Workers and their advocates suffered harassment and intimidation by criminal elements often hired by employers. In January the local press reported that 31 migrant workers in Beijing involved in a dispute with their employer over unpaid wages were beaten by club-wielding thugs. In March unknown assailants beat and severely injured two Shenzhen labor lawyers with steel pipes after luring them to a remote area by claiming to be workers seeking legal advice. This occurred two days before the lawyers were to represent a group of over 20 workers in a labor arbitration case.

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

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children, but such practices occurred. In April police in Dongguan, Guangdong Province, rescued more than 100 Yi minority youths, following reports that labor brokers in the city were supplying workers to factories and workshops on contract terms that violated labor, child welfare, and antitrafficking laws. Press reports claimed that more than 1,000 underage Yi workers were working in Dongguan. These workers reportedly received less than the minimum wage, worked longer than the maximum number of hours permitted, and received no social insurance benefits. There were also reports some of the female workers were sexually exploited. The workers were recruited, sometimes with the complicity of their families, through a network of informal labor brokers from the impoverished Liangshan Yi Minority Autonomous Prefecture in Sichuan Province. Employers reportedly paid the wages directly to the labor brokers who kept a portion and passed the rest to the workers' families. Press reports indicated that many of the workers had false documentation, but were really between 12 and 15 years old, and that some workers appeared to be younger than 10. Dongguan authorities reported that all the rescued workers had documentation indicating they were over 16, and that few of the workers wanted to return to Liangshan. After the initial press reports, local authorities suppressed reporting about the incident. In June the MPS asserted that "the information in the report on Dongguan Child Labor Issues was not factual, nor did we find any enterprises in Dongguan City using child labor." In March police in Harbin, Heilongjiang Province, rescued 33 migrant construction workers, several of whom were persons with mental disabilities, from confinement in a room 98 feet square. State media reported the workers lived under "slave-like" conditions, and had been lured with false promises of paid employment by traffickers, who targeted vulnerable workers at train and bus stations.

Forced labor remained a serious problem in penal institutions. Many prisoners and detainees in RTL facilities were required to work, often with no remuneration. There was no effective mechanism to prevent the export of goods made under such conditions.

It remained common for employers to withhold several months' wages, or to require unskilled workers to deposit several months' wages, as security against the workers departing early from their labor contracts. These practices prevented workers from exercising their right to leave their employment.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16, but the Government had not adopted a comprehensive policy to combat child labor and child labor remained a persistent problem. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as "juvenile workers" and were prohibited from engaging in certain forms of physical work, including labor in mines.

A decree prohibiting the use of child labor provides that businesses illegally hiring minors or in whose employ a child dies will be punished via administrative review, fines, or revocation of their business license. The decree further provides that under-

age children found working should be returned to their parents or other custodians in their original place of residence.

Child labor was reportedly discovered in low-skill manufacturing sectors such as toys, textiles, and shoes. In October in Hubei Province, authorities announced a crackdown on child labor in small-scale workshops in Wuhan, after a local photo-journalist posted an expose on the Internet, including photographs of child laborers in local garment, silk screening, zipper, and mop factories. After announcing its crackdown, there was no further press reporting on the story and the relevant Internet postings were blocked.

In June an international NGO reported that some factories licensed to make goods bearing the 2008 Olympics logo employed child labor. A subsequent investigation by the Government of Dongguan, Guangdong Province, found that Lekit Stationery Company had hired eight students under the age of 16. The students earned RMB 32 (\$4.70) for a 12-hour day and worked six days a week, according to the investigation. The Beijing Organizing Committee for the Olympic Games revoked the company's license to produce Olympic logo goods.

Social compliance auditors working for foreign buyers continued to report a low but increasing incidence of child labor in factories producing for export. Under the Government-permitted work-study programs, elementary schools supplied factories with low-cost child labor under the pretext of vocational training.

e. Acceptable Conditions of Work.—There was no national minimum wage, but the labor law requires local governments to set their own minimum wage according to standards promulgated by the Ministry of Human Resources and Social Security. These standards include the minimum cost of living for workers and their families, levels of economic development, and employment in the area, as well as the level of social insurance and other benefits contributions paid by the employees themselves. Labor bureaus set these standards to cover basic needs. The regulation states that labor and social security bureaus at or above the county level are responsible for enforcement of the law. It provides that where the ACFTU finds an employer in violation of the regulation, it shall have the power to demand that the relevant labor bureaus deal with the case.

During the early part of the year many cities increased their minimum wages, typically by 10 to 15 percent, to keep up with a rising cost of living. However, in November the MOHRSS announced that it would postpone further planned increases in the minimum wage nationwide, because of diminished economic growth and falling consumer prices.

Wage arrears remained a common problem, especially among migrant workers. Some migrant workers received wages once a year, when settling with employers prior to returning home for the lunar New Year. Governments at various levels continued their efforts to prevent arrears to recover payment of missing wages and insurance contributions. Legal aid lawyers and government sources reported that non-payment or underpayment of wages still accounted for a large portion of labor disputes. The incidence of wage arrears increased late in the year as many of the country's export-oriented manufacturers, facing a sharp decline in orders from overseas, began to lay off large numbers of workers.

Migrant workers, estimated between 130 and 230 million, faced numerous other obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education or social insurance, in the cities where they lived and worked. Because pension benefits are not portable, many migrant workers opted not to participate, or had to forfeit the majority of social insurance contributions made on their behalf when they moved to another jurisdiction.

Other widespread illegal practices effectively reduced workers' wages. These included arbitrary fines and wage deductions levied by employers for alleged breaches of company rules. Many employers used an "extended shift" system, in which the employer set an unrealistic production target that workers could not achieve within designated work hours, forcing workers to work overtime without additional compensation to meet the target and sometimes resulting in actual hourly wages that were below the legal minimum wage. The illegal practice of collecting wage deposits or paying wages in arrears to prevent workers from quitting their jobs without the employer's consent remained a common problem.

The labor law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of three hours per day or 36 hours per month and mandates a required percentage of additional pay for overtime work. However, in practice compliance with the law was weak, and standards were regularly violated, particularly in the private sector and in enterprises that used low-skilled migrant or seasonal labor. In some cases local labor bureaus formally approved employers' overtime policies that exceeded the

legal maximum. Social auditors found that factories routinely falsified overtime and payroll records.

Inadequate and poorly enforced occupational health and safety laws and regulations continued to put workers' health and lives at risk. The State Administration for Work Safety (SAWS) acknowledged that occupational health and safety concerns remained serious. The work safety law states that employees have the right, after spotting an emergency situation that threatens their personal safety, to evacuate the workplace. Employers are forbidden to cancel the labor contracts or reduce the wages or benefits of any employee who takes such action. In practice such protective provisions were difficult to enforce.

Overall there was a decline in reported accidents and fatalities compared with the previous year. SAWS reported a 10.2 percent decline in work and traffic-related fatalities compared with 2007 but did not publish separate statistics for work-related accidents or fatalities.

The coal industry continued to have high accidents and fatalities. SAWS reported that coal mine accidents and fatalities fell during the year by 19.3 percent and 15.1 percent, respectively. The drop in reported fatalities reflected, in part, the success of government efforts to improve mine safety, which included a policy of consolidating the industry into larger, better regulated mining companies. About two-thirds of coal mine accidents occurred in small mines, which accounted for only one-third of the country's coal production. Although reported coal mine fatalities decreased in absolute terms, the fatality rate remained very high by international standards. There were 1.5 reported coal mine fatalities per million metric tons of coal produced in 2007, compared with 2.4 fatalities per ton in 2006.

The Government sought to prosecute some employers responsible for these incidents. In January police arrested individuals who illegally reopened a closed coal mine in Linfen City, Shanxi Province, after an explosion killed 25 workers. In February, also in Linfen City, authorities publicly convicted and sentenced 17 individuals in connection with a mine explosion that killed 105 miners in December 2007.

Cover-ups of mine accidents and other work-related accidents were common. Legislative and mine safety experts reported that mine safety problems stemmed from an inadequate legal framework, weak penalties, poor mine supervision, non-compliance with mine safety regulations and mine closure orders, and inadequate training for mine inspectors, mine operators, and miners. In September the governor of Shanxi Province resigned following a mudslide that killed 260 villagers adjacent to an illegally operated iron mine.

Work-related injuries and fatalities were also common outside the mining sector. In January the Beijing Organizing Committee for the Olympic Games denied allegations that 10 workers had died at Olympic venue construction sites, but SAWS, which did not supervise the construction industry directly, later confirmed the death of six workers at Olympic construction sites over a three-year period. Also in January the Government reported that 18 rail workers were killed in Shandong Province when struck by a passing high-speed train.

Many factories that used harmful materials or processes not only failed to protect their workers against the ill effects of such materials or processes but also failed to inform them about the hazards, neglected to provide them with health inspections as required by law, and denied their claims for compensation when they fell ill. In February 130 workers at a lead refinery in Shaanxi Province, which the Government ordered closed in November 2007, reportedly suffered from lead poisoning and were seeking compensation after being dismissed from their jobs. In July, 20 workers at a battery factory in Jiangsu Province reportedly suffered from cadmium poisoning and were seeking compensation.

NGOs reported that local labor and social security bureaus frequently rejected claims for compensation by workers because employers failed to provide them with documentation as required by law. Workers showed a willingness to use lawsuits to pursue injury and illness claims against employers, but access to legal aid was limited.

While many labor laws and regulations were fully compatible with international standards, implementation and enforcement were generally poor. In addition labor contracts were executed rarely or contained terms inconsistent with the law. The lack of written labor contracts made it much more difficult for workers whose rights had been violated to seek redress through administrative processes or through the courts. The labor legislation that went into effect during the year aims to improve the regulation of labor contracting agencies and limit the conditions under which employers can use contingent or temporary labor; however, the widespread use of such workers continued to create legal gray areas that made labor law enforcement more difficult.

TIBET

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures, counties, and townships in other provinces to be a part of the People's Republic of China (PRC). The Tibetan population within the TAR was approximately 2.8 million, while the Tibetan population outside the TAR was an estimated 2.9 million. The Government strictly controlled information about, and access to, the TAR and Tibetan areas outside the TAR, making it difficult to determine accurately the scope of human rights abuses. These controls intensified following the outbreak of widespread unrest in Tibetan areas on March 14.

The Government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention, and house arrest. Official repression of freedoms of speech, religion, association, and movement increased significantly following the outbreak of protests across the Tibetan plateau in the spring. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage continued to be of concern.

On March 10, monks and nuns from a number of monasteries mounted peaceful protests in Lhasa and other Tibetan communities to commemorate the anniversary of the 1959 Tibetan uprising. During the next few days, laypeople joined the protests. Local police attempted to contain the demonstrations with tear gas and detentions and conducted searches of local monasteries and homes. On March 14 and 15, rioting occurred in Lhasa after security officials used force to arrest some demonstrators, including monks. Some protesters resorted to violence, in some cases deadly, against ethnic Han and Hui residents. Protesters damaged property and stole from non-Tibetan businesses and government buildings. The demonstrations quickly spread to other ethnic Tibetan communities in the TAR as well as in Qinghai, Gansu, and Sichuan provinces, as protesters conveyed solidarity with the monks and nuns, and expressed frustration over restrictions on fundamental rights, including religious practice, and unequal economic and educational opportunities. The Government responded by deploying large numbers of People's Armed Police (PAP) troops to Tibetan areas and violently suppressing demonstrations, which resulted in killings. PAP troops also conducted random searches and arbitrary arrests, and severely limited movement of Tibetans and foreigners. Protests, which at times turned violent, continued in the TAR and Tibetan areas of Sichuan, Gansu and Qinghai during the second half of the year.

Deprivation of Life.—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. Observers estimated security forces killed up to 218 Tibetans in March and April during the outbreak of widespread protests in the TAR and other Tibetan areas. According to eyewitness accounts, security forces used firearms against demonstrators in Lhasa on March 14 and 15, resulting in killings. However, on March 28, TAR Chairman Qiangba Puncog asserted to a delegation of foreign diplomats in Lhasa that security forces had not used deadly force to suppress the demonstrations and riots in Lhasa. The Government reported that 22 persons were killed in the Lhasa violence, including 18 civilians, one police officer, and three rioters. Outside observers, including Tibetan exile groups and such NGOs as the International Campaign for Tibet (ICT) and the Tibetan Center for Human Rights and Democracy (TCHRD), variously placed the number of persons killed in Tibetan areas due to official suppression that began March 10 at between 100 and 218. Because the Government severely limited access by foreign diplomats and journalists to Tibetan regions, it was not possible to verify independently the number of killed and injured.

Following the March 14–15 riots in Lhasa, more than 125 protests spread across the TAR and other Tibetan areas, occasionally becoming violent. According to nongovernmental organization (NGO) reports, at least 14 protests involved a significant degree of violence, including the deaths of protesters. On March 15 or 16, in Phenpo Lhundrup county (Linzhou) in the TAR, local police reportedly fired on a crowd demanding the release of the monks arrested in Lhasa for demonstrating. One businessman, Jinpa, was killed and hundreds of monks and local residents were arrested. On March 16, press and NGOs reported that police in Aba Prefecture, Sichuan Province, fired on demonstrators near the Kirki monastery, resulting in the deaths of at least 10 Tibetans, including monks and three high school students. The Xinhua News Agency confirmed the incident, but reported police had fired in self-defense and did not acknowledge casualties. On April 3, the ICT reported a second incident in which security forces fired on protesters at Tongkor monastery in Kardze (Ganzi) Tibetan Autonomous Prefecture (TAP), Sichuan Province, killing 10 to 15 persons, including three monks, six women and one child. The TCHRD reported that

on May 28, in Kardze, Sichuan Province, security forces shot a Tibetan student staging a peaceful and solitary protest and dragged her away from the scene. The ICT reported that on March 28, more than 80 bodies were burnt together at a crematorium in one county under Lhasa Municipality.

Some Tibetans injured in the unrest in Lhasa reportedly were denied medical care and access to hospitals, possibly resulting in an unknown number of otherwise preventable deaths.

Disappearance.—Following the March 14 and 15 riots in Lhasa, authorities arrested Tibetans arbitrarily, including monks and nuns, many of whom remained missing. Official statistics for the number detained were incomplete and covered only certain areas. On July 11, official media reported that 953 persons were detained or had surrendered to police in Lhasa following the riots. The report stated that 42 persons were sentenced to prison in connection with the unrest, and an additional 116 were awaiting trial. On November 4, the Xinhua News Agency quoted a statement by TAR Vice Chairman Baema Cewang that 55 persons were sentenced to three years to life in connection with the March violence in Lhasa. Cewang added that 1,317 persons had been detained, “of whom 1,115 subsequently were released,” while the remainder “stood trial.” At year’s end at least 190 Tibetans had reportedly been sentenced by various county-level courts in the TAR, according to TCHRD. In August the ICT released a list with the names of more than 900 individuals detained in connection with the March unrest, 263 of whom reportedly were still in custody. In September the TCHRD reported that more than 1,000 Tibetans remained missing, including 80 monks from the Drepung Monastery near Lhasa. Family members and monastic leaders often were unable to receive information regarding missing family members from local authorities following the unrest.

On March 18, Phurbu Tsering Rinpoche of Tehor Kardze Monastery, a highly revered religious leader and head of Pangri and Yatseg nunneries in Kardze (where demonstrations occurred), was arbitrarily arrested in his home. His whereabouts were unknown at year’s end. On March 23, Dhondup Wangchen and Jigme Gyatso, who filmed a documentary featuring interviews with Tibetans discussing their views of the Beijing Olympic Games and conditions in Tibet, reportedly were arrested, although their whereabouts remained unknown at year’s end.

According to the Asian Forum for Human Rights and Development and TCHRD, on April 7, following a midnight raid on the Ramoche Temple in Lhasa, five monks, including Sonam Rabgyal, Damdul, and Rabgyal, disappeared. No new information was available on the whereabouts of Phuntsok Gyaltsen, the deputy head of Phurbu Township, Palgon County, TAR, who was detained in April 2007.

The whereabouts of the Panchen Lama, Gendun Choekyi Nyima, Tibetan Buddhism’s second most prominent figure after the Dalai Lama, and his family remained unknown. In August TAR Ethnic and Religious Affairs officials maintained that his recognition as the Panchen Lama was illegal, and that he valued his privacy and was in good health.

Torture.—The security regime employed torture and degrading treatment in dealing with some detainees and prisoners. Tibetans repatriated from Nepal reportedly suffered torture, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Prisoners were subjected routinely to “political investigation” sessions and were punished if deemed insufficiently loyal to the state.

According to numerous sources, many of those detained after March 10 were subjected to extrajudicial punishments such as severe beatings and deprivation of food, water, and sleep for long periods. In some cases, detainees suffered broken bones and other serious injuries at the hands of PAP and Public Security Bureau (PSB) officers. According to eyewitnesses, the bodies of persons killed during the unrest or subsequent interrogation were disposed of secretly rather than returned to their families. Tibetan monk Jigme Guri from the Labrang Monastery in Gansu Province told Associated Press journalists that prison authorities beat him repeatedly during two months of detention beginning March 21. According to Jigme, the beatings left him unconscious for six days, and he required two hospitalizations. On November 4, authorities reportedly detained Jigme again for unknown reasons.

Tibetans seeking to flee to India and other countries overland via Nepal risked violence and arrest at the hands of security forces.

Prison Conditions.—The mass detentions connected with the March unrest amplified already crowded and harsh prison conditions. Some prisons used forced labor, including those in the public security reeducation through labor system (RTL), detention centers, and prison work sites. The law states that prisoners may be required to work up to 12 hours per day, with one rest day every two weeks, but these regulations often were not enforced.

Arbitrary Arrest and Detention.—Arbitrary arrest and detention increased substantially in Tibetan areas during the year. Police legally may detain persons for up to 37 days without formally arresting or charging them. Following the 37-day period, police must either formally arrest or release the detainees. Police must notify the relatives or employer of an arrested person within 24 hours of the arrest. In practice police frequently violated these requirements, and international NGOs reported that police detained thousands of Tibetans following the Lhasa riots for months without notifying their families.

Official state media reported the detentions of 4,434 persons in Tibetan areas (1,315 in Lhasa) between March and April, although some NGOS placed the number at more than 6,500. On March 25, the official Xinhua News Agency reported that 381 rioters in Ngaba (Aba) TAP, Sichuan Province, had surrendered to police. On April 9, Xinhua reported that in the Gannan TAP, Gansu Province, 2,204 persons, including 519 monks, surrendered to police, although police later released 1,870 of them. The same report noted that police formally arrested eight persons in Gannan and placed 432, including 170 monks, in temporary custody.

On November 8, the Lhasa Evening News reported that on October 27, the Lhasa Intermediate Court sentenced Wangdu (Wangdui), a former employee of an HIV/AIDS prevention project run by a foreign NGO, to life in prison for engaging in “espionage” on behalf of the “Dalai clique.” The paper also reported that six other Tibetans, including another former employee of a foreign NGO, Migmar Dhondup, received sentences ranging from eight to 15 years for “espionage” or “providing intelligence to foreigners.”

Many prisoners were subject to the RTL system or other forms of detention not subject to judicial review.

Political Prisoners and Detainees.—Due to the lack of independent access to prisoners and prisons, it was nearly impossible to ascertain the number of Tibetan political prisoners. Many prisoners were held in the extrajudicial RTL prisons operated by the Ministry of Public Security and never appeared in court. The number of political prisoners in Tibetan areas, estimated at 95 in 2007, rose sharply due to the March unrest. Although exact figures were unavailable, the TCHRD placed the number of Tibetans detained in the months following the protests at more than 6,500.

Based on information available from the Congressional Executive Commission on China’s (CECC) political prisoner database (PPD), at year’s end there were 550 political prisoners imprisoned in Tibetan areas. However, the actual number of Tibetan political prisoners and detainees was believed to be much higher. Of the 550 documented political prisoners and detainees, 463 were detained on or after March 10 and 385 political prisoners were Tibetan Buddhist monks and nuns. At year’s end the CECC PPD contained sentencing information on only 20 of the Tibetan political prisoners. The judicial system imposed sentences on these 20 political prisoners ranging from one year to life imprisonment. An unknown number of prisoners continued to be held under the RTL system.

On May 19, security forces reportedly arrested 12 monks from the Dingri Shelkar Choedhe Monastery for resisting patriotic education. On July 26, authorities reportedly arrested Asang Bersatsand, Ngoesoe Konkyaptsang, Jamsang, and Gadho from Nangchen County (Yushu) in Qinghai Province for protesting the Summer Festival.

Prominent Buddhist figure Tenzin Delek Rinpoche remained in Sichuan’s Chuandong Prison. Dozens of monks and nuns who resisted “patriotic education” campaigns before the March protests continued serving prison terms.

The following persons remained in prison: Rongye Adrak; Adak Lupoe, sentenced to 10 years in prison for “endangering national security;” Jarib Lothog, sentenced to three years in prison; Khenpo Jinpa, sentenced to three years in prison; Jarib Lothog; art teacher and musician Kunkhyen, sentenced to nine years in prison; Buchung; Penpa; Jigme Gyatso and Bangri Chogtrul Rinpoche; monk Choeying Khedrub from Nagchu Prefecture, sentenced to life in prison in 2001; Dawa (also called Gyaltsen Namdak), sentenced in 2006 to five years’ imprisonment for allegedly distributing pamphlets containing political material; monk Lobsang Palden from Ganzi Monastery, charged in 2006 for initiating separatist activities based on his alleged possession of photographs of the Dalai Lama; teacher Dolma Kyab; Sherab Yonten, Sonam Gyelpo, and two others; and monk Tsering Dhondup.

Denial of Fair Public Trial.—Legal safeguards for Tibetans detained or imprisoned were inadequate in both design and implementation. Twenty-one lawyers from across China who had volunteered free legal representation to detained Tibetans following the March protests received warnings from authorities not to take on such cases. The lawyers were questioned, threatened with punishment, and many were placed under police surveillance. One such attorney, Beijing-based lawyer Teng

Biao, was barred from renewing his annual law license. Most judges in the TAR had little or no legal training. According to a TAR Bureau of Justice official, all seven cities and prefectures had established legal assistance centers that offered services in the Tibetan language. Prisoners may request a meeting with a government-appointed attorney, but in practice many defendants did not have access to legal representation. In cases involving state security, trials were often cursory and closed. By law maximum prison sentences for crimes such as “endangering state security” and “splitting the country” are 15 years for each count, not to exceed 20 years in total. Authorities frequently sentenced Tibetans for alleged support of Tibetan independence regardless of whether their activities involved violence.

Authorities sentenced Tibetans convicted of crimes in connection with their participation in the March and April protests in mass sentencing trials, none of which were open to foreign observers despite repeated requests from the international community. On April 29, the Lhasa Intermediate People’s Court sentenced 30 Tibetans to terms ranging from three years to life imprisonment. On June 19 and 20, the same court convicted an additional 12 persons. In October a third sentencing occurred with seven Tibetans (including Wangdu) receiving sentences ranging from eight years to life.

During a secret trial in November, a court reportedly sentenced 81-year-old Paljor Norbu, a Tibetan traditional painter, to seven years in prison. His relatives received neither official notification of his detention nor information regarding the charges against him. His whereabouts were unknown at year’s end.

Freedom of Speech and Press.—Tibetans who spoke to foreign reporters, attempted to relay information to foreigners outside China, or passed information regarding the March and April protests were subject to harassment or detention. According to Radio Free Asia (RFA), on April 19, authorities detained Nyima Drakpa in Tawu (Daofu) County, Sichuan Province, for allegedly passing information and sending photos of protests to a reporter in Hong Kong. On November 3, a court sentenced Norzin Wangmo, from Ngaba TAP in Sichuan Province, to five years in prison for passing news of the situation in Tibet.

The Government continued to jam radio broadcasts of Voice of America’s (VOA) and RFA’s Tibetan— and Chinese-language services and the Oslo-based Voice of Tibet. In Ganzi TAP, Sichuan Province, police confiscated or destroyed satellite dishes suspected of receiving VOA television broadcasts. Some Tibetans reported that at times they were able to receive such radio broadcasts despite frequent jamming. In the days following the March protests, official censors cut off satellite feeds from the BBC World News and CNN when the stations aired reports concerning the protests. Domestic media showed images of the March 14–15 violence perpetrated by Tibetans in Lhasa, but did not provide domestic audiences with reporting on the violent official suppression thereof, or on the protests that continued throughout the year. Authorities reportedly also disrupted cell phone, landline, and Internet transmissions in Tibetan areas following the riots.

The Government severely restricted travel by foreign journalists to Tibetan areas. Liberalized regulations governing foreign media coverage during the Beijing Olympic Games, which permitted unrestricted travel throughout China by foreign journalists, were made permanent in October but did not apply to foreign journalists traveling to the TAR.

After the March unrest, authorities barred a foreign film crew in Xiahe, Gansu Province, from using email and ordered the crew not to report on police activities at Labrang Monastery. Officials also routinely denied foreign media representatives access to Tibetan areas throughout the spring, ostensibly out of concern for their safety.

Domestic journalists reporting on repression in Tibetan areas faced punishment. Authorities at the Nandu Weekly demoted journalist Zhang Ping from his position as deputy editor after Zhang published an article critical of official censorship during the March unrest on his blog in April.

Internet Freedom.—The Internet blog of well-known Tibetan poet and journalist Tsering Woesser, also known as Oser, remained inaccessible to Internet users inside China due to official Internet filtering. During the year hackers attacked Woesser’s blog site and Skype account. Authorities also refused to issue Woesser a passport. Most foreign Tibet-related Web sites critical of official policy in the TAR were blocked to users in China year-round. Following the March protests, Internet Service Providers censored searches for news reports and blocked Web site footage of the protests. On March 20, Reporters Without Borders obtained a copy of a message from authorities in charge of Internet censorship banning Internet users from posting news about Tibetan events in Sichuan Province.

Critics of China's Tibet policy were subject to Internet-related harassment. In the weeks after the March unrest, several Beijing-based foreign correspondents received death threats after their personal contact information, including mobile phone numbers, was revealed on the Internet.

Academic Freedom and Cultural Events.—Authorities in Tibetan areas required professors and students at institutions of higher education to attend political education sessions in an effort to prevent separatist political and religious activities on campus. The Government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books (see Protection of Cultural Heritage). Academics in China who publicly criticized the Chinese Communist Party's (CCP) policies on Tibetan affairs faced official reprisal.

Freedom of Religion.—While the law provides for freedom of religious belief, the level of repression in Tibetan areas increased significantly during the year, especially following the March unrest. Religious freedom often was restricted due to the Government's linkage of reverence for the Dalai Lama with political opposition to the Government and the CCP.

Press and NGO reports suggested that continued tight government controls on religious practices and places of worship in Tibetan areas was a major factor leading to the widespread protests that began in March. Although authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence, including worshipping the Dalai Lama.

Although regional differences in religious freedom remained throughout the year, official respect for religious practice deteriorated sharply after the protests of March 10. Following the unrest in Lhasa of March 14 and 15, authorities locked down many monasteries across Tibetan areas, and detained and physically abused an unknown number of monks and nuns or expelled them from their monasteries. The Government expanded and intensified patriotic education campaigns in monasteries and nunneries, prompting additional rounds of protests through June. By year's end, according to reports from many monks and some abbots, considerably fewer monks and nuns resided in monasteries and nunneries than in the previous year.

Since March authorities reportedly detained more than 80 nuns in Sichuan Province. On March 28–29, authorities arrested more than 570 monks from Ngaba Kirti Monastery in Ngaba County (Aba Xian), Sichuan Province. On May 14, authorities arrested more than 55 nuns of Pangri Na Tashi Gepheling Nunnery in Kardze County. The nuns were peacefully demonstrating against the Government's handling of protesters, as well as official statements that the Dalai Lama had masterminded the protests.

In August an annual religious festival normally attended by tens of thousands of persons at Labrang Monastery in Gansu Province was cancelled, reportedly due to official desire to prevent any incidents from taking place during the Olympic Games. While repression was less evident in Tibetan areas of Yunnan Province, many monks from Sichuan Province's Aba Prefecture fled to Chengdu and other areas to escape the Government's harsh official response to the March and April protests. As many as 80 percent of the approximately 2,500 monks at Kirti Monastery in Aba's Ngaba county left the monastery in June and July to avoid a continuing and increasingly intense patriotic education campaign.

Following the March unrest, authorities forced many monks to attend weekly, sometimes daily, political education sessions. On April 3, the Government ordered officials across the TAR to conduct patriotic education programs at monastic institutions, workplaces, businesses, and schools. In some areas these political education campaigns involved forced denunciations of the Dalai Lama. Officials also forced monks to remove portraits of the Dalai Lama from prayer halls and personal residences, although enforcement varied significantly by region. Restriction on religious expression was most intense at high-profile monasteries, such as Labrang in Xiahe, Gansu Province, and Drepung and Sera near Lhasa.

Security measures intensified in the TAR and other Tibetan areas during the Dalai Lama's birthday, sensitive anniversaries, and festival days. The prohibition on celebrating the Dalai Lama's birthday on July 6 continued.

The Government maintained and intensified its criticism of the Dalai Lama after the events of March 14 and 15, blaming him for instigating the widespread protests and rejecting claims that the protests signaled systemic problems with its Tibet policy. According to the domestic press, shortly after the events of March 14–15, Secretary of the CCP TAR Committee Zhang Qingli told regional officials that the Dalai Lama was "a wolf in Buddhist monk's robes, an evil spirit with a human face and the heart of a beast." An official white paper released by the Government in September stated, "the Dalai Lama and his clique are the chief representatives of the

backward feudal serfdom system and culture of theocratic rule and religious despotism that used to prevail.”

In May, July, and November Chinese government officials and representatives of the Dalai Lama held three rounds of discussions with no progress.

The Government continued to ban pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Photos of the “official” Panchen Lama, Gyaltzen Norbu, were not widely displayed except at some high-profile monasteries and then only at the insistence of government leaders. However, photos of the previous Panchen Lama, his daughter, and the Karmapa (the leader of Tibetan Buddhism’s Karma Kagyu schools and one of the most influential religious figures in Tibetan Buddhism who fled to India in 1999) were widely sold and displayed.

The TAR had 1,750 registered religious venues. Government officials closely associated Buddhist monasteries with pro-independence activism in Tibetan areas.

The Government restricts ethnic Han Buddhists from living and studying in monasteries in the TAR and other Tibetan areas. Monks outside the TAR who want to study in the TAR are required to obtain official permission from the religious affairs bureaus (RABs) of their home province and the TAR or Tibetan area involved, and such permission was not readily granted.

Although Tibetan monks were not allowed to conduct large-scale religious teachings outside Tibetan areas, many monks continued to give private teachings to audiences in non-Tibetan regions of China. According to reports, ethnic Han Buddhists outside Tibetan areas were sometimes discouraged from inviting Tibetan monks to give teachings. Such visits required explicit permission from both the monk’s local RAB and the receiving province’s RAB. Nevertheless, Tibetan monks sometimes traveled in plain clothes outside the TAR to teach.

Monasteries in the TAR were not allowed to establish relationships with other monasteries or hold joint religious activities.

The Government continued to fund restoration efforts of religious and cultural sites as part of its program to develop tourism in Tibetan areas. The Xinhua News Agency reported that on April 18 the Government launched a RMB 570 million (approximately \$83 million) program to preserve 22 historical and cultural sites in the TAR, including 15 monasteries. The same report noted that, “over the past two decades China has invested more than RMB 700 million to preserve and maintain more than 1,400 monasteries, cultural relics and religious sites.” Nevertheless, many monasteries destroyed during the Cultural Revolution were not rebuilt or repaired, and others remained only partially repaired. Most recent restoration efforts were funded privately, although a few religious sites also received government support for reconstruction projects during the year.

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

Freedom of Movement.—The law provides for the freedom to travel; however, in practice the Government strictly regulated travel and freedom of movement of Tibetans. Many Tibetans, particularly prominent religious figures, scholars, and dissidents, as well as those from rural areas, continued to report difficulties obtaining passports.

After March 14, freedom of movement in Tibetan areas was limited severely within Lhasa, throughout the TAR, and in Qinghai, Gansu, and Sichuan. The PAP and local Public Security Bureaus set up multiple roadblocks and checkpoints on major roads, in cities, and on the outskirts of monasteries. Following the March protests in Lhasa and other Tibetan communities, authorities sent many monks from outside the TAR back to their home monasteries even if they had resided in Lhasa monasteries for several years. Several monks also reported encountering severe difficulty traveling between monasteries following the March unrest. Authorities barred foreign nationals from entering most Tibetan areas. Movement in some areas opened up slightly at the end of the summer, and in late June foreign nationals with permission were allowed to travel to Lhasa again, although their movements within the city and surrounding areas remained restricted.

Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious, educational, and other purposes. The Government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks and nuns, returning from India and Nepal. Detentions generally lasted for several months, although in most cases authorities did not bring formal charges against prisoners.

The reinforcement of border controls during the year sharply reduced the number of people crossing the border into Nepal and India. The Tibet Reception Center in Dharamsala, India, received 627 visitors during the year.

The Office of the UN High Commissioner for Refugees (UNHCR) reported a drastic reduction in the number of Tibetans who arrived at the Tibetan Reception Center in Nepal during the year. Arrivals virtually ceased following the breakout of unrest in March and the ensuing near closure of the China/Nepal border. At the end of the summer, Tibetans began to trickle across the border, but by year's end there were only 596 arrivals, compared to 2,156 in 2007. The few arrivals who succeeded in entering Nepal reported an intimidating police presence in the border areas. Monks and nuns also reported greater difficulty traveling within Tibet.

The Dalai Lama, the Karmapa, and leaders of all other schools of Tibetan Buddhism remained in exile.

The Government also regulated foreign travel to the TAR. In accordance with a 1989 regulation, foreign visitors were required to obtain an official confirmation letter issued by the Government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. After the March 14 demonstrations, access to the area by foreign nationals was impossible in practice. Authorities prohibited more than two dozen foreign reporters from entering Tibetan areas, and authorities forced some reporters to leave. According to Chinese press reports, the region reopened to domestic tourists on April 24 and foreign tourists on June 25, although tourists and diplomats reported continued difficulty in securing permission to travel. Foreign diplomats must obtain permission from the TAR's Foreign Affairs Office for each visit to the TAR.

Official visits to the TAR were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the authorities. Foreigners could not travel freely in most Tibetan areas outside the TAR after March 14. With the exception of a few highly controlled trips, authorities repeatedly denied requests for international observers to visit Tibetan areas to assess the situation, including a request by then UN High Commissioner for Human Rights Louise Arbour.

National Minorities.—Although TAR census figures show that Tibetans made up 92 percent of the TAR's permanently registered population, official figures did not include a large number of long-, medium-, and short-term Han residents, such as cadres, skilled workers, unskilled laborers, military and paramilitary troops, and their dependents. Chinese social scientists estimated the number of this floating population, including tourists and visitors on short-term business trips, for Lhasa alone was more than 200,000 (nearly half the population of Lhasa and more than 10 percent of the TAR's population) during the May to November high season for tourism and migrant workers. Some Tibet experts in China asserted that the catastrophic May 12 earthquake in Sichuan Province led to a temporary decrease in the TAR's migrant population as many migrants returned to their hometowns in the disaster area to assist relatives in rebuilding.

Migrants to the TAR overwhelmingly were concentrated in urban areas, where government economic policies disproportionately benefited Han Chinese. Small businesses, mostly restaurants and retail shops, run by Han and Hui migrants predominated in cities throughout Tibetan areas. Tibetans continued to make up nearly 98 percent of the rural population, according to official census figures.

Family planning policies permitted Tibetans and members of other minority groups to have more children than Han. Urban Tibetans, including CCP members, and some ethnic Han living in Tibetan areas, generally were limited to two children. Rural Tibetans were encouraged, but not always required, to limit births to three children.

Since 2000 the Government implemented a resettlement campaign of Tibetan nomads into urban areas across the TAR and other Tibetan areas. Officials offered nomads monetary incentives to kill or sell their livestock and move to newly created Tibetan communities. However, reports existed of incidences of compulsory resettlement with promised compensation that either failed to materialize or was inadequate.

In January 2007 TAR Party Secretary Zhang Qingli stated that the restructuring of Tibetan farming and grazing communities was not only to promote economic development but also to counteract the Dalai Lama's influence. He also stated that to do so was essential for "continuing to carry out major development of west China." According to a December 27 report by the Xinhua News Agency, during the year 57,800 TAR nomad and farming households were resettled into permanent housing. The report states "to date, 860,000 farmers and herders from 170,000 families have moved into the new houses." Improving housing conditions and education

for Tibet's poorest were among the goals of resettlement, yet a requirement that villagers build houses according to strict official specifications within two or three years often forced resettled families into debt to cover construction costs.

Although a 2007 state media report noted that Tibetans and other minority ethnic groups made up 60 percent of government employees in the TAR, ethnic Han continued to hold the top CCP positions in nearly all counties and prefectures, including that of TAR party secretary. Tibetans holding government positions were prohibited from worshipping at monasteries or practicing their religion.

The economic and social exclusion of Tibetans was a major reason why such a varied cross section of Tibetans, including business operators, workers, students, university graduates, farmers, and nomads, participated in the protests. Some Tibetans reported that they experienced discrimination in employment and claimed that Han Chinese were hired preferentially for many jobs and received greater pay for the same work. Some Tibetans reported that it was more difficult for Tibetans than Han to obtain permits and loans to open businesses. The use of the Mandarin language was widespread in urban areas, and many businesses limited employment opportunities for Tibetans who did not speak Mandarin.

The TAR tourism bureau continued its policy of refusing to hire Tibetan tour guides educated in India or Nepal. Government officials stated that all tour guides working in the TAR were required to seek employment with the Tourism Bureau and pass a licensing exam on tourism and political ideology. The Government's stated intent was to ensure that all tour guides provided visitors with the Government's position opposing Tibetan independence and the activities of the Dalai Lama. Some ethnic Tibetan tour guides in the TAR complained of unfair competition from government-sponsored "Help Tibet" tour guides brought in from outside the TAR and put to work after receiving a crash course on Tibet.

Women and Children.—There were no formal restrictions on women's participation in the political system, and women held many lower-level government positions. However, women were underrepresented at the provincial and prefecture levels of government. According to an official Web site, female cadres in the TAR accounted for more than 30 percent of the TAR's total cadres.

There was no information on the incidence of rape or domestic violence.

Prostitution was a growing problem in Tibetan areas, and hundreds of brothels operated semi-openly in Lhasa. International development workers in the TAR reported there were no reliable data on the number of persons engaged in the commercial sex trade in Lhasa and Shigatse, the TAR's two largest cities, although some estimates placed the number as high as 10,000. Some of the prostitution occurred at sites owned by the CCP, the Government, and the military. Most prostitutes in the TAR were ethnic Han women, predominantly from Sichuan Province. However, some ethnic Tibetans, mainly young girls from rural or nomadic areas, also engaged in prostitution. While the incidence of HIV/AIDS among those in prostitution in Tibetan areas was unknown, the TAR Health Bureau reported 56 cases of HIV/AIDS in the TAR between 1994 and 2007. Lack of knowledge about HIV transmission and economic pressures on women and girls in prostitution to engage in unprotected sex made them particularly vulnerable.

The TAR is one of the few areas of China that does not have a skewed sex ratio resulting from sex-selective abortion and inadequate health care for female infants.

According to official policy, primary education was compulsory, free, and universal. According to official TAR statistics, 96.5 percent of children between the ages of six and 13 attended school, and 90 percent of the TAR's 520,000 primary school students completed lower middle school, for a total of nine years of education. In 2003 the UN Special Rapporteur on the Right to Education reported that official Chinese education statistics did not accurately reflect attendance and were not independently verified. Miscellaneous fees for the TAR's 131,000 middle school students were abolished in 2007.

Protection of Cultural Heritage.—Rapid economic growth, the expanding tourism industry, the resettlement of nomads, and the introduction of more modern cultural influences continued to disrupt traditional living patterns and customs.

The 2002 revision of the 1987 "Regulation on the Study, Use, and Development of the Tibetan Language in the TAR" formally lowered the status of the Tibetan language from the primary working language to an optional language in many official contexts.

The Dalai Lama and other observers expressed concern that development projects and other central government policies disproportionately benefited non-Tibetans and continued to promote a considerable influx of Han, Hui, and other ethnic groups into the TAR. The opening of the Qinghai-TAR railroad in 2006 increased migra-

tion of non-Tibetans into the TAR. The Government reported the railroad carried 1.5 million passengers in 2007, approximately half of whom were non-tourists.

Residents lacked the right to play a role in protecting their cultural heritage, including their environment. In 2007 the TAR government revised the TAR Cultural Relics Protection Regulations, asserting ownership over religious relics and monasteries. In recent years the Government attempted to restore some temples and other physical vestiges of Tibetan Buddhism and culture that were damaged or destroyed before and during the Cultural Revolution.

Tibetan and Mandarin are official languages in the TAR, and both languages appear on public and commercial signs. Mandarin was widely spoken and was used for most official communications. The illiteracy rate among Tibetans was more than five times higher (47.6 percent) than the national average (9.1 percent), according to 2000 census data. In many rural and nomadic areas, children received only one to three years of Tibetan-language education before continuing their education in a Mandarin-language school. According to official figures, the illiteracy rate was 15 percent at the end of 2005. However, the illiteracy rate for this group was much higher in some areas. According to a 2006 report by the Xinhua News Agency, a looser definition of literacy was used for Tibetan speakers than for Mandarin speakers in rural Tibet. Tibetan-speaking peasants and nomads were considered literate if they could read and write the 30 letters of the Tibetan syllabary and read and write simple notes. Mandarin-speaking nomads and herders were considered literate if they could recognize 1,500 Chinese characters.

The Government established a comprehensive national Tibetan-language curriculum, and many elementary schools in Tibetan areas used Tibetan as the primary language of instruction. Tibetan students also were required to study Chinese, and Chinese generally was used to teach certain subjects, such as arithmetic and science. In middle and high schools—even some officially designated as Tibetan schools—teachers often used Tibetan only to teach classes in Tibetan language, literature, and culture and taught all other classes in Chinese.

As a practical matter, proficiency in Mandarin was essential to qualify for higher education. China's most prestigious universities provided instruction only in Mandarin, while the lower-ranked universities established to serve ethnic minority students only offered Tibetan-language instruction in courses focused on the study of the Tibetan language or culture. At the minority universities, Tibetans and other ethnic minority students typically achieved high proficiency in Mandarin, since much of the curriculum, such as computer and business courses, was in Mandarin.

Leading universities generally required English language proficiency for matriculation. Most graduates of Tibetan schools, however, learned only Mandarin and Tibetan and were thus unable to attend the better universities. This resulted in a shortage of Tibetans trained in science and engineering and, consequently, a near total reliance on imported technical specialists from outside the TAR to work on development projects inside the TAR.

HONG KONG

Hong Kong, with a population of approximately seven million, is a Special Administrative Region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration on the Question of Hong Kong and the SAR's constitution, the Basic Law of the SAR (the Basic Law), specify that Hong Kong will enjoy a high degree of autonomy except in matters of defense and foreign affairs. In September, in generally free and fair elections, the Fourth Term Legislative Council (LegCo) was elected from a combination of geographic and functional constituencies. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, although core issues remained. The terms of the Basic Law limit the ability of citizens to participate in and change their government. Claims of press self-censorship persisted. The legislature was limited in its power to introduce or amend legislation and could not approve executive appointments. Violence against women remained a concern. Workers had a number of problems, including a minimum wage and a guaranteed right to bargain collectively.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Basic Law prohibits torture and other forms of abuse, and the Government generally observed the prohibition in practice. In the first half of the year, there were 189 allegations of assault by police officers on persons in detention. As of June, 81 of the officers had been investigated with results endorsed by the Independent Police Complaints Council (IPCC); the rest were pending at year's end. Investigations found one case to be unsubstantiated, five to be false, and 10 to be not pursuable; the remaining 65 allegations were withdrawn. Forty-two cases of assault by police officers on persons not in custody were filed, with 26 pending investigation as of June. Investigations into the remaining 16 were endorsed by the IPCC, with four cases found not pursuable and 12 complaints withdrawn.

Police use of strip searches during detentions of protesters and criminal suspects prompted public complaints and a formal LegCo query. Media reported concerns about, and the legislature raised questions regarding, police use of strip searches. An IPCC review of one case led the Police Department's Complaints Against Police Office (CAPO) to rule in July that repeated searches conducted each time an individual entered and departed a holding facility were incorrect. In response the police revised the guidelines for conducting both regular searches and searches involving removal of some or all of the detained person's garments.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers and the media; however, there were no requests during the year. For the first six months of the year, the average prison occupancy rate was 96 percent. Overcrowding occurred in some prisons, particularly in maximum security prisons, which operated at an average occupancy rate of 112 percent.

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

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police, and the Government had generally effective mechanisms to investigate and punish abuse and corruption.

There were no reports of impunity involving the security forces during the year. On July 12, LegCo passed a bill granting a statutory basis to the existing IPCC, which is charged with overseeing the CAPO. The IPCC has a number of authorities to monitor investigations undertaken by CAPO, including the authority to raise questions regarding investigations and to request investigative documents. IPCC members and observers are also empowered to attend any interview conducted by the police concerning a reportable complaint and observe the collection of evidence by the police in the investigation of a reportable complaint at any time and without prior appointment. However, human rights activists and some legislators expressed concern that all IPCC members are appointed by the chief executive and that the IPCC's lack of power to conduct independent investigations limits its oversight capacity. While the UN Committee Against Torture "welcomed the enactment of the Independent Police Complaints Council Ordinance...and the new Guidelines on Searching of Detained Persons," it "recommended that Hong Kong continue to take steps to establish a fully independent mechanism mandated to receive and investigate complaints on police misconduct."

Arrest and Detention.—Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. Suspects must be charged within 48 hours or released, and the Government respected this right in practice. There is a functioning bail system, and detainees are allowed prompt access to a lawyer and family members. The law provides accused persons with the right to a prompt judicial determination.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice. The judiciary, underpinned by the Basic Law's provision that the common law tradition be maintained, provided citizens with a fair and efficient judicial process. The courts may interpret those provisions of the Basic Law that address matters within the limits of the SAR's autonomy. The courts also interpret provisions of the Basic Law that touch on mainland government responsibilities or on the relationship between the central authorities and the SAR. However, before making final judgments on these matters, which are not subject to appeal, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress (NPCSC). The Basic Law requires that courts follow the NPCSC interpretation of Basic Law provisions, although judgments previously rendered are not affected. As the final interpreter of the Basic Law, the NPCSC also has the power to initiate interpretations of the Basic Law.

The NPCSC's mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The chief executive, the LegCo president, and the chief justice nominate the Hong Kong members. Human rights and lawyers' organizations expressed concern that this process, which can supersede the Court of Final Appeal's power of final adjudication, could be used to limit the independence of the judiciary or could degrade the court's authority.

Trial Procedures.—The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right in practice. Trials are by jury except at the magistrate court level. An attorney is provided at the public's expense if defendants cannot afford counsel. Defendants can confront and question witnesses testifying against them and present witnesses to testify on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

Defendants enjoy a presumption of innocence except in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that commensurate with his official income, or who controls monies or property disproportionate to his official income, is guilty of an offense unless he can satisfactorily explain the discrepancy. In practice the courts upheld this ordinance. Court is conducted in either Cantonese or English, the SAR's two official languages.

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

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters and access to a court to bring lawsuits seeking damages for, or the cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The Office of the Privacy Commissioner for Personal Data works to prevent the misuse, disclosure, or matching of personal data without the consent of the subject individual or the commissioner. Certain exemptions allow authorities to transfer personal data to a PRC body for safeguarding the security, defense, or international relations of the SAR and for the prevention, detection, or prosecution of a crime.

The use of covert surveillance and the interception of telecommunications and postal communications can be granted only to prevent or detect "serious crime" or protect "public security." A 2006 law established a two-tiered system for granting approval for surveillance activities, under which surveillance of a more intrusive nature requires the approval of a judge, and surveillance of a less intrusive nature requires the approval of a senior law enforcement official. Applications to intercept telecommunications must involve crimes with a penalty of at least seven years' imprisonment, while applications for covert surveillance must involve crimes with a penalty of at least three years' imprisonment or a fine of at least HK\$1 million (approximately \$128,000).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Code of Ethics of the Hong Kong Journalists Association (HKJA) states that "a journalist shall not lend himself/herself to the distortion or suppression of the truth because of advertising or other considerations." However, reports of media self-censorship continued during the year. Most media outlets were owned by businesses with interests on the Mainland, which led to claims that they were vulnerable to self-censorship. The Hong Kong University Public Opinion Program reported that an average of 45.8 percent of polled respondents believed that news media practiced self-censorship, down 3 percent from 2007. According to a 2007 Lingnan University survey, 29.5 percent of respondents within the industry said they practiced self-censorship. In its July annual report, the HKJA expressed concern that rising nationalism could threaten press freedom. The HKJA report noted a growing reluctance on the part of many media outlets to address mainland issues that were sensitive to the Government in Beijing. These included matters of national security, including dissident and separatist activities, as well as human rights issues, corruption, and allegations of illegal land transfers and sales.

Although Secretary for Security Ambrose Lee stressed that the right of protest during the 2008 Olympics and the right of persons from abroad to travel to Hong Kong to participate in those protests would be honored, he faced criticism for stating that those seen as seeking to disrupt the Olympics would be barred from entry to

the SAR. In advance of Olympic events and the Olympic torch relay, some critics of the PRC were barred, including Western critics of PRC policy on Darfur.

On April 29, Zhang Yu, Secretary-General of the Independent Chinese PEN Center, who was traveling to Hong Kong to chair a World Press Freedom Day conference and participate in other human rights activities, was denied permission to enter.

The publication or importation of print or other media is subject to regulation by provisions to safeguard the interest of readers, as in the case of obscene print materials and other media not regulated by the Broadcasting Ordinance.

Controversy continued over the independence of government-owned and -operated Radio Television Hong Kong (RTHK). In 2007 a government-appointed review panel recommended that a new public service broadcaster be established, but the panel did not comment on the future of RTHK. Several media groups criticized the findings, noting that RTHK was already widely accepted as an independent public broadcaster. Media groups criticized the composition of the panel, none of whose members were public broadcasting experts. The panel's findings were widely interpreted as a threat to media freedom. At year's end, although a new program director had been appointed, the Government had not decided the fate of RTHK.

International media organizations operated freely. Foreign reporters needed no special visas or government-issued press cards. The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Commercial Internet service was widely available, including a number of government-supplied wireless (WiFi) “hot spots” and public and commercial venues in which WiFi or other access was provided at no charge to visitors and customers. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government routinely issued the required permits for public meetings and demonstrations.

Some activists alleged instances of police using any physical contact between protesters and police as a basis to detain protesters on charges of assaulting police. In July a magistrate dismissed the case of an activist detained in 2007 on charges of interfering with and assaulting police officers. Media reported that video footage taken by a witness showed aggressive police behavior, while the activist himself remained calm and did not initiate physical contact with police. The activist further reported to media that officers assaulted him and others detained at the scene and at the police station.

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

Societal Abuses and Discrimination.—No major societal abuses or acts of religious discrimination, including anti-Semitic acts against the small Jewish community, were reported during the year.

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

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides residents freedom of movement, freedom of emigration, and freedom to enter and leave the territory, and the Government generally respected these rights in practice, with some prominent exceptions. Although the SAR is not party to the 1951 Convention on Refugees, the Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing temporary permission to enter the SAR and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Most residents easily obtained travel documents from the SAR government; however, limits on travel to the Mainland were sometimes imposed by the mainland government on outspoken political figures.

Government policy was to repatriate undocumented migrants who arrive from the Mainland, and authorities were not able to consider them for refugee status under the “one country, two systems” framework. During the first half of the year, 1,352 migrants were repatriated to the Mainland. The Government does not recognize the

Taiwan passport as valid for visa endorsement purposes, although convenient mechanisms exist for Taiwan passport holders to visit Hong Kong.

The law does not provide for, and the Government did not use, forced exile.

PRC authorities do not permit some Hong Kong human rights activists and most prodemocracy legislators to visit the Mainland. An exception to this general practice occurred following the Sichuan earthquake, as LegCo President Rita Fan led a delegation including democratic legislators normally barred from the Mainland to view quake sites and reconstruction efforts.

Protection of Refugees.—The 1951 UN Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR has no temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners the right to have asylum claims recognized. The Government's practice was to refer refugee and asylum claimants to a lawyer or the UNHCR. In November the UN Committee Against Torture expressed concern that there was "still no legal regime governing asylum and establishing a fair and efficient refugee status determination procedure."

In 2006, due to budget cuts, the UNHCR stopped providing financial support to individuals awaiting status assessment. In response the Government began offering limited allowances to adult claimants through its Social Welfare Department. As of November 30, approximately 2,879 persons were receiving assistance-in-kind, based on the needs assessed by professional workers, under the Government support program. The UNHCR worked with potential host country representatives to resettle persons designated as refugees.

A July court of appeal decision found current policies regarding detention of persons seeking relief from removal to be at odds with the Bill of Rights Ordinance, because the grounds by which the director of immigration made determinations that a person should be detained were not sufficiently "certain and accessible."

The High Court ruled in favor of six applicants for relief from removal under the Convention Against Torture; they had challenged the SAR's process for handling their applications in a December 2007 case. The High Court found the SAR's process flawed in that it made no provision for applicants to have counsel present during completion of their application questionnaires (including free counsel for those unable to afford their own). The court also struck down the system of having one officer conduct the interview portion of the application while another officer made the decision to grant or deny relief without firsthand contact with the applicant. The court further determined that the appeal process must grant both the opportunity for an oral hearing with officials making the determination and access by the applicant to any external advice given to the Security Bureau or Immigration Department in making a determination on the application.

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

The right of residents to change their government peacefully is limited by the Basic Law, which provides for the selection of the chief executive by an 800-person election committee (composed of individuals who are directly elected, indirectly elected, and appointed). The Basic Law provides for the direct election of 30 of the 60 LegCo members and the inclusion of appointed members to the elected district councils. The approval of the chief executive, two-thirds of the LegCo, and two thirds of Hong Kong's delegates to the Mainland's National People's Congress (NPC) is required to place an amendment of the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

Elections and Political Participation.—In March 2007 the Chief Executive Election Committee selected incumbent Donald Tsang. In April 2007 Tsang was appointed as chief executive, and the mainland government approved his new cabinet in June 2007.

On September 7, Hong Kong voters in six geographic constituencies elected 30 legislators, half of the total LegCo, in elections that were generally free and fair. A record number of candidates, both party affiliated and independent, contested the elections. Concerns were raised over the use of exit polling data by organizations with political party affiliations to assist parties in directing their supporters to support particular candidates. Use of polling is not illegal if the data is not publicly released prior to the close of the polls; however, the question was raised whether polling activities in support of particular political parties should be recognized as an official election expense subject to the monetary limits and reporting requirements of the law.

The other 30 seats in the LegCo were elected by 28 functional constituencies (FCs), which represent key economic and social sectors. The 28 FCs represent only 230,000 voters, less than the electorate in a single geographic constituency. Of this number of voters, 150,000 are represented by the three largest FCs, while the four smallest have less than 200 voters. FCs set their own voting rules, with some allowing heads of corporations to vote on behalf of their companies. Persons with interests in more than one sector represented by an FC may thus be able to cast three or more votes (one in their geographic constituency and one in each FC for which they meet eligibility requirements). Fourteen FC seats were returned uncontested, which spurred critics to renew calls that the FCs be abolished in the process of establishing a LegCo elected by universal suffrage.

As of October 31, the Independent Commission Against Corruption (ICAC) had received 108 complaints related to the LegCo elections on September 7. Of these, approximately 60 percent concerned corrupt conduct and 30 percent to illegal conduct.

The Basic Law substantially limits the ability of the legislature to influence policy by requiring separate majorities among members elected from geographical and functional constituencies to pass a bill introduced by an individual member. Another Basic Law provision prohibits the LegCo from putting forward bills that affect public expenditure, political structure, or government policy. Bills that affect government policy cannot be introduced without the chief executive's written consent. The Government has adopted a very broad definition of "government policy" to block private member bills, and the president of LegCo has upheld the Government's position.

District councils are responsible for advising the Government on matters affecting the well-being of district residents, the provision and use of public facilities, and the use of public funds allocated for local public works and community activities. The District Council Ordinance gives the chief executive authority to appoint 102 of 529 of the district councilors, and he exercised this power in practice.

Hong Kong sends 36 delegates to the NPC. Four pandemocratic candidates were among the 50 candidates for the NPC, but none was selected by the NPC electoral committee for the 36-member Hong Kong delegation.

Women were elected to seven of the 30 directly elected LegCo seats and four of the 30 functional constituency seats. Women made up between 17 and 23 percent of the membership in the major political parties. Four political parties or movements represented in the LegCo were headed by women, and several women were party vice chairs. More than one-third of civil servants were women, and four of the 22 most senior government officials were women.

There is no legal restriction against non-Chinese standing for electoral office or participating in the civil service, although some positions require that the office holder have legal right of abode only in Hong Kong. There were no ethnic minorities in the LegCo, but there were a number of ethnic minorities in senior civil service positions.

Government Corruption and Transparency.—There were isolated reports of government corruption, and the Government sought to combat official corruption through the Prevention of Bribery Ordinance and the ICAC.

By the end of September, the ICAC had received 2,549 reports of corruption (a 5 percent decrease over the same period in 2007), of which 743 were related to the Government (an increase of 2 percent from 2007). The ICAC completed 285 prosecutions involving 246 individuals (an increase of 6 percent over 2007).

The SAR requires government officials to declare their financial investments—annually for the 27 most senior civil service positions and biennially for approximately 3,100 senior working-level officials. Policy bureaus may also impose additional reporting requirements for positions seen as having a greater risk of conflict of interest.

The law provides for access to government information with exceptions that are narrowly defined and could be appealed; in practice such information was provided to both citizens and noncitizens.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Prominent human rights activists critical of the mainland government also operated freely and maintained permanent resident status in Hong Kong.

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

The law provides that all residents are equal, and the Government enforced these rights in practice.

Women.—Violence against women continued to be a problem, although the Government took measures against it. The Statute Law (Miscellaneous Provisions) Bill criminalizes marital rape, and the Crimes Ordinance expressly states that “unlawful sexual intercourse” could be applied both outside and inside the bounds of marriage. From January to June, 47 rape cases and 683 indecent assault cases were reported to the police.

The Government regarded domestic violence against women a serious concern and took effective measures to prevent and prosecute offenses. Between January and June, there were 3,103 cases of spousal battery and 408 cases of child abuse reported to the Social Welfare Department, which receives reports from the police, social workers, the Health Department, and volunteer organizations. The Domestic Violence Ordinance allows victims to seek a three-month injunction, extendable to six months, against an abuser. The ordinance does not criminalize domestic violence directly, although abusers may be liable for criminal charges under other ordinances, including the Crime Ordinance and the Offences Against the Person Ordinance. The Government enforced the law and prosecuted violators, but sentences typically consisted only of injunctions or restraining orders.

On August 1, Hong Kong’s Domestic Violence (Amendment) Ordinance took effect. It expands the scope of previous law to cover molestation between married couples and heterosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. The revised law provides better protection for victims under age 18, allowing them to apply for an injunction in their own right, with the assistance of an adult guardian, against molestation by their parents, siblings, and specified immediate and extended family members. The new law also empowers the court to require the abuser to attend an antiviolence program. In cases where the abuser caused bodily harm, the court may attach an authorization of arrest to an existing injunction, and both injunctions and authorizations for arrest can be extended to two years under the new law.

The Government maintained programs that provide intervention and counseling to batterers. There were eight Integrated Family Service Centres and Family and Child Protective Services Units, which offered services to domestic violence victims and batterers. The Government also continued its publicity campaign to strengthen families and combat violence and increased public education on the prevention of domestic violence.

Prostitution is legal, but there are laws against activities such as public solicitation, causing or procuring another to be a prostitute, living on the prostitution of others, or keeping a vice establishment.

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. As of July 31, 51 complaints of sexual harassment had been reported to the Equal Opportunity Commission (EOC).

The law prohibits discrimination based on gender. According to the results of the General Household Survey conducted by the Census and Statistics Department, there were 1,659 men for every 1,000 women employed as professionals in the July–September period. Approximately 22 percent of judicial officers and judges were women.

While the law treats men and women equally in terms of property rights in divorce settlements and inheritance matters, in practice women faced discrimination in employment, salary, welfare, inheritance, and promotion. Women reportedly formed the majority of the working poor and those who fall outside the protection of labor laws.

The Government established a Women’s Commission as an advisory body for policy making, while the EOC oversaw enforcement of the Sex Discrimination Ordinance. A number of nongovernmental organizations (NGOs) were also active in raising problems of societal attitudes and discrimination against women.

Children.—The Government supported children’s rights and welfare through well-funded systems of public education, medical care, and protective services.

From January to June, there were 427 child abuse cases reported to the Social Welfare Department: 238 involved physical abuse (referring to victims younger than 14 years of age), and 125 involved sexual abuse (referring to victims younger than 17 years of age). The Domestic Violence Ordinance mandates substantial legal penalties for acts of child abuse such as battery, assault, neglect, abandonment, sexual exploitation, and child sex tourism, and the Government enforced the law.

The Government provided parent education programs, including instruction on child abuse prevention, in all 50 of the Department of Health’s maternal and child

health centers. It also provided public education programs to raise awareness of child abuse and alert children about how to protect themselves. The Social Welfare Department provided child psychologists for its clinical psychology units and social workers for its family and child protective services units. The police maintained a child abuse investigation unit and a child witness support program. A law on child care centers helped prevent unsuitable persons from providing child care services.

Social service providers and the media tracked a rise in the incidence of "compensated dating" among minor girls. The majority of cases appeared to involve teenage girls, both above and below the age of consent, who advertised escort services that might include sex, either to support themselves or for extra pocket money. However, in September police raided the operations of a syndicate employing both minors and women of legal age involved essentially in prostitution services. Some women involved in the trade reported being beaten or abused by clients. In response to this trend, police began monitoring Internet chat rooms and Web sites used by both individuals and syndicates to advertise services, with officers assigned to gather evidence against the operations and determine the techniques used by syndicates to recruit the girls.

Trafficking in Persons.—There is no consolidated antitrafficking law; however, various laws and ordinances allow law enforcement authorities to take action against traffickers. Despite robust efforts by the SAR government to stop such activities, Hong Kong was a point of transit and destination for a small number of persons trafficked for sexual exploitation from the Mainland and Southeast Asia. The SAR government stated that it was difficult to identify trafficking victims from among the larger group of illegal immigrants.

Nearly all trafficking victims initially came to Hong Kong willingly to engage in prostitution. Most came from rural areas of the Mainland, Thailand, or the Philippines on 14-day tourist visas, although a very small number entered using forged documents. The overwhelming majority were women, although an increasing number of young men came to work as homosexual prostitutes. While many came on their own, some were lured by criminal syndicates and promises of financial rewards but faced circumstances of debt bondage. Syndicates sometimes held passports and travel documents until debts were paid.

Provisions in the Immigration Ordinance, the Crimes Ordinance, the Employment Ordinance, and other relevant laws enable law enforcement authorities to take action against trafficking in persons. The Security Bureau, which also combats migrant trafficking and oversees the police, customs, and immigration departments, enforces antitrafficking laws. The courts can impose heavy fines and prison sentences of up to 14 years for activities such as arranging passage of unauthorized entrants, arranging entrance or exit of a person for the purpose of prostitution, and aiding and abetting any person to use forged, false, or unlawfully obtained travel documents. Law enforcement officials received special training on handling and protecting victims and vulnerable witnesses, including victims of trafficking.

There were no reports that government officials participated in, facilitated, or condoned trafficking, and no officials were prosecuted, convicted, or sentenced to time in prison or were removed from their duties for trafficking during the year.

The Government provided legal aid to those taking legal action against an employer and immunity from prosecution for those assisting in the investigation and prosecution of traffickers. The Social Welfare Department and local NGOs provided an array of social services to victims of trafficking. The Government also tried to prevent trafficking by distributing pamphlets and other public messaging campaigns, in a wide range of languages, on workers' rights.

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

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, access to health care, or the provision of other state services, and the Government effectively enforced these provisions. In the first seven months, the Labour Department's Selective Placement Division found jobs for 1,512 job seekers with disabilities out of 2,091 on the register. As of March the Government employed 3,225 civil servants with disabilities, out of a total workforce estimated at 155,000.

Nevertheless, instances of discrimination against persons with disabilities persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance calls for improved building access and sanctions against those who discriminate. Despite inspections and the occasional closure of noncompliant businesses under the Buildings Ordinance, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

The EOC sponsored a variety of activities to address discrimination against persons with disabilities, including offering youth education programs, distributing guidelines and resources for employers, carrying out media campaigns, and cosponsoring seminars and research.

National/Racial/Ethnic Minorities.—Although 95 percent ethnic Chinese, Hong Kong is a multiethnic society with persons from a number of ethnic groups recognized as citizens or legal permanent residents of the SAR. Discrimination based on race is prohibited by law, and the EOC oversees implementation and enforcement of the Race Discrimination Ordinance passed during the year. The Race Relations Unit, which is subordinate to the Constitutional and Mainland Affairs Bureau, served as secretariat to the Committee on the Promotion of Racial Harmony and implemented the committee's programs. The unit also maintained a hotline for enquiries and complaints concerning racial discrimination.

Opponents of the new Race Discrimination Ordinance believed that it lacked the clear statements of applicability to government agencies found in the Sex Discrimination Ordinance and similar legislation. The Government argued in turn that the law, if broadened in some areas, could affect the Government's ability to function, including in areas meant to correct societal inequities, and might open the Government up to litigation. The Government further argued that, in areas not covered by the Race Discrimination Ordinance, the Hong Kong Bill of Rights Ordinance provided sufficient guarantees.

While English and Cantonese are the two official languages, persons not fluent and literate in Cantonese faced tremendous challenges in seeking employment and in choice of education. The Constitutional and Mainland Affairs Bureau sponsored a "Cross-Cultural Learning Programme for Non-Chinese Speaking Youth" through grants to NGO service providers.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation. Human rights activists expressed concern that while the new Domestic Violence (Amendment) Ordinance covers unmarried heterosexual partnerships, it does not extend the same protection to homosexual partnerships.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must register under the Trade Unions Ordinance and must have a minimum membership of seven persons for registration. At the end of June, there were 782 registered trade unions, comprising 739 employee unions, 19 employers' associations, and 24 mixed organizations of employees and employers. In the first half of the year, 13 new unions were registered and six unions were deregistered upon request.

According to a 2008 International Trade Union Confederation (ITUC) survey, almost 25 percent of Hong Kong's labor force was unionized.

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance bans the use of union funds for political purposes, requires the chief executive's approval before unions can contribute funds to any trade union outside of the SAR, and restricts the appointment of persons from outside the enterprise or sector to union executive committees.

Work stoppages and strikes are legal. There are some restrictions on this right for civil servants. Although there is no legislative prohibition of strikes, in practice most workers had to sign employment contracts that typically stated that walking off the job is a breach of contract, which could lead to summary dismissal. In addition there is no legal entitlement to reinstatement in the case of unfair dismissal.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize, and this right was implemented in practice; however, it does not guarantee the right to collective bargaining. The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance does not provide a legal framework for trade unions to engage employers in collective bargaining. In all but a few specific trades, unions were not powerful enough to force management to engage in collective bargaining. The Government did not engage in collective bargaining with civil servants' unions. According to the ITUC report, only 1 percent of the workforce was covered by collective agreements, and these were not legally binding.

The Workplace Consultation Promotion Unit in the Labour Department facilitated communication, consultation, and voluntary negotiation between employers and em-

employees. Tripartite committees for each of the nine sectors of the economy included representatives from some trade unions, employers, and the Labour Department.

There is no provision guaranteeing reinstatement of workers dismissed because of their trade union membership.

There are no export processing zones in the SAR.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, and there were no reports that such practices occurred. Although the law does not specifically prohibit forced or compulsory labor by children, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Employment of Children Regulations prohibits employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection of their safety, health, and welfare. The Labour Department conducted regular workplace inspections to enforce compliance with the regulations. During the first half of the year, the Labour Department conducted 74,451 inspections and discovered five suspected violations of the Employment of Children Regulations. The regulations limit work hours in the manufacturing sector for persons 15 to 17 years of age to eight hours per day and 48 hours per week between 7 a.m. and 7 p.m. They also prohibit overtime in industrial establishments with employment in dangerous trades for persons less than 18 years of age.

e. Acceptable Conditions of Work.—There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provided workers with various kinds of allowances, medical treatment, and subsidized transport. The average wage provided a decent standard of living for a worker and family. Two-income households were the norm. There are no regulations concerning working hours, paid weekly rest, rest breaks, or compulsory overtime. Workweeks of up to 60 hours and more were not uncommon.

The Occupational Safety and Health Branch of the Labour Department is responsible for safety and health promotion, enforcement of safety management legislation, and policy formulation and implementation. The Factories and Industrial Undertakings Ordinance, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labour Department's Occupational Safety and Health Branch conducted 58,872 workplace inspections. There were 889 convicted summonses, resulting in fines totaling HK\$6,596,450 (more than \$850,000). Although worker safety and health continued to improve, serious problems remained, particularly in the construction industry. In the first quarter of the year, the Labour Department reported 9,438 occupational injuries, including 3,359 classified as industrial accidents. In the same period, there were eight fatal industrial accidents. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

The minimum wage for foreign domestic workers was HK\$3,580 per month (approximately \$460). The standard workweek was 48 hours, but many domestic workers worked much longer hours. The standard contract law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living. Foreign domestic workers can be deported if dismissed. Labor groups reported that the 200,000 foreign domestic workers were still vulnerable to extensive rights and contract violations. During the first six months of the year, four employers were convicted for labor law maltreatment violations under the Employment Ordinance relating to the employment of foreign domestic workers. During the first seven months of the year, 101 foreign domestic workers filed criminal suits, 47 of which were against employers, for other types of maltreatment, including rape, indecent assault, and injuring and serious assault.

MACAU

Macau, with a population of approximately 543,000, is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and enjoys a high degree of autonomy, except in defense and foreign affairs, under the SAR's constitution the Basic Law. In the most recent election for SAR leadership, held in 2004, Chief Executive Edmund Ho was reelected to a second five-year term. In 2005, in elections considered generally free and fair, voters elected 12 of the legislature's 29 members in direct elections based on geographical constituencies. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, some problems remained, most notably limits on citizens' ability to change their government, trafficking in persons, and reports of official corruption.

RESPECT FOR HUMAN RIGHTS

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

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

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these rights. In the first half of the year, there were six reports of police brutality, none involving serious acts of abuse.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards.

Although the Government permitted visits by independent human rights observers, there were no requests during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the Public Security Police (general law enforcement) and Judiciary Police (criminal investigations), and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. Detainees were allowed access to a lawyer of their choice or, if indigent, to one provided by the SAR government. Detainees also were allowed prompt access to family members. Police must present persons remanded in custody to an examining judge within 48 hours of detention. The examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. The law provides that cases must come to trial within six months of an indictment. The criminal procedure code mandates that pretrial detention is limited to between six months to three years, depending on the criminal charges and progress of the judicial system. Judges often refused bail in cases where sentences could exceed three years.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Both Portuguese and Chinese (Cantonese) are official languages. The need to translate laws and judgments from Chinese into Portuguese and a shortage of local bilingual lawyers and magistrates hampered the development of the legal system. There also was a severe shortage of judges.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The courts may rule on matters that are "the responsibility of the Central People's Government or concern the relationship between the central authorities and the SAR." However, before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of relevant provisions from the National People's Congress (NPC) Standing Committee. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, "shall follow the interpretation of the Standing Committee." The Standing Committee must consult the NPC's Committee for the Basic Law of the SAR before giving an interpretation of the law. This committee is composed of 10 members—five from the SAR and five

from the mainland. The chief executive, the president of the SAR Legislative Assembly, and the president of the Court of Final Appeal nominate the SAR members.

Defendants enjoy a presumption of innocence and have access to government-held evidence relevant to their cases and a right to appeal. Defendants have the right to be present at their trials and to confront witnesses. They also have the right to consult with an attorney in a timely manner; public attorneys are provided for those who are financially incapable of engaging lawyers or paying expenses of proceedings. Trials are public and are by jury except at the magistrate-court level. The law extends these rights to all citizens.

The judiciary provides citizens with a fair and efficient judicial process; however, due to an overloaded court system, a period of up to a year often passed between filing a civil case and its scheduled hearing.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures.—There is an independent and impartial judiciary for civil matters, and citizens have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent media were active and expressed a wide variety of views without restriction, and international media operated freely. Major newspapers were heavily subsidized by the Government and tended to follow closely the PRC central government line on sensitive political issues, such as Taiwan; however, they reported freely on the SAR government, including reports critical of the Government.

In April Andrew To, a member of the Wong Tai Sin District Council and vice chairman of League of Social Democrats in Hong Kong, was refused entry into the SAR. To declared that authorities cited internal security laws for the denial of his entry.

On April 28, members of the Hong Kong political party League of Social Democrats members Chan Cheong and Michael Mak were denied entry to the SAR ahead of the Olympic torch relay in Hong Kong and Macau. Mak stated that authorities cited internal security laws for their refusal to allow them to enter.

On June 12, authorities declined the entry of Hong Kong university student Christina Chan, who waved the Tibetan Snow Lion Flag during the Olympic torch relay in Hong Kong. A spokesman for the Government Information Bureau declared that authorities declined her entry in accordance with the security law that allows the authorities to refuse the entry of a person who poses a threat to stability or internal security.

In November Hong Kong democratic legislators, including members of the League of Social Democrats, were able to participate in seminars and public protests regarding Article 23 of the Basic Law, otherwise known as the “The Defense of National Security Act,” which prohibits acts such as treason, secession, sedition, and subversion against the PRC government and theft of state secrets. One legislator was held by immigration for 10 minutes on arrival but was admitted. However, in December a group of 24 Hong Kong activists, including nine legislators, was denied admission to attend Article 23-related activities.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available; studies showed that approximately 64 percent of the population had regular access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

There were no reports that Falun Gong practitioners were denied entry into the SAR.

Societal Abuses and Discrimination.—Societal relations among various religious groups were generally amicable. The size of the Jewish population remained extremely small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected them in practice. Persons denied entry into the SAR have the right to contact their consulate or other representative of their country, to have assistance with language interpretation, and to consult a lawyer. The Immigration Department cooperated with the UN High Commissioner for Refugees in handling refugees.

The law prohibits forced exile, and the Government generally respected the law in practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year there were two applications (covering five persons) for refugee status, both of which were pending at year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law limits citizens' ability to change their government. The Government was led by a chief executive, chosen by a 300-member election committee, which in turn was chosen by a 100-member preparatory committee, composed of 60 SAR and 40 mainland representatives appointed by the NPC. Voters directly elected 12 of the 29 members of the Legislative Assembly, and local community interest groups indirectly elected 10 members. The remaining seven members were selected by the chief executive.

Elections and Political Participation.—In 2004 Chief Executive Edmund Ho was reelected to a second five-year term. In 2005 the SAR held elections for the Legislative Assembly, with 58 percent of registered voters participating. The elections of directly elected seats were considered generally free and fair.

There are limits on the types of legislation that legislators may introduce. The law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the Government. Proposed legislation related to government policies must receive the chief executive's written approval before it is submitted.

A 10-member Executive Council functions as an unofficial cabinet, approving draft legislation before it is presented in the Legislative Assembly. The Basic Law stipulates that the chief executive appoints members of the SAR Executive Council from among the principal officials of the executive authorities, members of the legislature, and public figures.

There are no registered political parties; politically active groups register as societies or companies. These groups are active in promoting their political agendas, and those critical of the Government do not face restrictions. Such groups participated in protests over government policies or proposed legislation without restriction.

There were six women in the Legislative Assembly, including the president. Women also held a number of senior positions throughout the Government, including the secretary for justice and administration, the second-highest official in the SAR government. Eleven of the SAR's 29 judges were women. There were three members of ethnic minorities in the Legislative Assembly. One member of the Executive Council was also from an ethnic minority, as was the police commissioner.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, officials sometimes engaged in corruption.

The Commission Against Corruption (CCAC) investigates the public sector and has the power to arrest and detain suspects. The most recent figures showed that in 2007 the CCAC received 736 complaints against public officials in a variety of agencies. The CCAC pursued 369 of these complaints, 500 of which were criminal cases and 236 were administrative cases. The CCAC transferred 11 cases to the Public Prosecutions Office. The Ombudsman Bureau, within the CCAC, reviews complaints of maladministration or abuse by the CCAC, but there were no reports of such complaints in 2007. There also is an independent committee outside CCAC

called the Monitoring Committee on Discipline of the CCAC Personnel, which accepts and reviews complaints on CCAC personnel.

In January the Court of Final Appeal convicted former public works secretary Ao Man Long on 57 counts of taking bribes, money laundering, abuse of power, and other charges and sentenced him to 27 years' imprisonment.

By law the chief executive, his cabinet, judges, members of the Legislative Assembly and the Executive Council, and executive agency directors are required to disclose their financial interests.

The law does not provide for public access to government information. However, the executive branch published online, in both Portuguese and Chinese, an extensive amount of information on laws, regulations, ordinances, government policies and procedures, and biographies of government officials. The Government also issued a daily press release on topics of public concern. The information provided by the legislature was less extensive. For example, it did not publish a legislative agenda or a list of pending bills.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international groups monitoring human rights generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law stipulates that residents shall be free from discrimination, and the Government effectively enforced the law. In addition, many local laws carry specific prohibitions against discrimination, although there is no specific law for combating discrimination.

Women.—The law criminalizes rape, including spousal rape, and the Government effectively enforced the law. In the first half of the year, there were six reported rapes. Rape was not a pervasive problem, and the police and courts promptly acted on rape cases.

The Government effectively enforced criminal statutes prohibiting domestic violence against women and prosecuted violators; however, various nongovernmental organizations (NGOs) and government officials considered domestic violence against women to be a growing problem. In the first half of the year, 35 cases of domestic violence, including 15 cases of spousal abuse, were reported to the police.

Domestic violence is punishable by one to 15 years in prison. In the case of both spousal abuse and violence against minors, the penalty is two to eight years' imprisonment; if the abuse leads to the death of the victim, the penalty is five to 15 years. There was no data on reported cases of spousal abuse and violence against minors.

The Government provided hospital treatment for victims of abuse, and medical social workers counseled victims and informed them of social welfare services. The Government may provide victims of domestic violence with public housing until their complaints are resolved, but it did not reserve facilities expressly for this purpose.

Private and religious groups sponsored programs for victims of domestic violence, and the Government supported and helped to fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, helped female victims of domestic violence by providing a safe place for them and their children and furnishing advice regarding legal actions against perpetrators. A family counseling service was available to persons who requested such services at social centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence.

Prostitution is legal and common; however, procurement and the operation of a brothel are illegal. Nevertheless, the SAR had a large sex trade, including brothels, most of which were believed to be controlled by Chinese organized crime groups, and many of those exploited by the trade were women.

There is no law specifically addressing sexual harassment, although harassment in general is prohibited and was not widespread. Between January 2007 and August 2008, the Labor Affairs Bureau received one sexual harassment complaint, which on investigation was found to be unsubstantiated.

Equal opportunity legislation mandates that women receive equal pay for equal work; however, observers estimated that there was a significant difference in salary between men and women, particularly in unskilled jobs. The law allows for civil suits, but few women took their cases to the Labor Affairs Bureau or other entities. Discrimination in hiring practices based on gender or physical ability is prohibited

by law, and penalties exist for employers who violate these guidelines. There were no reports on alleging sexual discrimination during the first half of the year.

Children.—The Government protected the rights and welfare of children through the general framework of civil and political rights legislation that protects all citizens.

Education is compulsory and free for most children between ages five and 15 through general secondary education. However, the children of illegal immigrants were excluded from the educational system. Experts believed this exclusion affected only a few children.

The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors.

Trafficking in Persons.—The SAR is a transit and destination point for women trafficked for the purposes of sexual servitude. While the majority of mainland or foreign women who entered the SAR to become prostitutes were believed to have done so voluntarily, there was evidence that some had been deceived or coerced into participating in the commercial sex trade. Some foreign victims were misinformed about their destination and diverted to the SAR, where they were trafficked into prostitution.

On June 12, the Legislative Assembly unanimously passed a comprehensive antihuman trafficking law that broadens the definition of trafficking crimes, increases punishments for convicted traffickers, and expands protections for victims. The new law took effect on June 24. The law criminalizes all forms of human trafficking into, from, or through the SAR and provides for imprisonment of three to 12 years for sex and labor trafficking, as well as trafficking organs or tissue, and five to 15 years' imprisonment for trafficking minors (under age 18). Penalties increase by one-third for trafficking victims under 14 years old. Retaining, hiding, spoiling, or destroying the identification or travel documents of a trafficking victim also incurs a penalty of one to five years' imprisonment, if no harsher punishment is available in other laws.

Although prostitution is legal, a "procurement" law makes it a crime to instigate, favor, or facilitate the practice of prostitution by another person for the purposes of profit or as a way of life, although the penalties for this lighter crime are less severe and the "procurement" crime does not recognize a victim.

Between January and August there were seven reported cases of human trafficking. On July 20, the Judiciary Police reportedly arrested two women from the PRC and referred the case—the first under the new law—to the Public Prosecutions Office. The two victims reported being offered work in a casino by the Shenzhen-based employer, only to be coerced into working as prostitutes in Cotai District. The victims were reportedly beaten and told they would have to pay 50,000 patacas (approximately \$6,250) for their freedom. The victims escaped and sought help from the police on July 18. Both offenders were illegally in the SAR, and because one victim was a minor, the alleged offenders faced the maximum penalty of 20 years' imprisonment. In accordance with the new law, authorities reportedly offered the victims protection and welfare, including psychological assistance. On August 6, a local newspaper reported separately that one of the traffickers was implicated in two additional reports of sex trafficking, both involving adult victims, and at year's end police were investigating the reported crimes.

Authorities believed that Chinese, Russian, and Thai criminal syndicates were involved in trafficking women to the SAR for prostitution, after which victims were passed on to local crime syndicates. There were no confirmed reports of official involvement in human trafficking. Victims were primarily from mainland China, Mongolia, Russia, Eastern Europe, Vietnam, and Thailand.

As required by the new law, the SAR established a dedicated government assistance program, including shelter, social welfare, and healthcare assistance for victims of trafficking. The Government also published leaflets to educate citizens on human trafficking, associated penalties, and the Government's protection measures for victims. The leaflets, printed in Chinese, Portuguese, and English, were available at border and transit points, police and other government offices, healthcare and social welfare facilities, and educational institutions.

No NGOs focused specifically on trafficking-related problems; however, there were charity organizations that provided assistance and shelter to women and children who were victims of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, access to health care, or the provision of other state services, and the Government generally enforced these provisions

in practice. The law mandates access to buildings for persons with disabilities. The Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers to form and join unions or “labor associations” of their choice without previous authorization or excessive requirement, and the Government generally respected this right in practice. However, guidelines adopted by the CCAC require that civil servants obtain approval from their managers before joining associations or becoming leaders in labor associations. The law also specifically excludes public servants, domestic workers, and migrant workers from labor law protections, including the right of association. At the beginning of the year, there were 214 registered labor associations and 227 employers’ associations. Data on the percentage of unionized workers was unavailable.

According to the International Trade Union Confederation (ITUC), due to the mainland government’s strong influence over local trade union activities, including the direct selection of the leadership of the Federation of Trade Unions (FTU), independence of trade unions was undermined and the protection of the trade union members’ rights compromised. Mainland government policies emphasized minimizing workplace disruption, and some unions were criticized for tending to resemble local traditional neighborhood associations promoting social and cultural activities. The Union for Democracy Development Macau (UDDM) and some local journalists claimed that the FTU was more interested in providing social and recreational services than in addressing labor problems such as wages, benefits, and working conditions.

Workers have the right to strike, but there is no specific protection in the law from retribution if workers exercise this right. The Government argued that striking employees are protected from retaliation by labor law provisions, which require an employer to have “justified cause” to dismiss an employee; however, there were reports that the Government failed to enforce these provisions. Strikes, rallies, and demonstrations were not permitted in the vicinity of the chief executive’s office, the Legislative Assembly, and other key government buildings.

Workers who believed they were dismissed unlawfully may bring a case to court or lodge a complaint with the Labor Department or the Office of the High Commissioner Against Corruption and Administrative Illegality, who also functions as an ombudsman. However, migrant workers had no right to such legal recourse.

Illegal laborers are not protected by labor laws.

b. The Right to Organize and Bargain Collectively.—The law provides that agreements concluded between employers and workers shall be valid, but there is no specific statutory protection that provides for the right to collective bargaining; however, the Government did not impede or discourage collective bargaining. Promainland unions traditionally have not attempted to engage in collective bargaining. Migrant workers and public servants did not have the right to bargain collectively.

The ITUC maintained that under the law, the high percentage of foreign labor, which has no right to collective bargaining, was eroding the bargaining power of local residents to improve working conditions and increase wages.

The law prohibits antiunion discrimination and employer interference in union functions; however, the UDDM expressed concern that the local law contains no explicit provisions that bar discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 can be authorized to work on an “exceptional basis.” Some children reportedly worked in family-operated or small businesses. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization conventions were applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted.

e. Acceptable Conditions of Work.—Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There was no mandatory minimum wage except for government-outsourced security guards and cleaners. Average wages provided a decent standard of living for a worker and family.

In April representatives of employers, employees, and the Government discussed a minimum wage scheme for all sectors. They concluded that a minimum wage imposed on all industries would be complex and difficult and a mandatory minimum wage would be implemented only after the community reaches a consensus.

In addition to the estimated 95,500 migrant workers in 2007, the use of illegally imported workers increased. Local customs normally favored employment without the benefit of written labor contracts, except in the case of migrant workers, who were issued short-term contracts. Labor groups reported that employers increasingly used temporary contracts as a means to circumvent obligations to pay for workers' benefits such as pensions, sick leave, and paid holidays. The short-term nature of the contracts also makes it easier to dismiss workers by means of nonrenewal.

Labor legislation provides for a 48-hour workweek, an eight-hour workday, paid overtime, annual leave, and medical and maternity care. Although the law provides for a 24-hour rest period each week, workers frequently agreed to work overtime to compensate for low wages. The Labor Department provided assistance and legal advice to workers upon request.

The Labor Department enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. During 2007 the Labor Department inspectorate conducted 8,591 inspections and uncovered 5,512 violations carrying fines totaling approximately 1.6 million patacas (more than \$200,000). In 2007 there were 4,535 occupational injuries and 14 occupational deaths. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protected employees' right to continued employment if they refused to work under dangerous conditions.

TAIWAN

Taiwan's population of 23 million is governed by a president and parliament chosen in multiparty elections. Legislative elections in January and presidential elections on March 22 were free and fair. The election of President Ma Ying-jeou, of the Kuomintang Party (KMT), marked the country's second peaceful, democratic transfer of power. Civilian authorities generally maintained effective control of the security forces.

Taiwan generally respected the human rights of its citizens; however, the following problems continued to be reported: corruption by officials, violence and discrimination against women, trafficking in persons, and abuses of foreign workers.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the authorities committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution stipulates that no violence, threat, inducement, fraud, or other improper means should be used against accused persons, and there were no reports that the authorities employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the authorities permitted visits by independent human rights observers. As of July prisons operated at 110 percent of design capacity.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the authorities generally observed these prohibitions.

Role of the Police and Security Apparatus.—The National Police Administration (NPA) of the Ministry of Interior (MOI) has administrative jurisdiction over all police units, although city mayors and county magistrates appoint city and county police commissioners. Mayors and magistrates are responsible for maintaining order and assessing the performance of police commissioners within their jurisdiction.

Police corruption, while limited, was a problem. The NPA did not keep statistics on police corruption cases. In March the authorities arrested and held in custody senior officers of several Taipei County police precincts for taking bribes from opera-

tors of illegal gambling establishments. In October the authorities indicted 42 suspects in the case, including a former Yunho City police commissioner and five other police officers. The prosecutor requested a 15-year jail term for the former police commissioner.

Prosecutors and the Control Yuan are responsible for investigating allegations of police malfeasance. The NPA also has an inspector general and an internal affairs division that investigated allegations of police misconduct. Police officers and senior officials suspected of corruption were prosecuted and punished upon conviction.

Arrest and Detention.—Warrants or summons are required by law except when there is ample reason to believe the suspect may flee, or in urgent circumstances. Indicted persons may be released on bail at judicial discretion. By law, prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The authorities generally observed these procedures, and trials usually took place within three months of indictment. According to the Code of Criminal Procedure, prosecutors can apply to a court for approval of a “pretrial” detention of an unindicted suspect for a maximum of two months with one possible two-month extension. Pretrial detention can be requested in cases where the potential sentence is five years or more or there is a reasonable concern that the suspect could flee or collude with other suspects or witnesses or tamper or destroy material evidence. Opposition Democratic Progressive Party (DPP) officials and supporters alleged political interference in the investigation, detention, and prosecution of former president Chen Shui-bian and other current and former DPP officials.

Human rights advocates complained that the law did not provide adequate protection since there is no requirement that suspects have legal representation during questioning. In September 2007 the Judicial Yuan (JY) and the NPA initiated a one-year pilot program (since extended to a second year) to provide legal counsel during initial police questioning to qualifying indigent suspects who are mentally handicapped or charged with a crime punishable by three or more years in prison. Lawyers recruited by the Legal Aid Foundation (LAF) were posted to police stations in 23 cities and counties. Police and prosecutors were required to provide written notice of the service to qualifying defendants. On December 29, the LAF announced that in addition to its existing 20 branches, which serviced all 23 cities and counties around the island, 50 police sub-bureaus, one-third of the island’s 158 sub-bureaus, have begun implementing the pilot program. Human rights lawyers contended that while courts are required to appoint counsel after an indictment is filed, the existing Criminal Procedure Code does not specify what lawyers can do to protect the rights of indigent criminal suspects during initial police questioning. The pilot program has enjoyed some success, but some groups argued that police need more on-the-job training, police facilities should be improved to accommodate lawyers in their initial questioning of suspects, and authorities should allocate more funding to provide financial incentives for lawyers to engage in the program.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the authorities generally respected judicial independence. However, although the authorities made efforts to eliminate corruption and to diminish political influence in the judiciary, residual problems remained. During the year many political leaders publicly questioned the impartiality of judges and prosecutors involved in several high-profile and politically sensitive cases.

The JY is one of the five coequal branches of the political system and includes the 15-member Council of Grand Justices (CGJ), which interprets the constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, District Courts, administrative courts, and the Committee on the Discipline of Public Functionaries.

Active-duty military personnel are subject to the military justice system, which provides the same protections as the civil criminal courts. However, critics contended that there was insufficient separation between military prosecutors and judges, who were usually officers in the same unit and under the same command, to properly safeguard a defendant’s interests.

Trial Procedures.—The constitution establishes the right to a fair trial, and an independent judiciary generally enforced this right. Judges, rather than juries, decided cases; all judges were appointed by and responsible to the JY. A single judge, rather than a defense attorney or prosecutor, typically interrogated parties and witnesses. Trials are public, although court permission may be required to attend trials involving juveniles or potentially sensitive issues that might attract crowds. A defendant’s access to evidence held by the prosecution is determined by the presiding judge on a case-by-case basis. All defendants are presumed innocent until proven guilty and have the right to an attorney, and criminal procedure rights are extended to all persons without limitation.

The law states that a suspect may not be compelled to testify and that a confession shall not be the sole evidence used to find a defendant guilty. All convicted persons have the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of three years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. It is unconstitutional to allow the confessions of accomplices to be used as the only evidence to convict a defendant.

In November 2007 the Supreme Court reversed the death sentence handed down by a high court in the so-called Hsichih Trio case, which was originally tried before the law disallowed confession as the sole evidence used to determine a guilty verdict. At year's end the case remained pending. The Hsichih Trio was released from custody in 2003.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters. Administrative remedies are available in addition to judicial remedies for alleged wrongs, including human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the authorities generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice.

There was a vigorous and active free press. Critics alleged that dependency upon advertising revenue and loans from government-controlled banks deterred a few media outlets from criticizing the authorities. The authorities denied using loans or advertising revenue to manipulate the media. President Ma, shortly after he took office in May, announced that the authorities should not attempt to influence the political process through the media, that the budget for official advertising should be evenly distributed among media outlets and both political parties, and that the military should not get involved in media operations.

In July the authorities extended the maximum stay of People's Republic of China (PRC) journalists from 30 days to three months. The authorities also decided to allow up to five PRC regional news outlets to station journalists on the island, in addition to the five PRC national outlets already allowed. On November 13, the Mainland Affairs Council announced that it had approved the applications of the Fujian Daily and Southeast Television to station journalists on the island. They would join five nation-wide PRC media outlets.

Hong Kong-based Phoenix Satellite Television expressed frustration over the denial of its request to broadcast in Taiwan. The Taiwan authorities treated Phoenix TV as a mainland Chinese media outlet and refused to grant landing rights. Phoenix maintained it is a Hong Kong broadcaster and that the Propaganda Department of the Chinese Communist Party classified it as a "foreign broadcaster," limiting its landing rights to "three-star hotels and above," compounds with foreign residents, and the offices and residences of PRC officials charged with dealing with the outside world. The Government Information Office (GIO) stated in July that the issue of landing rights for Taiwan cable television channels in China and Chinese broadcasters (including Phoenix TV) in Taiwan should be negotiated through future cross—Strait talks.

In an October 9 media release, the International Federation of Journalists (IFJ) condemned alleged government interference in Taiwan media, saying the GIO had demanded that the state-owned Central News Agency alter reports on the contaminated milk powder scandal and withdraw a report criticizing President Ma. The IFJ pointed to the September 30 resignation of the chairman and several directors of the Government-funded Radio Taiwan International (RTI) to protest GIO pressure on RTI to change its editorial focus and refrain from broadcasting news too critical of mainland China. The GIO denied the IFJ's accusations. In December the IFJ and Reporters Without Borders also criticized resolutions approved by the Educational and Cultural Affairs Committee and the Interior Affairs Committee in the Legislative Yuan (LY), which called for GIO's approval of content broadcast by the Taiwan Public Television Service.

Opposition groups and student demonstrators complained that police violated their right to free expression during protests against the visit of PRC Association for Relations Across the Taiwan Strait (ARATS) Chairman Chen Yunlin (See Section 2.b.).

Internet Freedom.—There were no official restrictions on access to the Internet, and individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. GIO regulations require domestic Web site operators to label their Web site material, making it easier to detect and block access to adult-only material by persons under age 18. The GIO authorized the Taiwan Internet Content Rating Promotion Foundation, a joint GIO/Internet industry/nongovernmental organizations (NGOs) enterprise, to provide free filtering software to parents. The GIO did not block access to restricted Web sites.

Several NGOs reported that law enforcement officials monitored Internet chat rooms and bulletin boards and used Internet addresses to identify and prosecute adults responsible for posting sexually suggestive messages. Critics alleged the Child and Youth Sexual Transaction Prevention Act (CYSTPA), which is intended to protect children from sexual predators, is being used to punish constitutionally protected free speech between consenting adults. In response to a request by persons opposed to this use of the CYSTPA, the CGJ looked at the issue and ruled in favor of the law enforcement officials' actions, noting that the constitutional guarantee to free speech is not absolute and may be subject to reasonable restrictions intended to preserve a significant public interest—in this case, "to deter and eliminate cases where children or juveniles become objects of sexual transaction."

Academic Freedom and Cultural Events.—On June 20, the CGJ ruled that the prohibition on the establishment of political parties or associations that advocate "communism" or "division of the national territory," otherwise known as "Taiwan independence," was unconstitutional. There were no restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—Opposition-party legislators and human rights NGOs claimed that the Assembly and Parade Law unconstitutionally restricts free speech and assembly, and called for it to be amended or abolished. The "Wild Strawberry" student movement staged month long demonstrations and the Taiwan Association for Human Rights and more than a dozen other civic groups formed an alliance to advocate for amending the law. Their goals included removing restrictions on street protest demonstrations and eliminating the requirement to apply to police for permission to hold a demonstration. At year's end the LY had not voted on a proposed amendment.

In August 2007 the authorities charged 16 persons who participated in anticorruption protests in 2006 with failure to obtain a protest permit and failure to comply with a police order to disperse. At year's end the case was still pending. According to human rights NGOs and media reports, other protesters were also charged with violating the law. If convicted, violators most often were given terms of two to three months that, at judges' discretion, usually were converted to fines.

Opposition supporters accused police of using excessive force at a November 6 rally that turned violent when protesters clashed with riot police near a Taipei hotel where PRC ARATS Chairman Chen Yunlin was staying. According to government figures, 170 police officers, 23 civilians, and eight journalists were injured in the violence, including a reporter with Formosa Television, who suffered nose and eye injuries after being struck by a policeman. The journalist filed a lawsuit to seek compensation, and the interior minister apologized for the incident.

According to the Association of Taiwan Journalists, the NPA sought to coerce journalists who covered the November 6 rally to turn in photographs and video clips to help police identify individuals who instigated violence. A November 19 IFJ media release urged the police to stop pressuring media for information on the protest. On November 20, the international human rights NGO Freedom House urged the Government to create an independent commission to investigate the clashes and recommend necessary reforms.

Freedom of Association.—Bringing the law in line with practice, on June 20 the CGJ removed the prohibition in the Civic Organization Act on the establishment of political parties or associations that advocate "communism" and "division of the national territory." On August 12, the MOI accepted the registration of the Taiwanese Communist Party as the 141st political party in Taiwan.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the authorities generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against persons for their religious beliefs or practices, and no reports of anti-Semitic acts. The Jewish population numbered approximately 200 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within Taiwan, foreign travel, emigration, and repatriation, and the authorities generally respected these rights in practice.

All travelers from the PRC are required to have invitations from sponsors and are subject to approval by the Mainland Affairs Council. PRC tourists must travel in groups and stay at designated hotels. PRC tour groups must be chaperoned by a Taiwan travel agency, which is required to post a NT\$ two million (\$62,500) bond in order to receive PRC tour groups. A portion or the entire bond can be forfeited if any tour group member is involved in legal problems or is reported missing. The Tourism Bureau must be notified in advance of any change to a tour group itinerary. In September the requirement that PRC visitors regularly report their location to the police was eliminated.

The law does not provide for forced exile, and it was not practiced.

According to Taiwan's Cross-Strait Relations Act, its citizens residing in the PRC will lose citizenship if they do not return within four years. They may apply to recover citizenship through relatives or a legal representative. Applications to recover citizenship were regularly granted, and there were no reports of rejected applications.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status. All PRC citizens unlawfully present are required by law to be returned to the PRC, including victims of human trafficking. There were at least nine PRC nationals on Taiwan seeking asylum in third countries.

Throughout the year the authorities repatriated illegal immigrants to their countries of origin. According to the MOI, the total number of illegal PRC immigrants deported to the mainland declined, from 1,596 in 2006 to 595 in 2007. As of August 31, 288 illegal PRC immigrants were in detention centers awaiting repatriation.

PRC illegal immigrants continued to spend long periods in detention, waiting an average of 204 days in 2007 to be repatriated. By comparison, non-PRC illegal aliens averaged just 56 days in detention before repatriation. The MOI claimed that some PRC detainees gave false biographic information, making it difficult for PRC authorities to properly identify them.

Stateless Persons.—Foreign spouses are initially issued visitors' visas, which usually must be renewed outside Taiwan. Foreign spouses cannot apply for citizenship until they have resided on Taiwan for three consecutive years. They are required to relinquish their citizenship of birth in order to apply. Citizenship is typically granted after the fourth consecutive year of residence; thus, for one year foreign spouses are technically stateless. Without citizenship, foreign spouses can be deported if their visas expire.

In July more than 400 descendants of former KMT soldiers left behind in Burma and Thailand in 1949 protested to demand citizenship. Both the Burmese and Thai governments refused to grant these persons residency or citizenship, and some were in Taiwan illegally. Subsequently the interior minister ordered the National Immigration Agency to issue temporary registration certificates to grant legal status. In August the MOI drafted an amendment to the Immigration Act, which would grant stateless people and unregistered Taiwan citizens residency should it pass the LY.*

Section 3. Respect for Political Rights and the Right of Citizens to Change Their Government

The constitution provides citizens the right to elect and change their political leaders peacefully, and this right was exercised in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In January the KMT won a significant majority in the Legislative Yuan following the implementation of a new single-member district electoral system. Two months later, the KMT presidential candidate Ma Ying-jeou won the presidency, marking the second peaceful, democratic transfer of power in Taiwan's history. Observers regarded the elections as free and fair.

Political parties operated without restriction or outside interference.

There were 34 women in the 113-member LY. Eleven of the 48 Executive Yuan (cabinet) members were women. The mayor of Kaohsiung, Taiwan's second largest city, was a woman. Two of the 15 grand justices were women. At least half of the at-large seats won by a political party were required to be filled by women.

Representatives of the indigenous population participated in most levels of the political system. They held six reserved seats in the LY, half of which were elected by plains tribes and half by mountain tribes. Indigenous peoples accounted for about 2 percent of the population; their allocation of legislative seats was more than double their proportion of the population.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption and the authorities generally implemented these laws effectively. There were allegations of official corruption during the year. Allegations of vote buying continued, although all political parties were publicly committed to ending the practice.

In June the authorities passed ethics rules aimed at 400,000 public servants and their families. The measures, which took effect August 1, stipulated that public servants may not receive gifts valued at NT\$3,330 (approximately \$100) or higher or any gifts with a total value of NT\$10,659 (\$323) or above from a single person in a year when the giver was deemed an “interested person.”

In addition, all public servants are subject to the Public Servants’ Property Declaration Law. The Ministry of Justice (MOJ) is in charge of combating official corruption.

In January eight former and incumbent legislators from across the party spectrum were indicted on charges of accepting bribes from the National Chinese Herbal Apothecary Association.

On December 4, the Taipei District Court sentenced former MOJ Investigation Bureau (MJIB) Director Yeh Sheng-mao to 10 years in prison for offenses including withholding classified information delivered to the MJIB related to possible money laundering activities involving then president Chen Shui-bian’s family members. Under Taiwan’s court system, Yeh is eligible to appeal his conviction two times.

Chen, his wife Wu Shu-jen, and others, including some officials of the former DPP administration, were either indicted or under investigation for various alleged acts of corruption. Wu was indicted in four major corruption and money laundering cases, while former president Chen was indicted in three of the same cases. Some observers, including Chen’s supporters, asserted the charges were politically motivated. However, the Government and other observers maintained they saw no indication of political interference by the administration in the investigation and prosecution of the cases against Chen and his family. Various international and local organizations, academics, and DPP politicians, raised concerns about some developments, including Chen’s pretrial detention, the transfer of Chen’s cases from one judge to another, and leaks to the media of information from confidential investigations.

By September prosecutors had indicted 849 persons on various corruption charges. Of those accused, 138 were high-ranking officials, 278 were mid-level, and 272 were low-level.

The Access to Government Information Law stipulates that all government information be made available to the public upon request, except national secrets, professional secrets, personal information, and protected intellectual property. The law provides that citizens, companies, and groups registered in Taiwan can submit information requests and can appeal denied requests. These privileges are extended on a reciprocal basis to citizens of foreign countries.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction by the authorities. Officials often were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equality of citizens before the law irrespective of sex, religion, race, class, or party affiliation. It also provides for the rights of persons with disabilities. The authorities enforced these provisions.

Women.—Violence against women, including rape and domestic violence remained a serious problem. Rape, including spousal rape, is a crime. Because victims were socially stigmatized, many did not report the crime, and the MOI estimated that the total number of sexual assaults was 10 times the number reported to the police.

The law provides protection for rape victims. Mentally handicapped victims and those under 16 years of age are allowed to testify via a two-way television system. Rape trials are not open to the public unless the victim consents. The law requires doctors, social workers, police, and prosecutors to jointly question victims of sexual abuse whenever possible to reduce the number of times a victim is questioned. The law permits a charge of rape without requiring the victim to press charges.

The law establishes the punishment for rape as not less than five years’ imprisonment, and those convicted usually were given prison sentences of five to 10 years. According to the MOI, 4,309 reports of rape or sexual assault were filed through June. Prosecutors tried 1,088 cases and convicted 1,089 individuals as of July. Ac-

cording to the MOJ, the average conviction rate over the past few years was approximately 43 percent.

The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. As of September a total of 40,974 cases of domestic violence had been reported. As of October a total of 2,046 persons had been prosecuted for domestic violence, and 1,730 persons had been convicted. As of October 9,638 protection orders had been issued to domestic violence victims. Typically persons convicted in domestic violence cases were sentenced to less than six months in prison. Strong social pressure not to disgrace their families discouraged abused women from reporting incidents to the police.

The law requires all cities and counties to establish violence prevention and control centers to address domestic and sexual violence, child abuse, and elder abuse. These centers provided victims with protection, medical treatment, emergency assistance, shelter, legal counseling, and education and training on a 24 hour basis. Prostitution is illegal; however, prostitution, including child prostitution, was a problem. Currently, the Social Order Maintenance Act mandates punitive measures only for prostitutes; those patronizing prostitutes are not subject to penalties unless a minor is involved. Trafficking in women remained a problem.

Sexual harassment is a crime, punishable by fines of from NT\$100,000 to NT\$1 million (approximately \$3,000 to \$30,000) and imprisonment for up to two years. All public employers and larger private employers were required to enact preventive measures and establish complaint procedures to deter sexual harassment. Hot lines were established in several major cities from 2006, but reporting levels were well below expectations. Women's groups criticized the implementation of the law as ineffective, attributing low reporting rates to inadequate publicity.

The law prohibits sex discrimination and stipulates that measures be taken to eliminate sexual harassment in the workplace. The Gender Equality in Employment Act (GEEA) provides for equal treatment with regard to salaries, promotions, and assignments. The GEEA entitles women to request up to two years of unpaid maternity leave and forbids termination because of pregnancy or marriage.

Women's advocates noted that women continued to be promoted less frequently, occupied fewer management positions, and worked for lower pay than their male counterparts. Women made up 49 percent of the total workforce and more than 50 percent of the service industry workforce. According to the Council for Labor Affairs (CLA), salaries for women averaged 85 percent of those for men performing comparable jobs.

Children.—The authorities were committed to the rights and welfare of children, and the law included provisions to protect them.

Child abuse continued to be a widespread problem. As of June, 8,200 cases were reported, including cases of physical, mental, or sexual abuse or harm due to guardian neglect. Approximately 90 percent of abusers were parents, relatives, or caregivers. Hospitals, schools, social welfare organizations, or the police reported 60 percent of all cases, with 40 percent of reports coming from family members or the public. Fifty percent of all cases were reported through the child abuse hot line.

A reliable NGO reported sexual abuse was more prevalent than the public realized, with the estimated number of victims reaching approximately 20,000 per year while only approximately 3,000 were reported. Central and local authorities, as well as private organizations, continued efforts to identify and assist high-risk children and families and to increase public awareness of child abuse and domestic violence.

By law, persons discovering cases of child abuse or neglect must notify the police or welfare authorities. Child welfare specialists must notify the local authorities within 24 hours, and authorities must take appropriate measures within 24 hours. Regulations encourage officials to respond to investigation requests within four days. The MOI Children's Bureau and NGO specialists monitored cases to ensure that requirements were met. An official hot line accepted complaints of child abuse and offered counseling. Courts were authorized to appoint guardians for children whose parents were deemed unfit.

Solicitors of prostitutes under the age of 14 faced sentences of three to 10 years in prison. Those who patronized prostitutes between the ages of 14 to 16 were sentenced to three to seven years. Solicitors of prostitutes older than 16 but younger than 18 faced up to one year in prison or hard labor, or a fine up to NT\$3 million (approximately \$100,000). According to the MOI Children's Bureau and local NGOs, 1,000 children per year were rescued from prostitution and placed in shelters. The Children's Bureau reported a significant increase in the number of boys exploited as prostitutes.

Advertisements related to prostitution were prohibited, and the law was enforced in practice. Citizens arrested abroad for having sex with minors were also indicted and convicted for patronizing underage prostitutes in foreign countries.

As of October, 744 persons were indicted and 775 persons were convicted of violating the CYSTPA, which criminalizes child prostitution and the possession and distribution of child pornography. The law requires publication of violators' names in newspapers.

Trafficking in Persons.—Trafficking in persons continued to be a problem. Effective August 1, amendments to immigration laws provide victim protections and prevention measures. There is no comprehensive trafficking law, although most forms of trafficking are criminalized through a number of statutes.

The MOI, the MOJ, the National Immigration Agency (NIA), the CLA, the NPA, and several other agencies are responsible for combating trafficking. A senior-level prosecutor unit supervises District Court handling of trafficking cases and there are antitrafficking task forces within the NIA, the NPA, the Coast Guard, and the 21 District Court offices.

Taiwan is primarily a destination for Southeast Asian and PRC nationals trafficked into forced labor or sexual exploitation. There were reports of women being trafficked from Taiwan for sexual exploitation purposes to Canada, Japan, the United Kingdom, the United States, and other countries.

Taiwan authorities reported that traffickers continued to use fraudulent marriages as a method for human trafficking, in part because penalties for "husbands" were lenient. Some women smuggled to Taiwan to seek illegal work were subsequently forced to work in the commercial sex industry. NGOs reported a sharp increase in the number of boys rescued from prostitution, mainly discovered during police investigations of online social networking sites suspected of being front operations for prostitution rings. Labor trafficking remained a serious problem (*See* Section 6.e.).

As of November, the MOJ reported authorities had indicted 530 individuals for trafficking offenses. Of those indicted 266 were convicted for a conviction rate of 50 percent. Approximately 80 percent of the 178 cases closed were sexual exploitation, while forced labor accounted for the remaining 20 percent. In October, police, in collaboration with prosecutors and the Criminal Investigation Bureau, conducted raids on the offices of a large labor brokerage group, resulting in the arrest of 34 suspects on charges of fraud, money laundering, and forced labor. Press reports indicated approximately 9,000 workers recruited by the brokerage group allegedly were forced to work long hours, turn over bank cards so that the brokerages could withdraw large sums from their monthly salaries, and sign repayment agreements for non-existent loans. The majority of the victims were recruited from Indonesia, with others coming from Vietnam and Thailand.

Incidents of public employees or officials implicated in trafficking were rare, but they did occur. There were instances of local authorities accepting bribes and sexual services in return for ignoring illegal sex- and labor—trafficking activities.

There are island-wide guidelines for identifying and treating trafficking victims. The authorities conducted exercises to train police, immigration officials, and other law enforcement personnel in identifying victims. However, immigration officers, police, prosecutors and other law enforcement personnel did not consistently follow victim identification procedures. NGOs reported concerns that an increase in the number of raids and arrests had not resulted in increased convictions. They further noted that, when foreigners were identified as victims of trafficking or as witnesses, authorities coerced cooperation on prosecutions and often kept them in detention centers or required them to remain on Taiwan until their appearance in court was no longer needed, a year on average. Compounding the problem was the lack of an established process to implement new provisions of the Immigration Act that allow trafficking victims to obtain temporary visit and work permits. NGOs added that significant numbers of trafficking victims continued to be punished with community service and fines for violating immigration, foreign labor, or prostitution laws.

In 2007 the Executive Yuan issued a three-year antitrafficking action plan (2008–10) which addresses victim protections, trafficking prevention measures, such as a new public awareness campaign launched in December, and measures aimed at increasing prosecutions of traffickers on the island.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities and sets minimum fines for violations.

The law stipulates that the authorities must provide services and programs to the disabled population. Free universal medical care was provided to persons with dis-

abilities. NGOs continued to note that more public nursing homes were needed and that current programs, such as home care services, needed to be expanded to meet the growing needs of those with disabilities, including the growing numbers of elderly persons.

The law requires all private enterprises with more than 100 employees to hire at least one person with disabilities per 100 workers. By law, effective July 2009 for all public entities (including offices, schools, and enterprises) with 34 or more employees, employees with disabilities must make up at least 3 percent of the total workforce. For each unmet quota position, both public and private organizations are required to pay into the Disabled Welfare Fund an amount equal to one basic monthly salary NT\$17,280 (approximately \$535).

By law, new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. Violations resulted in fines of from NT\$60,000 to NT\$300,000 (approximately \$1,900 to \$9,300).

National/Racial/Ethnic Minorities.—During 2007, 18 percent of all marriages were to foreign-born spouses, primarily from China, Vietnam, Indonesia, and Thailand, and an estimated 10 percent of all births were to foreign-born mothers.

Foreign spouses were targets of discrimination both inside and outside the home. Most marriages to foreign citizen spouses were arranged by brokers, whose local advertisements frequently were degrading to women. For fees ranging from NT\$250,000 to NT\$400,000 (approximately \$7,800 to \$12,400), brokers typically flew clients to other Southeast Asian countries, where they could choose from a group of eligible women recruited by the broker. The marriage and necessary paperwork were usually completed within a week. Several reports suggested that this commercialized process likened foreign spouses to property and contributed to their mistreatment. An MOI report concluded that social and economic marginalization contributed to an abnormally high rate of domestic violence in marriages to foreign spouses.

The amended immigration law bars all discrimination against foreign-born spouses and foreign migrant workers on the basis of nationality, race, skin color, social rank, or place of birth. Those convicted of violating these provisions can face fines of up to NT\$30,000 (approximately \$930). The law permits a foreign-born spouse to apply for a restraining order if he or she has been the victim of domestic violence. A foreign-born spouse may now remain in Taiwan as long as necessary to complete divorce proceedings and to settle child-custody questions. After a divorce, a foreign-born spouse may remain in Taiwan to care for minor children less than 20 years of age. The amendment also banned for-profit cross-border marriage agencies, extended assembly and parade rights to immigrants, and liberalized financial proof requirements for foreign spouses seeking naturalization.

The authorities offered free Chinese-language and child-raising classes and counseling services at community outreach centers to assist foreign-born spouses integrate into society. The Legal Aid Foundation provided legal services to foreign spouses and operated a hot line to receive complaints. The MOI also operated its own hot line with staff conversant in Vietnamese, Cambodian, Thai, Indonesian, English, and Chinese. By the end of October, the service had received 8,528 calls from non-Chinese speakers, a significant increase from 2007.

PRC-born spouses must wait eight years to apply for Taiwan residency, whereas non-PRC spouses can apply after only three years. While non-PRC foreign spouses are permitted to work in Taiwan immediately upon arrival, PRC spouses must wait four years to obtain the right to work, barring special economic circumstances. Upon entering Taiwan for the first time, a spouse from the PRC must present a certified clean bill of health. After four years of residency, a PRC spouse can apply for a long-stay visa. After two more years of residency, this individual can apply for citizenship.

Indigenous People.—There are 13 identified non-Chinese groups of indigenous people; they accounted for approximately 2 percent of the population. The law protects the civil and political rights of these indigenous people. The Indigenous Peoples Basic Act stipulates that the authorities should provide resources to help indigenous people develop a system of self-governance, formulate policies to protect their basic rights, and promote the preservation and development of their language and culture. The cabinet-level Council of Indigenous Peoples worked with other ministries to raise living standards in aboriginal regions through basic infrastructure projects. The council also provided emergency funds and college scholarships to the indigenous population.

Other Societal Abuses and Discrimination.—There were no laws prohibiting homosexual activities. According to homosexual rights activists, antihomosexual violence

was rare, but societal discrimination against homosexuals and persons with HIV and AIDS was a problem.

Homosexual rights activists said instances of police pressure to close gay- and lesbian-friendly bars and bookstores decreased. Homosexual rights groups complained that law enforcement agencies switched their attention from monitoring Internet chat rooms and bulletin boards for sexually suggestive messages to personal blogs and prosecuted message posters in violation of constitutional free speech guarantees.

Under the law doctors convicted of providing fertility treatments to unmarried persons face fines of up to NT\$1.5 million (\$46,000). Homosexual rights activists alleged the restrictions unfairly discriminate against homosexuals, who are not permitted to marry under the law.

Employers convicted of discriminating against jobseekers on the basis of birthplace, sexual orientation, or age face fines of up to NT\$1.5 million (\$46,000).

An amendment of the AIDS Prevention and Control Act allows foreign spouses infected with HIV to remain in Taiwan if they can show they were infected by their spouse, or by medical treatment received while in Taiwan. The amended law, renamed the HIV Prevention and Patients' Rights Protection Act, also stipulates that HIV-infected citizens cannot be denied access to education, medical services, housing, or other necessities.

Section 6. Worker Rights

a. The Right of Association.—The right to unionize is protected by law but is highly regulated. Workers other than teachers, civil servants, fire fighters, doctors and healthcare workers, domestic workers, and defense industry workers, are protected by the Labor Union Law (LUL).

Some public employees, including teachers, civil servants, and defense industry workers, have limited rights to form unions. Teachers and civil servants were allowed to form professional associations to negotiate with the authorities but were not allowed to strike. These restrictions led to a long-running dispute between the authorities and groups representing teachers and civil servants. Foreign workers are not allowed to form their own unions or to assume union leadership positions in existing unions.

A number of laws and regulations limit the right of association. While labor unions may draw up their own rules and constitutions, they must submit them to county and city authorities as well as to the CLA for review. Labor unions may be rejected or dissolved if they do not meet CLA certification requirements or if their activities disturb public order.

As of June approximately 28 percent of the 10.8 million-person labor force belonged to one of the 5,654 registered labor unions. Many of them were also members of one of eight island-wide labor federations.

The right to strike is provided by law, and workers exercised this right in practice. However, legal constraints make it difficult to strike, undermining the usefulness of collective bargaining. Workers may strike over issues of compensation and working schedules, but not living or working conditions. The law requires mediation of labor disputes when the authorities deem them to be sufficiently serious or to involve unfair practices. The law prohibits labor and management from disturbing the "working order" while mediation or arbitration is in progress. Critics contended the law has a chilling effect on the right to strike because it does not clearly state what conduct is prohibited. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses.

b. The Right to Organize and Bargain Collectively.—The law gives workers the right to organize, bargain, and act collectively, although some positions are not afforded this right.

As of June there were 71 collective agreements in force; however, they covered only a small proportion of the labor force, mainly in large companies; 93 percent of industrial labor unions had no collective agreements. No special labor laws or labor law exemptions apply to the export processing zones in Kaohsiung and Taichung.

The LUL prohibits discrimination, dismissal, or other unfair treatment of workers because of union-related activities. Labor unions charged that during employee cutbacks labor union leaders were sometimes laid off first, or dismissed without reasonable cause. According to the Taiwan Confederation of Trade Unions and the Taiwan Labor Front, there is no specific penalty for the improper dismissal of a labor union leader.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor by adults and children. However, there were reports that such practices occurred. The authorities prosecuted numerous cases of forced child prostitu-

tion, and there was evidence of trafficking in persons into other industries such as household caregivers, farming, manufacturing, and construction (See Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment.—The Labor Standards Law (LSL) stipulates age 15, at which compulsory education ends, as the minimum age for employment. County and city labor bureaus effectively enforced minimum-age laws.

e. Acceptable Conditions of Work.—The LSL provides standards for working conditions and health and safety precautions. As of May the LSL covered an estimated 6.4 million of the 7.9 million salaried workers. Those not covered included health care workers, gardeners, bodyguards, teachers, doctors, lawyers, civil servants, and domestic workers.

Foreign household caregivers and domestic workers were covered instead by the Employment Services Act, which does not guarantee a minimum wage or overtime pay, set limits on the workday or workweek, or provide for minimum breaks or vacation time. At the end of August, 168,000 of the 373,000 foreign healthcare and domestic workers had applied for coverage under the Employment Services Act.

There were no plans to increase the minimum monthly wage of NT\$17,280 (approximately \$535) or the minimum hourly wage of NT\$104 (\$3.22). While sufficient in less expensive areas, the minimum wage did not assure a decent standard of living for a single income family in urban areas such as Taipei. Labor rights activists alleged any benefit to foreign workers from previous increases to the monthly minimum wage largely had been offset by CLA's decision to allow employers to increase the maximum monthly deduction for room and board by NT\$1,000 (\$33). The average manufacturing wage was more than double the legal minimum wage, and the average wage for service industry employees was even higher.

Legal working hours were 336 hours per eight-week period (for an average of 42 hours per workweek). A five-day workweek has been mandated for the public sector, and according to a CLA survey, more than half of private sector enterprises also reduced the normal workweek to five days.

The law provides standards for working conditions and health and safety precautions and gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment. There was widespread criticism that the CLA did not effectively enforce workplace laws and regulations. In the first half of the year, CLA's 300 inspectors conducted 58,315 inspections, a decrease of 44 percent from the same period in 2007. Those 300 inspectors were responsible for inspecting approximately 300,000 enterprises covered by the Occupational Safety and Health Law. Labor NGOs and academics alleged that the labor inspection rate was far too low to serve as an effective deterrent against labor violations and unsafe working conditions.

Regulations require intensified inspection and oversight of foreign labor brokerage companies. NGOs reported that labor brokers and employers regularly imposed high fees on foreign workers, frequently using the debt as a tool for involuntary servitude, and that foreign workers were unwilling to report employer abuses for fear the employer would terminate the contract and forcibly deport them, leaving them unable to pay back debt accrued to brokers or others. In January the CLA amended regulations governing the payment of wages to foreign workers to prevent employers from deducting foreign brokerage and other fees not in accordance with their contracts.

To curb illegal salary deduction, in January the CLA announced that an employer may only deduct labor insurance fees, health insurance premiums, income taxes, and meal and lodging fees from the wages of a foreign worker. Violators face fines of NT\$60,000 to 300,000 (approximately \$1,875 to 8,375) and lose hiring privileges.

In January the CLA opened a Foreign Worker Direct-Hire Service Center. The center allowed local employers to rehire their foreign employees, especially caregivers, without a broker. NGOs, however, argued that procedures to rehire employees through the center were too complicated, discouraging most employers from using its services. Since February the amended Regulations Governing Employers for the Hiring of Foreign Workers allows foreign workers to change their employer/job with fewer area and frequency restrictions.

The NIA is responsible for all immigration-related policies and procedures for foreign workers, foreign spouses, immigrant services, and repatriation of illegal immigrants.

Foreign workers, not victims of trafficking or employer abuse, deemed to have worked illegally faced heavy fines, mandatory repatriation, and a permanent ban on reentering Taiwan.

FIJI

Fiji is a constitutional republic with a population of approximately 828,000. The constitution provides for a ceremonial president selected by the Great Council of Chiefs and an elected prime minister and parliament. However, in 2006 the armed forces commander, Commodore Voreqe Bainimarama, overthrew the elected government in a bloodless coup d'état. In January 2007 the interim military government was replaced by a nominally civilian interim government ("the interim government") headed by Bainimarama as prime minister. Bainimarama and his Military Council controlled the security forces.

The interim government denied citizens the right to change their government peacefully. The judiciary was subject to political interference. The interim government engaged in intimidation of the media and restricted the right to assemble peacefully. Other problems during the year included poor prison conditions, attacks against religious facilities, government corruption, deep ethnic divisions, violence and discrimination against women, and sexual exploitation of children.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces were implicated in one unlawful killing. On July 28, police and prison officers beat Josefa Baleiloa, an escaped prisoner, while they were recapturing him. He fell into a coma as a result and died on September 16. The police commissioner announced that an investigation would be undertaken, but there were no results by year's end.

On April 23, the High Court convicted three police officers of the murder of Tevita Malasebe, who died in police custody in June 2007, and sentenced them to life imprisonment. Five additional defendants were acquitted. Trials for military and police officers charged in the deaths of Nimilote Verebasaga in January 2007 and Sakiusa Rabaka in February 2007 remained pending.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution prohibits such practices, the security forces did not always respect this prohibition in practice.

The military in some cases assisted the Fiji Independent Commission against Corruption (FICAC) to investigate allegations of corruption, and there were reports that members of the military detained and assaulted civilians to obtain evidence in corruption cases. In December one FICAC case from Labasa was dismissed after witnesses told the magistrate that their statements were obtained after they were assaulted by military personnel.

By year's end there had not been any government investigation into the injuries, including skull fractures, sustained by businessman Ballu Khan during his November 2007 arrest for allegedly planning to assassinate interim Prime Minister Bainimarama (See Section 1.d).

Prison and Detention Center Conditions.—Prison conditions did not meet international standards. The national prison system was seriously underfunded, with deteriorating infrastructure and poor delivery of essential services. The system had insufficient beds, inadequate sanitation, and a shortage of basic necessities. There were a large number of prison escapes during the year. The pretrial detention facility at Suva's prison remained closed due to its substandard condition.

In some cases pretrial detainees and convicted prisoners were held together. Courts released pretrial detainees, including some facing serious charges, on bail to minimize their exposure to an unhealthy and overcrowded prison environment.

Family members were routinely permitted to visit prisoners.

The interim government permitted prison visits by independent human rights observers. During the year the International Committee for the Red Cross (ICRC) visited official detention facilities and interviewed detainees.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, but the Government did not always respect this prohibition in practice.

Role of the Police and Security Apparatus.—The Ministry of Home Affairs, headed by the interim minister for defense, oversees the Fiji Police Force, which is responsible for law enforcement and the maintenance of internal security. Historically responsible for external security, the Republic of Fiji Military Force (RFMF) maintained that it has a broad constitutional responsibility for national security that also

extends to domestic affairs. Many constitutional scholars in the country rejected that assertion.

Police maintained a network of stations and posts throughout the country. Policing of more remote and smaller islands was done through regularly scheduled visits. In 2006 the RFMF established a joint military and police command center based at the Suva Central Police Station, blurring the lines of authority between the two forces. Military personnel were assigned to accompany police patrols and jointly man police checkpoints.

The police internal affairs unit is statutorily responsible for investigating complaints of police misconduct. FICAC continued investigating public agencies and officials, including some members of the police and military forces. However, impunity and corruption remained problems.

Arrest and Detention.—By law police officers may arrest persons without a warrant for violations of the penal code. Police also arrest persons in response to warrants issued by magistrates and judges. Arrested persons must be brought before a court without “undue delay,” normally interpreted to mean within 24 hours, with 48 hours as the exception. Detainees have the right to a judicial review of the grounds for their arrest. There was a well-functioning bail system.

Detainees generally were allowed prompt access to counsel and family members. However, some journalists and others detained for short periods after criticizing the interim government were denied prompt access to a lawyer. For example, a journalist detained in August in Labasa after writing an article deemed by the Government to be a threat to national security was denied access to a lawyer or family members and told she would be allowed such access only after answering police questions.

The Legal Aid Commission provided counsel to some indigent defendants in criminal cases, a service supplemented by voluntary services from private attorneys.

On November 12, a High Court judge ruled that the police and RFMF had violated businessman Ballu Khan’s rights, including his right to counsel, during his arrest in November 2007 and subsequent detention on charges of attempting to assassinate Bainimarama. The judge also found that the authorities used excessive force during Khan’s arrest. He ordered a permanent stay on all proceedings against Khan in the case.

The courts had a significant backlog of cases, and processing was slowed by, among other things, a shortage of prosecutors and judges. As a result some defendants faced lengthy pretrial detention.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, but during the year the interim government interfered with judicial independence in practice.

The country’s judicial structure is patterned on the British system. The principal courts are the magistrates’ courts, the High Court, the Court of Appeal, and the Supreme Court. In addition to its jurisdiction in civil and criminal cases, the High Court has special-interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights.

On December 5, suspended Chief Justice Daniel Fatiaki, whom the Government had accused of misconduct, resigned. The interim government reached an agreement with Fatiaki whereby he agreed to resign and withdraw legal proceedings he had initiated against the Government, and the Government in turn agreed to terminate its misconduct proceedings against him. President Ratu Josefa Iloilo appointed Acting Chief Justice Anthony Gates as chief justice to replace Fatiaki.

In February the Judicial Services Commission, upon which then acting chief justice Gates sat, appointed five judges from the High Court to sit also on the Court of Appeal. Prior to these appointments, judges on the Court of Appeal (primarily foreign nationals) did not concurrently sit on the High Court.

In February and November the interim government prohibited an International Bar Association delegation from visiting the country to evaluate the independence of the judiciary. The interim government also reiterated its refusal to allow the UN Special Rapporteur on the Independence of Judges to visit the country for the same purpose.

Except for the Family Court, Employment Court, and various administrative tribunals, there are no special civilian courts. Military courts try members of the armed forces, and there is an internal police tribunal mechanism.

Trial Procedures.—The constitution provides for the right to a fair trial. Defendants have the right to a public trial and to counsel, and the court system generally enforced these rights in practice. The Legal Aid Commission, supplemented by voluntary services of private attorneys, provided free counsel to some indigent defendants in criminal cases. Most cases were heard in the magistrates’ courts, but a case

cannot be tried in a magistrate's court without the defendant's consent. Absent such consent, cases are tried in the High Court. Trials in the High Court provide for the presence of assessors, typically three, who are similar to jurors but only advise the presiding judge. Defendants enjoy a presumption of innocence and may question witnesses, present evidence on their own behalf, and access government-held evidence relevant to their case. The right of appeal exists but often was hampered by delays in the process.

The law extends these rights to all citizens.

The military court system provides for the same basic rights as the civilian court system, although bail is granted less frequently in the military system.

Political Prisoners and Detainees.—There were no reports of political prisoners or long-term political detainees. Police detained for short periods and questioned a number of journalists for reporting critical of the interim government.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. In the event of a human rights violation, an individual also may make a complaint to the Fiji Human Rights Commission (FHRC), which could resolve complaints through conciliation without referring them to the courts. A number of court cases filed by individuals and organizations negatively affected by the 2006 coup and interim government policies, alleging violations of the constitution and of human rights, remained pending at year's end.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, but the interim government frequently ignored these prohibitions in practice. The Government obtained private e-mail correspondence of anti-coup activists, lawyers, and journalists without their consent and circulated it publicly. The Government-appointed ombudsman and chair of the FHRC used the e-mails in a report to criticize the e-mails' authors.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the Government did not fully respect these rights in practice.

The independent media were active and expressed a wide variety of views; however, the Government warned media outlets against making "inciting comments," and most practiced some degree of self-censorship. The country's television news program production was owned and operated by Fiji One, one of two national noncable television stations. A trust operated by the Ministry of Fijian Affairs, on behalf of Fiji's provincial councils, owned 51 percent of Fiji One; the remainder was privately held. The Government owned the Fiji Broadcasting Corporation, which operated six radio stations, and also retained a shareholding of less than 20 percent in the Daily Post newspaper.

During the year the Government harassed, intimidated, and in some cases detained for questioning a number of journalists in response to reporting which was critical of the Government. On February 12, three newly appointed Court of Appeal judges summoned Leone Cabenatabua, editor of the Fiji Sun newspaper, as well as Virisila Buadromo, head of the Fiji Women's Rights Movement, before the court in response to an article the Sun published in which Buadromo called the judges' appointments illegal. Cabenatabua and Buadromo were given verbal warnings, but no charges were brought against them. On August 2, police arrested and interrogated Isaac Lal of the Daily Post about an article linking a recaptured escapee, Josefa Baleiloa, to an alleged plot to assassinate national leaders. Lal was picked up after the police spokeswoman complained about being misquoted in the article; he was released later that evening. Also in August, police in Labasa detained for questioning and threatened Fiji Times reporter Serafina Silaitoga, who was five months pregnant at the time, after she reported on critical comments made by businessman and former member of Parliament Charan Singh regarding then finance minister Mahendra Chaudhry. She was held overnight and released without charge. Police also arrested Singh for allegedly making seditious comments against Chaudhry; he later was also released without charge.

There were instances in which the Government attempted to impede or censor journalists' news coverage. On January 25, police detained a television news crew for five hours for "disturbing police activity" while filming a news segment on a public sidewalk. In June police prohibited a television station from broadcasting an interview with the son of a prominent politician on the grounds that the interview contained "inciteful comments." Police obtained warrants and seized the original recording of the interview. On December 15, immigration authorities prohibited a foreign journalist from entering the country, based on a secret military "watch list."

The journalist had been placed on the list in July after filing a story that the military characterized as “negative.” The journalist was detained overnight in an immigration holding center, prevented from seeing consular staff that came to offer assistance, and placed on a flight to her home country. The Department of Immigration subsequently announced that foreign journalists would require clearance from the Department of Information before making arrangements to come to the country.

The Media Council, a voluntary private watchdog group of media and academic figures, receives and seeks to resolve complaints of bias and malfeasance within the media.

Legislation pertaining to the press is contained in the Newspaper Registration Act and the Press Correction Act. Under these acts all newspapers must register with the Government before they can publish. The acts give the minister of information sole discretionary power to order a newspaper to publish a “correcting statement” if, in the minister’s view, a false or distorted article was published. A newspaper refusing to publish the minister’s correction may be sued in court and, if found guilty, fined. Individuals in such cases may be fined, imprisoned for six months, or both. These laws authorize the Government to arrest any person who publishes “malicious” material. This would include anything the Government considers false, likely to create or foster public alarm, or result in “detriment” to the public. However, this authority has never been used.

In March then finance minister Mahendra Chaudhry filed a libel suit against the Fiji Times newspaper for allegedly defaming him by identifying him as the target of a tax evasion investigation; the case was pending at year’s end.

In November the interim government pursued contempt of court proceedings against the Fiji Times and the Daily Post newspapers after they published a letter to the editor criticizing a High Court decision upholding the interim government’s legitimacy. Although both newspapers subsequently published an admission they were in contempt, the Government asked the court to impose fines and jail terms on the newspapers’ publishers and editors. The cases were pending at year’s end.

The 1992 Television Decree permits the Government to influence programming content. The Government did not attempt to use this programming authority during the year.

The interim government forcibly deported the publishers of the country’s two largest circulation daily newspapers during the year, ostensibly on national security grounds. On February 28, the Government deported foreign citizen Russell Hunter, publisher of the Fiji Sun, stating that he had conducted himself in a manner prejudicial to national security. On May 2, the Government deported Fiji Times publisher Evan Hannah, also a foreign citizen, on the same grounds. Both men were taken from their homes by police and immigration officials. The Fiji Times obtained a timely court order prohibiting Hannah’s deportation, but the interim government continued with the deportation; the authorities were served with copies of the court order, but claimed the officers carrying out the deportation did not receive a copy prior to placing Hannah on a flight out of the country. Both newspapers filed legal challenges to the deportations, which were scheduled to be heard in 2009. At a meeting with editors and news managers following Hannah’s deportation, Bainimarama threatened to close down the two newspapers if they continued their trend of “negative reporting.”

Internet Freedom.—There were no government restrictions on general public access to the Internet, but evidence suggested that the interim government monitored the private e-mail of its citizens (See Section 1.f).

The Internet was widely available and used in and around urban centers, and the majority of the population lived in areas with Internet coverage. However, low-income persons generally could not afford individual service, and other public access was very limited. Access outside urban areas was minimal or nonexistent.

Academic Freedom and Cultural Events.—Academic freedom was generally respected; however, government work permit stipulations prohibit foreigners from participating in domestic politics. University of the South Pacific contract regulations effectively restrict most university employees from running for or holding public office or holding an official position with any political party.

A national youth meeting planned by the Young People’s Concerned Network, whose executive body included students at the university, was cancelled after the organization received threatening calls from police.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, but the interim government interfered with this right in practice. Although some civic organizations were granted permits to assemble, permits for all political demonstrations and marches were denied. The police commissioner and the ombudsman discouraged public dissent and

politically oriented public gatherings by warning that security forces would actively enforce the public order laws.

In April police detained and questioned 17 activists who were holding a vigil outside the Chinese embassy in support of Tibet; police stated that the participants did not have a permit for the protest. The activists were released after approximately seven hours.

Freedom of Association.—The constitution provides for freedom of association. During the year the interim government did not restrict persons from joining non-governmental organizations (NGOs), professional associations, or other private organizations.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. Some municipal restrictions on opening hours for businesses during Christmas and Easter were imposed on all communities, not just those that were predominantly Christian.

Societal Abuses and Discrimination.—Racial polarization was reflected in religious differences, which were largely along ethnic lines; this contributed to political problems. Most ethnic Fijians were Christians, and most Indo Fijians were Hindu, with a sizable minority of Muslims. The dominant Methodist Church has closely allied itself with the interests of the pro-indigenous—Fijian movement.

Break-ins, vandalism, and arson directed at houses of worship, predominantly Hindu temples, were common. The attacks were broadly viewed as reflections of intercommunal tensions, although there was often evidence that theft was a contributing factor. There was no known Jewish community, and there were no reports of anti—Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the interim government frequently restricted or denied these rights in practice.

The interim government maintained a list of persons banned from leaving the country, including the suspended chief justice prior to his resignation, human rights activists, and lawyers. Names on the list were not made public; travelers discovered their inclusion when they were turned back by airport immigration authorities. Some persons prohibited from leaving the country challenged the ban in court in 2007, and these cases remained pending at year's end.

The Government provided nominal cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the interim government did not use it during the year.

Protection of Refugees.—The country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but until 2008 the country's laws did not specifically provide for the granting of refugee status or asylum. In February the Government published a notice authorizing the entry into force of refugee-related provisions of the 2003 Immigration Act. However, by year's end the Government had not established a system for providing protection to refugees. The Government does not have an established procedure for providing protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Although the constitution provides citizens the right to change their government peacefully, the country was ruled by a military-backed interim government following the military overthrow of the popularly elected government in December 2006.

Elections and Political Participation.—The most recent elections, held in 2006, were judged generally free and fair. Party politics was largely race based, although this did not limit participation in the political process. The governing Soqosoqo Duavata ni Lewenivanua (SDL) party was primarily ethnic Fijian, and the Fiji Labour Party (FLP), the second-largest party, was primarily Indo—Fijian, although both parties had membership across racial lines. After the elections the SDL established a multiparty cabinet with the FLP as required by the constitution. This government was removed by the RFMF under the leadership of Commodore Bainimarama during the 2006 coup.

At year's end the country continued to be governed by the military-led, nominally civilian government established in January 2007 by Bainimarama. Parliament remained suspended, and the Great Council of Chiefs (suspended in April 2007 by Bainimarama) had not been reconvened. There was little progress toward scheduling elections and returning to a democratically elected government.

On September 5, former prime minister Laisenia Qarase and five fellow SDL parliamentarians lodged with the police allegations of treason against Bainimarama, his cabinet, 14 senior military officers, the police commissioner, and the head of the country's Catholic Church. The police commissioner stated that the police would not investigate the allegations, and by year's end no investigation had been undertaken.

On October 9, the High Court dismissed a case brought by Qarase challenging the legality of the 2006 coup and of the interim government. The court held that the president's appointment of an interim government following the military coup was legally valid. On October 31, Qarase's SDL party filed an appeal of the High Court decision, which was pending at year's end.

There was one woman in the nine-member interim government cabinet. Women played important roles in the traditional system of chiefs and could be chiefs in their own right.

At year's end there was one Indo-Fijian minister in the interim cabinet and no other minority ministers. Indo-Fijians, who accounted for 38 percent of the population, continued to be underrepresented at senior levels of the civil service and greatly so in the military. Indo-Fijians comprised approximately 35 percent of the civil service overall.

The political primacy of indigenous Fijians is to some extent enshrined in the constitution, which mandates that 14 of Parliament's 32 senators be appointed by the indigenous Fijian Great Council of Chiefs, a hereditary body, and one by the Rotuma Island Council. The remainder is appointed by the Government and opposition. This arrangement essentially ensured indigenous Fijians effective control in the Senate. The constitution establishes a 71-member lower house with 25 seats open to any ethnicity and 46 seats allocated to the different ethnic communities. Of the 46 communal seats, 23 are allotted to indigenous Fijians, 19 to Indo-Fijians, three to "general voters" (for the most part mixed-race, Caucasian, and East Asian voters), and one to Rotumans (an ethnically distinct Polynesian group). These allotments were generally proportional to the ethnic composition of the country's population in 1996, but the constitution does not provide for future changes in the allotments to reflect changes in the composition of the population.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, corruption, including within the civil service, has been a significant problem for post-independence governments, and officials frequently engaged in corrupt practices with impunity.

Despite measures by the interim government during the year to combat corruption within the bureaucracy, systemic corruption continued. In the absence of parliamentary oversight and other checks and balances, much government decision making was not transparent. The media raised numerous allegations of nonaccountability, abuse of office, fraud, nepotism, misuse of public property, financial mismanagement, failure to complete statutory audits, and conflicts of interest regarding officials and ministries during the year. The auditor general announced that in the absence of a sitting Parliament, audit reports would be compiled but would not be made public.

Under the interim government, many military personnel were appointed to positions within government ministries, the diplomatic corps, the police, and other agencies, ostensibly to improve the inefficient bureaucracy.

Public officials are not subject to financial disclosure laws. FICAC, created by the interim government in 2007, is the primary body responsible for combating government corruption.

In February then finance minister Mahendra Chaudhry was named in press reports as having been investigated for tax evasion by the Fiji Islands Revenue and Customs Authority (FIRCA) in 2007. Several FIRCA employees involved in the investigation who were fired in 2007 alleged that they were fired to protect Chaudhry; the Government denied their allegations. On February 25, the prime minister stated that an independent inquiry into the matter had concluded that Chaudhry did not violate the tax laws. In August Chaudhry resigned from the cabinet for unrelated reasons.

In March former prime minister Qarase was charged with abuse of office related to business transactions prior to becoming prime minister. In May FICAC charged Qarase with further abuse of office during his tenure as prime minister; he was released on bail, and the case was pending at year's end.

Although the 1997 constitution instructs Parliament to enact a freedom of information law as soon as practicable, no such law has been enacted. The interim government was frequently unresponsive to public requests for government information. On December 31, the interim cabinet approved an amendment to a government decree allowing FICAC to prosecute the offense of "misconduct in public office." The amendment gives FICAC authority to prosecute civil servants who divulge confidential government information to non-civil servants.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The interim government continued to scrutinize the operations of local and international NGOs, engendering a climate of uncertainty within the NGO community. Most NGOs practiced varying degrees of self-censorship. Government officials were only cooperative and responsive to the views of NGOs that avoided criticizing the coup and the interim government.

There were several NGOs that concentrated on a variety of local human rights causes, such as the Regional Rights Resource Team, the Pacific Center for Public Integrity, the Citizens' Constitutional Forum, the Fiji Women's Rights Movement, and the Fiji Women's Crisis Center. A number of UN organizations concerned with human rights had regional offices in the country and sought to work with the Government on various human rights issues. The ICRC continued to operate in the country.

The interim government directed all those claiming human rights violations to report them to the FHRC. The FHRC received and reviewed reports of human rights violations and requests for assistance. During the year, however, the FHRC did not publish the results of any investigations into post-coup human rights abuses allegedly perpetrated by the interim government.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The Government generally enforced these provisions effectively, although there were problems in some areas.

Women.—Rape, domestic abuse, incest, and indecent assault were significant problems. The penal code provides for a maximum punishment of life imprisonment for rape; however, most rapes were prosecuted in the magistrates' courts, which have a sentencing limit of 10 years. There were inconsistencies in the sentences imposed for rape by different magistrates; sentences generally ranged from one to six years' imprisonment. The Fiji Women's Rights Movement and the Fiji Women's Crisis Center pressed for more consistent and severe punishments for rape. The Court of Appeal has ruled that 10 years is the minimum appropriate sentence in child rape cases. Women's activists continued to press for the formal criminalization of spousal rape, which is not a specific offense; however, husbands have been convicted of raping their wives.

Although there is no specific law against domestic violence, it can be prosecuted as assault. Police claimed to practice a "no-drop" policy, under which they pursued investigations of domestic violence cases even if a victim later withdrew her accusation. However, women's organizations reported that although police generally were more responsive to domestic violence cases than in the past, they were not always consistent. Courts dismissed some cases of domestic abuse and incest or gave the perpetrators light sentences. Incest was widely believed to be underreported. Traditional practices of reconciliation between aggrieved parties were sometimes taken into account to mitigate sentences in domestic violence cases. An active women's rights movement sought to raise public awareness about domestic violence.

Four women's crisis centers funded by foreign governments operated in the country. The centers offered counseling and assistance to women in cases of domestic violence, rape, and other problems, such as child support.

Prostitution is illegal, but it occurred, particularly in cities. Sex tourism is prohibited by law but reportedly occurred, particularly in tourist centers such as Nadi and Savusavu, including cases involving children. Taxi drivers, hoteliers, bar workers, and others reportedly acted as middlemen, facilitating the commercial sexual exploitation of children.

The Human Rights Commission Act specifically prohibits sexual harassment, and criminal laws against "indecent assaults on females" prohibit offending the modesty of women and have been used to prosecute sexual harassment cases. Under a new employment relations law that came into effect in April, sexual harassment in the workplace is a specific ground of complaint that can be filed by workers.

Women have full rights of property ownership and inheritance but often were excluded from the decision-making process on disposition of communal land, which constituted more than 80 percent of all land. Many women were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women generally were paid less than men for similar work. According to the Asian Development Bank, approximately 30 percent of the economically active female population was engaged in the formal economy, and a large proportion of these women worked in semisubsistence employment or self-employment.

Children.—The Government devoted approximately 25 percent of the national budget to education and also worked to improve children's health and welfare. School is mandatory until age 15, but the inability of some families to pay for uniforms, school fees, and bus fares limited attendance for some children.

Corporal punishment was common both in homes and in schools, despite a Ministry of Education policy forbidding it in the classroom. Increasing urbanization, overcrowding, and the breakdown of traditional community and extended family-based structures led to an increasing incidence of child abuse and appeared to be factors that increased a child's chance of being exploited for commercial sex. Child prostitution was reported among high school students and homeless and jobless urban youth.

Under the penal code, commercial sexual exploitation of children is a misdemeanor, punishable by sentences of up to two years' imprisonment. Children's rights advocates criticized this as inadequate and called for more severe criminal sanctions.

Increasing urbanization led to more children working as casual laborers, often with no safeguards against abuse or injury.

Trafficking in Persons.—The law prohibits trafficking in persons, with penalties of up to 20 years' imprisonment and fines up to F\$750,000 (approximately \$426,000) for convicted traffickers. Several citizens of China who entered Fiji on student visas and were arrested for prostitution may have been trafficked. However, no further investigations were conducted before the women were deported to their country of origin. There were some reports of commercial sexual exploitation of children within the country during the year.

The Government did not sponsor or provide assistance to any programs specifically designed to combat or prevent trafficking in persons.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—All persons are considered equal under the law, including persons with disabilities. Discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. In addition the law provides for the right of access to places and all modes of transport generally open to the public and obliges proprietors of such places and services to "facilitate reasonable access for disabled persons to the extent provided by law." Public health regulations provide penalties for noncompliance; however, there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting them. Building regulations require new public buildings to be accessible to persons with disabilities, but only a few existing buildings met this requirement. There were only a small number of disabled-accessible vehicles in the country. There were a number of community organizations to assist those with disabilities, particularly children.

Most persons with mental disabilities were separated from society and typically were supported at home by their families. Institutionalization of persons with severe mental disabilities was in a single overcrowded, underfunded public facility in Suva. There were a number of special schools for persons with physical, cognitive, and sensory disabilities; however, costs and location limited access. Opportunities for a secondary school education for those with disabilities were very limited.

The Government-funded Fiji National Council for Disabled Persons worked to protect the rights of persons with disabilities. Several NGOs also promoted attention to the needs of persons with various disabilities.

National/Racial/Ethnic Minorities.—Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. The constitution notes that "the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population," but a nonjusticiable compact in the constitution also cites the "paramountcy" of Fijian interests as a guiding principle. The compact also provides for affirmative action and "social justice" programs to "secure effective equality" for ethnic Fijians and Rotumans, "as

well as for other communities.” The compact chiefly benefited the indigenous Fijian majority. The interim government publicly stated its opposition to such policies, which it characterized as racist, and called for the elimination of discriminatory laws and practices that favor one race over another; however, as of year’s end, they remained in place.

Prior to the 2006 coup, most post-independence governments pursued a policy of political predominance for ethnic Fijians. Land tenure remained a highly sensitive and politicized issue. Ethnic Fijians communally held approximately 87 percent of all land, the Government held approximately 4 percent, and the remainder was freehold land, which private individuals or companies may hold.

Ethnic Fijians’ traditional beliefs, cultural values, and self-identity are closely linked to the land. Most cash-crop farmers were Indo—Fijians, the majority of whom are descendants of indentured laborers who came to the country during the British colonial era. Virtually all Indo—Fijian farmers were obliged to lease land from ethnic Fijian landowners. Many Indo—Fijians believed that their very limited ability to own land and their consequent dependency on leased land from indigenous Fijians constituted *de facto* discrimination against them. A pattern of refusals by ethnic Fijian landowners to renew expiring leases continued to result in evictions of Indo—Fijians from their farms and their displacement to squatter settlements. This situation contributed significantly to communal tensions. Many indigenous Fijian landowners in turn believed that the rental formulas prescribed in the national land tenure legislation discriminated against them as the resource owners.

Other Societal Abuses and Discrimination.—The constitution prohibits discrimination on the basis of sexual orientation. The preexisting penal code criminalizes homosexual acts between males, but the judiciary has held these provisions to be unconstitutional.

There was some societal discrimination against homosexuals and persons with HIV/AIDS, although there was no systemic discrimination. There were no known cases of violence directed at homosexuals or persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law protect the rights of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, but the authorities did not always respect all of these rights in practice.

In December Tevita Koroi, president of the Fijian Teachers Association, was suspended from his position as principal of Nasinu Teachers College and charged with disciplinary offenses after making public statements critical of the interim government. Viti Civil Servants Union president Taniela Tabu received threats after making similar critical statements.

An estimated 31 percent of the work force was unionized. All unions must register with, but are not controlled by, the Government. A new employment law implemented in April gives unions the right to appeal to the Employment Relations Tribunal against an adverse decision by the trade union registrar. While some unions were ethnically based, most were not, and both Indo—Fijians and ethnic Fijians held leadership roles in the trade union movement.

Under the new employment law, it is an offense for an employer to victimize any worker or make it a condition of employment for a worker not to belong to a union. The law allows restrictions on the right of association if necessary in the public interest or to protect national security, and police, military, and prison personnel are prohibited from forming or joining a union.

The law provides for the right to strike, except in the case of police, military, and prison personnel; their working conditions are covered under separate laws. Unions can conduct secret strike ballots, but must give the registrar 21 days’ notice. The Ministry of Labour also must be notified and receive a list of all striking employees and the starting date and location of the strike. This requirement is intended to give organizers, unions, employers, and the ministry time to resolve the dispute prior to a strike. To carry out a legal strike, organizers of strikes in certain “essential services” must give an employer an additional 28 days’ notification.

The law permits the minister of labor to declare a strike unlawful and refer the dispute to a permanent arbitrator; in these circumstances workers and strike leaders can face criminal charges if they persist in strike action.

There were strikes during the year, some of which were declared unlawful by the Government and at year’s end were in arbitration proceedings.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively. However, wage negotiations generally were conducted at the level of individual companies rather than industry wide. Traditional

key sectors of the economy, including sugar and tourism, were heavily unionized. Although the law allows unionization, union organizers' jobs were not protected, resulting in low unionization in some sectors.

Under the new employment law, any trade union with six or more members may enter into collective bargaining with an employer. The new law allows individual employees as well as unions to bring a dispute with employers before a permanent secretary for mediation. While previously only unions could file such cases on behalf of their members, the new law extends the same protection to nonunionized workers, who made up the majority (approximately 70 percent) of the work force. Individuals, employers, and unions on behalf of their members may submit employment disputes and grievances alleging discrimination, unfair dismissal, sexual harassment, or certain other unfair labor practices to the Ministry of Labour. If mediation fails, the authorities may refer the dispute to the Employment Relations Tribunal; the tribunal's decision can be appealed to the Employment Court (a division of the High Court) and from there to the Court of Appeal and the Supreme Court.

Union organizers were occasionally vulnerable to dismissal or to other interference by employers, particularly when operating on company premises, although in theory they have legal protection.

Export processing zones (EPZs) are subject to the same laws as the rest of the country. Labor groups reported continuing difficulties organizing workers in the EPZs, however, due to fear of employer reprisals. With the decline of the garment industry in the country, the number of workers employed in the EPZs also declined significantly.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children, but there were reports of commercial sexual exploitation of children.

d. Prohibition of Child Labor and Minimum Age for Employment.—Inadequate enforcement of existing child labor regulations failed to fully protect children from workplace exploitation. Under the law children under age 12 may not be employed except in a family-owned business or agricultural enterprise. Children between ages 12 and 15 may be employed on a daily wage basis in nonindustrial work not involving machinery, provided they return to parents or guardian every night. Persons between the ages of 15 and 17 may be employed in certain occupations not involving heavy machinery; however, they must be given specified hours and rest breaks. The Ministry of Labour deployed inspectors nationwide to enforce compliance with labor laws, including those covering child labor. However, there was no comprehensive government policy to eliminate the worst forms of child labor. During the year migration of rural youth to urban areas continued, and youths continued to find employment in the informal sector, including work as shoeshine boys, casual laborers, and prostitutes. There were reports of commercial sexual exploitation of children during the year.

e. Acceptable Conditions of Work.—There was no single, national minimum wage, although the Wages Councils set minimum wages for certain sectors. Entry-level wages in unregulated sectors, especially service industries, provided a sparse and often only marginally adequate standard of living for a worker and family. There is no single national limitation on maximum working hours for adults; however, there are restrictions and overtime provisions in certain sectors. Workers in some industries, notably transportation and shipping, worked excessive hours.

There are workplace safety laws and regulations, and a worker's compensation act. Safety standards apply equally to citizens and foreign workers; however, government enforcement suffered from a lack of trained personnel and delays in compensation hearings and rulings. Unions generally monitored safety standards in organized workplaces, but many work areas did not meet standards and not all were monitored by the Ministry of Labour for compliance. The law accords employees the right to remove themselves from a hazardous worksite without jeopardizing their employment, but most feared the loss of their jobs if they did so.

INDONESIA

Indonesia is a multiparty democracy with a population of approximately 245 million. Susilo Bambang Yudhoyono became the first directly elected president in free and fair elections in 2004. Civilian authorities generally maintained effective control of the security forces, although the fact that the Indonesian Armed Forces (TNI) continued to be partly self financed weakened this control.

The Government generally respected the human rights of its citizens and upheld civil liberties. Nonetheless, there were problems during the year in the following areas: killings by security forces; vigilantism; harsh prison conditions; impunity for prison authorities and some other officials; corruption in the judicial system; limitations on free speech; societal abuse and discrimination against religious groups and interference with freedom of religion, sometimes with the complicity of local officials; instances of violence and sexual abuse against women and children; trafficking in persons; child labor; and failure to enforce labor standards and worker rights.

Basic freedoms have expanded since 1999, and during the year the Government took significant measures to advance human rights and consolidate democracy including the public trial and sentencing of 13 marines in connection with the May 2007 Alastlogo clash; some prosecutions of high-level officials for corruption; President Yudhoyono's acknowledgement and acceptance of the conclusion and recommendation of the Indonesia/Timor-Leste Commission on Truth and Friendship that Indonesian security forces bore institutional responsibility for 1999 human rights abuses and should undergo enhanced human rights training; and the Supreme Court reinstated the 20-year sentence against Polycarpus Prianto for the 2004 killing of Munir Said Thalib.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were reports of killings by security force personnel.

On February 2, Indonesian Armed Forces (TNI) personnel from the 731 Kabaresi Infantry Battalion attacked Masohi Police Station in Masohi City, Central Maluku, in response to reports that the police had detained a TNI member. Two police officers and one soldier were killed. Ten TNI personnel were questioned following the incident, and the battalion commander was relieved of command. Prosecutors recommended that two members of 731 Kabaresi Infantry Battalion, Syukur Yadhi and Taufik Tamagola, be sentenced to 15 months in prison and that three others be sentenced to 18 months. At year's end a trial was ongoing.

On April 23, forest rangers in Sekidang Forest, Bojonegoro District, East Java, shot at a group of farmers for cutting brush for firewood, killing two and badly injuring a third. The trial for the head of the forestry management unit, Supriyanto, began on September 2, on charges of torture and murder.

On August 9, Opinus Tabuni, a Papuan man, was shot and killed during a peaceful rally in Wamena. A National Human Rights Commission (Komnas HAM) investigation team and forensic evidence linked the killing to the TNI.

On or about October 17, one of the organizers of a demonstration in Jayapura, Yosia Syet of Sentani, was killed. A hospital autopsy concluded he had died as a result of torture. Security forces were alleged to have killed another Papuan demonstrator, Martinus Grewas, in Sorong.

On May 17, the Padang Military Court in West Sumatra sentenced Lieutenant Colonel Untung Sunanto to four years in prison and dismissed him from the military in connection with the May 2007 killing of Rusman Robert. Sunanto appealed the conviction.

On August 14, in connection with the May 2007 clash in Alastlogo village in which four persons were killed and eight injured, the Surabaya Military Tribunal sentenced 10 marines to 18 months in prison. Three other defendants—platoon commander Lieutenant Budi Santoso, Private First Class Suyanto, and First Corporal Suratno—were sentenced to three years, two years, and one year respectively. They were also discharged from the military.

A TNI member and a civilian were arrested in connection with the September 2007 clashes between police and TNI personnel in Ternate, North Maluku, that left two police officers dead, two injured, and two TNI personnel injured. The police reported that individuals had been sentenced to prison in connection with the clashes, but additional details were not disclosed.

There were no developments in the following 2006 cases: the January shooting in Paniai, Papua, which killed one and injured two others; the March death of a man on a motorcycle in Peudawa, East Aceh; and the July alleged killing in Keude Paya Bakong, North Aceh.

On January 25, the Supreme Court reaffirmed the conviction of Polycarpus Budihari Priyanto and sentenced him to 20 years in prison for the 2004 murder of Munir Said Thalib. On February 11, former Garuda Airlines director Indra Setiawan was sentenced to a year in prison for abetting the murder. In June retired army general Muchdi Purwoprandjono, who was deputy head of the National Intel-

ligence Agency at the time of the killing, was arrested on charges of planning Munir's murder. On December 31, the South Jakarta District court acquitted Muchdi of all charges. The prosecution reportedly planned to appeal.

Komnas HAM reopened investigations into the 1999 killing of four demonstrators at Jakarta's Semanggi intersection and the 1998 killing of four students at Trisakti University and nine demonstrators at Semanggi intersection. In a departure from past practice, one retired general and some retired police officers cooperated with a Komnas HAM investigation into the 1989 Talangsari massacre. Komnas HAM resubmitted its findings to the Attorney General's Office (AGO), but the AGO returned the documents to Komnas HAM as "incomplete."

On March 23, in West Timor a group of youths allegedly stabbed and killed Paulino Lopes, a former refugee from East Timor. In response the Lopes family reportedly gathered a mob of former refugees who burned 11 houses in a neighboring village. The TNI restored order. No arrests were made.

On November 8, Ali Gufron, Imam Samudra, and Amrozi Nurhasyim were executed for their roles in the 2002 Bali bombing.

b. Disappearance.—The Government reported little progress in accounting for persons who disappeared in previous years or in prosecuting those responsible for such disappearances. The criminal code does not specifically criminalize disappearance.

On April 1 and 28, Komnas HAM resubmitted its 2006 report on the 1998 abductions of 12 to 14 prodemocracy activists to the AGO. Despite refusals from military personnel to cooperate in the investigation, Komnas HAM concluded that all victims still missing were dead and identified suspects for an official investigation without publicly releasing their names. During 2006–07 the AGO took no action, stating that it could not prosecute these crimes unless the House of Representatives (DPR) declared them gross human rights violations. In October a special committee of the DPR began conducting hearings into the matter.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution states that every person shall have the right to be free from torture, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession, punishable by up to four years in prison, but the criminal code does not specifically criminalize torture. In previous years law enforcement officials widely ignored, and were rarely tried, under this statute. The Government made some efforts to hold members of the security forces responsible for acts of torture. For example on April 28, the Jambi District Court sentenced six police mobile brigade officers to two months in prison each for torturing a Batanghari University student. In 2007 the UN special rapporteur on torture, Manfred Nowak, reported evidence of torture in many police detention facilities in Java. Nowak reported torture was common in certain jails and used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Torture typically occurred soon after detention. There were reports that detainees were beaten with fists, sticks, cables, iron bars, and hammers. Some detainees reportedly were shot in the legs at close range, subjected to electric shock, burned, or had heavy implements placed on their feet.

A January/February survey by the Jakarta Legal Aid Institute of 412 respondents in various detention places found that acts of torture and other ill treatment remained common. The survey also stated that 367 of the respondents who were interrogated at police stations alleged abuse during the arrest and interrogation process.

Police allegedly beat and kicked detainees following a July 19 demonstration in the western Papuan city of Fakfak. In October, 17 persons were detained and allegedly beaten in Jayapura following a demonstration. One of the organizers of the demonstration according to a hospital autopsy died as a result of torture.

On October 8, the Banda Aceh District Court sentenced four police officers to three months in jail each for beating and sexually abusing two gay men in January 2007 in Banda Raya, Nanggroe Aceh Darussalam. The two gay men were physically and verbally abused by their neighbors and then arbitrarily arrested, beaten, and sexually abused by police.

During the year 36 persons were publicly caned in Aceh under the local Shari'a (Islamic law) for gambling. Unlike in the previous year, according to the Aceh Shari'a Court, there were no cases of caning for consuming alcohol or being alone with persons of the opposite sex.

On May 8, police cadets in Semarang, Central Java, tortured classmate Tri Pramuda Siburian in the police academy dormitory compound. The victim's hands were handcuffed from behind and he suffered beatings, cigarette burns, and electric shocks. The police academy governor dismissed one cadet, delayed graduation for five cadets, and demoted 22 to a lower class.

On May 12, senior cadets at the Maritime Higher Education and Training Institute, beat and killed cadet Agung B. Gultom. On December 10, the Central Jakarta District Court sentenced three students, Lasmono, Anggi Dwi Wicaksono, and Hari Nugraha, to five years in prison in the beating death.

On February 1, five fellow students were sentenced to eight month prison terms for the April 2007 beating death of Cliff Muntu at the Government's Institute for Public Administration.

On May 30, the chief warrant officer of Malang Military subdistrict command Masu'udi tortured Mujib, a local civilian. On June 16, the hospitalized Mujib died from his injuries. Masu'udi was detained for 21 days in the military subdistrict command post; additional information on his punishment was not publicly available.

There were instances in which police failed to respond to mob or vigilante violence. Mobs carried out vigilante justice, but reliable statistics on such actions were not available. Incidents of theft or perceived theft triggered many such incidents. During a June 1 propluralism demonstration, Islamic militants attacked the demonstrators, some of whom were injured. The police allegedly did little to protect the demonstrators. During the September trial of the militant leaders, their followers allegedly attempted to physically intimidate and attack prosecution witnesses. Again the police were said to have done little to protect the witnesses.

Prison and Detention Center Conditions.—Conditions at the country's 397 prisons and detention centers were harsh. Overcrowding was widespread. In Java occupancy frequently was two or three times more than recommended capacity. According to a UN official, nationally the designed capacity was for 70,000 inmates but there were 136,000. Guards regularly extorted money from and mistreated inmates. There were widespread reports that the Government did not supply sufficient food to inmates, and family members often brought food to supplement their relatives' diets. Family members reported that prison officials often sought bribes to allow relatives to visit inmates. Unruly detainees were held in solitary confinement for up to six days on a rice-and-water diet.

By law, children convicted of serious crimes should serve their sentences in juvenile prisons. However, according to a November 2007 statement by the UN special rapporteur on torture, children were incarcerated with adults in both pretrial detention centers and in prisons. In theory prisons held those convicted by courts, while detention centers held those awaiting trial; however, in practice pretrial detainees at times were held with convicted prisoners.

On September 22, a prison guard at Abepura Prison outside Jayapura beat prisoner Ferdinand Pakage, who suffered injuries to his arms, legs, and head, and lost sight in his right eye. Abepura Prison was overcrowded and deteriorating with many poorly trained personnel.

There were no official restrictions on prison visits by human rights monitors, and prison officials granted varying degrees of access, including to the International Committee of the Red Cross and to the UN.

d. Arbitrary Arrest or Detention.—The law contains provisions that protect against arbitrary arrest and detention but lacks adequate enforcement mechanisms, and some authorities routinely violated these provisions.

Role of the Police and Security Apparatus.—The president appoints the national police chief, subject to DPR confirmation. The police chief reports to the president but is not a full member of the cabinet. The national police force has approximately 350,000 personnel deployed throughout the 33 provinces. The police maintain a centralized hierarchy; locally deployed forces formally report to their national headquarters, although during the year cooperation with local governments increased. The military is responsible for external defense but also has a residual obligation to support the police with its domestic security responsibilities. In Aceh the Shari'a police, a provincial body, is responsible for enforcing Shari'a law. During the year the National Police arrested 378 officers for criminal infractions. Of these, 198 were charged with misconduct and 161 were dishonorably discharged; the others received administrative and disciplinary punishments. The police continued to focus on improving police professionalism and emphasizing law enforcement ethics. All police training institutions include a human rights component in their curricula. However, impunity and corruption remained problems in some areas. Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations.

According to the Indonesian Police Commission, 21,600 police officers were "legally processed" for misconduct including violations of police regulations, criminality, or violations of ethical standards from January to June.

There have been no known developments in the August 2007 Maluku Internal Investigation Division arrest of a police brigadier general in connection with an allegation that he had committed torture using electric shock.

Arrest and Detention.—The law provides prisoners with the right to notify their families promptly and specifies that warrants must be produced during an arrest. Exceptions are allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times authorities made arrests without warrants. A defendant may challenge the legality of his arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained; however, defendants rarely won pretrial hearings and almost never received compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention. The law limits periods of pretrial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days by the prosecutors while the investigation is being completed; prosecutors may detain a suspect for a further 30 days during the prosecution phase, and may seek a 20-day extension from the courts. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. In addition the court may extend detention periods up to an additional 60 days at each level if a defendant faces a possible prison sentence of nine years or longer or if the individual is certified to be mentally disturbed. During the year authorities generally respected these limits in practice. The antiterrorism law allows investigators to detain any person who, based on adequate preliminary evidence, is strongly suspected of committing or planning to commit any act of terrorism for up to four months before charges must be filed.

During his November 2007 visit, the UN special rapporteur on torture found that in many instances the authorities did not grant bail, frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organizations. Court officials sometimes accepted bribes in exchange for granting bail.

By law a suspect or defendant has the right to the legal counsel of their choice at every stage of an investigation. Court officials will provide free legal counsel to persons charged with offenses that carry a death penalty or imprisonment of 15 years or more, or to destitute defendants facing charges that carry a penalty of five years or more. Suspects have the right to bail and to be notified of the charges against them.

e. Denial of Fair Public Trial.—The law provides for judicial independence; however, in practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the military. Low salaries continued to encourage acceptance of bribes, and judges were subject to pressure from government authorities, which appeared to influence the outcome of cases.

Under the Supreme Court are general, religious, military, and administrative courts. The Supreme Court normally considers only the lower courts' application of the law. Another avenue for appeal, judicial review, allows the Supreme Court to revisit cases that have already been decided (including by the Supreme Court itself), provided there is new evidence that was not available during earlier trials. Parallel to the Supreme Court is the Constitutional Court, which is empowered to review the constitutionality of laws, settle disputes between state institutions, dissolve political parties, resolve certain electoral disputes, and decide allegations of treason or corruption against the president or vice president. The Constitutional Court demonstrated significant independence and continued to overturn legislation that it found unconstitutional. During the year the Constitutional Court found provisions of the election law to be unconstitutional.

In September 2007 the Corruption Eradication Commission (KPK) arrested, for accepting a bribe, Irawady Joenoes, a member of the Judicial Commission, which among other things proposes candidates for the Supreme Court justices and monitors its performance. On March 14, the anticorruption court sentenced Joenoes to eight years' imprisonment and a fine of 400 million rupiah (\$40,000). An appeals court reduced Joenoes' sentence to six years, and at year's end the Supreme Court was considering a further appeal. The anticorruption court reached verdicts more quickly, had a higher conviction rate, and issued longer sentences than the normal court system. The proposed requirement that corruption defendants wear special prisoner uniforms and have their hands cuffed during judicial procedures has been criticized as a violation of the presumption of innocence.

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. In 2007 the National Ombudsman Commission reported receiving 218 complaints of

judicial corruption involving judges, clerks, and lawyers. Key individuals in the justice system were accused of accepting bribes and of turning a blind eye to other government offices suspected of corruption. Legal aid organizations reported that cases often moved very slowly unless a bribe was paid. With the Judicial Commission stripped of its powers, responsibility for judicial supervision rests with the Supreme Court.

Apart from the handful of soldiers who were tried in human rights courts, hundreds of low-level and sometimes mid-level soldiers were tried in military courts, including for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether to prepare a case. While administratively managed by the Supreme Court, military prosecutors were responsible to the TNI for the application of laws. The Supreme Court exercises administrative control over civil, military, and religious courts. A three-person panel of military judges heard trials, while the High Military Court and the Primary Military Court heard appeals. Some civilians criticized the short length of prison sentences imposed by military courts. TNI legal officials noted that all personnel sentenced to terms of three months or longer, regardless of their record or length of service, were discharged from military service. Human rights nongovernmental organizations (NGOs) complained that the military judicial process was not transparent and that they were unable to confirm any cases of military personnel who committed human rights violations serving time for their crimes. NGO sources said that military court proceedings all the way to the Supreme Court were not public. The trials of the marines charged in the May 2007 Alastlogo killings were public (See Section 1.a.).

Four District Courts located in Surabaya, Makassar, Jakarta, and Medan are authorized to adjudicate cases of gross human rights violations. By year's end only the Makassar and Jakarta courts had adjudicated such cases. The law provides for each court to have five members, including three non-career human rights judges, who are appointed to five-year terms. Verdicts can be appealed to the standing appellate court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights.

Under the Shari'a court system in Aceh, 19 district religious courts and one court of appeals heard cases. The courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. Critics argued that Shari'a regulations were procedurally ambiguous. For example, whether defendants had a right to legal aid was unclear and was inconsistently implemented. Although Shari'a cases were supposed to be tried in closed hearings, during the year there were numerous problems with trial proceedings going forward in open court.

Trial Procedures.—The law presumes that defendants are innocent until proven guilty. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases sworn affidavits may be introduced. However, the courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. In each of the country's 755 courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and imposing punishment. Both the defense and prosecution can appeal.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that defendants in cases involving capital punishment or a prison sentence of 15 years or more be represented by counsel. In cases involving potential sentences of five years or more, the law requires that an attorney be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial.

On April 7, militia commander Eurico Guterres, who had been sentenced to 10 years in prison in connection with atrocities that occurred during 1999 in Timor-Leste, was released from prison based on new evidence that reportedly proved his innocence.

Political Prisoners and Detainees.—During the year at least 30 Papuan independence activists, including a 16-year-old boy, were in detention for flag raising. Filep Karma and Yusak Pakage remained in detention serving 15 and 10 years respectively for their role in a flag raising. Individuals in Maluku, including Johan Teterisa who received a life sentence, were also given long sentences for flag

raisings. They were charged with incitement of hatred and rebellion. The number of flag raisings increased after the issuance of a government regulation that banned the use of separatist-linked regional symbols.

In October 2007 the authorities arrested Papuan human rights activist Iwanggin Sabar Olif on suspicion of incitement of hatred and defamation for forwarding text messages. In December 2007 Olif was charged with incitement to hatred. Some observers believed he was singled out for arrest for his human rights activities. He received regular access to legal counsel. At year's end Olif remained under house arrest, and his trial was ongoing.

Civil Judicial Procedures and Remedies.—The civil court system can be used to seek damages for victims of human rights violations; however, corruption and political influence limited access of victims to this remedy.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are “urgent and compelling.” Security officials occasionally broke into homes and offices. Authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls. Corrupt officials sometimes subjected migrants returning from abroad, particularly women, to arbitrary strip searches, theft, and extortion.

In some parts of the country, particularly in Kalimantan and Papua, residents believed that government-sponsored transmigration programs, which move households from more densely populated areas to less populated regions, interfered with their traditional ways of life, land usage, and economic opportunities. Although the number of new persons in transmigration was significantly less than in previous years, the Government continued to support approximately 8,600 households moved in 2007 from overpopulated areas to 403 isolated and less-developed areas in 20 provinces.

The Government used its authority, and at times intimidation, to expropriate land for development projects, often without fair compensation. In other cases state-owned companies were accused of endangering resources upon which citizens' livelihood depended. A presidential decree on land acquisition for public use allows the Government to acquire land for private development projects even if landowners have not agreed on the amount of compensation. A number of NGOs argued that the decree served the interests of wealthy developers at the expense of the poor.

Land disputes continued to generate charges of unfair evictions and the use of excessive force by security officials. During the year there was a significant decrease in evictions of squatters living on government land and of street vendors. The NGO Poor People's Alliance reported that approximately 12,000 persons were evicted from their homes or informal businesses during the year. The NGO Jakarta Legal Aid estimated that security officials evicted 5,935 persons from the North Jakarta turnpike during 2007, compared with 6,000 in all of Jakarta in 2006.

On July 23, in Tanah Runtu, Central Kalimantan, police detained five local residents because of a land dispute between local residents and a palm oil company. At year's end two of them remained in police custody.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and freedom of the press; however, the Government at times restricted these rights in practice. Politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence. Nonetheless, a vigorous, independent media operated in the country and expressed a wide variety of views generally without restriction.

In 2006 and 2007 the Constitutional Court annulled or ruled unconstitutional various provisions of the Criminal Code which provided special protections to the president, the vice president, and the Government. During the year a debate over revisions to the Criminal Code that would restore a measure of protection against defamation continued.

During the year authorities arrested at least 30 persons for raising separatist flags in Papua. Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, a government regulation prohibits the display of the Morning Star flag in Papua, the South Maluku Republic (RMS) flag in Maluku, and the Crescent Moon flag in Aceh. On March 13, police arrested 12 persons in Manokwari, West Papua, during a demonstration against the regulation.

On August 9, thousands of persons in Jayawijaya District, Wamena, Papua, gathered to mark the International Day of the World's Indigenous People. During the

rally the Morning Star flag was raised, along with the UN and Indonesian flags. Opinus Tabuni was shot and killed during the demonstration. At year's end an investigation was still underway.

In April the Ambon District Court sentenced three persons, Ferdinan Waas, Samual Hendriks, and Josias Sinay, to 10 years in prison for their roles in the display of the RMS flag during a dance welcoming President Yudhoyono to Ambon in June 2007. From October 2007 to June 2008, at least 55 alleged RMS separatists were sentenced, while five others awaited verdicts.

On April 25, the RMS anniversary, the police imposed increased security measures, and, unlike in previous years, there were no reports of RMS flag raisings.

The Government continued to restrict foreign journalists, NGOs, and parliamentarians from traveling to the provinces of Papua and West Papua by requiring them to request permission to travel through the Foreign Ministry or an Indonesian embassy. The Government approved some requests and denied others. Some journalists traveled to Papua without permission. There were no reports of restrictions on journalists traveling to previous areas of conflict in Aceh, Maluku, North Maluku, and Sulawesi.

Journalists faced widespread violence and intimidation. However, the Alliance of Independence Journalists reported a slight decrease in violence against journalists, with 60 cases this year, compared with 65 cases in 2007. Physical violence, threats, reportage prohibition, and lawsuits contributed 21, 19, nine, and six cases respectively. Regional election candidates committed 20 acts of violence against journalists; state officials and police each contributed 11; the remaining acts of violence against journalists involved judges and NGO activists.

Defamation and libel suits made investigative journalism potentially expensive. Time magazine filed for judicial review of the August 2007 Supreme Court decision awarding former President Suharto one trillion rupiah (\$100 million) in a libel suit against Time. At year's end the decision has not been announced.

On July 3, the South Jakarta District Court ruled in favor of Riau Andalan Pulp and Paper in a defamation lawsuit against Tempo magazine.

On September 9, the Central Jakarta District Court found Tempo guilty of defaming agribusiness giant Asian Agri and ordered the magazine to pay 50 million rupiah (\$5,350) in damages and publish a full-page apology in three newspapers in three consecutive editions. The judges said Tempo damaged the company's reputation through its investigative report of alleged tax evasion.

On September 20, four navy officers attacked an RCTI television journalist who was covering a dispute between the navy officers and security guards at a gas station in Tanjung Pinang City, Riau Islands. The attack began when a sailor, queuing to refuel his motorcycle, became enraged when told to move to another line by the gas station security guard. Later that night the Tanjung Pinang Navy Military Police arrested the four sailors.

On February 20, the Depok District Court sentenced Bersihar Lubis, senior journalist of Koran Tempo daily newspaper, to one month in prison for insulting the AGO in an article entitled "The Story of Stupid Interrogators."

During the year the Government took no legal action against any persons responsible for crimes committed against journalists in 2006 and 2007.

On June 20, the AGO banned a book, *Genocide of Ethnic Melanesia: Breaking the Silence on the History of Violence in West Papua*, written by Reverend Socrates Sofyan Yoman. The AGO said the book spread "false information to the public and can threaten national integrity and could also cause unrest within society."

Internet Freedom.—On March 25, the DPR passed the Information and Electronic Transaction Law. The law, intended to combat online crime, pornography, gambling, blackmail, lies, threats, and racism, prohibits citizens from distributing in electronic format any information that is defamatory and punishes transgressors with a maximum of six years in prison or a fine of one billion rupiah (\$100,000) or both. The Information and Communication Ministry offered the public software to block Web sites with adult content, available for download at its official Web site.

On April 8, the Government temporarily blocked access to YouTube, MySpace, and other Web sites showing an allegedly anti Islamic film "Fitna" that sparked widespread protests.

Internet cafes are required to provide the identities of Internet users to a government agency on a monthly basis. Internet access is widely available throughout the country.

Academic Freedom and Cultural Events.—On October 30, the DPR passed an antipornography bill. Critics of the bill considered the definition of pornography too broad and feared that it could be used to justify attacks on artistic, religious, and

cultural freedom. The bill includes provisions that allow citizens to “supervise” adherence to the law.

During the year the Government-supervised Film Censorship Institute (LSF) continued to censor domestic and imported movies for content deemed pornographic or religiously offensive, but no films were prohibited from being shown by the central agency. On May 13, the Council of Ulema urged the LSF to ban a film because it allegedly had pornographic overtones and was insulting to women. On May 14, dozens of university students protested in front of the LSF office demanding the film be banned. The producer of the film, Indika Entertainment, withdrew the film from distribution.

During the year alleged Islamic militants reportedly threatened a film crew, forcing them to shut down production of a film about the 1965 coup and subsequent killings. The police chief in Surakarta, Central Java, where the film was being made, was quoted as suggesting that filmmakers should avoid “sensitive topics.”

The AGO has the authority to monitor written materials.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right. The law generally does not require permits for social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy requires police notification, and demonstrations require a permit. In general these permits were granted routinely. During the year police arrested participants in peaceful demonstrations that included the display of illegal separatist symbols (See Section 2.a.).

On May 24, the South Jakarta District Police raided the National University after students demonstrated against fuel price hikes. After protesters attacked police with stones, bottles, and Molotov cocktails, police reportedly reacted by kicking and hitting students as well as destroying campus property. The Jakarta Police Internal Investigating Division (Propam) found that six officers were suspected of brutality, and Komnas HAM claimed that police committed human rights abuses in arresting the students. The six officers reportedly were disciplined with administrative sanctions.

On June 24, police used nonlethal methods to disperse a violent demonstration in front of the parliament building against the fuel price hike and subsequently in front of the Atmajaya University. At least 1,000 students gathered at the gates of the parliament building and brought down one of the side gates, demanding they be allowed to take part in a plenary session being held to discuss fuel price policy. Protesters also caused massive traffic jams by blocking a road and burning tires. The demonstration was later moved in front of the Atmajaya University and turned violent as students searched for government cars before burning one vehicle. During the demonstration, 16 police officers and two journalists were injured, and eight police cars were set on fire.

On some occasions police took no action to protect persons being attacked by mobs. On June 1, the National Alliance for the Freedom of Religion and Faith (AKKBB) rallied at the National Monument (Monas) in Jakarta to show support for religious freedom. During the rally, Islamic Defenders’ Front (FPI) members attacked the AKKBB activists with bamboo sticks, leaving more than 70 activists injured. Reports said approximately 1,200 police officers were guarding the Monas area, but the few present during the violence were unresponsive. Police did not immediately make any arrests. Several days after the attack, police raided FPI’s headquarters in Central Jakarta and arrested 58 of the group’s members for attacking the AKKBB activists. Police released 48 persons without charge and later named 10 suspects, including FPI chief Rizieq Shihab, Islam troop command chair Munarman, and eight other FPI members. On October 30, Rizieq and Munarman were sentenced to 18 months in prison for inciting violence and other crimes connected to the June 1 events. Prior to the convictions, FPI members attempted to intimidate witnesses against their leaders. The police allegedly ignored the FPI members’ provocations.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected it in practice. The People’s Consultative Assembly banned the Indonesia Communist Party (PKI) in 1966. In previous years persons accused of being affiliated with the PKI were barred from the civil service and given special numbers on their national identity cards.

On April 19, approximately 350 members of the Islamic sect Ahmadiyya from 200 chapters across the country were forced to cancel their national conference in Bali when the Bali police would not issue them a permit (See Section 2.c.).

c. Freedom of Religion.—The constitution provides for “all persons the right to worship according to his or her own religion or belief” and states that “the nation

is based upon belief in one supreme God.” The Government generally respected the former provision. Six faiths—Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism—received official recognition in the form of representation at the Ministry of Religious Affairs.

On January 15, the Government-appointed Coordinating Board for Monitoring Mystical Beliefs in Society recommended the Government dissolve the Ahmaddiyah sect.

On June 9, the Government issued a decree prohibiting the Ahmaddiyah from proselytizing and conducting religious activities, as well as prohibiting vigilantism against the sect. The decree warned Ahmaddiyah members against making their own interpretations of Islam and against spreading their beliefs. Vice President Jusuf Kalla said that the decree did not prohibit the Ahmadiyya from worshipping or continuing to practice within its own community.

On September 1, the South Sumatra governor banned Ahmadiyyah and any activities of the Indonesian Jamaah Ahmadiyyah organization in the province.

Persons whose religion was not one of the six officially recognized faiths had difficulty obtaining an identity card, which was necessary to register marriages, births, and divorces. Men and women of different religions experienced difficulties in marrying and in registering marriages. The Government refused to register a marriage unless a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in weddings involving couples of different faiths. For this reason, some brides and grooms converted to their partner’s religion. Others resorted to traveling overseas to wed.

The civil registration system continued to discriminate against members of minority religions. Civil registry officials refused to register the marriages or births of children of members of the Baha’i faith and others because they did not belong to one of the six officially recognized faiths. According to the Hindu association Parisadha Hindu Dharma Indonesia, despite official recognition of their religion, Hindus, particularly in North Lampung, Southeast Sulawesi, Kalimantan, and some areas in East Java, sometimes had to travel greater distances to register marriages or births because local officials would not perform the registration.

During the Muslim fasting month of Ramadan, many local governments ordered either the closure or limited operating hours for various types of “entertainment” establishments, particularly bars and nightclubs not located in five-star hotels. Government and mainstream Islamic leaders called on fringe groups not to carry out vigilante closings of establishments that violated these decrees, and these groups complied.

The Jakarta city administration issued a circular to all entertainment center managers stipulating that karaoke and live music venues could only operate between 8:30 p.m. and 1:30 a.m. during Ramadan. The city tourism agency sealed seven entertainment centers and reprimanded three that had violated the operating hours during Ramadan.

On September 24, police arrested dozens of FPI members who attacked food stalls that were open during the day in Tasikmalaya, West Java.

Societal Abuses and Discrimination.—Throughout the year numerous Ahmadiyya communities were attacked by vigilante groups, and over 20 mosques were forcibly shut down. A number of these incidents occurred after the release of the July decree that banned attacks on the religious group.

On July 25, the Arastamar Evangelical School of Theology, also known as Setia College, was attacked by residents of Kampung Pulo District, West Jakarta; 18 students were injured and several student dormitories were damaged. Local residents claimed Setia students were behind a rash of petty thefts and public disturbances. The school temporarily relocated to another section of Jakarta, with 600 female students living in tents at Cibubur campsite and male students dispersed throughout the city. At year’s end students continued to live and take classes in five different locations in the city, often in poor conditions. They have not been allowed to return to the campus to retrieve their library, chairs, beds or other property.

On August 11, Father Benny Susetyo, secretary of the Interreligious Commission of the Indonesian Bishops’ Conference, was severely beaten by unknown persons.

The Jewish population was approximately 15,000. During the year there were no acts of physical violence or harassment of Jewish persons and no acts of vandalism of Jewish community institutions, schools, synagogues, or cemeteries.

In the context of the continuing Israel/Palestine conflict, articles in the media and public statements by community leaders often criticized Israeli policy using anti-Semitic rhetoric demeaning to Jewish persons and Judaism. Although the Government promoted tolerance education in primary schools, there was no specific curriculum devoted exclusively to anti-Semitism education.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution allows the Government to prevent persons from entering or leaving the country. The Law on Overcoming Dangerous Situations gives military forces broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the Government did not use these powers. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Citizens enjoyed freedom of movement within the country and, with few exceptions, were able to travel outside the country. During the year the Government continued to restrict freedom of movement for foreigners to Papua through a system of “travel letters,” but enforcement was inconsistent.

The Government prevented at least 698 persons from leaving and 1,266 from entering the country in 2007. The immigration office prevented these departures at the request of the police, the AGO, the KPK, and the Department of Finance. Some of those barred from leaving were delinquent taxpayers, convicted or indicted persons, and persons otherwise involved in legal disputes.

The constitution prohibits forced exile, and the Government did not use it.

Internally Displaced Persons (IDPs).—The Internal Displacement Monitoring Center reported that there were between 150,000 and 250,000 IDPs in the country, between 30,000 and 150,000 were in Aceh, almost all the result of the 2004 tsunami. A mud flow in Porong, East Java, left 2,500 persons in camps.

Protection of Refugees.—The country is not a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of asylum or refugee status, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Through the end of August, there were 270 UNHCR recognized refugees and 224 asylum seekers living in the country. Some were applicants, and others were dependents. Most were from Sri Lanka, Iraq, Afghanistan, Somalia, or Burma.

The above figures do not include 10,436 former refugees from East Timor who resided in East Nusa Tenggara at the end of 2006, according to the East Nusa Tenggara Coordinating Unit for Disaster Management.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The constitution provides for national elections every five years. DPR members automatically are members of the People’s Consultative Assembly, a fully elected body consisting of the 550 DPR members and 128 members of the House of Regional Representatives (DPD).

Elections and Political Participation.—In 2004 President Yudhoyono became the country’s first directly elected president in free and fair elections.

Most instances of election-related violence involved supporters of losing candidates attacking local election offices.

On September 29, the minister of home affairs installed Thaib Armayn and Gani Kasuba as governor and deputy governor of North Maluku following hotly disputed November 2007 elections. The election dispute continued to fester, and on November 3, unknown parties detonated explosions at the governor’s residence, the regional government office, and the regional legislative assembly.

In March the Supreme Court resolved another hotly disputed November 2007 gubernatorial contest by declaring Syahrul Yasin Limpo the governor of South Sulawesi.

All adult citizens are eligible to vote except active members of the military and the police, convicts serving a sentence of five years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Married juveniles are legally adults and allowed to vote.

There are no legal restrictions on the role of women in politics. During the year women held four of 36 cabinet seats. The election law includes a nonbinding call for parties to select women for at least 30 percent of the candidate slots on their party lists. A political parties law mandates that women make up 30 percent of the

founding members of a new political party. Women made up 11.3 percent of the elected members of the DPR, 27 of the 128-member DPD were women, and there was one female governor. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest positions held by women were two deputy mayor and deputy regent positions.

In 2007 the Constitutional Court ruled that independent candidates could run for local office and that a political party's nomination was not required. In September the first gubernatorial election that involved independent candidates was held in South Sumatra.

With the exception of Aceh Province, where non-Muslims were effectively blocked from political office by a requirement that all candidates must demonstrate their ability to read the Koran in Arabic, there were no legal restrictions on the role of minorities in politics. There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet consisted of a plurality of Javanese, with others being of Sundanese, Bugis, Batak, Acehnese, Papuan, Balinese, and Chinese heritage.

Government Corruption and Transparency.—There was a widespread domestic and international perception that corruption was a part of daily life. Soon after taking office, the president established the KPK, giving it a broad investigative mandate. During the year the KPK arrested six members of parliament in separate investigations. In March the KPK arrested Urip Tri Gunawan, a prosecutor in the AGO, for receiving a 61-billion-rupiah (\$8 million) bribe. On September 4, the Anticorruption Court sentenced Urip to 20 years in prison.

On April 10, the KPK arrested Burhanuddin Abdullah, the then-central bank head, for corruption related to an illegal payment to parliament. During the year three members of parliament (MPs) were found guilty and sentenced to three, four, and eight years in prison, while three others were standing trial at year's end for receiving money from government officials or private companies. One of the MPs, Saleh Djasit, committed the offenses when he served as governor of Riau Province.

At year's end the KPK was also investigating other high-level officials, including two cabinet ministers. On September 15, the KPK arrested a commissioner of the Business Competition Oversight Unit. Earlier in the year, the KPK raided the Tax and Customs Office at the country's largest port, exposing many corrupt practices and cash bribes in office desks.

In 2006 the Constitutional Court ruled that the legal provision creating the Anticorruption Court was unconstitutional but permitted the court to continue functioning for three more years.

The country does have financial disclosure laws, but they are limited in scope.

On April 3, the Government passed the Freedom of Information Act, which acknowledges the right of citizens to access governmental information and provides mechanisms through which citizens can obtain such information. The law also provides for sanctions on public bodies if they do not comply. The Alliance of Independent Journalists reported no problems for the media in obtaining unclassified public documents from the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights organizations operated throughout the country and actively advocated for improvements to the Government's human rights performance; however, they were subjected to monitoring, harassment, and interference by the Government.

The Government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns.

The police, at the instruction of the president, vigorously investigated the 2004 killing of human rights activist Munir Said Thalib (See Section 1.a.).

On August 14, eight members of the Banda Aceh Legal Aid Institute were sentenced to three months' imprisonment for distributing pamphlets about land expropriations in July 2007.

NGOs in Papua continued to report widespread monitoring of their activities by intelligence officials as well as threats and intimidation. Activists reported that intelligence officers took their pictures surreptitiously and sometimes questioned their friends and family members regarding their whereabouts and activities.

The Government generally viewed outside investigations or foreign criticism of its human rights record as interference in its internal affairs. The security forces and intelligence agencies tended to regard with suspicion foreign human rights organizations, particularly those operating in conflict areas. Government monitoring of foreigners was apparent in conflict areas. Some domestic human rights organizations expressed concern about the possible negative consequences of contacting foreigners.

A number of government agencies and affiliated bodies addressed human rights problems, including the Ministry of Law and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, the National Commission on Violence Against Women (Komnas Perempuan), and Komnas HAM. In recent years Komnas HAM's efforts to expose human rights violations and bring perpetrators to account were undermined by a number of court decisions regarding its jurisdiction or authority. During the year the AGO rebuked Komnas HAM's recommendations to file charges in four incidents including Wamena—Wasior, Trisakti, Semanggi I and II, and forced disappearances.

Parliament failed to approve formation of an ad hoc human rights court that could investigate severe human rights violations that occurred before 2000. Although the 2006 Law on the Government of Aceh states that a human rights court would be established in Aceh, it was not established by year's end.

On July 15, the Commission on Truth and Friendship (CTF), established by the Governments of Indonesia and Timor-Leste in 2005 to address human rights violations committed in Timor-Leste in 1999, delivered its final report to the two governments' presidents. The report recognized that gross violations of human rights occurred prior to and immediately after the popular consultation in East Timor in 1999. The report's recommendations for Indonesia included a human rights training program with emphasis that the military remain neutral in political controversies and elections and enhanced authority for institutions charged with investigation and prosecutions for human rights violations. The Government disseminated the CTF recommendations within the Government, and a variety of ministries began carrying out the recommendations.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. However, in practice the Government failed to defend these rights adequately.

Women.—The law prohibits domestic abuse and other forms of violence against women. However, rape and domestic violence were problems.

Reliable nationwide statistics on the incidence of rape continued to be unavailable. The legal definition of rape is narrow and excludes marital rape. Sentencing continued to be a problem. Although rape is punishable by four to 12 years in prison, and the Government imprisoned perpetrators for rape and attempted rape, most convicted rapists were sentenced to the minimum or less.

Violence against women remained poorly documented. Nationwide figures were unavailable. The National Commission on Violence Against Women reported that in 2007 there were 25,522 cases of violence handled by partner organizations across the country, and the local press reported that violence against women continued to increase. Most NGOs working on women and children's issues believed the real figure was far higher, noting the tendency of many victims to keep silent. Komnas Perempuan reported that domestic violence was the most common form of violence against women, making up approximately 16,700 cases, or 76 percent of total cases. Two types of crisis centers were available for abused women: government-run centers in hospitals and NGO centers in the community. The East Java Social Department recorded that the number of victims of violence against women was 2,554 victims in 2007 and 268 victims as of March.

Nationwide the police operated "special crisis rooms" or "women's desks" where female officers received criminal reports from female and child victims of sexual assault and trafficking and where victims found temporary shelter.

The legal distinction between a woman and a girl was not clear. The law sets the minimum marriageable age at 16 for a woman (19 for a man), but the Child Protection Law states that persons under age 18 are children. A girl who marries has adult legal status. Girls frequently married before reaching the age of 16, particularly in rural areas.

Female genital mutilation (FGM) was practiced in some parts of the country, including West Java. Complications reportedly were minimal. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic. In 2007 the minister of women's empowerment called for a complete ban of the practice. In 2006 the Ministry of Health banned FGM by doctors and nurses. However, symbolic female circumcisions that do not involve physical damaging of the child could be carried out, and violators of the ban did not face prosecution.

Prostitution is not specifically addressed in the law. However, many officials interpreted "crimes against decency/morality" to apply to prostitution. Prostitution was widespread and largely tolerated, despite its contradiction with popular societal and

religious norms. During the year security forces reportedly participated in operating brothels or protection rackets by shielding brothels from prosecution. International sex tourism reportedly continued, especially on the islands of Batam and Karimun and in major urban centers across the country.

Although not explicitly mentioned, sexual harassment is against the law and actionable under the criminal code.

The law states that women have the same rights, obligations, and opportunities as men; however, it also states that women's participation in the development process must not conflict with their role in improving family welfare and educating the younger generation. The marriage law designates the man as the head of the family. Women in many regions of the country, particularly in Papua, complained about differential treatment based on gender.

Although legal scholars believed that local governments lacked authority to legislate on religious matters, local governments continued to implement Shari'a-based local laws that many human rights and women's activists believed discriminate against women. During the year no new Shari'a-based local laws were passed. The central government did not challenge the validity of those regulations passed in previous years.

Divorce is available to both men and women. Many divorcees received no alimony, since there was no system to enforce such payments. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait a certain period of time before remarrying; a man can remarry immediately. The Government continued to implement Shari'a in Aceh. The impact of this implementation varied across the province but, continuing the pattern of the last few years, in general appeared to be less intrusive due to improved government oversight of the Shari'a police. The most visible impact on women's rights appeared to be the enforcement of dress codes. It was not uncommon for Shari'a police to briefly detain women whose dress did not conform to local Shari'a requirements and lecture them on appropriate attire.

Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with the precepts of Shari'a. Vigilance in enforcing separation of sexes, fasting, and dress codes increased during Ramadan.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation. According to a 2007 International Trade Union Confederation (ITUC) report, women on average earned 74 percent of what men earned, were overrepresented in unpaid and lower-paid positions in the informal sector, and held only 17 percent of managerial positions. According to the Government, women constituted 43 percent of all civil servants but less than 7 percent of senior officials. Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law if both members of a couple worked for a government agency, the couple's head-of-household allowance was given to the husband.

Organizations around the country promoting women's rights or otherwise addressing women's issues during the year included Komnas Perempuan, Solidaritas Perempuan, Mitra Perempuan, Jurnal Perempuan, and LBH—Apik.

Children.—The Government stated its commitment to children's rights, education, and welfare, but it devoted insufficient resources to fulfill that commitment.

Although the law provides for free birth registration, it was not enforced, and approximately 30 percent of citizen births were not registered. It was often impossible to be certain of a child's age, and ages were falsified on identity cards, sometimes with the cooperation of government officials.

Although the law provides for free education, in practice most schools were not free of charge, and poverty put education out of the reach of many children. By law children are required to attend six years of elementary school and three years of junior high school; however, in practice the Government did not enforce these requirements. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school.

Monthly fees for public schools varied by province and were based on average incomes. Tuition, transportation, and school materials could cost a family between 4.5 and 8.3 million rupiah (\$444–777) per year for each primary and secondary student. In 2005 the International Labor Organization (ILO) conducted a limited child labor survey in areas within five provinces (North Sumatra, East Kalimantan, West Java, East Java, and South Sulawesi) that revealed that one in five school-age children from low-income families had no access to education and experienced various kinds of exploitation at work—both in the formal and informal sectors. The survey also

found that of 2,438 school-age children below 15 years of age, 19 percent were not attending school. In Jakarta, the Education Department reported 6,959 students did not attend school during the year, a somewhat lower figure than the 7,172 children who reportedly did not attend school in 2007.

Child labor and sexual abuse were serious problems. The Child Protection Act addresses economic and sexual exploitation of children as well as adoption, guardianship, and other problems; however, some provincial governments did not enforce its provisions. Child abuse is prohibited by law, but government efforts to combat it generally continued to be slow and ineffective. NGOs reported excessively long waits to bring a child rape case to court and unclear mechanisms for reporting and dealing with child abuse. Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear, but the problem was widespread. Many teenage girls were forced into or found themselves caught in debt bondage. At times law enforcement officials treated child prostitutes as criminals rather than victims. Corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. There also were reports of sexual exploitation of boys. The country was a destination for child sex tourism. During the year NGOs reported that long active pedophile rings continued to operate in Bali. NGO observers said many girls were forced into prostitution after failed marriages entered into when they were 10 to 14 years of age. There was no obvious violation of the law because their paperwork identified them as adults due to the fact that they were once married.

During the year national attention was focused on the problem of child marriage following reports that a Muslim cleric married a 12-year-old girl in Semarang, Central Java. Senior Muslim clerics strongly criticized the marriage, and the cleric was investigated. On November 9, the National Commission for Child Protection persuaded the cleric to return the child to her parents until she reaches 16 years of age. The Commission was unable to annul the marriage.

The Government officially estimated that there were more than two million child laborers in the country; other informed persons believed the number to be much higher (See Section 6.d.).

A UN report found that juvenile detainees in prisons across Java were subjected to harsh conditions. The report noted that children as young as 10 were subjected to severe physical abuse by both police and other inmates. Although children were detained in juvenile detention centers, due to the high number of detainees children frequently were mixed with the general population in both jails and prisons, increasing the potential for abuse.

NGOs reported that the Government paid little attention to the rights of juvenile offenders. Juveniles were held in the same detention facilities as adults during pretrial and trial phases of detention and frequently experienced abuse while in detention. Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi.

Surabaya, in East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. The Jakarta city government operated a shelter with capacity for approximately 200 children. The Government continued to fund other shelters administered by local NGOs and paid for the education of some street children.

NGOs promoting children's rights included the Child Advocacy Network, the National Commission on Child Protection, the Center for Study and Child Protection, and the Foundation for Indonesian Child Welfare.

Trafficking in Persons.—In March 2007 the Government enacted a comprehensive antitrafficking law and took steps against corruption-related complicity. The antitrafficking law outlaws all forms of trafficking, including debt bondage and sexual exploitation, and includes a comprehensive mandate for rescue and rehabilitation of victims. It provides stiff penalties for officials and labor agents complicit in trafficking. Penalties range from between three to 15 years in prison, with penalties for officials assessed at a rate one-third higher. Provincial and local governments also significantly increased efforts and resources to fight trafficking. The country's embassies and consulates were active in rescuing and assisting victims.

The country remained a major source for international trafficking in persons and faced a significant internal trafficking problem. It also was a receiving country for trafficked prostitutes, although the number was small relative to the number of citizen victims. The country was not a major transit point for trafficking. Malaysia and Saudi Arabia, as well as other countries in the Middle East and Asia, were destinations, and there were some cases of alleged trafficking to the United States. Prostitution, domestic servitude, and work in restaurants and hotels were the primary

purposes, with some forced labor in construction and plantation work. All impoverished citizens were potential victims, but boys and girls under age 18 and women of all ages were most vulnerable. Victims were subjected to physical and psychological abuse, sometimes resulting in death.

The sophisticated national trafficking network was decentralized with neighborhood brokers trafficking victims to labor supply agencies in large cities, which in turn sold victims to labor supply agencies in receiving countries. Local government, immigration, and manpower officials were complicit in the process. The domestic trafficking of women and girls into prostitution operated in a similar manner. Local officials, police, and military were complicit in this activity as well.

Law enforcement against traffickers increased during the year: arrests increased from 142 to 252; prosecutions from 56 to 109, and convictions from 36 to 46. In 2007 the average sentence was 45 months in prison. During the year the Government trained more than 1,000 law enforcement officials on fighting trafficking, often in interagency courses also attended by NGOs. The numbers of special antitrafficking police and prosecutors increased. The National Plan of Action led to more effective national coordination. During the year under the new law, there were dozens of arrests of domestic and international traffickers, and hundreds of victims were rescued. Major cases included the rescue of several migrant workers trafficked to Iraq, 50 Chinese nationals trafficked to Jakarta for purposes of prostitution, and six enslaved children from a birds' nest factory in Jakarta.

The Government showed little interest in renegotiating a memorandum of understanding (MOU) with Malaysia, which ceded the basic right of workers' rights to hold their travel documents. Exploitation of workers by manpower placement companies continued to be widespread. The decentralized approach to rescuing, treating, and reintegrating victims and inadequate funding for victim assistance hindered implementation of the law. The national budget for trafficking remained far below needs. There was no progress in stopping officials from abetting trafficking in prostitution, for example, by falsifying documents. No action was taken to protect women and children entrapped in debt bondage as domestic servants within the country.

During the year NGO research in Papua and West Papua uncovered widespread trafficking of girls and young women to energy and mining industry centers for purposes of sexual exploitation. The study found that in Timika, Papua, between 100 to 200 women and girls from North Sulawesi and Java were trafficked to red light districts and bars. The NGO rescued 31 women and girls from servitude. NGOs throughout Papua and West Papua reported that military and police often were complicit in trafficking and in protecting brothel owners and traffickers.

A national NGO documented 150 girls ages 14 to 16 trafficked to illegal logging camps in West Kalimantan for purposes of sexual exploitation, a practice that NGOs believed was common in many of these isolated camps.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The Government classifies persons with disabilities into four categories: blind, deaf, mentally disabled, and physically disabled. The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law also mandates accessibility to public facilities for persons with disabilities; however, the Government did not enforce this provision. Few buildings and virtually no public transportation facilities provided such accessibility. The law requires companies that employ more than 100 workers to set aside 1 percent of positions for persons with disabilities. However, the Government did not enforce the law, and persons with disabilities faced considerable discrimination.

In urban areas only a few city buses offered wheelchair access, and many of those had their hydraulic lifts vandalized, rendering them unusable. Few companies provided facilities for persons with disabilities, and fewer companies employed such persons. Surabaya's airport opened in 2006 and was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

In 2003 the Government stated the country was home to 1.3 million children with disabilities; the actual number was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep children with disabilities at home; however, many schools refused to accommodate such children, stating they lacked the resources to do so. According to the Government, there were 1,568 schools dedicated to educating children with disabilities, 1,202 of them run privately. Some young persons with disabilities resorted to begging for a living.

The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The Government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, played a major role in the economy, and increasingly participated in politics. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years especially since passage of the 2006 citizenship law, which made it easier for ethnic Chinese to become citizens. Recent reforms increased religious and cultural freedoms. However, some ethnic Chinese noted that public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. A number of articles of law, regulation, or decree discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Anti Discrimination Movement urged the Government to revoke the remaining discriminatory articles.

Indigenous People.—The Government views all citizens as “indigenous”; however, it recognizes the existence of several “isolated communities” and their right to participate fully in political and social life. These communities include the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. During the year indigenous persons, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The Government failed to prevent domestic and multinational companies, often in collusion with the local military and police, from encroaching on indigenous peoples’ land. In Papua tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, and among tribes.

In Central Kalimantan relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of interethnic violence in 2001. Relations between the two groups also remained poor in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property.

Human rights activists asserted that the Government-sponsored transmigration program transplanting poor families from overcrowded Java and Madura to less populated islands violated the rights of indigenous people, bred social resentment, and encouraged the exploitation and degradation of natural resources on which many indigenous persons relied. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were poor.

Other Societal Abuses and Discrimination.—The October 30 antipornography law makes homosexual activity illegal. Violations can be punished with from six months’ to 12 years’ imprisonment and fines of 250 million to six billion rupiah (\$22,500 to \$540,000).

Stigma and discrimination against persons with HIV/AIDS were pervasive. However, the Government encouraged tolerance, took steps to prevent new infections, and provided free antiretroviral (ART) drugs, although with numerous administrative barriers. The Government position of tolerance was adhered to unevenly at all levels of society; for example, prevention efforts often were not aggressive for fear of antagonizing religious conservatives, and in addition to barriers to access to free ART drugs, potential recipients had to pay medical fees that put the cost beyond the reach of many.

Section 6. Worker Rights

a. The Right of Association.—The law provides broad rights of association for workers, and workers exercised these rights. The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Ministry of Manpower and Transmigration records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. During the year some unions reported local ministry offices prejudicially recommended denial of registration. The vast majority of union members belonged to one of three union confederations.

According to the ILO there were nearly 3.4 million trade union members in 2005–06, representing about 10 percent of the formal sector, or about 3.6 percent of the total workforce.

The law recognizes civil servants' freedom of association and right to organize, and employees of several ministries formed employee associations; union organizations sought to organize these workers. Unions also sought to organize state-owned enterprise (SOE) employees, although they encountered resistance from enterprise management, and the legal basis for registering unions in SOEs remained unclear.

The law allows the Government to petition the courts to dissolve a union if it conflicts with the state ideology or the constitution. A union may also be dissolved if a union's leaders or members, in the name of the union, commit crimes against the security of the state and are sentenced to at least five years in prison. Once a union is dissolved, its leaders and members may not form another union for at least three years. There were no reports that the Government dissolved any unions during the year.

Under the Manpower Development and Protection Act (the Manpower Act), workers must give written notification to the authorities and to the employer seven days in advance for a strike to be legal, specifying the starting and ending time of the strike, venue for the action, reasons for the strike, and including signatures of the chairperson and secretary of the striking union. A ministerial regulation declares illegal all strikes at "enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued." Types of enterprises included in this classification are not specified, leaving it to the Government's discretion. The same regulation also classifies strikes as illegal if they are "not as a result of failed negotiations" and gives employers leeway to obstruct a union's move to strike because failure is classified as negotiations that lead to a deadlock "declared by both sides."

Before workers can strike, they must also engage in lengthy mediation with the employer, beginning with bargaining and, if that fails, proceed to mediation facilitated by a government mediator. The ministerial regulation also provides that, in the case of an illegal strike, an entrepreneur must make two written appeals within a period of seven days for workers to return. Workers who do not respond to those appeals are considered to have resigned. Such appeals were commonly used by employers as intimidation tactics against strikers.

In practice strikes were prohibited in the public sector, in essential services, and at enterprises that served the public interest. The ITUC asserted that such practice clearly exceeded the definition of acceptable prohibitions on strike action by the ILO Committee on Freedom of Association, which has held that strikes may only be restricted where there exists "a clear and imminent threat to the life, personal safety, or health of the whole or part of the population." The prolonged, legally mandated mediation procedures that must be followed before calling a strike were not enforced. As a result strikes tended to be unsanctioned "wildcat" strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union.

The underpayment or nonpayment of legally required severance packages precipitated strikes and labor protests. The international labor rights organization Solidarity Center documented cases in which foreign employers in the garment and footwear industry, faced with falling orders and plant closures, fled the country to avoid making legally required severance payments.

A South Korean-owned company, PT Sinar Apparel International, which produced clothing for export, ceased operations in April. The factory owner fled the country without paying severance pay to 1,021 workers. The owner also did not pay social security payments to the Government even though wages were cut for this, leaving workers without this benefit.

On May 8, the SOE PT Angkasa Pura I dismissed union chairman Arif Islam following a strike by hundreds of airport workers in Balikpapan Sepinggan International Airport. The letter of dismissal said Arif had violated the president director's circular on strikes.

Labor activists charged that managers in some locations employed thugs to intimidate and assault trade union members who attempted to organize legal strike actions, and at times the police intervened inappropriately and with force in labor matters, usually to protect employers' interests.

In April a gang of thugs attacked members of the Metal, Machine and Electronic—Indonesian Prosperity Trade Union on strike at a garment factory in Jakarta, injuring several workers. When union members reported the incident, police told them to return to their jobs and threatened them. The employer then threatened to terminate 227 strikers.

b. The Right to Organize and Bargain Collectively.—According to the Manpower Ministry, approximately 25 percent of companies with more than 10 employees had collective bargaining agreements. However, in reality these agreements rarely went beyond the legal minimum provisions set by the Government and often resulted from employers unilaterally drawing up agreements and presenting them to workers' representatives for signature rather than negotiation. The law allows unions to conduct their activities without interference; however, the Government often did not protect this right in practice. The law provides for collective bargaining and allows workers' organizations that register with the Government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA. The Manpower Act, which regulates collective bargaining, the right to strike, and general employment conditions does not apply to SOEs. Some unions claimed that the law contains inadequate severance benefits and protection against arbitrary terminations and does not sufficiently restrict outsourcing and child labor. At year's end no implementing regulations had been issued.

Company regulations, permitted under government regulations, substituted for CLAs in the vast majority of enterprises, many of which did not have union representation. The Manpower Act requires that employers and workers form joint employer/worker committees in companies with 50 or more workers, a measure to institutionalize communication and consensus building.

Unions were directly affected by the increasing trend of using contract labor. Under the Manpower Act, contract labor is supposed to be used only for work that is "temporary in nature." However, according to the ITUC, many employers violated these provisions with the assistance of local offices of the Manpower Ministry. There also were credible reports of widespread use of vocational students under an internship program, which appeared to violate labor laws and weaken unions. Typically, companies declared bankruptcy in order to avoid severance payments provided for under law, closed the factory for several days, and then rehired workers as contract labor at a lower cost. Union leaders and activists usually were not rehired.

The law prohibits antiunion discrimination by employers and others against union organizers and members and provides penalties for violations; however, the Government did not effectively enforce the law in many cases. There were credible reports of employer retribution against union organizers, including dismissals and violence that were not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized. Legal requirements existed for employers to reinstate workers fired for union activity, although in many cases the Government did not enforce this effectively. According to the ITUC, legal procedures were very long, with antiunion discrimination cases sometimes taking up to six years. Bribery and judicial corruption in workers' disputes continued, and decisions often were not in workers' favor. While dismissed workers may be financially recompensed, they were rarely reinstated.

Companies sometimes transferred union leaders to jobs where they could not continue their union activities.

In May 2007, as part of a dispute between the management of a European-owned hotel and union workers, management ceased transfer of union dues and dismissed 24 union members including union officers. The company said it was downsizing. Union officials were barred from attending union meetings on hotel premises. The union has challenged the firings in court. The case is still pending.

There are no special laws or exemptions from regular labor laws in special economic zones (SEZs). However, nongovernmental observers, including the Solidarity Center, described stronger antiunion sentiment and actions by employers in SEZs. For example, employers in manufacturing enterprises in the Batam SEZ tended to hire labor on two-year contracts and favored workers under 24 years of age. Both practices inhibited union formation.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor or compulsory labor, including by children; however, there were reports that such practices occurred, including forced and compulsory labor by children. The Government tolerated forms of compulsory labor practiced in the migrant worker recruitment process. The unscrupulous practices of migrant worker recruiting agencies, and poor enforcement of government regulations, often led to debt bondage and extended unlawful confinement. According to press reports and research by Solidarity Center, recruiting agencies frequently kept migrant workers in holding centers, for as long as 14 months in some cases, before sending them abroad. While in the holding cen-

ters, migrant workers normally did not receive pay, and recruiters often did not allow them to leave the centers. In most instances workers were forced to pay recruiters for the cost of their forced stay, resulting in large debts to the recruiters. The Manpower Ministry took limited measures to enforce labor laws that prevent employment agencies from trafficking workers through debt bondage.

There was no progress in the renegotiation of a 2006 MOU with the Government of Malaysia about Indonesian workers' conditions in Malaysia. The MOU ceded some basic worker rights to employers, particularly the right of workers to hold their own passports.

Girls and women employed as household servants often were held in debt bondage.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children from working in hazardous sectors and the worst forms of child labor. However, the Government did not enforce these laws effectively. Law, regulations, and practice acknowledged that some children must work to supplement family incomes. The Manpower Act prohibits the employment of children, defined as persons under 18, except for those 13 to 15 years of age, who may work no more than three hours per day and only under a number of other conditions, such as parental consent, no work during school hours, and payment of legal wages. The law does not appear to address exceptions for children ages 16 to 17. A strong legal framework and National Action Plans address economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade, and provide severe criminal penalties and jail terms for persons who violate children's rights. Implementation remained a problem.

Child labor remained a serious problem. An estimated six to eight million children exceeded the legal three hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal than the formal sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Children worked in industries such as rattan and wood furniture, garment, footwear, food processing (e.g., bird nest gathering), and toy making, and also in small scale mining operations. NGOs documented hundreds of children ages 13 to 17 working in cottage shoemaking industry in West Java. Many girls between 14 and 16 years of age worked as live-in domestic servants. The ILO estimated that there were 2.6 million domestic workers in the country, of whom at least 688,000 were under age 18. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights. The law and regulations prohibit bonded labor by children; however, the Government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic service, and other exploitive situations, including a small number on fishing platforms.

Despite legislative and regulatory measures, most children who worked, including as domestics, did so in unregulated environments. Anecdotal evidence suggested that local labor officials carried out few child labor investigations.

e. Acceptable Conditions of Work.—Provincial and district authorities, not the central government, establish minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests. In November scores of workers and union members protested a newly introduced joint ministerial decree on minimum wages designed to discourage local administration from raising minimum wage rates beyond the financial capabilities of manufacturing firms. The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. Most province-level minimum wage rates fell below the Government's own calculation of basic minimum needs. During the year Papua offered the highest minimum wage at 1.1 million rupiah (\$123) per month, while the Manpower Ministry reported official minimum wages as low as 500 thousand rupiah (\$60) per month in East Java.

Local manpower officials were responsible for enforcing minimum wage regulations. Enforcement remained inadequate, particularly at smaller companies and in the informal sector. In practice official minimum wage levels applied only in the formal sector, which accounted for 35 percent of the workforce. Labor law and ministe-

rial regulations provide workers with a variety of benefits. Persons who worked at more modern facilities often received health benefits, meal privileges, and transportation. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency, JAMSOSTEK.

The law establishes a 40-hour workweek, with one 30-minute rest period for every four hours of work. Companies often required a five-and-a-half- or six-day workweek. The law also requires at least one day of rest weekly. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional overtime, with a maximum of three hours of overtime per day and no more than 14 hours per week. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Unions complained that companies relied upon excessive overtime in some garment and electronics assembly plants, to the detriment of workers' health and safety. Observance of laws regulating benefits and labor standards varied by sectors and regions. Employer violations of legal requirements were fairly common, sometimes resulting in strikes and protests. The Solidarity Center reported that workers in the garment industry worked extremely long hours, but because their pay slips did not specify the amount of overtime paid could not be certain they were fully compensated for overtime. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety. In practice the country's worker safety record was poor. JAMSOSTEK reported 37,845 accidents in the first three months of 2007, compared with 99,624 for the whole of 2006. Local officials have responsibility for enforcing health and safety standards. In larger companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions; however, the law was not enforced effectively. By law workers have the right to remove themselves from hazardous conditions without jeopardizing employment; in practice it was not clear they could avail themselves of this right.

JAPAN

Japan is a parliamentary democracy with a population of approximately 127.7 million. Sovereignty is vested in the citizenry, and the emperor is defined as the symbol of state. In July 2007 elections the Democratic Party of Japan ended the Liberal Democratic Party's (LDP) half-century dominance of the Diet when it captured a majority in the upper house. The elections were generally considered free and fair. On September 24, Taro Aso succeeded Yasuo Fukuda as prime minister and head of a coalition composed of the LDP and the New Komeito Party. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens. Human rights non-governmental organizations (NGOs) reported problems with the country's detention facilities and legal system. There were some cases of violence and other abuse against women and children and of sexual harassment and employment discrimination. Trafficking in persons remained a problem. Discrimination against ethnic and other minorities and against children borne out of wedlock were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these provisions in practice.

Human rights NGOs reported incidences of alleged physical abuse in some prisons. The NGOs reported eight deaths including a suicide at Tokushima Prison from 2004 to November 2007 as a result of a doctor's purported insertion of various types of pointed instruments into prisoners' anuses. Prison officials maintained that the doctor was carrying out legitimate medical procedures.

As of year's end, the civil case against three police officers convicted for the 2004 death of a suspect resulted in three convictions, with two of the officers appealing the decision. On September 9, the Fukuoka High Court upheld the suspended sentence of a former senior police officer convicted of coercing a suspect into confessing by using a technique called *fumiji*, in which a prisoner is made to walk on the names of his ancestors.

The Government continued to deny death row inmates and their families information about the date of execution. Families of condemned prisoners were notified of the execution after the fact. The Government stated this policy was to spare the prisoners the anguish of knowing when they were going to die. Condemned prisoners, although held in solitary confinement for an average of almost eight years until their execution, were allowed visits by their families, lawyers, and other persons.

Prisoner rights NGOs continued to report that prison management regularly abused the rules on solitary confinement. Punitive solitary confinement may be imposed for a maximum of 60 days, but procedures allow wardens to keep prisoners in "isolation" solitary confinement indefinitely. Prison officials said that solitary confinement was an important tool they must use in order to maintain order in prisons that were at and above capacity.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. However, several facilities were overcrowded and lacked heating. NGOS also reported that some facilities provided inadequate food and medical care and that in some institutions clothing and blankets were insufficient to protect inmates against cold weather. Most prison facilities do not provide heating during nighttime hours in winter despite overnight freezing temperatures. The lack of heating in prisons subjected the prison population to a range of preventable cold injuries from chilblains to more severe forms of cold injury. In August 2007 two men in detention facilities that lacked air conditioning or fans died of heatstroke. NGOs, lawyers, and doctors also criticized healthcare in police operated preindictment detention centers and immigration detention centers.

Unlike in past years, there were no reports of rape against prisoners.

Regulations do not require that minors be held separately from adults in immigration detention centers; in practice there were reports of teenagers being held in the same detention facilities as adults.

Prison management regulations stipulate that independent committees inspect prisons and detention centers operated by the Ministry of Justice. These committees included physicians, lawyers, local municipal officials, representatives of local communities, and other local citizens. Prisoner rights advocates reported that the committees visited Ministry of Justice prisons throughout the year. In June 2007 the committees began inspecting police operated detention centers as well. Human rights NGOs reported that compared with past years, there appeared to be an increased flow of correspondence in and out of prisons.

In May 2007 the UN Committee Against Torture (UNCAT) criticized immigration detention centers for alleged violence, the unlawful use of restraining devices, sexual harassment, and lack of access to healthcare. UNCAT also criticized the lack of an independent monitor of immigration detention centers. The Ministry of Justice stated that an adequate system was in place which made an independent inspecting organization unnecessary because detainees may lodge complaints about treatment with the head of the detention facility or, if they object to the judgment given, with the minister of justice.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. NGOs focused on legal rights continued to report instances of what appeared to be arbitrary detentions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the National Police Agency (NPA) and local police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. However, some NGOs criticized local public safety commissions for lacking independence from or sufficient authority over police agencies.

Arrest and Detention.—Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, and detainees were brought before an independent judiciary. NGOs focused on legal rights said that in practice warrants were granted at high rates, and detention sometimes occurred even though the evidentiary grounds were weak.

The law provides detainees the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. The law requires authorities to inform detainees immediately of the charges against them. Authorities usually held suspects in police operated detention centers for an initial 72 hours. A judge must interview a suspect prior to further detention. The judge may extend preindictment custody by up to two consecutive 10 day periods. Prosecutors routinely sought and received these extensions. Prosecutors may also apply for an additional five day extension. NGOs focused on legal rights pointed out that because extensions were routinely granted, the intent of the law for prompt judicial determination of the legality of the detention, was in fact undermined.

The code of criminal procedure allows detainees, their families, or representatives to request that the court release an indicted detainee on bail. However, bail is not available preindictment to persons detained in either police or Ministry of Justice detention facilities. Because judges customarily granted prosecutors requests for extensions, the system of pretrial detention, known as *daiyou kangoku* (substitute prison), usually continued for 23 days. Suspects in pretrial detention are legally required to face interrogation. Effective January NPA guidelines limit interrogations to a maximum of eight hours and prohibit overnight interrogations.

Preindictment detainees had access to counsel, including court appointed attorneys. Prisoner advocates said that in practice this access improved in terms of the duration and frequency. However, counsel may not be present during interrogations. Family members were allowed to meet with detainees, but only in the presence of a detention officer. Detainees charged with drug offenses were routinely held incommunicado until indictment and were only allowed consular and legal access. In 2007 prosecutors at their discretion started partially recording suspects' confessions, but human rights NGOs pointed out that partial and discretionary recordings could be misleading. On September 1, police in Tokyo and 39 prefectures began testing supervised interrogations.

Safeguards exist to ensure that suspects cannot be compelled to confess to a crime or be convicted when a confession is the only evidence, but a manual of police interrogation procedures showed that police investigators are authorized to use heavy pressure to extract confessions. NGOs have documented techniques used to extract confessions that include beating, intimidation, sleep deprivation, questioning from early morning to late at night, and making the suspect stand or sit in fixed positions for long periods of time. The new NPA guidelines prohibit the police from touching suspects, threatening them, keeping them in fixed postures for long periods of time, verbally abusing them, or offering favors in return for a confession. Several foreign detainees claimed that police urged them to sign statements in Japanese that they could not read and that were not translated adequately.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides the right to a fair trial for all citizens and ensures that each charged individual receives a public trial by an independent civilian court, has access to defense counsel, and has the right to cross examine witnesses. A defendant is presumed innocent until proven guilty in a court of law, and defendants cannot be compelled to testify against themselves.

UNCAT, NGOs, and lawyers questioned whether defendants were presumed innocent in practice. According to legal advocacy NGOs, the majority of detainees who were indicted confessed while in police custody.

The language barrier was a serious problem for foreign defendants. No guidelines existed to ensure effective communication between judges, lawyers, and non Japanese speaking defendants. No standard licensing or qualification system existed for court interpreters, and trials proceeded even if no translation or interpretation was provided.

The use of police operated detention centers, which puts suspects in the custody of their interrogators, has been on the rise for more than 30 years. According to government statistics, more than 98 percent of arrested suspects were sent to police detention facilities. The other 2 percent were held in Ministry of Justice-operated preindictment detention centers. More than 99 percent of cases that reached a trial court resulted in conviction. The judiciary also gives much weight to confessions.

During the year there were media reports of persons convicted on the basis of police-obtained confessions but who were later proved innocent. In October a man was acquitted in a 2002 rape case in which police forced him to confess. The actual rapist subsequently was caught.

Trial procedures favor the prosecution. Although the law provides for access to counsel, a significant number of defendants reported that this access was insufficient. The law does not require full disclosure by prosecutors, and material that the

prosecution does not use in court may be suppressed. The legal representatives of some defendants claimed that they did not receive access to relevant material in the police record. In appeal attempts, defense attorneys were not granted access to possible exculpatory DNA evidence. The police responded that all evidence was destroyed after the initial trial.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Cases involving human rights violations have been brought before these courts.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Ultrationalists exerted pressure on local governments from time to time in ways which effectively curtailed freedom of speech. In January a far right—wing group intimidated Tsukubamirai City into banning a lecture on preventing domestic violence.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. Internet access was widely available including via cell phones. During the year almost 74 percent of the population used the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. The requirement for Ministry of Education approval of history textbooks continued to be a subject of controversy, particularly regarding the treatment of certain subjects pertaining to the 20th century. The national anthem (“Kimi ga Yo”) and the national flag (Hi no Maru) continued to be controversial symbols. Since 2003 almost 400 teachers have been disciplined for refusing to sing the national anthem in front of the flag. In February 2007 the Supreme Court held that a music teacher who refused to play the national anthem on the piano could be reprimanded, without violating Article 19 of the constitution, which guarantees freedom of thought and conscience to all citizens.

In April a right—wing group pressured theaters into banning a movie critical of the Yasukuni Shrine.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

The Association of Korean Human Rights in Japan claimed that several local governments rejected the use of municipal halls when Korean residents applied.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Relations among religious groups were generally amicable. An estimated 200 Jewish families lived in the country. There were no reports of anti Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

The law prohibits forced exile, and the Government did not use it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, in May 2007 UNCAT noted that the law does not expressly prohibit deportation to countries where there is a risk of torture. The response of the Government has been that the law clearly specifies that no foreign nationals will be returned to territories where their lives would be threatened. In practice a number of ethnic Rohingyas were deported to Burma. In addition UNCAT criticized the lack of an independent body to review applications for refugee status, the fact that the Ministry of Justice does not allow applicants for refugee status to select legal representatives for appeal, and the restrictions on government legal assistance for non-residents. UNCAT, NGOs, and lawyers criticized the indefinite and often long period of detention between the rejection of an application for asylum and deportation.

Of 816 applications for refugee status during the year, 41 persons were granted refugee status and 88 were allowed to stay on humanitarian grounds.

Refugees faced the same patterns of discrimination that ethnic minorities did in the country: reduced access to housing, education, and employment. Persons whose refugee status was pending or on appeal did not have the legal right to work or receive social welfare, rendering them completely dependent on overcrowded government shelters or the support of NGOs.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In July 2007 the country held elections for the upper house of the Diet. The elections were considered generally free and fair. Political parties operated without restriction or outside interference.

Women held 45 of 480 seats in the lower house of the Diet and 43 of the upper house's 242 seats. At year's end there were three female governors. There were two women in the 18 member cabinet. Because some ethnic minorities are of mixed heritage and do not self-identify, it was difficult to determine the number of minorities that served in the Diet. There were three foreign-born Diet members.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were several reports of government corruption during the year. According to NPA figures for 2007, there were 47 cases involving bribery and 26 cases of bid rigging, compared with 74 for bribery and 42 for bid rigging during 2006. During the first half of the year the NPA reported 23 cases of bribery and 18 cases of bid rigging. There were regular media reports of financial accounting scandals involving politicians and government officials.

Financial disclosure laws exist but suffered from lax enforcement. Cooperation with international law enforcement on suspicious transactions and money laundering cases was also poor.

The public has the legal right to access government information. There were no reports that the Government denied legal requests for information or required information seekers to pay prohibitive fees to gain access.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without governmental restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Human rights groups pointed out that the country has not yet established an independent national human rights institution. The existing Human Rights Commission reports to the Ministry of Justice.

During the year the UN Human Rights Council and NGOs, including Amnesty International and Vital Voices, criticized the country's apologies to and compensation for "comfort women" as inadequate. Japan provided compensation payments through a government-initiated private fund, expressed remorse, and extended apologies, to the victims of forced prostitution during World War II beginning with the Kono Declaration in 1993, and in a 2001 letter from then prime minister, Junichiro Koizumi, sent to all identifiable victims. Prime Minister Koizumi wrote: "As Prime Minister of Japan, I extend anew my most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women. (Japan) must not evade the weight of the past, nor should we evade our responsibilities for the future."

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, and social status. Although the Government generally enforced these provisions, discrimination against women, ethnic minority groups, and foreigners remained a problem.

Women.—The law criminalizes all forms of rape, including spousal rape, and the Government generally enforced the law effectively. According to government statistics, there were 747 cases reported during the first half of 2008 compared with 1,766 rapes reported in 2007. Many police stations had female officers to provide confidential assistance to female victims.

Although prohibited by law, domestic violence against women remained a problem. District courts may impose six month restraining orders on perpetrators of domestic violence and impose sentences of up to one year in prison or fines of up to one million yen (approximately \$8,500). In 2007 courts granted 2,186 out of 2,779 petitions for protection orders. Through August, 1,690 of 2,145 petitions for protection orders had been granted. The law, which covers common law marriages and divorced individuals, was amended in July 2007 to include protection not only for victims of abuse but also for persons threatened with violence. According to NPA statistics, in 2007 there were 20,992 reported cases of domestic violence. Spousal violence consultation assistance centers reported 35,071 consultations during the first half of the year compared with 62,078 consultation cases in 2007.

Prostitution is illegal but narrowly defined. Many sexual acts for pay that would be considered to be prostitution in other countries are legal.

Sexual harassment in the workplace remained widespread. In fiscal year (FY) 2007 the Ministry of Health, Labor, and Welfare (MHLW) received 15,799 reports of such harassment. The law includes measures to identify companies that failed to prevent sexual harassment, but it does not include punitive measures to enforce compliance other than publicizing the names of offending companies. The Government established hot lines and designated ombudsmen to handle complaints of discrimination and sexual harassment.

The law prohibits sexual discrimination and generally provides women the same rights as men. A Council for Gender Equality existed to monitor enforcement; its high level members included the chief cabinet secretary, cabinet ministers, and Diet members. During the year the council regularly met to examine policies and monitor progress on gender equality. Human rights groups pointed to discrepancies such as women being prohibited from marrying for six months following a divorce (men have no such waiting periods) and differing minimum age for marriage (18 for men and 16 for women).

Inequality in employment remained entrenched in society. Women composed 41.5 percent of the labor force, and their average monthly wage was 222,600 yen (approximately \$1,988), less than two thirds of the monthly wage earned by men (337,700 yen or \$3,015).

Children.—The Government was committed to the rights and welfare of children, and in general children's rights were protected adequately.

Reports of child abuse continued to increase. In FY 2007 there were 40,639 possible cases of child abuse by parents or guardians reported to the National Child Discussion Center. In 2007, 300 cases of child abuse were under investigation for prosecution. According to the NPA, 35 children died in FY 2007 after being abused. The law grants child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. The law also bans abuse under the guise of discipline and mandates that anyone aware of suspicious circumstances must report the information to a nationwide local child counseling center or municipal welfare center.

Although the distribution of child pornography is illegal, the law does not criminalize the simple possession of child pornography, which often depicts the brutal sexual abuse of small children. The absence of a statutory basis makes it difficult for police to obtain search warrants, preventing them from effectively enforcing existing child pornography laws or participating in international law enforcement efforts in this area. Internet service providers acknowledged that the country has become a hub for child pornography, leading to greater victimization of children both domestically and abroad.

Discrimination against children borne out of wedlock with regard to inheritance rights continued. On June 4, the Supreme Court ruled unconstitutional a provision of the law that denied citizenship to a child borne out of wedlock to a citizen father and noncitizen mother. On December 5, a revised nationality law was enacted enabling a child born under such circumstances to obtain citizenship if the father acknowledges his paternity.

Trafficking in Persons.—The law establishes human trafficking both for sexual and labor exploitation as a criminal offense. Nonetheless, human trafficking remained a significant problem despite government efforts. The country remained a destination and transit country for men, women, and children trafficked for commercial sexual exploitation and other purposes. Victims came from China, the Republic of Korea, Southeast Asia, Eastern Europe, and to a lesser extent, Latin America. There were also reports of internal trafficking of girls for sexual exploitation. The majority of identified trafficking victims were foreign women who migrated to the country seeking work but upon arrival were subjected to debt bondage and forced prostitution. Male and female migrant workers were subjected to conditions of forced labor.

Agents, brokers, and employers involved in trafficking for sexual exploitation often had connections with organized crime syndicates (the Yakuza).

Most women trafficked into the sex trade had their travel documents taken away and their movements strictly controlled by their employers. Victims were threatened with reprisals to themselves or their families if they tried to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. NGOs reported that in some cases brokers used drugs to control victims.

Debt bondage was another means of control. Before arrival in the country, trafficking victims generally did not understand the size of the debts they would owe, the amount of time it would take them to repay the debts, or the conditions of employment to which they would be subjected upon arrival. Women faced debts of up to 4.5 million yen (approximately \$40,000). In addition, they had to pay their employer for their living expenses, medical care (when provided by the employer), and other necessities. “Fines” for misbehavior added to the original debt and the process that employers used to calculate these debts was not transparent. Employers also sometimes “resold,” or threatened to resell, troublesome women or women found to be HIV-positive, thereby increasing the victims’ debts and often leading to even worse working conditions.

In response to increased police enforcement, many sex business operators shifted from store-front businesses to “delivery” escort services. This shift to Internet-based solicitation and procurement made it much harder to measure the extent to which employers were exploiting victims of trafficking.

There was no noticeable improvement in the country’s prosecution of sex trafficking. In 2007 11 sex trafficking cases were prosecuted, and 12 trafficking offenders were convicted, compared with 17 prosecutions and 15 convictions in 2006. Most authorities attributed this decline to a crackdown on the “entertainment” visa category. Of the 12 2007 convictions, seven offenders received prison sentences of two to four years with labor; five received suspended sentences.

Labor exploitation was widely reported by labor activists, NGOs, shelters, and the media (See Section 6.e.). There were two convictions for labor trafficking during the past two years, although Labor Standard Inspection Bodies identified more than 1,209 violations of labor laws in 2006 alone.

The number of trafficking victims identified by the Government declined for the second consecutive year. Law enforcement authorities identified 43 victims in 2007, down from 58 in 2006 and 116 in 2005. There continued to be reports that police and immigration officers failed to identify victims adequately. The National Police University began teaching a class in trafficking in persons. Both the NPA and trafficking NGOs agreed that winning the trust of potential victims was a difficult and time consuming process. The country has not adopted formal victim identification procedures, although it is cooperating with the International Organization for Migration (IOM) in victim identification. The country does not dedicate government law enforcement or social services personnel specifically to human trafficking, although there were individuals in various branches of the Government and police who focused mainly on human trafficking. NGOs working with trafficking victims continued to assert that the Government was not proactive in searching for victims among vulnerable populations, such as foreign women in the sex trade or migrant laborers. NGOs reported that police and immigration officers occasionally neglected to classify women working in exploitative conditions as victims because they willingly entered the country to work illegally. Both trafficking NGOs and the NPA agreed that there was a “gray area” in which victim identification could be difficult.

The MHLW encouraged police and immigration officers to use its network of shelters for domestic violence victims as temporary housing for foreign trafficking victims awaiting repatriation. Forty of the 43 identified trafficking victims in 2007 were provided services by government shelters. A significant percentage of the foreign women listed as victims of domestic violence were probably trafficking victims, and were provided shelter. The Government paid for victims’ medical care and sub-

sidized repatriation through a grant to the IOM. Sixteen of the 43 identified trafficking victims were repatriated without referring them to the IOM for risk assessment and formal processing.

Typically, government shelters lacked the resources needed to provide adequate services to trafficking victims. NGO shelters that specialized in assisting victims of human trafficking had full time staff able to speak seven or more languages, but the MHLW shelters had to rely on interpretation services from outside providers. While some victims received psychological care in government facilities, the large majority did not have adequate access to trained psychological counselors with native language ability, a weakness the Government is beginning to address. Due to the lack of counseling in their native language by professionals familiar with the special needs of trafficking victims, the isolation of victims from fellow nationals and other trafficking victims, and the lack of alternatives—particularly any option to work or generate income—foreign women staying at government shelters elected to repatriate as quickly as possible. Although the Government reserved funds to subsidize victims' stays in private shelters, most victims were referred to public shelters. While the Government asserted that victims were eligible for special stay status as a legal alternative to repatriation in cases where victims would face hardship or retribution, there were very few cases of a victim staying in country for more than a few months, and these usually were victims who were being sheltered in private shelters or who had found NGO support.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the Government generally enforced these provisions; however, the federation of bar associations complained that discrimination is undefined and thus not enforceable through judicial remedies.

Persons with disabilities were not generally subject to overt discrimination in employment, education, or provision of other state services; however, in practice they faced limited access to these services. Persons with disabilities made up less than 0.2 percent of university students.

The law mandates that the Government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 300 employees that do not comply must pay a fine of 50,000 yen (\$425) per vacant position per month. Public employment of persons with disabilities exceeded the minimum, but according to MHLW statistics the private sector lagged in spite of increases over last year. A survey found that in private companies with more than 56 workers, 1.6 percent of employees had disabilities.

Accessibility laws mandate that new construction projects for public use must include provisions for persons with disabilities. In addition, the Government allows operators of hospitals, theaters, hotels, and other public use facilities to receive low interest loans and tax benefits if they upgrade or install features to accommodate persons with disabilities.

Recent surveys showed that people with mental disabilities might account for up to 60 percent of the repeat offender population in some prisons. According to human rights NGOs, there were an estimated 20,000 homeless people who could not receive old-age pensions, disability pensions, and livelihood protection allowances because they were considered to be without residence. Surveys also showed a significant percentage of repeat offenders were homeless persons who had fallen through the social service net.

According to mental health NGOs and physicians, persons with mental illnesses also faced stigmatization and both educational and occupational barriers. Mental health professionals said that insufficient efforts were being made to reduce the stigma of mental illness and to inform the public that depression and other mental illnesses were treatable, biologically based illnesses.

National/Racial/Ethnic Minorities.—Burakumin (descendants of feudal era "outcasts") and ethnic minorities experienced varying degrees of societal discrimination. The approximately three million burakumin, although not subject to governmental discrimination, frequently were victims of entrenched societal discrimination, including restricted access to housing, education, and employment opportunities. NGOs reported that discrimination was still extensive outside major metropolitan areas.

Despite legal safeguards against discrimination, the country's large populations of Korean, Chinese, Brazilian, and Filipino permanent residents—many of whom were born, raised, and educated in Japan—were subject to various forms of deeply entrenched societal discrimination, including restricted access to housing, education, and employment opportunities. There was a widespread perception among citizens

that “foreigners,” often members of Japan born ethnic minorities, were responsible for most of the crimes committed in the country. The media fostered this perception although Ministry of Justice statistics showed that the “foreigner” committed crime rate, excepting crimes like illegal entry and overstay, was lower than the crime rate for citizens.

Many immigrants struggled to overcome obstacles to naturalization, including the broad discretion available to adjudicating officers and the great emphasis on Japanese language ability. Aliens with five years of continuous residence are eligible for naturalization and citizenship rights. Naturalization procedures also require an extensive background check, which includes inquiries into the applicant’s economic status and assimilation into society. The Government defended its naturalization procedures as necessary to ensure the smooth assimilation of foreigners into society.

Indigenous People.—Although the Ainu enjoyed the same rights as all other citizens, when clearly identifiable as Ainu they faced the same patterns of discrimination that all ethnic minorities encountered. On June 6, the Diet unanimously passed a resolution recognizing the Ainu as an indigenous people.

Other Societal Abuses and Discrimination.—NGOs that advocate for gay, lesbian, bisexual, and transgender persons noted that such persons suffered from bullying, harassment, and violence.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the Government effectively enforced the law. Unions were free of government control and influence; however, public service employees’ basic union rights, governed by a separate law, are restricted in ways that “effectively require prior authorization” to form unions. Approximately 18 percent of the total workforce was unionized in 2006.

Unions in the private sector have the right to strike, and workers exercised this right in practice. Public sector employees do not have the right to strike.

b. The Right to Organize and Bargain Collectively.—Except for public sector workers and employees of state owned enterprises, the law allows unions to conduct their activities without interference, and the Government protected this right. Collective bargaining is protected by law and was freely practiced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Labor rights NGOs alleged that some companies forced foreign laborers to work illegal overtime, refused to pay allowances, controlled their movement and travel documents, and forced them to deposit paychecks into company-controlled accounts. The law and ministry of justice guidelines prohibit these practices.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law bans the exploitation of children in the workplace, and the Government effectively implemented the law. The MHLW is responsible for enforcement. By law, children between the ages of 15 and 18 may perform any job that is not designated as dangerous or harmful. Children between the ages of 13 and 15 may perform “light labor” only, and children under 13 may work only in the entertainment industry. Other than victims of human trafficking and child pornography, child labor was not a problem.

e. Acceptable Conditions of Work.—Minimum wages are set on a prefectural and industry basis, with the input of tripartite (workers, employers, and public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages was considered widespread. Minimum wage rates ranged, according to prefecture, from 618 yen (approximately \$5.74) to 739 yen (approximately \$6.54) per hour. The minimum daily wage provided a decent standard of living for a worker and family.

The law provides for a 40 hour workweek for most industries and mandates premium pay for hours worked above 40 in a week or eight in a day. However, it was widely accepted that workers, including those in government jobs, routinely exceeded the hours outlined in the law. Labor unions frequently criticized the Government for failing to enforce maximum working hour regulations. According to 2007 MHLW statistics 147 workers suffered *karoshi* (death from overwork) during the year.

According to the Japanese Trade Union Confederation, companies increasingly hired workers on a part-time, nonregular basis. Such workers reportedly made up one-third of the labor force, and worked for lower wages, often enduring precarious

working conditions. Temporary employees reportedly also faced similar working conditions. Activist groups claimed that employers exploited illegal foreign workers, who often had little or no knowledge of the Japanese language or their legal rights.

NGOs and the media reported abuses of the foreign trainee program, a government-sponsored training program supervised by the Japan International Training Cooperation Organization. In some companies, trainees reportedly were forced to work unpaid overtime and made less than the minimum wage. Moreover, their wages were automatically deposited in company controlled accounts, despite the fact that forced deposits are illegal. According to labor rights NGOs, trainees sometimes had their travel documents taken from them and their movement controlled to prevent escape. The Government undertook a review of the program, and in December 2007 the Ministry of Justice released a list of prohibited acts to govern the foreign trainee program. However, there are no criminal penalties for companies found in violation of the regulation. Although Labor Standard Inspection Bodies identified more than 1,209 violations of labor laws in 2006 alone, there were only two convictions for labor trafficking during the past two years. NGOs and labor unions working with foreign workers noted no noticeable improvement in some companies' treatment of foreign workers in the trainee program.

The Government sets occupational health and safety standards, and the Ministry of Labor effectively administered the various laws and regulations governing occupational health and safety. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

KIRIBATI

Kiribati is a constitutional multiparty republic with a population of approximately 92,500. The president exercises executive authority and is popularly elected for a four-year term. The legislative assembly nominates at least three, and no more than four, presidential candidates from among its members. Parliamentary and presidential elections held in 2007 were considered generally free and fair. Anote Tong of the Boutokaan Te Koaua party was reelected president. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Violence and discrimination against women, child abuse, and commercial sexual exploitation of children were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them. Traditional village practice permits corporal punishment for criminal acts and other transgressions.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by family members, church representatives, and diplomats. There was no separate facility for juvenile offenders, but children under age 16 usually were not incarcerated. Juveniles ages 16 to 17 generally may be detained no longer than a month in the adult facility; however, for more serious offenses, such as murder, juveniles over age 16 can be held in custody for more than a month and can be sentenced to longer terms. Pre-trial detainees accused of serious offenses who did not meet bail were held with convicted prisoners. Persons charged with minor offenses normally were released on their own recognizance pending trial.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police force, and the Government has effective mechanisms to

investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—In some cases magistrates issued warrants before an arrest was made. Persons taken into custody without a warrant must be brought before a magistrate within 24 hours or within a reasonable amount of time when arrested in remote locations. These requirements were generally respected in practice. Many individuals were released on their own recognizance pending trial, and bail was granted routinely for many offenses. The law requires that arrested individuals be informed of their rights, which include the right to legal counsel during questioning and the right not to incriminate themselves. Two police officers must be present at all times during questioning of detainees, who also are provided the option of writing and reviewing statements given to police. Detainees were allowed prompt access to legal counsel. Public defenders, known as “people’s lawyers,” were available free of charge for arrested persons and others who needed legal advice.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There is no trial by jury. An accused person must be informed of the charges and be provided adequate time and facilities to prepare a defense. The law also provides for the right to confront witnesses, present evidence, and appeal convictions. Defendants facing serious criminal charges are entitled to free legal representation. Procedural safeguards are based on British common law and include the presumption of innocence until proven guilty. The law extends these rights to all citizens.

Extrajudicial traditional communal justice, in which village elders decide cases and mete out punishment, remained a part of village life, especially on remote outer islands. However, the incidence of communal justice was declining under pressure from the codified national law.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, as well as access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but there were some concerns about government control of the media.

Individuals generally could criticize the Government publicly or privately without fear of reprisal.

The Government Broadcasting and Publications Authority (BPA) operated Radio Kiribati, the dominant news source in the country, and published a twice-weekly newspaper. A board of directors appointed by the Government oversees BPA operations.

A media company owned by a member of parliament affiliated with the governing party operated the country’s other radio station and published a weekly newspaper. Several other organizations, such as the Kiribati Protestant Church, also published weekly newspapers.

International media were allowed to operate freely. Under the Newspaper Registration Act, newspapers are required to register with the Government, but there were no reports that the Government denied registration to any publication.

Internet Freedom.—There were no government restrictions on the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. While generally available and accessible on South Tarawa, public access to the Internet elsewhere in the country was limited by lack of infrastructure.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community in the country.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Although the law prohibits government restrictions on citizens' freedom of movement, it does not restrict such actions by traditional village councils.

The occasion did not arise during the year for government cooperation with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law provides for the forced expulsion from the country of a convicted person if "in the interests of" defense, public safety, order, morality, health, or environmental conservation. The Government did not use forced exile. On rare occasions traditional village councils have banished persons from a specific island within the country, usually for a fixed period of time, but there were no reports of such banishments during the year.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. During the year there were no applications for refugee resettlement, asylum, or protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The legislature has 45 members: 43 are elected by universal adult suffrage, the Rabi Island Council of I—Kiribati (persons of Kiribati ancestry) in Fiji selects one, and the attorney general is an ex officio member. The most recent parliamentary elections were held in August 2007. In October 2007 the legislature elected Aote Tong of the Boutokaan Te Koaua party to a second term as president. The elections were considered generally free and fair. There were no government restrictions on political opponents. Elected village councils run local governments in consultation with traditional village elders.

There were two women in the 45-member legislature. Several permanent secretaries were women.

The President and several members of the legislature were of mixed descent.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not always implement the law effectively. Government officials have sometimes engaged in corrupt practices with impunity, but there were no specific reports of government corruption during the year.

Nepotism, based on tribal, church, and family ties, was prevalent. Public officials were not subject to financial disclosure laws. The auditor general is responsible for oversight of government expenditures. In reality the auditor general lacked sufficient resources, and findings of misappropriations and unaccounted for funds were generally ignored, or the investigations were inconclusive.

No specific law provides for citizen or media access to government information. In practice the Government was fairly responsive to individual requests for information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, national origin, or color, and the Government observed these prohibitions in practice; however, only native I—Kiribati may own land.

Women.—Spousal abuse and other forms of violence against women were significant problems. Alcohol abuse frequently was a factor in attacks on women. Rape, including spousal rape, is a crime, with a maximum penalty of life imprisonment, but sentences were typically much shorter. The law does not address domestic violence specifically, but general common law and criminal law make assault in all forms illegal. The law provides for penalties of up to six months' imprisonment for common assault and up to five years' imprisonment for assault involving bodily harm. Prosecutions for rape and domestic assault were infrequent, largely due to cultural taboos on reporting such crimes and police attitudes encouraging reconciliation over prosecution.

Prostitution is not illegal; however, procuring sex and managing brothels are illegal. The lack of a law against prostitution hindered the ability of the police to restrict these activities.

The law does not specifically prohibit sex tourism. There were reports of foreign fishermen engaging in commercial sexual acts with minors. Obscene or indecent behavior is banned.

The law does not prohibit sexual harassment, which sometimes occurred but generally was not regarded as a major problem.

The law does not prohibit discrimination on the basis of gender, and the traditional culture, in which men are dominant, impeded a more active role for women in the economy. Women filled many government office and teaching positions. Statistics generally were not well collected in the country, and data on the participation of women in the work force and on comparative wages were unavailable. Women have full rights of ownership and inheritance of property as well as full and equal access to education.

Children.—Within its limited financial resources, the Government made adequate expenditures for child welfare.

Chronic alcohol abuse leading to child abuse (physical and occasionally sexual) and neglect continued to be a serious problem. There is a police unit specifically focused on child and family violence.

Crewmembers of foreign fishing vessels that stopped in Kiribati engaged in commercial sexual exploitation of women, some of whom were underage. Research conducted in South Tarawa indicated there were fewer than 20 girls under the age of 18 engaged in such prostitution. Some of the girls worked as prostitutes in bars frequented by crewmembers, and local I—Kiribati, sometimes including family members, acted as facilitators, delivering girls to the boats. The girls generally received cash, food, or goods in exchange for sexual services. The lack of a legal ban on prostitution, and the fact that the legal age of consent is 15, hindered police efforts to stem the practice.

Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or through the country. There were incidences of commercial sexual exploitation of underage girls within the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities; however, there were no formal complaints of discrimination in employment, education, or the provision of other state services for persons with mental or physical disabilities. Accessibility of buildings for persons with disabilities has not been mandated, and there were no special accommodations for persons with disabilities. The central hospital on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa.

There was no government agency specifically responsible for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—Sodomy and acts of "gross indecency" between males are illegal, but there were no reports of prosecutions under these provisions. Societal discrimination and violence based on sexual orientation were not significant problems.

Societal discrimination and violence against persons with HIV/AIDS were not significant problems. A government-run HIV/AIDS taskforce coordinated outreach and education activities concerning HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides for freedom of association, and workers are free to join and organize unions; workers exercised these rights in practice.

More than 80 percent of the adult workforce was occupied in fishing or subsistence farming. An estimated 10 percent of wage-earning workers were union members. There were no official public-sector trade unions, but nurses and teachers belonged to voluntary employee associations similar to unions and constituted approximately 30 to 40 percent of total union and association membership.

The law provides for the right to strike, but no strikes have taken place since 1980.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer unions. The Government did not control or restrict union activities; however, unions must register with the Government. The law provides for collective bargaining. The Government sets wages in the large public sector. In a few statutory bodies and government-owned companies, however, employees could negotiate wages and other conditions. In the private sector, individual employees also could negotiate wages with employers. In keeping with tradition, negotiations generally were non-confrontational. There were no reports of antiunion discrimination, and there were mechanisms to resolve any complaints that might arise.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. The prohibition does not mention specifically forced and compulsory labor by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under age 14. Children through the age of 15 are prohibited from industrial employment and employment aboard ships. Labor officers from the Ministry of Labor and Human Resources Development generally enforced these laws effectively. Children rarely were employed outside the traditional economy.

Underage girls were solicited for commercial sex.

e. Acceptable Conditions of Work.—The wage-earning workforce consisted of approximately 8,000 persons, mostly employed on the main atoll of Tarawa, the political and commercial capital. The remainder of the working population worked within a subsistence economy. There is no official minimum wage, but the Labor Ministry estimated the “non-legislated” minimum to be between A\$1.60 and A\$1.70 (approximately \$1.10 and \$1.15) per hour. There is provision for a minimum wage at ministerial discretion, but it has never been implemented. The standard wage income provided a marginally decent standard of living for a worker and family.

There is no legislatively prescribed workweek. Workers in the public sector (80 percent of the wage-earning workforce) worked 36.25 hours per week, with overtime pay for additional hours.

Employment laws provide rudimentary health and safety standards for the workplace, which the Labor Ministry is responsible for enforcing. Employers are liable for the expenses of workers injured on the job, but a lack of qualified personnel hampered the Government’s ability to enforce employment laws, and no workplace inspections were conducted during the year. Workers do not have the right to remove themselves from hazardous work sites without risking loss of employment.

KOREA, DEMOCRATIC PEOPLE’S REPUBLIC ¹ OF

The Democratic People’s Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong-il, general secretary of the Korean Work-

¹ Note on Sourcing: The United States does not have diplomatic relations with the Democratic People’s Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses. Refugee testimony often is dated because of the time lapse between refugee departures from North Korea and contact with NGOs or officials able to document human rights conditions, although in recent years some refugees have been able to relate their stories in a more timely fashion.

ers' Party (KWP) and chairman of the National Defense Commission (NDC), the "highest office of state." The country has an estimated population of 23.5 million. Kim's father, the late Kim Il-sung, remains "eternal president." Local elections held in July 2007 were not free or fair. There was no civilian control of the security forces, and members of the security forces committed numerous serious human rights abuses.

The Government's human rights record remained poor, and the regime continued to commit numerous serious abuses. The regime subjected citizens to rigid controls over many aspects of their lives. Citizens did not have the right to change their government. There continued to be reports of extrajudicial killings, disappearances, arbitrary detention, and political prisoners. Prison conditions were harsh and life threatening, and torture occurred. Pregnant female prisoners underwent forced abortions in some cases, and in other cases babies were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, press, assembly, and association, and the Government attempted to control all information. The Government restricted freedom of religion, citizens' movement, and worker rights. There continued to be reports of severe punishment of some repatriated refugees. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were numerous reports that the regime committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the regime executed political prisoners, opponents of the regime, repatriated defectors, and others. The law prescribes the death penalty for the most "serious" or "grave" cases of "antistate" or "antination" crimes, including: participation in a coup or plotting to overthrow the state; acts of terrorism for an antistate purpose; treason, which includes defection or handing over state secrets; suppressing the people's movement for national liberation; cutting electric power lines or communication lines; and illegal drug transactions.

In the past border guards reportedly had orders to shoot to kill potential defectors, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps, but it was not possible to determine if this practice continued during the year.

During the year the South Korean nongovernmental research organization North Korean Human Rights Infringement Record Center reported that North Korea carried out 901 public executions in 2007. North Korea also reportedly carried out 56 cases of summary executions with no judicial process.

A South Korean nongovernmental organization (NGO) reported that 15 North Koreans, including 13 women and two men, were shot in front of local residents on February 20 for illegally entering China.

On January 3, Agence France—Presse reported that a South Korean NGO stated North Korean authorities had executed a cooperative farm chief and two colleagues for starting a private farm in December 2007 in Pyongsong City. According to the report, the three were shot 90 times, four others were sentenced to life imprisonment, and the families of those executed were taken to prison camps.

On March 10, railway cargo guards allegedly beat 20 homeless children, killing several. The guards had caught the children stealing from a railway car.

On July 11, security forces shot and killed a South Korean tourist visiting the Mt. Kumgang Tourism Park.

On August 26, a South Korean NGO reported that soldiers beat 20 homeless adults for trying to steal corn from trucks in Hamheung city, South Hamgyong Province. The report said that one of the individuals was killed, and that the soldiers threw the body into a dumping ground near the station.

On October 8, a South Korean NGO reported that authorities in Hoeryong City, North Hamgyong Province, publicly executed five women accused of trafficking in persons. Family members of the women were not notified until after the execution. According to the report, the families petitioned the Government, claiming the women were not granted due process, but the municipal government insisted the executions were carried out legally and did not respond to the petition.

Religious and human rights groups outside the country alleged that some North Koreans who had contact with foreigners across the Chinese border were imprisoned or killed.

There were no new developments in the alleged 2006 death penalty sentence for Son Jong-nam, whose brother reported that Son was still alive as of the spring of 2007.

b. Disappearance.—The Government was responsible for disappearances. In recent years defectors claimed that state security officers often apprehended individuals suspected of political crimes and sent them, without trial, to political prison camps. There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado. The penal code states that a prosecutor's approval is required to detain a suspect; however, the Government ignored this law in practice.

On February 8, a group of 22 North Koreans in two small boats floated into South Korean waters. South Korean authorities repatriated the individuals 13 hours later, claiming they had conducted interviews and determined the individuals were not defectors. Later in February, several South Korean news outlets quoted an anonymous source who reported that the 22 individuals were executed upon their return. The whereabouts of the 22 remained unknown at year's end.

There were no developments in the 2006 disappearance of Lee Kwang-soo's family following his defection to South Korea (Republic of Korea or ROK).

Japan continued to seek further information about the cases of 12 Japanese nationals whom the Japanese Government designated as having been abducted by DPRK government entities. During the year Japan and the DPRK held discussions on the issue. The DPRK agreed to reopen the investigation into these cases but had not announced any progress or result. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals.

In the past, credible reports indicated that the Government also kidnapped other nationals from locations abroad, including citizens from Romania, Thailand, and possibly elsewhere. However, the Government continued to deny its involvement in the kidnappings. The ROK Government estimated that approximately 480 of its civilians who were abducted or detained by the DPRK since the end of the Korean War remained in the DPRK. The ROK government estimated 560 South Korean prisoners of war (POWs) and soldiers missing in action were also believed to remain alive in the country.

During the year the media reported South Korean missionary Kim Dong-shik had most likely died within a year of his 2000 disappearance near the China—DPRK border.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The penal code prohibits torture or inhumane treatment; however, many sources continued to confirm their practice. Methods of torture and other abuse reportedly included severe beatings; electric shock; prolonged periods of exposure to the elements; humiliations such as public nakedness; confinement for up to several weeks in small "punishment cells" in which prisoners were unable to stand upright or lie down; being forced to kneel or sit immobilized for long periods; being hung by the wrists; being forced to stand up and sit down to the point of collapse; and forcing mothers recently repatriated from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

During the year Shin Dong-hyuk, a defector born and confined in a political prison camp in Kaechon in South Pyongan Province for 22 years, explained that beatings and torture were common within the camp. Shin reported that he was tortured with hot coals while being hung from the ceiling after members of his family tried to escape from the camp.

Officials prohibited live births in prison and ordered forced abortions, particularly in detention centers holding women repatriated from China, according to refugee reports. In some cases of live birth, there were reports that prison guards killed the infant or left it for dead. In addition guards reportedly sexually abused female prisoners.

Reeducation through labor, primarily through sentences at forced labor camps, was a common punishment and consisted of tasks such as logging, mining, or tending crops under harsh conditions. Reeducation involved memorizing speeches by Kim Jong-il.

Prison and Detention Center Conditions.—NGO, refugee, and press reports indicated that there were several types of prisons, detention centers, and camps, including forced labor camps and separate camps for political prisoners. Defectors claimed the camps covered areas as large as 200 square miles. The camps appeared to contain mass graves, barracks, worksites, and other prison facilities.

Those sentenced to prison for nonpolitical crimes were typically sent to reeducation prisons where prisoners were subjected to intense forced labor. Those who were considered hostile to the regime or who committed political crimes, such as defection, were sent to political prison camps indefinitely. Many prisoners in political

prison camps were not expected to survive. The Government continued to deny the existence of political prison camps.

Reports indicated that conditions in the political prison camps were harsh. Systematic and severe human rights abuses occurred throughout the prison and detention system. Detainees and prisoners consistently reported violence and torture. According to refugees, in some places of detention, prisoners received little or no food and were denied medical care. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing.

The Government did not permit inspection of prisons or detention camps by human rights monitors.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, but the Government did not observe these prohibitions in practice.

Role of the Police and Security Apparatus.—The internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department (SSD). Reports of diversion of food aid to the military and regime officials and of official bribery were indicative of corruption in the security forces. The security forces do not have adequate mechanisms to investigate possible security force abuses.

The army has four branches: Ground Force, Naval Force, Air Force, and Civil Securities Force. The country has an estimated 1.1 million active military personnel, in addition to a reserve force of approximately three million.

During the year one South Korean NGO reported that the role of the police increased significantly. The increased responsibility reportedly caused tension between the police and the military.

Arrest and Detention.—Members of the security forces arrested and transported citizens suspected of committing political crimes to prison camps without trial. According to one South Korean NGO, on February 1, the People's Safety Agency was authorized to handle directly criminal cases without approval of prosecutors. Previously, once police officers arrested suspects, the preadjudication department examined facts and evidence of the case and passed the case to prosecutors. It was not until the completion of prosecutors' investigation that the court made an official decision on the case. The change was made reportedly because of corruption among prosecutors.

There were no restrictions on the Government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. Judicial review of detentions did not exist in law or in practice.

e. Denial of Fair Public Trial.—The constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary did not exist. The constitution mandates that the central court is accountable to the Supreme People's Assembly, and the criminal code subjects judges to criminal liability for handing down "unjust judgments."

Trial Procedures.—The MPS dispensed with trials in political cases and referred prisoners to the SSD for punishment. Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to show trials for traffic violations and other minor offenses.

The constitution contains elaborate procedural protections, providing that cases should be heard in public, except under circumstances stipulated by law. The constitution also states that the accused has the right to a defense, and when trials were held, the Government reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the Government offered trials and lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers existed.

Political Prisoners and Detainees.—While the total number of political prisoners and detainees remained unknown, an estimated 150,000 to 200,000 persons were believed to be held in kwan li so political prison camps. The Government considered critics of the regime to be political criminals. Reports from past years described political offenses as including sitting on newspapers bearing Kim Il-sung's or Kim Jong-il's picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims.

Civil Judicial Procedures and Remedies.—According to article 69 of the constitution, "[c]itizens are entitled to submit complaints and petitions. The state shall fair-

ly investigate and deal with complaints and petitions as fixed by law.” Under the Law on Complaint and Petition, citizens are entitled to submit complaints to stop encroachment upon their rights and interests or seek compensation for the encroached rights and interests. This right was not respected in practice.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government did not respect these provisions in practice. The regime subjected its citizens to rigid controls. The Government relied upon a massive, multilevel system of informants to identify critics and potential troublemakers. Entire communities sometimes were subjected to security checks. Possessing “antistate” material and listening to foreign broadcasts were crimes that could subject the transgressor to harsh punishments, including up to five years of labor reeducation.

The Government monitored correspondence and telephone conversations. Private telephone lines operated on a system that precluded making or receiving international calls; international phone lines were available only under restricted circumstances. Foreign diplomats in Pyongyang stated that the local network was subdivided so phone use remained a privilege. Although a government-controlled cellular phone network existed, cell phone use has been banned for the general population since 2004. During the year defectors reported contacting their relatives in the country via this network.

The Government divided citizens into loyalty-based classes, which determined access to employment, higher education, place of residence, medical facilities, and certain stores.

Collective punishment was practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. A 2006 decree on cutting electric power or communication lines and conducting illegal drug transactions states that a violator’s family shall be “expelled.”

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the Government prohibited the exercise of these rights in practice.

The constitution provides for the right to petition. However, the Government did not respect this right. For example, when anonymous petitions or complaints about state administration were submitted, the SSD and MPS sought to identify the authors, who could be subjected to investigation and punishment.

A South Korean NGO reported in March a professor at Gimchaek University of Technology was sentenced to five years in a reeducation center, and her party membership and professorship were revoked for speaking in the South Korean dialect during her class.

The Government sought to control virtually all information. There were no independent media. The Government carefully managed visits by foreigners, especially foreign journalists.

During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. In all cases journalists were monitored strictly. They generally were not allowed to talk to officials or to persons on the street, and cellular or satellite phones were held at the airport for the duration of a visitor’s stay.

Domestic media censorship continued to be enforced strictly, and no deviation from the official government line was tolerated. The Government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, received only domestic programming; radios obtained from abroad had to be altered to operate in a similar manner. Elites and facilities for foreigners, such as hotels, could be granted permission to receive international television broadcasts via satellite. The Government continued to attempt to jam all foreign radio broadcasts. During the year the Government condemned the activities of a defector-run broadcasting station in South Korea.

Internet Freedom.—Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. This access was granted via international telephone lines through a provider in China, as well as a local connection that was linked with a German server. An “intranet” was reportedly available to a slightly larger group of users, including an elite grade school; selected research institutions, universities, and factories; and a few individuals. The Korean Communication Corporation acted as the gatekeeper, downloading only acceptable information for access through the intranet. Reporters Without Borders re-

ported that some e-mail access existed through this internal network. According to a press report, an increasing number of citizens had e-mail addresses on their business cards, although they were usually e-mail addresses shared among all the employees of an organization.

Academic Freedom and Cultural Events.—The Government restricted academic freedom and controlled artistic and academic works. A primary function of plays, movies, operas, children's performances, and books was to buttress the cult of personality surrounding Kim Il-sung and Kim Jong-il.

According to North Korean media, Kim Jong-il frequently told officials that ideological education must take precedence over academic education in the nation's schools. Indoctrination was carried out systematically through the mass media, schools, and worker and neighborhood associations. Indoctrination continued to involve mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

A South Korean NGO reported that the Government seized a music teacher's license and confiscated her diploma for "violating socialist ideology." The teacher had been providing illegal private lessons.

The Government continued its attempt to limit foreign influences on its citizens. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that Chinese and South Korean DVDs continued to be smuggled into the country. The Government intensified its focus on preventing the smuggling of imports of South Korean popular culture, especially television dramas. According to a media report, in an attempt to enforce the restriction on foreign films, police routinely cut electricity to apartment blocks and then raided every apartment to see what types of DVDs were stuck in the players. In January, an NGO reported that three citizens received death sentences for involvement in handling movies smuggled from China and South Korea. The NGO also reported that the Government in August began a crackdown on illegal media in Hyesan City, Ryanggang Province and that those caught watching South Korean movies were sentenced to reeducation.

A South Korean NGO reported that in early July five students at the Machinery Vocational School in Onsung County, North Hamgyong Province, were detained and sentenced to six months at a labor camp for watching South Korean dramas.

Another NGO reported in September that five students faced a public trial for watching South Korean DVDs. One of the students reportedly was sentenced to seven years in prison and his family was expelled from Pyongyang. The four others were sentenced to two years of forced labor.

One NGO reported that authorities banned the sale of Chinese VCRs during the year. The NGO reported that on October 29, security officers visited private homes and confiscated all televisions and VCRs registered after October 2005. However, the NGO reported that individuals were able to bribe the security officers in order to keep the equipment.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, the Government did not respect this provision in practice and continued to prohibit public meetings without prior authorization.

Freedom of Association.—The constitution provides for freedom of association; however, the Government failed to respect this provision in practice. There were no known organizations other than those created by the Government. Professional associations existed primarily to facilitate government monitoring and control over organization members.

c. Freedom of Religion.—The constitution provides for "freedom of religious belief"; however, in practice the Government severely restricted religious freedom unless supervised by officially recognized groups linked to the Government. The law also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security." Genuine religious freedom did not exist.

The personality cult of Kim Il-sung and Kim Jong-il continued to resemble a state religion that provided a spiritual underpinning for the regime. Refusal to accept the leader as the supreme authority was regarded as opposition to the national interest and continued to result in severe punishment.

The 2007 Korea Institute for National Unification's White Paper on Human Rights in North Korea concluded that the regime used authorized religious entities for external propaganda and political purposes and strictly barred local citizens from entering places of worship. For example, funds and goods that were donated to government-approved churches were channeled to the KWP by the Government.

There were unconfirmed reports that the nonreligious children of religious believers may be employed at mid-levels of the Government. In the past such individuals suffered broad discrimination with sometimes severe penalties or even imprisonment.

According to defector reports, the Government reportedly was concerned that faith-based South Korean relief and refugee assistance efforts along the border with China had both humanitarian and political goals, including overthrow of the regime, and alleged that these groups were involved in intelligence gathering. According to an unconfirmed claim from one foreign religious NGO, nine North Korean nationals in its network disappeared in 2007. The reason for their reported disappearance could not be confirmed.

There continued to be reports of underground Christian churches. The Government repressed and persecuted unauthorized religious groups in recent years. Defectors reported that persons engaged in religious proselytizing, persons with ties to overseas evangelical groups, and repatriated persons who contacted foreigners while outside the country were arrested and subjected to harsh punishment. Defectors asserted that citizens who received help from foreign churches were considered political criminals and received harsher treatment, including imprisonment, prolonged detention without charge, torture, and execution.

According to NGO reports, 10 college students were arrested by the National Security Agency for reading a Bible and watching a DVD about the Bible.

Religious and human rights groups outside the country continued to provide numerous unconfirmed reports that members of underground churches were beaten, arrested, detained in prison camps, tortured, or killed because of their religious beliefs.

Societal Abuses and Discrimination.—There was no information on societal violence, harassment, or discrimination against members of religious groups.

There was no known Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for the “freedom to reside in or travel to any place”; however, the Government did not respect this right in practice. During the year the Government continued to attempt to control internal travel. The Government did not cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The Government continued to restrict the freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas had access to personal vehicles, and movement was hampered by the absence of an effective transport network and by military and police checkpoints on main roads at the entry to and exit from every town. Use of personal vehicles at night and on Sundays was restricted. Violators of the karaoke bar ban reportedly were warned that punishment could include relocation to other regions within the country.

The Government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country. Foreign officials visiting the country observed checkpoints on the highway leading into Pyongyang from the countryside.

The Government also restricted foreign travel. The regime limited issuance of exit visas for foreign travel to officials and trusted businessmen, artists, athletes, academics, and religious figures. Short-term exit papers were available for some residents on the Chinese border to enable visits with relatives or to engage in small-scale trade.

It is not known whether the laws prohibit forced exile; the Government forced the internal exile of some citizens. In the past the Government engaged in forced internal resettlement of tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although social engineering was also involved. For example, although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, have been sent out of Pyongyang into internal exile.

The Government did not allow emigration, although officials in border areas reportedly took bribes from, or simply let pass, persons crossing the border into China without required permits. The media and NGOs reported periodic crackdowns on this practice, with a stepped-up military presence along the border. Late in the year, several NGOs also reported stricter penalties recently imposed on attempted defectors.

Substantial numbers of citizens have crossed the border into China over the years, and NGO estimates of those who lived there during the year ranged from tens of thousands to hundreds of thousands. Some settled semi-permanently in northeastern China, others traveled back and forth across the border, and others sought asylum and permanent resettlement in third countries. A few thousand citizens gained asylum in third countries during the year.

The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of "labor correction." In "serious" cases defectors or asylum seekers are subject to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily were imprisoned under harsh conditions. Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners. In 2006 China reported it had repatriated a North Korean asylum seeker known as Kim Chun-hee, despite requests from the international community not to repatriate her. Kim's whereabouts remained unknown. In 2006 Chinese police arrested and deported to North Korea nine relatives of South Korean POWs; one NGO reported that the nine were likely in prison, but their whereabouts remained unknown.

In the past, reports from defectors indicated that the regime differentiated between persons who crossed the border in search of food (who might be sentenced only to a few months of forced labor or in some cases merely issued a warning) and persons who crossed repeatedly or for political purposes (who were sometimes sentenced to heavy punishments). The law stipulates a sentence of up to two years of "labor correction" for the crime of illegally crossing the border.

During the year the Government reportedly continued to enforce the policy that all border crossers be sent to prison.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, nor has the Government established a system for providing protection for refugees. The Government did not grant refugee status or asylum. The Government had no known policy or provision for refugees or asylees and did not participate in international refugee fora.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government peacefully. The KWP and the KPA, with Kim Jong-il in control, dominated the political system. Little reliable information was available on intraregime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented by the party leadership.

The Government justified its dictatorship with nationalism and demanded near deification of both Kim Jong-il and Kim Il-sung. All citizens remained subject to intensive political and ideological indoctrination, which was intended to ensure loyalty to the leadership and conformity to the state's ideology and authority.

Elections and Political Participation.—Elections of delegates to the provincial, municipal, and county people's assemblies were held in July of 2007. The elections were not free and fair, and the outcome was virtually identical to prior elections. The Government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval.

The Government has created several "minority parties." Lacking grassroots organizations, they existed only as rosters of officials with token representation in the SPA. The Government regularly criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Women made up 20 percent of the membership of the SPA as of the 2003 elections, and approximately 4 percent of the membership of the KWP central committee.

The country is racially and ethnically homogenous. Officially there are no minorities, and there is, therefore, no information on minority representation in the Government.

Government Corruption and Transparency.—It is not known whether the law provides criminal penalties for official corruption, whether the Government implemented any such laws effectively, or how often officials engaged in corrupt practices with impunity.

Reports of diversion of food aid to the military and government officials and bribery were indicative of corruption in the Government and security forces. The Gov-

ernment continued to deny any diversion of food aid, although it hinted that it was combating internal corruption.

Foreign media reported that the Government launched a formal corruption investigation in January specifically targeting the National Economic Cooperation Federation (NECF) and the North Korean People's Council for National Reconciliation. The NECF reportedly accepted bribes to label Chinese-made goods as "Made in North Korea," allowing them to be exported to South Korea duty free.

It is not known whether public officials are subject to financial disclosure laws and whether a government agency is responsible for combating corruption. There are no known laws that provide for public access to government information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no independent domestic organizations to monitor human rights conditions or to comment on the status of such rights. The Government's North Korean Human Rights Committee has denied the existence of any human rights violations in the country.

The Government ignored requests for visits from international human rights NGOs. The NGO community and numerous international experts continued to testify to the grave human rights situation in the country during the year. The Government decried international statements about human rights abuses in the country as politically motivated and as interference in internal affairs. The Government asserted that criticism of its human rights record was an attempt by some countries to cover up their own abuses and that such hypocrisy undermined human rights principles.

The Government emphasized that it had ratified most UN human rights instruments but continued to refuse cooperation with UN representatives. The Government continued to prevent the UN Special Rapporteur on the Situation of Human Rights in the DPRK, Vitit Muntarbhorn, from visiting the country to carry out his mandate. The Government continued to refuse to recognize the special rapporteur's mandate and rejected the offer of the Office of the High Commissioner on Human Rights to work with the Government on human rights treaty implementation.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution grants equal rights to all citizens. However, the Government has never granted its citizens most fundamental human rights in practice, and it continued pervasive discrimination on the basis of social status.

Women.—The Government appeared to criminalize rape, but no information was available on details of the law and how effectively the law was enforced. Women in prison camps reportedly were subject to rape and forced abortions.

Violence against women was a significant problem both inside and outside the home.

According to press reports, prostitution is illegal; there is no available information on the prevalence of prostitution in the country. There continued to be reports of trafficking in women and young girls who had crossed into China.

The constitution states that "women hold equal social status and rights with men;" however, although women were represented proportionally in the labor force, few women had reached high levels of the party or the Government.

Children.—The state provides 11 years of free compulsory education for all children. However, in the past some children were denied educational opportunities and subjected to punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of family members.

Foreign visitors and academic sources reported that from fifth grade children were subjected to several hours a week of mandatory military training and that all children have indoctrination at their schools.

The UN Committee on the Rights of the Child repeatedly has expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services.

It is not known whether boys and girls have equal access to state-provided medical care; access to health care was largely dependent upon loyalty to the Government.

Information about societal or familial abuse of children remained unavailable. There were reports of trafficking in young girls among persons who had crossed into China.

Trafficking in Persons.—There were no known laws specifically addressing the problem of trafficking in persons, and trafficking of women and young girls into and within China continued to be widely reported. Some North Korean women and girls who voluntarily crossed into China were picked up by trafficking rings and sold as brides to Chinese nationals or placed in forced labor. In other cases, North Korean women and girls were lured out of North Korea by the promise of food, jobs, and freedom, only to be forced into prostitution, marriage, or exploitive labor arrangements. A network of smugglers facilitated this trafficking. Many victims of trafficking, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes. Traffickers sometimes abused or physically scarred the victims to prevent them from escaping. Officials facilitated trafficking by accepting bribes to allow individuals to cross the border into China.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—A law enacted in 2003 mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been sent out of Pyongyang into internal exile. According to a report released in 2006 by the World Association of Milal, an international disability NGO, persons with disabilities constituted approximately 3.4 percent of the population, more than 64 percent of whom lived in urban areas. A foreign observer who travels to the country reported during the year that rehabilitation centers for the disabled are beginning to appear, together with facilities for the elderly. A foreign NGO reported that the North Korean Federation for the Protection of the Disabled allowed them to operate in North Korea. It is not known whether the Government restricts the right of persons with disabilities to vote or participate in civic affairs.

Other Societal Abuses and Discrimination.—No information was available on other societal abuses and discrimination, such as societal violence or discrimination based on sexual orientation.

No information was available regarding discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides for freedom of association; however, this provision was not respected in practice. There were no known labor organizations other than those created by the Government. The KWP purportedly represents the interests of all labor. There was a single labor organization, the General Federation of Trade Unions of Korea. Operating under this umbrella, unions functioned on the classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

Unions do not have the right to strike. According to North Korean law, unlawful assembly can result in five years of correctional labor.

b. The Right to Organize and Bargain Collectively.—Workers do not have the right to organize or to bargain collectively. Factory and farm workers were organized into councils, which had an impact on management decisions. According to the International Trade Union Confederation, North Korean law does not contain penalties for employers who interfere in union functions, nor does it protect workers who might attempt to engage in union activities from employer retaliation.

There was one special economic zone (SEZ) in the Rajin—Sonbong area. The same labor laws that applied in the rest of the country applied in the Rajin—Sonbong SEZ, and workers in the SEZ were selected by the Government.

Under a special law that created the Kaesong Industrial Complex (KIC), located close to the demilitarized zone between South Korea and North Korea, special regulations covering labor issues negotiated between North Korea and South Korea were in effect for the management of labor in the area. Those regulations did not contain provisions that guarantee freedom of association or the right to bargain collectively. According to South Korea's Ministry of Unification, at year's end approximately 79 South Korean firms, including small firms operating in an apartment—type factory, were producing goods at the KIC. There were approximately 33,000 North Korean workers employed at the site. South Korea's Ministry of Unification reported that the DPRK's Central Special Area Development Directing Bureau provided candidates for selection by the South Korean companies. Under this agreement North Korean workers in the KIC reportedly earned a monthly minimum wage of approximately \$63.40 (according to the Kaesong Industrial Complex Labor Law, wages are

set in U.S. dollars), after a second 5 percent wage increase took effect in August. Employing firms reported that, with overtime, the average worker earned approximately \$74 before deductions. Due to the lack of transparency, it was difficult to determine what proportion of their earned wages workers ultimately took home. Although the special laws governing the KIC require direct payment to the workers, the wages were in fact paid to the North Korean government, which withheld a portion for social insurance and other benefits and then remitted the balance (reportedly about 70 percent) to the workers in an unknown combination of “commodity supply cards,” which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate. On December 1, the Government restricted border crossings and access to the KIC, protesting what it called “hostile policies” of ROK President Lee Myung Bak.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor. However, the Government mobilized the population for construction and other labor projects, including on Sundays, the one day off a week. The penal code criminalizes forced child labor; however, there were reports that such practices occurred (See Section 6.d.). The Government also frequently gathered large groups together for mass demonstrations and performances. “Reformatory labor” and “re-education through labor” have traditionally been common punishments for political offenses. Forced and compulsory labor, such as logging and tending crops, continued to be the common fate of political prisoners.

The penal code requires that all citizens of working age must work and “strictly observe labor discipline and working hours.” According to the penal code, failure to meet economic plan goals can result in two years of “labor correction.”

d. Prohibition of Child Labor and Minimum Age for Employment.—According to the law, the state prohibits work by children under the age of 16 years.

School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects, such as snow removal on major roads, or in meeting production goals. Children were forced also to participate in cultural activities and, according to academic reports, were subjected to harsh conditions during mandatory training sessions. According to a South Korean press report, the Government required high school and college students to participate in unpaid “voluntary work,” particularly rice-planting efforts, during their vacation periods. A defector interviewed by the UN special rapporteur reported that the Government sometimes took young people from the street and forced them to work on the farms.

e. Acceptable Conditions of Work.—No reliable data were available on the minimum wage in state-owned industries. However, anecdotal reports indicated that the average daily wage was not sufficient to provide a decent standard of living for a worker and family. Since the 2002 economic reforms, compensation underwent significant change as citizens sought to earn hard currency to support themselves and their families. Workers often had to pay for services that previously had been provided either free or at highly subsidized rates by the state, such as rent for housing and fees for transportation. While education and medical care technically remained free, educational materials and medicines appeared available only for purchase in markets. Foreign observers who visited the country reported that many factory workers regularly failed to go to work, paying a bribe to managers to list them as present, so they could engage in various trading and entrepreneurial activities instead. The same source stated that many government factories were not operating, primarily due to electricity shortages.

Class background and family connections could be as important as professional competence in deciding who received particular jobs, and foreign companies that have established joint ventures continued to report that all their employees must be hired from registers screened by the Government.

The constitution stipulates an eight-hour workday; however, some sources reported that laborers worked longer hours, perhaps including additional time for mandatory study of the writings of Kim Il-sung and Kim Jong-il. The constitution provides all citizens with a “right to rest,” including paid leave, holidays, and access to sanitariums and rest homes funded at public expense; however, the state’s willingness and ability to provide these services was unknown. Foreign diplomats reported that workers had 15 days of paid leave plus paid national holidays. Some persons were required to take part in mass events on holidays, which sometimes required advance practice during work time. Workers were often required to “celebrate” at least some part of public holidays with their work units and were able to spend a whole day with their families only if the holiday lasted two days.

Many worksites were hazardous, and the industrial accident rate was high. The law recognizes the state’s responsibility for providing modern and hygienic working conditions. The penal code criminalizes the failure to heed “labor safety orders” per-

taining to worker safety and workplace conditions only if it results in the loss of lives or other “grave loss.” In addition workers do not have an enumerated right to remove themselves from hazardous working conditions.

Citizens suffered human rights abuses and labored under harsh conditions while working abroad for North Korean firms and under arrangements between the North Korean government and foreign firms. According to press reports, such contract laborers worked in Mongolia, Russia, Libya, Saudi Arabia, Bulgaria, and Angola. In most cases employing firms paid salaries to the North Korean government, and it was not known how much of that salary the workers received. Workers were typically watched closely by government officials while overseas and reportedly did not have freedom of movement outside their living and working quarters.

Wages of some of the several thousand North Koreans employed in Russia reportedly were withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments.

KOREA, REPUBLIC OF

The Republic of Korea (Korea or ROK) is a constitutional democracy governed by a president and a unicameral legislature. The country has a population of approximately 48 million. In April the Grand National Party obtained a majority of National Assembly seats in a free and fair election. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Women, persons with disabilities, and minorities continued to face societal discrimination. Rape, domestic violence, child abuse, and trafficking in persons remained serious problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

Official figures indicated that hazing was a factor in many of the 321 suicides by military personnel since 2004.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits mistreatment of suspects, and officials generally observed this prohibition in practice.

The Government continued to investigate incidents of possible abuse under the country’s former military regimes. As of November the Commission for the Restoration of Honor and Compensation to Activists of the Democratization Movement had reviewed 11,241 of the 13,348 cases reported since its creation in 2000 and determined that compensation was due in 8,908 of them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, the National Security Law (NSL) grants the authorities broad powers to detain, arrest, and imprison persons who commit acts the Government views as intended to endanger the “security of the state.” Critics continued to call for reform or abolishment of the law, contending that its provisions did not define prohibited activity clearly. The Ministry of Justice (MOJ) maintained that the courts had established legal precedents for strict interpretation of the law that preclude arbitrary application. The number of NSL investigations and arrests has dropped significantly in recent years.

During the year authorities arrested 16 persons and prosecuted another 27 persons for alleged NSL violations. Of those prosecuted, four were found guilty; the remaining 23 were on trial as of year’s end. In August authorities indicted a secondary school teacher on charges of violating the NSL for distributing materials related to the May 1980 Kwangju uprising. At the end of the year he was awaiting trial without physical detention. In another case four members of a nongovernmental organization (NGO) were detained and charged in September with illegal contact with Democratic People’s Republic of Korea (DPRK or North Korea) agents and distribution of North Korean press material for the purpose of exalting DPRK leader Kim Jong-il. The NGO claimed the Government used falsehoods against the

four and filed a defamation claim for damages. At year's end the four were in detention awaiting trial, and the defamation claim had not been settled.

In November 2007 a university professor found guilty of violating the NSL and sentenced in 2006 to two years in prison lost his final appeal.

An Amnesty International (AI) report alleged there were arbitrary arrests of bystanders on at least three occasions during demonstrations against President Lee Myung-bak in Seoul between May and September. Those arrested were detained and released. The Korean National Police Agency (KNPA) stated that police followed the requirements of the law in responding to the demonstrations. The MOJ reported that official investigations had not confirmed any instances of arbitrary arrest as of year's end.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the KNPA, and the Government has effective mechanisms to investigate and punish abuse and corruption.

AI reported that some riot police dispatched to demonstrations in Seoul between May and September had hidden their name badges or not worn them. The National Human Rights Commission (NHRC) also reported that some riot police had covered their nametags with black tape and recommended that the KNPA ensure that police nametags are easily visible.

Arrest and Detention.—The law requires warrants in cases of arrest, detention, seizure, or search, except if a person is apprehended while committing a criminal act or if a judge is not available and the authorities believe that a suspect may destroy evidence or escape capture if not quickly arrested. In such cases a public prosecutor or judicial police officer must prepare an affidavit of emergency arrest immediately upon apprehension of the suspect. Police may not question for more than six hours persons who voluntarily submit to questioning at police stations. Authorities generally must release an arrested suspect within 20 days unless an indictment is issued. An additional 10 days of detention is allowed in exceptional circumstances.

There is a bail system, but human rights lawyers stated that bail generally was not granted for detainees who were charged with committing serious offenses, might attempt to flee or harm a previous victim, or had no fixed address.

The law provides for the right to representation by an attorney, including during police interrogation. There are no restrictions on access to a lawyer, but the authorities can limit a lawyer's participation in an interrogation if the lawyer obstructs the interrogation or divulges information that impedes an investigation. The courts generally observed a defendant's right to a lawyer. During both detention and arrest periods, an indigent detainee may request that the Government provide a lawyer.

Access to family members during detention varies according to the level of crime being investigated. There were no reports of access to legal counsel being denied.

Amnesty.—In August the Government granted a special amnesty to approximately 342,000 persons. Most were government officials due to receive disciplinary action. Approximately 1,900 of the pardons involved Election Act violations and another 10,000 involved commutation of sentences or probation for persons convicted of other crimes.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides defendants with a number of rights in criminal trials, including the presumption of innocence, protection against self-incrimination, the right to a speedy trial, the right of appeal, and freedom from retroactive laws and double jeopardy. Trials are open to the public, but judges may restrict attendance if they believe spectators might disrupt the proceedings. There is a public jury system, but the verdict of the jury is not legally binding. Court-appointed lawyers are provided by the Government (at government expense) in cases where defendants cannot afford to provide their own legal counsel. When a person is detained, the initial trial must be completed within six months of arrest. Judges generally allowed considerable scope for examination of witnesses by both the prosecution and defense. Defendants have the right to be present and to consult with an attorney, can confront or question witnesses against them, and can present witnesses and evidence on their behalf. Defendants have access to government-held evidence relevant to their cases. The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees.—It was difficult to estimate the number of political prisoners, because it was sometimes unclear whether persons were arrested for exercising the rights of free speech and association or for committing acts of violence or espionage. The NGO Mingahyup reported that as of December, the Government had imprisoned 74 persons for their political beliefs and convicted 399 con-

scientious objectors who failed to report for military service. However, the MOJ stated that there were no cases of incarceration for political beliefs and that the law does not distinguish conscientious objectors from others who do not report for military service.

Civil Judicial Procedures and Remedies.—There was an independent and impartial judiciary in civil matters, and there were no problems enforcing domestic court orders. Citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Some human rights groups raised concerns about possible government wiretapping abuse. The law establishes broad conditions under which the Government may monitor telephone calls, mail, and other forms of communication for up to two months in criminal investigations and four months in national security cases. According to the National Assembly parliamentary audit, there were 1,149 instances of wiretapping in 2007. The National Intelligence Service conducted 87.9 percent of these. Telecommunications companies provided customer information to investigation agencies on 426,453 occasions in 2007.

The Government continued to require some released prisoners to report regularly to police in accordance with the Security Surveillance Act. While the Ministry of Unification (MOU) designated precinct-level officers to handle issues brought forth by resettled DPRK refugees, the ministry claimed that there were no reporting requirements for the resettled citizens.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in the DPRK if the Government determines that the action endangers national security or the basic order of democracy in the country. However, this prohibition was rarely enforced, and the viewing of DPRK satellite telecasts in private homes is legal.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and expressed a wide variety of views generally without restriction. However, under the NSL the Government may limit the expression of ideas that authorities consider Communist or pro-DPRK.

Internet Freedom.—The Government blocked violent, sexually explicit, and gambling-oriented Web sites and required site operators to rate their site as harmful or not harmful to youth, based on telecommunications laws that ban Internet service providers from offering information considered harmful to youth. The Government also continued to block DPRK Web sites.

The law requires identity verification in order to post messages to Web sites with more than 300,000 visitors per day.

According to 2007 Organization for Economic Cooperation and Development data, 94.1 percent of households had access to the Internet through broadband connections. In addition to Internet access from home, public Internet rooms were widely available and inexpensive.

Academic Freedom and Cultural Events.—There were generally no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. The law prohibits assemblies that are considered likely to undermine public order and requires police to be notified in advance of demonstrations of all types, including political rallies. The police must notify organizers if they consider an event impermissible under this law; however, police routinely approved demonstrations. The police reportedly banned some protests by groups that had not properly registered or that had been responsible for violent protests in the past.

The KNPA reported that 26 riot police were accused of abuses during the period of the “Candlelight Demonstrations” in Seoul against the administration of President Lee Myung-bak between May and September. An AI report on the demonstrations noted that protesters were mostly peaceful and the police showed “organization and restraint,” but it criticized riot police for misusing water cannons and fire extinguishers; exercising excessive and unnecessary force; and kicking and beating protesters, journalists, observers, and medical volunteers with shields and batons. The report also stated that riot police were insufficiently trained in crowd control

and dispersion. The NHRC also reported that police occasionally had suppressed demonstrations in an excessive manner, injuring protesters. The KNPA stated that police responded to violent and illegal demonstrations in accordance with the law. Official investigations of allegations of police abuse were ongoing at year's end.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice. Associations operated freely, except those deemed by the Government to be seeking to overthrow the Government. In December 2007, for example, Jang Min-ho, a foreign citizen and former reporter for the newspaper Joongang Daily, was sentenced to seven years and fined 19 million won (approximately \$14,300) for allegedly meeting with DPRK spies. He was serving his sentence as of year's end.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

In August tens of thousands of Buddhists protested alleged discrimination by the Government. Buddhist leaders denounced a police search of a temple vehicle for fugitive anti-Lee Myung-bak demonstrators and demanded the dismissal of the KNPA commissioner general, who had appeared in a poster promoting a Christian police event. In September President Lee Myung-bak expressed regret that any actions of civil servants had "caused concern within the Buddhist community." The head of the Buddhist Jogye Order accepted an apology from the police commissioner general in November.

Societal Abuses and Discrimination.—The small Jewish population consists almost entirely of expatriates. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Most citizens could move freely throughout the country; however, government officials restricted the movement of certain DPRK defectors by denying them passports. In January the Supreme Court ruled that the denial of a passport to one defector was "unjust." While foreign travel generally was unrestricted, the Government must approve travel to the DPRK. In many cases travelers going to the DPRK must receive a briefing from the Ministry of Unification prior to departure. They must demonstrate also that their trip does not have a political purpose and is not undertaken to praise the DPRK or criticize the Government. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The law does not include provisions for forced exile of its citizens, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However, the Government routinely did not grant refugee status or asylum. In practice the Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers and an alternative form of protection—a renewable, short-term permit to those who meet a broader definition of "refugee." During the year the Government recognized 36 asylum applicants as refugees, many more than in past years. However, a complex procedure and long delays in refugee status decision making continued to be problems. At year's end approximately 1,500 applications were pending decisions. Asylum seekers who were recognized as refugees received basic documentation but frequently encountered problems in exercising their rights. Like other foreigners, refugees frequently were subjected to various forms of informal discrimination.

The Government continued its longstanding policy of accepting refugees from the DPRK, who are entitled to ROK citizenship. The Government resettled 2,809 North Koreans during the year, resulting in 15,057 North Koreans resettled in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for all citizens 20 years of age or older.

Elections and Political Participation.—National Assembly elections held in April were free and fair.

Both the majority and the various minority political parties operated without restriction or outside interference.

In general elections, 50 percent of each party's candidates on the proportional ballot must be women, and 30 percent of each party's geographical candidates are recommended to be women. There were 41 female lawmakers in the 299-seat National Assembly, with three of 18 National Assembly committees chaired by women. Two of 13 Supreme Court justices and two of 15 cabinet ministers were women.

There were no minorities in the National Assembly.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. The Korea Independent Commission Against Corruption stated that the overall "cleanliness level" of the Government for 2007 was 8.89 out of 10 points, an improvement from 8.77 in 2006. There were reports of officials receiving bribes and violating election laws. Several National Assembly members were found guilty of taking bribes in exchange for fixing candidate lists for proportional representation seats up for election in April. In November the prosecutor's office announced corruption indictments against 250 officials at state-backed companies, primarily for taking bribes.

By law public servants above a certain rank must register their assets, including how they were accumulated, thereby making their holdings public. Among the anticorruption agencies are the Board of Audit & Inspection and the Public Servants Ethics Committee. In February the Korea Independent Commission Against Corruption, Ombudsman of Korea, and Administrative Appeals Commission were integrated to form the Anti-Corruption and Civil Rights Commission.

The country has a Freedom of Information Act; in practice the Government granted access for citizens and noncitizens alike, including foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The NHRC is an independent government body established to protect and promote human rights; however, it has no enforcement powers and its decisions are not binding. The NHRC investigates complaints, issues policy recommendations, and conducts education campaigns. The NHRC largely has enjoyed the Government's cooperation, received adequate resources, and been considered effective.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination on the basis of gender, religion, disability, social status, and race, and the Government generally respected these provisions. However, traditional attitudes limited opportunities for women, persons with disabilities, and ethnic minorities. While courts have jurisdiction to decide discrimination claims, many of these cases were instead handled by the NHRC. During the year 1,380 such cases were brought before the NHRC.

Women.—Rape remained a serious problem. Although there is no specific statute that defines spousal rape as illegal, the courts have established a precedent by prosecuting spouses in such cases. The MOJ stated that there were 7,532 reports of rape and 3,581 prosecutions during the year. In 2007 there were 15,325 registered cases of sexual violence, including rape, sexual harassment, and other sexual crimes, according to the Ministry of Gender Equality (MOGE). A study by the Korea Institute for Health and Social Affairs and the Korean Institute of Criminology found that annually 17.9 of every 1,000 women were victims of sexual harassment, rape, or other sexual crimes, but the reporting rate for rape was only 7.1 percent. The penalty for rape is at least three years' limited imprisonment; if a weapon is used or two or more persons commit the rape, punishment ranges from a minimum of five years' to life imprisonment.

Violence against women remained a problem. During the year the MOJ registered 11,048 cases of domestic violence and prosecuted 1,747 cases. According to an MOGE survey, approximately 30 percent of all married women were victims of domestic violence. The law defines domestic violence as a serious crime and enables authorities to order offenders to stay away from victims for up to six months. Offenders can be sentenced to a maximum five years' imprisonment or fined up to seven million won (\$5,300). Offenders also may be placed on probation or ordered

to see court designated counselors. The law also requires police to respond immediately to reports of domestic violence, and the police generally were responsive.

Prostitution is illegal but widespread. In July police began a crackdown on alleged prostitution-related establishments in multiple areas of Seoul, closing 61 businesses in one district and prosecuting approximately 350 persons without physical detention. The Government allows for the prosecution of citizens who pay for sex or commit acts of child sexual exploitation in other countries. The Act on the Prevention of the Sex Trade and Protection of Victims Thereof, which entered into effect in September, further stipulates that the MOGE complete a report every three years on the status of domestic prostitution in addition to the involvement of citizens in sex tourism and the sex trade abroad. NGOs continued to express concern that sex tourism to China and Southeast Asia was becoming more prevalent.

The law obligates companies and organizations to take preventive measures against sexual harassment, but it continued to be a problem. The NHRC received 152 cases of sexual harassment during the year. According to the NHRC, remedies included issuance of a recommendation for redress, conciliation, mutual settlement, and resolution during investigation. The NHRC lacks the authority to impose punitive measures, which must be pursued through the court system.

The family law permits a woman to head a household, recognizes a wife's right to a portion of a couple's property, and allows a woman to maintain contact with her children after a divorce. The law also allows remarried women to change their children's family name to their new husband's name. Women enjoy the same legal rights under the constitution as men.

Women continued to experience economic discrimination in pay for substantially similar work. According to the Korea Institute of Finance, a survey of financial services companies revealed that almost 60 percent of newly created jobs in this sector were filled by women. The portion of entry-level civil service positions that women filled increased from 3.2 percent in 1992 to 49 percent in 2007. The Ministry of Foreign Affairs and Trade reported that 67.7 percent of new diplomats were women. The Ministry of Labor (MOL) stated that the employment rate of females between the ages of 15 and 64 had risen approximately 10 percentage points since 1996, from 43.6 percent to 53.1 percent. Nevertheless, relatively few women worked in managerial positions or earned more than a median income, and gender discrimination in the workplace remained a problem. An MOL survey released in April found that 53.9 percent of respondents believed that sexual discrimination within the workplace was a serious problem.

The law penalizes companies found to discriminate against women in hiring and promotions. A company found guilty of practicing sexual discrimination could be fined up to approximately five million won (\$3,800) and have its name published in the newspaper. The law also provides for a public fund to support victims in seeking legal redress. Some government agencies' preferential hiring of applicants with military service (nearly always men) reinforced barriers against women, despite a Constitutional Court ruling that such preferential hiring was unconstitutional.

Children.—The Government demonstrated its commitment to children's rights and welfare through free public education. High quality health care was widely available to children.

From January through June, a total of 2,733 child abuse cases were reported to the Ministry of Health and Welfare (MOHW). The MOGE maintained four centers that provided counseling, treatment, and legal assistance to child victims of sexual violence. In February the Government revised the Acts on the Prevention of School Violence and Countermeasures to make sexual violence perpetrated at school subject to criminal prosecution.

The law establishes a maximum sentence of 25 years' imprisonment for the brokerage and sale of the sexual services of persons younger than 19 years of age. It also establishes prison terms for persons convicted of the purchase of sexual services of youth under age 19. The Commission on Youth Protection publicizes the names of those who commit sex offenses against minors. The law provides for prison terms of up to three years or a fine of up to 20 million won (\$15,000) for owners of entertainment establishments who hire persons under age 19. The commission's definition of "entertainment establishment" includes facilities such as restaurants and cafes where children are hired illegally as prostitutes.

In July the Constitutional Court overturned a 1987 ban on prenatal gender tests, ruling that a parent's right to know outweighed the risk of male-preference abortion, a practice that the court stated was in decline.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country. Women from Russia, other countries of the former Soviet Union, China,

Mongolia, the Philippines, and other Southeast Asian countries were trafficked to the country for sexual exploitation and domestic servitude. They were recruited personally or answered advertisements and were flown to Korea, often with entertainer or tourist visas. In some instances, once these visa recipients arrived in the country, employers illegally held victims' passports. In addition some foreign women recruited for legal and brokered marriages with Korean men ended up in situations of sexual exploitation, debt bondage, and involuntary servitude once married. Korean women were trafficked primarily for sexual exploitation to the United States, sometimes through Canada and Mexico, as well as to other countries, such as Australia and Japan. Relatively small numbers of migrants seeking opportunities in the country were believed to have become victims of trafficking as well, although the MOL Employment Permit System reduced the number of workers trafficked into the country. There were reports that human traffickers exploited ROK passports for the purpose of human trafficking. There was no credible evidence that officials were involved in trafficking.

The law prohibits trafficking for the purpose of commercial sexual exploitation, including debt bondage, and prescribes up to 10 years' imprisonment. Trafficking for forced labor is criminalized and carries penalties of up to five years' imprisonment. February revisions to the Passport Act allow for restricted issuance or confiscation of passports of persons engaging in illegal activity overseas, including sex trafficking. However, some NGOs believed the laws against sex trafficking were not being enforced to their fullest potential. During the year authorities conducted 220 trafficking investigations and prosecuted in 31 cases, all for sex trafficking. There were no reported prosecutions or convictions of labor trafficking offenses.

The Marriage Brokerage Management Act, which entered into effect in June, regulates both domestic and international marriage brokers and prescribes penalties for dishonest brokers, including sentences of up to three years' imprisonment or fines. There also are laws to protect "foreign brides" in the country and punish fraudulent marriage brokers, but NGOs claimed the laws needed to be strengthened.

The KNPA and the MOJ were principally responsible for enforcing antitrafficking laws. The Government worked with the international community on investigations related to trafficking.

The Government maintained a network of shelters and programs to assist victims of abuse, including trafficking victims. Victims were also eligible for medical, legal, vocational, and social support services. NGOs with funding from the Government provided many of these services. NGOs reported that there was only one counseling center and two shelters in the country dedicated to foreign victims of sex trafficking. The MOJ continued to educate male clients of prostitution to correct distorted views of prostitution. During the year 17,956 individuals participated in the program.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—In April the Anti-Discrimination Against and Remedies for Persons with Disabilities Act (DDA) took effect. The DDA adopts a definition of discrimination encompassing direct discrimination, indirect discrimination, and denial of due conveniences, and it establishes penalties for deliberate discrimination of up to three years in prison and 30 million won (\$22,600). The Government, through the MOHW, initiated a five-year plan to implement a comprehensive set of policies, took measures to make homes barrier free, provided part-time employment, established a task force to introduce a long-term medical care system, and opened a national rehabilitation research center to increase opportunities and access for persons with disabilities. During the year the NHRC received 635 cases of alleged discrimination in areas such as employment, property ownership, and access to educational facilities.

Firms with more than 100 employees are required by law either to hire persons with disabilities or contribute to funds used to promote the employment of persons with disabilities. Nevertheless, the hiring of persons with disabilities remained significantly below target levels.

National/Racial/Ethnic Minorities.—The country is racially homogeneous, with no sizable populations of ethnic minorities. Citizenship is based on parentage, not place of birth, and persons must demonstrate their family genealogy as proof of citizenship. Naturalization is a difficult process requiring detailed applications, a long waiting period, and a series of investigations and examinations. Because of the difficulty of establishing Korean citizenship, those not ethnically Korean remained "foreign." Many foreign workers continued to report difficult working conditions.

Other Societal Abuses and Discrimination.—Despite cultural respect for the elderly, there were reports of age discrimination in the workplace. In March the Govern-

ment enacted the Age Discrimination in Employment Act to address age discrimination in hiring and employment.

Some observers claimed that persons with HIV/AIDS suffered from severe societal discrimination and social stigma. The law ensures the confidentiality of persons with HIV/AIDS and protects individuals from discrimination. The Government supported rehabilitation programs and shelters run by private groups and subsidized medical expenses from the initial diagnosis. The Government operated a Web site with HIV/AIDS information and a telephone counseling service.

The law prohibits discrimination on the basis of sexual orientation, but societal discrimination persisted. In November a military court asked the Constitutional Court to rule on the constitutionality of rules prohibiting sexual activity between male military personnel. An opinion had not been rendered by year's end.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to associate freely and allows public servants to organize unions. The Government continued to postpone the implementation of the 1997 law that authorizes union pluralism.

The ratio of organized labor in the entire population of wage earners in 2007 was approximately 11 percent, or 1.5 million unionists from a total of 14.7 million workers. The country has two national labor federations—the Korean Confederation of Trade Unions (KCTU) and the Federation of Korean Trade Unions (FKTU)—and an estimated 1,600 labor unions. The KCTU and the FKTU were affiliated with the International Trade Union Confederation (ITUC). Most of the FKTU's constituent unions maintained affiliations with global union federations.

The Government recognized a range of other labor federations, including independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and government research institutes. Labor federations not formally recognized by the MOL generally operated without government interference. AI criticized the MOL for continuing to deny legal recognition to the Seoul–Gyeonggi–Incheon Migrants Trade Union (MTU), even after a high court ruled that the law protecting the right of association applied to migrant laborers. In May the Government arrested and deported MTU's President Torna Limbu and Vice President Abdus Sabur for being in “irregular or undocumented status.” The ITUC criticized the May arrest and deportation of the two under immigration charges as governmental antiunion repression. Previous MTU leaders also previously were arrested and deported.

By law unions must submit a request for mediation to the Labor Relations Commission before a strike; otherwise, the strike is considered illegal. In most cases the mediation must be completed within 10 days; in the case of essential services, within 15 days. Strikes initiated following this period without majority support from union membership are illegal. Striking is also prohibited in cases in which a dispute has been referred to binding arbitration. Workers employed at major defense corporations subject to the Special Act on the Defense Industry and those working in the areas of electricity generation, water supply, or production of defense products are not allowed to strike. In addition, if striking employees resort to violence, unlawful occupation of premises, or infliction of damage to facilities, their actions are deemed illegal. Strikes not specifically pertaining to labor conditions, including wages, benefits, and working hours, are also illegal. Under the penal code for “obstruction of business,” arrest warrants can be issued against union leaders during an illegal strike. Striking workers can be removed by police from the premises and, along with union leaders, prosecuted and sentenced.

On December 5, authorities arrested KCTU President Lee Suk-haeng and charged him with “obstruction of business” in connection with his role organizing a general strike on July 2 to protest plans to resume foreign beef imports. Authorities also charged him with organizing solidarity action in 2007 against a retail company that allegedly subjected its workers to precarious and exploitative employment arrangements. The ITUC criticized his arrest, on warrants issued against him and 10 other KCTU and Korean Metal Workers' Union officials, as violating the Government's legal obligations to respect freedom of association.

The law prohibits retribution against workers who conduct a legal strike and allows workers to file complaints of unfair labor practices against employers.

By law unions in enterprises determined to be of “essential public interest”—including railways, utilities, public health, the Bank of Korea, and telecommunications—can be ordered to submit to government-ordered arbitration. Strikes are prohibited for both central and local government officials.

b. The Right to Organize and Bargain Collectively.—The law provides for the workers' right to collective bargaining and collective action, and workers exercised these rights in practice. The law also empowers workers to file complaints of unfair

labor practices against employers who interfere with union organizing or who discriminate against union members. Employers found guilty of unfair practices can be required to reinstate workers fired for union activities. However, forced reinstatement was used infrequently because employers took extra precautions when firing union members. According to the ITUC, employers in some cases levied “obstruction of business” charges against union leaders who were seeking to bargain collectively or engage in regular union activities.

The law permits public servants to organize trade unions and bargain collectively, although it restricts the public service unions from collective bargaining on topics such as policy-making issues and budgetary matters.

The Government designated enterprises in the two export processing zones (EPZs) as public interest enterprises. Workers in these enterprises have the rights enjoyed by workers in other sectors, and labor organizations are permitted in the EPZs. However, foreign companies operating in the EPZs are exempt from some labor regulations. For example, foreign-invested enterprises are exempt from provisions that mandate monthly leave, paid holidays, and menstruation leave for women; give preferential treatment to patriots, veterans, and their families; obligate companies with more than 300 persons to recruit persons with disabilities for at least 2 percent of their workforce; encourage companies to reserve 3 percent of their workforce for workers over 55 years of age; and restrict large companies from participating in certain business categories.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor, and the Government effectively enforced these laws through regular inspections. Child labor was not considered a problem.

The labor standards law prohibits the employment of persons under age 15 without a special employment certificate from the MOL. Because education is compulsory through middle school (approximately age 15), few special employment certificates were issued for full-time employment. To obtain employment, children under age 18 must obtain written approval from either parents or guardians. Employers must limit minors’ overtime hours and are prohibited from employing minors at night without special permission from the MOL.

e. Acceptable Conditions of Work.—The minimum wage is reviewed annually. During the year the minimum wage was 3,770 won (approximately \$2.80) per hour. The FKTU and other labor organizations asserted that the existing minimum wage did not meet the basic requirements of urban workers.

Employees of large conglomerates, publicly owned companies, banks, insurance companies with 1,000 or more registered workers, and companies with more than 50 employees work a five-day, 40-hour workweek. Labor laws mandate a 24-hour rest period each week and provide for a flexible hours system, under which employers can require laborers to work up to 48 hours during certain weeks without paying overtime (and 52 with approval from the relevant labor union), so long as average weekly hours for any given two-week period do not exceed 40 hours. If a union agrees to a further loosening of the rules, management may ask employees to work up to 56 regular hours in a given week. Workers may not be required to work more than 12 hours per working day. The labor standards law also provides for a 50 percent higher wage for overtime.

The Korea Occupational Safety and Health Agency (KOSHA) is responsible for implementing industrial accident prevention activities. The Government set health and safety standards, but the accident rate was high by international standards. During the year there were 2,422 fatalities related to industrial accidents. According to KOSHA, approximately 60 percent of work-related injuries occurred in workplaces with 50 workers or less. During the year KOSHA provided funds and technical support to improve safety and health facilities at manufacturing workplaces employing fewer than 50 employees, awareness of occupational health problems in the workplace, and safety education for migrant workers. Foreign workers reportedly were more likely to be victims of work-related injuries but were often discouraged from seeking compensation. By law an employer may not dismiss or otherwise disadvantage an employee who interrupts work and takes shelter because of an urgent hazard that could lead to an industrial accident.

Contract and other “nonregular” workers accounted for a substantial portion of the workforce. According to the Government, there were approximately 5.4 million nonregular workers, comprising approximately 34 percent of the total workforce. In general nonregular workers performed work similar to regular workers but received

approximately 67 percent of the wages of regular workers; 53 percent of nonregular workers were ineligible for national health and unemployment insurance and other benefits, compared with 6 percent of regular workers. In July application of the 2006 Non-Regular Workers Act was expanded to cover businesses with 100 or more employees. The vast majority of contract and other nonregular workers were not foreign workers.

The law on nonregular workers allows companies with more than 300 workers to use temporary worker contracts valid for a maximum of two years. However, labor groups alleged that employers used a loophole in the law to avoid their obligation to hire part-time workers as regular workers after the two-year time limit.

The MOJ reported that the total number of foreigners with legal working status was 494,035 as of year's end. The total number of foreign workers in illegal status was 54,518. The Government continued its crackdown on illegal foreign labor.

The Government continued to use the Employment Permit System (EPS) to increase protections and controls on foreign workers while easing the labor shortage in the manufacturing, construction, and agricultural sectors. Through the EPS, permit holders may work in certain industries only and have limited job mobility but generally enjoy the same rights and privileges, including the right to organize. Foreign workers were limited in their freedom to change jobs. Before changing jobs the employee's place of work must close down or the worker must have proof of physical abuse at the hand of the employer. Unless MOJ guidelines allow for an extension on humanitarian grounds, workers lose their legal status if they do not find a new employer within two months.

During the year 75,024 foreigners entered Korea under the EPS. They often encountered difficult working conditions. AI and local media reported that foreign laborers often faced physical abuse and exploitation from employers. The NGO Korea Migrant Center received reports of abuse of female entertainment visa holders. The MOJ reported that foreign workers filed 8,074 complaints related to unpaid wages during the year.

Foreign workers employed as language teachers continued to complain that the institutes for which they worked frequently violated employment contracts, but employers reported there were a large number of foreign teachers who did not fully honor their work contracts.

LAOS

The Lao People's Democratic Republic is an authoritarian one-party state ruled by the Lao People's Revolutionary Party (LPRP). The estimated population was 6.7 million. The most recent National Assembly (NA) election was held in 2006. The constitution legitimizes only a single party, the LPRP, and almost all candidates in the 2006 election were LPRP members vetted by the party. The LPRP generally maintained effective control of the security forces, but on occasion elements of the security forces acted outside the LPRP's authority.

The central government continued to deny citizens the right to change their government. Prison conditions were harsh and at times life threatening. Corruption in the police and judiciary persisted. The Government infringed on citizens' right to privacy and did not respect the right to freedom of speech, the press, assembly, or association. Local officials at times restricted religious freedom and citizens' freedom of movement. Trafficking in persons, especially women and girls for prostitution, remained a problem, as did discrimination against ethnic minorities. Workers' rights were restricted.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings by the Government or its agents. There were reports that occasional action by military units against small insurgent groups in Luang Prabang, Xieng Khouang, and Vientiane provinces, including the former Saisomboun Special Zone, resulted in a limited but unknown number of deaths and injuries.

There were no developments in the cases of persons allegedly killed by the military or police in previous years, including an attack in November 2007 in the Phu Bia area of Vientiane Province that reportedly killed two women and one child.

b. Disappearance.—There were no developments in the January 2007 reported abduction by police of an ethnic Thai Dam resident of Oudomsay Province or in the January 2007 abduction of an ecotourism businessman in Luang Namtha Province.

In October an international nongovernmental organization (NGO) reported that five boys from a group of 26 Hmong children deported from Thailand in 2005 had been released, and a government official confirmed that the boys were living with relatives in Laos. At year's end no information was available on the woman accompanying the children. The 21 girls were returned to their extended families in April 2007.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits the beating or torture of an arrested person. In practice members of the police and security forces sometimes abused prisoners, especially those suspected of associations with the insurgency.

Detainees sometimes were subjected to beatings and long-term solitary confinement in completely darkened rooms, and in many cases they were detained in leg chains or wooden stocks for long periods. Former inmates reported that degrading treatment, the chaining and manacling of prisoners, and solitary confinement in small unlit rooms were standard punishments in larger prisons, while smaller provincial or district prisons employed manacles and chains to prevent prisoners from escaping. However, reports of prisoner abuse continued to decrease, and during the year there were no verifiable reports of prisoner abuse.

Prison and Detention Center Conditions.—Prison conditions varied widely but in general were harsh and occasionally life-threatening. Prisoners in larger, state-operated facilities in Vientiane generally fared better than those in provincial prisons. Food rations were minimal, and most prisoners relied on their families for subsistence. Most of the larger facilities allowed prisoners to grow supplemental food in small vegetable gardens, although there were periodic reports that prison guards took food from prisoners' gardens. Prison wardens set prison visitation policies. Consequently, in some facilities families could make frequent visits, but in others visits were severely restricted. Credible reports indicated that ethnic minority prisoners and some foreign prisoners were treated particularly harshly. Former prisoners reported that incommunicado detention was used as an interrogation device and against perceived problem prisoners; however, there were fewer reports of its use during the year. Although most prisons had some form of clinic, usually with a doctor or nurse on staff, medical facilities were extremely poor, and medical treatment for serious ailments was unavailable. In some facilities prisoners could arrange treatment in outside hospitals if they could pay for the treatment and the expense of police escorts.

Prisons held both male and female prisoners, but they were placed in separate cells. In some prisons juveniles were held with adult prisoners. Most juveniles were in detention for narcotics offenses or petty crimes. Rather than send juveniles to prisons, authorities used drug treatment facilities as holding centers for juvenile offenders. While conditions in treatment facilities were generally better than those in prisons, conditions were nevertheless spartan, and lengths of detention indefinite.

The Government did not permit regular independent monitoring of prison conditions. The Government continued to deny the request of the International Committee of the Red Cross (ICRC) to establish an official presence in the country to monitor prison conditions. The Government at times provided foreign diplomatic personnel access to some prisons, but such access was strictly limited.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, in practice the Government did not respect these provisions, and arbitrary arrest and detention persisted.

Role of the Police and Security Apparatus.—The Ministry of Public Security (MoPS) maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with the LPRP and the LPRP's popular front organizations. The MoPS includes local police, traffic police, immigration police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces have domestic security responsibilities that include counterterrorism and counterinsurgency activities, as well as control of an extensive system of village militias.

Impunity remained a problem, as did police corruption. Many police officers used their authority to extract bribes from citizens. Corrupt officials reportedly were rarely punished. In theory the Government's National Audit Committee has responsibility for uncovering corruption in all government ministries, including the MoPS,

but in practice its investigative activities were minimal. Lower-level officials on occasion were arrested and punished for corruption.

Police are trained at the National Police Academy, but the extent to which the academy's curriculum discusses corruption was unknown. At the instruction of the LPRP, the Government-controlled press rarely reported cases of official corruption. The MoPS' Inspection Department maintained complaint boxes throughout most of the country for citizens to deposit written complaints.

To reduce police corruption and strengthen law enforcement, the Government cooperated with international organizations to develop a national strategy to deal with increasing drug trafficking and abuse as well as related crime and corruption.

Arrest and Detention.—Police and military forces have powers of arrest, although normally only police carried out these powers. Police agents exercised wide latitude in making arrests, relying on exceptions to the requirement that warrants are necessary except to apprehend persons in the act of committing crimes or in urgent cases. Police reportedly sometimes used arrest as a means to intimidate persons or extract bribes. There were reports that military forces occasionally arrested or detained persons suspected of insurgent activities.

There is a one-year statutory limit for detention without trial. The length of detention without a pretrial hearing or formal charges is also limited to one year. The Office of the Prosecutor General (OPG) reportedly made efforts to ensure that all prisoners were brought to trial within the one-year limit, but the limit sometimes was ignored. The OPG must authorize police to hold a suspect pending investigation. Authorization is given in three-month increments, and a suspect must be released after a maximum of one year if police do not have sufficient evidence to bring charges. There is a bail system, but its implementation was arbitrary. Prisoner access to family members and a lawyer was not assured. Incommunicado detention was a problem; however, it was used less frequently than in the past.

Authorities sometimes continued to detain prisoners after they had completed their sentences, particularly in cases where prisoners were unable to pay court fines. In other cases prisoners were released contingent upon their agreement to pay fines at a later date. There were no reports that police administratively overruled court decisions by detaining exonerated individuals.

Nine persons, all male heads of family from Vientiane Province and detained in mid-2007 on unknown charges, remained in Thong Harb Prison at year's end.

e. Denial of Fair Public Trial.—The law provides for the independence of the judiciary. In past years senior government and party officials influenced the courts, although no such cases were reported during the year. Impunity and corruption were problems. Reportedly, some judges could be bribed. The NA may remove judges from office for "impropriety," but no judge was removed during the year.

The people's courts have four levels: District Courts, municipal and provincial courts, a court of appeals, and the Supreme People's Court (SPC). There is also a commercial court, family court, military court, and juvenile court. Decisions of the lower courts are subject to review by the Supreme Court, but military court decisions are not. There are instances in which civilians may be tried in military courts, but there were no reports of such trials during the year.

In July the SPC president informed the mid-year NA session that 19 new District Courts had been established during the year, bringing the total to 103; 37 districts in the country remained without courts. An NA legal specialist told the same session, which was reviewing a proposed amendment on the implementation of court verdicts, that the courts remained underfunded and understaffed.

Trial Procedures.—Juries are not used. Trials that involve certain criminal laws relating to national security, state secrets, children under the age of 16, or certain types of family law are closed. The law provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other persons. Defense attorneys are provided at government expense only in cases involving children, cases for which there is the possibility of life imprisonment or the death penalty, and cases that are considered particularly complicated, such as those involving foreigners. The law requires that authorities inform persons of their rights and states that defendants may have anyone assist them in preparing written cases and accompany them at their trials; however, only the defendant may present oral arguments at a criminal trial. Defendants are permitted to question witnesses and can present witnesses and evidence on their own behalf.

Court litigants may select members of the Lao Bar Association to represent them at trials. The association is nominally independent but receives some direction from the Ministry of Justice. For several reasons, including the general perception that attorneys cannot affect court decisions, most defendants did not choose to have attorneys or trained representatives. In October the Lao Bar Association opened two

satellite offices in the provinces of Champasak and Oudomsay and began to provide legal services to citizens in need.

Under the law defendants enjoy a presumption of innocence; however, in practice judges usually decided guilt or innocence in advance, basing their decisions on the result of police or the prosecutor's investigation reports. Most trials, including criminal trials, were little more than pro forma examinations of the accused and review of the evidence. Defendants have the right of appeal.

All of the country's judges were LPRP members. Most had only basic legal training, and many provincial and District Courts had few or no reference materials available for guidance. The NA's Legal Affairs Committee occasionally reviewed Supreme Court decisions for "accuracy" and returned cases to the court or the OPG for review when the committee believed decisions were reached improperly.

Political Prisoners and Detainees.—There were three well-known political prisoners. Colonel Sing Chanthakoumane, an official of the pre-1975 government, was serving a life sentence after a 1990 trial that was not conducted according to international standards. Sing reportedly was very ill, but the Government ignored numerous requests to release him on humanitarian grounds. At least two persons, Thongpaseuth Keuakoun and Seng-aloun Phengboun, arrested in 1999 for attempting to organize a prodemocracy demonstration, continued to serve 10-year sentences for antigovernment activities.

According to former prisoners, authorities detained a small but unknown number of persons, particularly members of the Hmong ethnic group suspected of insurgent activities, for allegedly violating criminal laws concerning national security. According to credible reports, other persons were arrested, tried, and convicted under laws relating to national security that prevent public court trials, but there was no reliable method to ascertain their total number.

Civil Judicial Procedures and Remedies.—The law provides for independence of the judiciary in civil matters; however, enforcement of court orders remained a problem. If civil or political rights are violated, one may seek judicial remedy in a criminal court or pursue an administrative remedy from the NA under the Law on Public Complaints. In regard to social and cultural rights, one may seek remedy in a civil court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law generally protects privacy, including that of mail, telephone, and electronic correspondence, but the Government reportedly violated these legal protections when there was a perceived security threat.

The law prohibits unlawful searches and seizures. By law police must obtain search authorization from a prosecutor or a panel of judges, but in practice police did not always obtain prior approval, especially in rural areas. Security laws allow the Government to monitor individuals' movements and private communications, including via cellular telephones and e-mail.

The MoPS regularly monitored citizens' activities through a surveillance network that included a secret police element. A militia in urban and rural areas, operating under the aegis of the armed forces, shared responsibility for maintaining public order, reporting "undesirable elements" to police, and providing security against insurgents in remote rural areas. Members of the LPRP's front organizations, including the Lao Women's Union (LWU), the Youth Union, and the Lao Front for National Construction (LFNC), also played a role in monitoring the citizenry at all levels of society.

The Government continued its program to relocate highland slash-and-burn farmers, most of whom belonged to ethnic minority groups, to lowland areas in keeping with its plan to end opium production and slash-and-burn agriculture. In some areas district and provincial officials used persuasion to convince villagers to move to relocation areas. In other areas villagers relocated spontaneously to be closer to roads, markets, and government services. There also were reports of force being used in some instances. Although the Government's resettlement plan called for compensating farmers for lost land and providing resettlement assistance, this assistance was not available in many cases or was insufficient to give relocated farmers the means to adjust to their new homes and new way of life. Moreover, in some areas farmland allotted to relocated villagers was of poor quality and unsuited for intensive rice farming. The result was that some relocated villagers experienced increased poverty, hunger, malnourishment, susceptibility to disease, and mortality rates. The Government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those recently resettled, but such assistance was not available in all areas.

The Government allowed citizens to marry foreigners only with prior approval. Premarital cohabitation is illegal. The Government routinely granted permission to

marry, but the process was lengthy and burdensome and offered officials the opportunity to solicit bribes. The Government may annul marriages to foreigners undertaken without government approval, with both parties subject to arrest and fines.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, in practice the Government severely restricted political speech and writing. The Government also prohibited most public criticism that it deemed harmful to its reputation. The law forbids slandering the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state.

The state owned and controlled most domestic print and electronic media. Local news in all media reflected government policy. Although domestic television and radio broadcasts were closely controlled, the Government made no effort to interfere with broadcasts from abroad. Many citizens routinely watched Thai television or listened to Thai radio, including news broadcasts from international news sources. Citizens had 24-hour access to international stations via satellite and cable television. The Government required registration of receiving satellite dishes and payment of a one-time licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict their use.

The Government permitted the publication of several privately owned periodicals of a nonpolitical nature, including periodicals specializing in business, society, and trade topics. While government officials did not review in advance all articles in these periodicals, they reviewed them after publication and could impose penalties on periodicals that carried articles that did not meet government approval. A few Asian and Western newspapers and magazines were available through private outlets that had government permission to sell them.

Foreign journalists were required to apply for special visas and were restricted in their activities. Authorities did not allow journalists free access to information sources, but journalists often were allowed to travel without official escorts. When escorts were required, journalists reportedly had to pay for the escort services.

Authorities prohibited the dissemination of materials deemed indecent, subversive of “national culture,” or politically sensitive. Any person found guilty of importing a publication considered offensive to the national culture faced a fine or imprisonment for up to one year.

Internet Freedom.—The Government controlled all domestic Internet servers and retained the ability to block access to Internet sites that were deemed pornographic or critical of government institutions and policies. The Lao National Internet Committee, under the umbrella of the prime minister’s office, administered the Internet system.

The Government sporadically monitored Internet usage.

The prime minister’s office required all Internet service providers to submit quarterly reports and link their gateways to facilitate monitoring, but the Government’s ability to enforce such regulations appeared to be limited. The Government regularly blocked some Web sites, operated mostly by Hmong groups abroad. However, the Government did not block any major foreign news sources, nor did it have the capability to monitor Web logging (blogging) activity or the establishment of new Web sites. Fearful of monitoring by the authorities, many citizens used the Internet services of a growing number of Internet cafes rather than personal computers for private correspondence. Citizen users are required to register with the authorities, which may have caused some to self-censor their Internet behavior.

Academic Freedom and Cultural Events.—The law provides for academic freedom, but in practice the Government imposed restrictions. The Ministry of Education tightly controlled curriculums in schools, including private schools and colleges.

Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel, access to information, and publication. The Government exercised control, via requirements for exit stamps and other mechanisms, over the ability of state-employed academic professionals to travel for research or obtain study grants, but it actively sought such opportunities worldwide and approved virtually all such proposals.

The Government required films and music recordings produced in government studios to be submitted for official censorship; however, uncensored foreign films and music were available in video and compact disc format. The Ministry of Information and Culture repeatedly attempted to impose restrictions aimed at limiting the influence of Thai culture in Lao music and entertainment, but these restrictions were widely ignored and appeared to have little effect.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government restricted this right in practice. The law prohibits participation in demonstrations, protest marches, or other acts that cause “turmoil or social instability.” Participation in such acts is punishable by prison terms of one to five years.

Freedom of Association.—The law provides citizens the right to organize and join associations, but the Government restricted this right in practice. The Government registered and controlled all associations and their activities. Political groups other than popular front organizations approved by the LPRP are forbidden. Although the Government restricted many types of formal professional and social associations, informal nonpolitical groups met without hindrance. The Government permitted the creation of some associations of a business nature. The Government also permitted the establishment of nonprofit organizations designed to promote science and agriculture. The prime minister’s office monitored the small but growing number of organizations that have registered to conduct activities in these areas.

c. Freedom of Religion.—The constitution provides for freedom of religion and notes that the state “mobilizes and encourages” Buddhist monks and novices as well as priests of other religions to participate in activities “beneficial to the nation and the people.” In most areas officials generally respected the rights of members of most religious groups to worship, albeit within strict constraints imposed by the Government. The constitution prohibits “all acts of creating division of religion or creating division among the people.” The LPRP and the Government used this to justify restrictions on religious practice by all religious groups, including the Buddhist majority and animists. Official pronouncements acknowledged the positive benefits of religion, but they also emphasized its potential to divide, distract, or destabilize.

Although the state was secular, the LPRP and the Government supported Theravada Buddhism, which was followed by more than 40 percent of the population. The Government provided support for and oversight of temples and other facilities and promoted Buddhist practices, giving Buddhism an elevated status among the country’s religions.

The Government officially recognizes four religions: Buddhism, Christianity, Islam, and the Baha’i Faith. Recognized Christian groups included the Catholic Church, the Lao Evangelical Church (LEC), and the Seventh-day Adventist Church. The LFNC refused to recognize congregations, such as the Methodists, that operated independently.

Decree 92 on Religious Practice defines rules for religious practice and institutionalizes the Government as the final arbiter of permissible religious activities. The LFNC is responsible for oversight of religious practice. The majority of provincial, district, and local officials reportedly lacked full understanding of the decree. Authorities, particularly at the local level in some provinces, used its many conditions to restrict some aspects of religious practice.

Many minority religious leaders complained that Decree 92, which is intended among other things to permit activities such as proselytizing and printing religious material, was too restrictive in practice. They maintained that the requirement to obtain permission, sometimes from several different offices, for a broad range of activities greatly limited their freedom.

The LFNC often sought to intervene with local governments in cases where minority religious practitioners, particularly Christians, had been harassed or mistreated. The LFNC reportedly was growing more proactive about solving problems by educating persons to respect the law as well as by training local officials to respect religious believers and to better understand Decree 92.

The Government’s tolerance of religion, particularly Christianity, varied by region. In most parts of the country, members of long-established congregations had few problems practicing their faith. Authorities in some areas sometimes advised new congregations to join the LEC, despite clear differences between the groups’ beliefs. However, in other areas authorities allowed congregations not affiliated with the LEC or Seventh-day Adventists to continue their worship unhindered. Authorities in some provinces used threats of arrest as a means of intimidating local religious communities.

Authorities in some parts of the country continued to be suspicious of non-Buddhist religious communities and displayed intolerance for minority religious practice, particularly Protestant groups, whether or not they were officially recognized. Some local authorities, apparently at times with encouragement from government or LPRP officials, singled out Protestant groups as targets of abuse or pressure to renounce their faith.

In July police authorities of Ad—Sapangthong District of Savannakhet Province reportedly interfered with worship by Christians in the village of Boukham and detained a pastor and four church members for two days; during this period they were reportedly held in foot stocks. The pastor was detained again in August along with two other church members; they were released in October. Reportedly 55 Christians were expelled from the village during this period. A senior MoPS official explained that the pastor had moved to Boukham in 2005 but had failed to apply to change his household registration within six months as required; there was no confirmation of or explanation for the reported expulsion of church members by the MoPS official.

During July in Katan village, in Ta—Oy District, Salavan Province, a local Christian man reportedly died after local authorities forced him to drink alcohol; his relatives were reportedly fined after conducting a Christian burial service. A few days later local authorities reportedly detained 80 Christians from 17 families and forced them, apparently including by withholding food, to publicly renounce their faith. In September provincial and district authorities reportedly held a meeting in the village at the request of the central government in response to international inquiries about the situation. A senior government official stated that an investigation showed that the death was due to alcoholism and that the burial dispute arose from misunderstanding between Christian and non—Christian factions in the village. The official added that no individuals were forced to renounce their faith, although some may have done so voluntarily. However, according to later reports, some village residents wanted to redeclare their faith, but authorities refused to grant permission for them to do so.

Also in July more than 500 Christians in villages in several villages, including Huay An in Jomphet District of Luang Prabang Province, reportedly came under pressure to deny their faith. They were said to have been forced to turn in Bibles and hymnals that were then burned. However, according to one nongovernment source, no one was arrested and none had renounced their religion.

There were also reports of incidents in four other provinces in July. These included two Christian leaders arrested in Khongnoy village in Vieng Phukha District and another person arrested in Sing District, all in Luang Namtha Province. In addition there was a report that local officials pressed families in Attapeu Province to give up Christianity, although a visit by a provincial LFNC official was described as having resolved that situation. Officials reportedly put two persons in prison in Phongsali Province's Samphan City in an effort to force believers to renounce their faith. Other Christians were said to have been pressured to renounce their beliefs in Houaphan Province's Muang Aet District. In November seven families in Nam Reng village in Oudomsai Province were also pressured to renounce their faith; the six families refusing to sign a renunciation document were reportedly ordered out of the village. At year's end no further information was available.

In August officials of Burikan District in Borikhamxay Province reportedly banned approximately 150 members from gathering at a home in the village for worship services, declaring that services could be held only in a church building. Earlier in the year, officials reportedly destroyed the group's church in Toongpankham village. The church had apparently been built with local permission, although it may not have received provincial approval.

In November six members of a group of eight Khmu pastors were released from detention; each was ordered to pay three million kip (approximately \$350) in detention costs. The eight pastors were arrested in March while attempting to cross the border from Bokeo Province into Thailand. An earlier group of Khmu pastors reportedly had crossed without incident. However, there was no indication that the latter group was trying to cross the border legally. Their situation was complicated when authorities found they were carrying documents critical of religious persecution in Laos. At year's end the other two pastors reportedly remained in the Oudomsai provincial prison.

Local officials in some parts of the country threatened to withhold government identification cards and household registration documents as well as deny educational benefits to those who did not give up their religious beliefs. In addition the most common problem faced by Christian communities was the inability to obtain permission to build new churches, even though group worship in homes is considered illegal by local authorities in many areas. Religious organization representatives pointed out that the building permit process begins at the local level and then requires provincial permission, and they claimed the multiple layers of permission necessary were being used, beginning with local officials, to block the construction of new churches. However, in December observers found encouraging the ability of the central LEC leadership to undertake training programs for provincial religious leaders and provincial government officials in Oudomsai and Luang Prabang provinces with support from both provincial governments.

The Government strictly prohibited foreigners from proselytizing, but it permitted foreign NGOs with religious affiliations to operate in the country. Foreigners who distributed religious material were subject to arrest or deportation. Although Decree 92 permits proselytizing by religious practitioners provided they obtain permission for such activities from the LFNC, the authorities did not grant such permission, and persons found evangelizing risked harassment or arrest.

The Government did not allow the printing of Bibles, and special permission was required to import Bibles for distribution.

Societal Abuses and Discrimination.—For the most part, the various religious communities coexisted amicably. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but in practice the Government imposed some restrictions. The Government did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, in December the Government invited a UNHCR representative to visit Lao Hmong returned from Thailand living in a resettlement village.

Citizens who travel across provincial borders are not required to report to authorities; however, in designated security zones officials occasionally set up roadblocks and checked travelers' identity cards. Citizens who sought to travel to contiguous areas of neighboring countries could do so with travel permits generally easily obtained from district offices. Those wishing to travel farther abroad were required to apply for passports; however, officials at the local level sometimes denied persons permission to apply for passports.

Authorities restricted access by foreigners to certain areas where antigovernment insurgents continued to operate.

The Government did not use forced exile; however, it denied the right of return to persons who fled the country during the 1975 change in government and were tried in absentia for antigovernment activities.

Protection of Refugees.—The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, but the law provides for asylum and the protection of stateless persons. In practice the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government did not routinely grant refugee or asylum status; however, it showed some flexibility in dealing pragmatically with individual asylum cases.

The Government continued to refuse the request from the UNHCR to reestablish a presence in the country to monitor the reintegration of former refugees who returned under the UNHCR resettlement program. The Government stated that the UNHCR's mandate expired in 2001 and all former refugees had been successfully reintegrated. However, there were estimates that since 2005 more than 2,000 Hmong had surrendered, mainly in the provinces of Xieng Khouang, Bolikhamsai, and Vientiane (part of which composed the former military-administered Saisomboun Special Zone).

During the year the Government accepted the repatriation of an estimated 1,900 Lao Hmong from Thailand from a group of approximately 7,800 confined to a camp by Thai authorities. Thai and Lao authorities considered these Hmong to be illegal migrants. The international community was concerned that there was no internationally accepted process for determining whether any of the Hmong in the camp could establish a well-founded fear of persecution and seek status as an international person of concern. Although Lao and Thai authorities stated that the returns were voluntary, the absence of a process to verify these claims also raised concerns. More than 5,000 Lao Hmong remained in the camp in Thailand at year's end.

The Government's policy both for Hmong surrendering internally and for those being returned from Thailand was to return them to their communities of origin whenever possible. Several hundred persons without strong community links were relocated in government settlements such as Pha Lak in Vientiane Province.

In October an international NGO raised questions about the whereabouts of five Lao Hmong who had been returned from Thailand after reportedly helping lead a June protest at the Thai detention camp. They were reportedly detained for several months after being returned. Late in the year, government officials stated that all

five were living in Lao communities. Foreign diplomats met two of the five during a December visit to Pha Lak.

The Government at times permitted limited access by international organizations and NGOs to provide food and other material assistance to former insurgents who had accepted government resettlement offers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Although the constitution outlines a system composed of executive, legislative, and judicial branches, the LPRP controlled governance and the leadership at all levels through its constitutionally designated "leading role."

Elections and Political Participation.—The law provides for a representative national assembly, elected every five years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage. However, the constitution legitimizes only the LPRP; all other political parties are outlawed. Election committees, appointed by the NA, must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but in practice almost all were. The most recent NA election, held in April 2006, was conducted under this system.

The NA chooses members of the Standing Committee, generally based on the previous Standing Committee's recommendations. Upon this committee's recommendation, the NA elects or removes the president and vice president. The Standing Committee has the mandate to supervise all administrative and judicial organizations and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections, including approval of candidates. Activities of the Standing Committee were not fully transparent.

The NA, upon the president's recommendation, elects the prime minister and other ministers of the Government.

There were 29 women in the 115-seat NA, including two on the nine-member Standing Committee. The 55-seat LPRP Central Committee included four women, one of whom was also a member of the 11-member Politburo. Of 12 ministers in the Prime Minister's Office, two were women—one headed the Water Resources and Environment Administration and the other chaired the Public Administration and Civil Service Authority. The minister of labor and social welfare also was a woman.

There were seven members of ethnic minorities in the LPRP Central Committee, including two in the Politburo. The NA included 23 members of ethnic minorities, while three of the 28 cabinet ministers were members of ethnic minority groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and there was a widespread public perception that many officials within the executive and judicial branches of the Government were corrupt. Wages of all government officials were extremely low, and many officials, such as police members, had broad powers that they could easily abuse.

A senior state inspector told the NA in July that central and provincial inspection organizations responsible for enforcing laws against corruption lacked defined roles and sufficient powers as well as sufficient funding, equipment, and legal support from the Government. The inspector cited corruption in many sectors but complained that employers ignored inspection reports and failed to punish corrupt officials in their organizations. In May the Governance and Public Administration program funded the printing of 4,000 anticorruption books and 8,000 copies of the State Inspection Law for distribution to all state organizations, ministries, and local authorities.

Prior to taking their designated positions, senior officials are required by party policy to disclose their personal assets to the LPRP's Party Inspection Committee. The committee inspects the officials' assets before and after the officials have been in their positions. However, the LPRP used its control of government authorities and media to block public censure of corrupt officials who were party members.

There are no laws providing for public access to government information, and in general the Government closely guarded the release of any information pertaining to its internal activities, deeming such secrecy necessary for "national security."

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights NGOs, nor is there a formal procedure for registering such groups.

The Government only sporadically responded in writing to requests for information on the human rights situation from international human rights organizations.

However, the Government maintained human rights dialogues with several foreign governments and continued to receive training in UN human rights conventions from several international donors.

The Government maintained contacts and cooperated with the ICRC in various activities for the implementation of international humanitarian law.

A human rights division in the Ministry of Foreign Affairs has responsibility for investigating allegations of human rights violations. However, in practice the division apparently had no authority to perform or order other ministries to undertake investigations. The ministry on occasion responded to inquiries from the UN regarding its human rights situation.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. The Government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood among the general population.

Women.—Rape reportedly was rare. The law criminalizes rape, with punishment set at three to five years' imprisonment. Sentences are significantly longer and may include capital punishment if the victim is under 18 or is seriously injured or killed. In rape cases that were tried in court, defendants generally were convicted with sentences ranging from three years' imprisonment to execution.

Spousal abuse is illegal. There were reports that domestic violence against women occurred, but such violence did not appear to be widespread. Penalties for domestic abuse, including battery, torture, rape, and detaining persons against their will, may include both fines and imprisonment. There was no evidence of police or judicial reluctance to act on domestic abuse cases.

Prostitution is illegal, with penalties ranging from three months to one year in prison. However, in practice antiprostitution laws generally were not enforced, and in some cases officials reportedly were involved in the trade. Trafficking in women and girls for prostitution was a problem.

Sexual harassment was rarely reported, and the actual extent was difficult to assess. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by six months to three years in prison.

The law provides for equal rights for women, and the LWU operated nationally to promote the position of women in society. The law prohibits legal discrimination in marriage and inheritance. Discrimination against women did not appear common; however, varying degrees of traditional, culturally based discrimination persisted, with greater discrimination practiced by some hill tribes. Many women occupied responsible positions in the civil service and private business, and in urban areas their incomes were often higher than those of men.

Children.—Although the Government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs remained inadequate, and the country had a very high rate of infant and child mortality.

Education is compulsory, free, and universal through the fifth grade; however, high fees for books and supplies and a general shortage of teachers in rural areas prevented many children from attending school. There were significant differences among the various ethnic groups in the educational opportunities offered to boys and girls. Although the Government's policy is to inform ethnic groups on the benefits of education for all children, some ethnic groups did not consider education for girls either necessary or beneficial. While figures were not reliable, literacy rates for girls were approximately 10 percent lower than for boys in general.

The law prohibits violence against children, and violators were subject to stiff punishments. Reports of the physical abuse of children were rare.

Trafficking in girls for prostitution and forced labor was a problem. Other forms of child labor generally were confined to family farms and family enterprises.

A general increase in tourism in the country and a concomitant probable rise in child sex tourism in the Southeast Asia region beginning in 2007 attracted the attention of authorities, who sought to prevent child sex tourism from taking root. Despite the downturn in tourism beginning in the year, the Government continued efforts to reduce demand for commercial sex through periodic raids of nightclubs and discos and through training workshops designed to educate private sector tourism companies on how to avoid and prevent sex tourism. The Government and NGOs hosted several seminars to train tourism-sector employees, including taxi drivers, on how to report suspicious behavior. Tourism police received training to combat sex

tourism and identify potential victims. Many major international hotels in Vientiane and Luang Prabang displayed posters created by international NGOs warning against child sex tourism.

Trafficking in Persons.—The law prohibits abduction and trade in persons, detaining persons against their will, procuring persons for commercial sex, and prostitution. The law also prohibits all forms of trafficking and prescribes penalties that are commensurate with those prescribed for rape. There were reports that persons, particularly women and girls, were trafficked to, from, through, or within the country.

The country was primarily a country of origin for trafficking in persons, including girls ages 13 to 16 for forced labor and prostitution, and, to a much lesser extent, a country of transit. The primary destination country was Thailand. There was almost no effective border control. The Thai Ministry of Labor estimated that at least 250,000 Lao workers were employed in Thailand, of whom at least 80,000 were unregistered. An unknown number of these persons were trafficked, although one study indicated that two-thirds of the Lao citizens in Thailand identified as trafficking victims were trafficked after crossing the border. The small number of victims trafficked within Laos were primarily from the northern provinces, such as Houaphan and Xieng Khouang, and were trafficked for sexual exploitation or factory work. According to one study, a very small number of female citizens also were trafficked to China to become brides for Chinese men.

Most trafficking victims were lowland Lao, but small and increasing numbers of minority women also were victimized by traffickers. Minority groups were particularly vulnerable because they did not have the cultural familiarity or linguistic proximity to Thai that Lao-speaking workers could use to protect themselves from exploitative situations in Thailand. A much smaller number of trafficked foreign citizens, especially Burmese and Vietnamese, transited through the country.

Many labor recruiters in the country were local persons with cross-border experience and were known to the trafficking victims. For the most part, they had no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude, and their services usually ended once their charges reached Thailand, where the victims were exploited by better-organized trafficking groups.

As of August there were 53 ongoing investigations into human trafficking, several of which involved multiple perpetrators. Ministry of Public Security officials reported one conviction in November 2007 for human trafficking under the trafficking provision of the criminal code and four convictions during the year from Vientiane Municipality and the provinces of Champassak and Vientiane. Sentences ranged from one to 15 years' confinement and severe fines. Lao law enforcement officers participated in joint investigations with their Thai counterparts from northeast Thailand and worked with Vietnamese law enforcement on the new transport routes through the south-central part of the country on trafficking cases. In at least one case, Vietnamese victims were rescued by Lao authorities along the Route 9 corridor, given initial social services by a local victims' assistance NGO after a referral by Lao law enforcement authorities, and returned to Vietnam.

Corruption remained a problem, with government officials susceptible to involvement or collusion in trafficking. Anecdotal evidence suggested that local officials knew of trafficking activities, and some may have profited from them. However, no government or law enforcement officials were disciplined or punished for involvement in trafficking in persons.

The Government demonstrated progress in improving protection for victims of trafficking during the year. The Ministry of Labor and Social Welfare (MLSW) and the Immigration Department cooperated with the International Organization for Migrations, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region, and a local NGO to provide assistance to victims. The MLSW continued to operate a small transit center in Vientiane. Victims not wanting to return home were referred to a long-term shelter operated by the LWU or to a local NGO. The Government provided medical services, counseling, vocational training, and employment services for victims in its transit shelter in Vientiane and at the LWU shelter. The MLSW had a unit devoted to children with special needs, including protection of trafficking victims and prevention of trafficking. The MLSW also maintained two small-scale repatriation assistance centers for returned victims of trafficking, but their effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel.

The MLSW transit centers assisted victims who were formally identified as trafficking victims at shelters in Thailand and then repatriated and assisted under special regulations for victims of human trafficking. The LWU centers also served victims of domestic violence.

The MLSW, in addition to its departments operating in the provinces, worked with NGOs to provide additional assistance to victims of trafficking and domestic violence. The MLSW referred cases from immigration authorities and the MLSW transit shelter in Vientiane to NGOs for longer-term shelter and follow-up on cases where the victims were returned home. For example, the NGO Assistance for Women in Distressing Situations (AFESIP) maintained a shelter in Vientiane Municipality to aid victims of human trafficking and sexual exploitation, particularly those in need of long-term counseling and assistance. Victims at the AFESIP shelter were usually referred by the MLSW short-term shelter or sought assistance from AFESIP directly. AFESIP also monitored reintegration of victims who returned directly to their communities or participated in vocational training at other locations, often at the request of the MLSW, which did not generally have the staff necessary for trips to remote areas. In October AFESIP and the MLSW completed construction of a second shelter in Savannakhet Province. The NGO Village Focus International opened another shelter for victims in Pakse.

With support from the UN Children's Fund (UNICEF), the National Commission for Mothers and Children continued an active program of support for victims. Through legal aid clinics, the Lao Bar Association, under the umbrella of the Ministry of Justice, also assisted victims by educating the public at large on the legal system and by providing legal advice to victims of human rights abuses, including human trafficking. The LWU and the Lao Youth Union offered educational programs designed to inform girls and young women about the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. These organizations were most effective in disseminating information at the grassroots level.

The Government took steps to educate the population on the dangers of trafficking, using the media and public appearances by senior leaders. The MLSW also worked with UNICEF to set up awareness-raising billboards near border checkpoints and larger cities. In September, with approval from the Ministry of Information and Culture, Secretariat against Trafficking, and the prime minister's office, the semiprivate television broadcaster Lao Star teamed with MTV to stage a concert highlighting the problem of trafficking and to repeatedly broadcast the concert and a documentary on human trafficking in Asia. Government officials showed the film again to international government representatives from six Mekong countries at a trafficking summit in Vientiane in November to further demonstrate the importance of combating human trafficking as they requested increased transborder cooperation from their neighbors.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution provides citizens protection against discrimination but does not specify that these protections apply to persons with disabilities. Regulations promulgated by the MLSW and the Lao National Commission for the Disabled protect such persons against discrimination; however, the regulations lack the force of law. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the MLSW has established regulations regarding building access and built some sidewalk ramps in Vientiane.

According to the Ministry of Justice, the Government supports the rights of all persons, including those with disabilities, to vote and participate in civic affairs.

In May the Lao Disabled People's Association opened a new center for children with cerebral palsy. The center had the capacity to care for 20 children from ages two to 10. Parents paid 500,000 kip (approximately \$58.40) monthly.

National/Racial/Ethnic Minorities.—The law provides for equal rights for all minority citizens, and there is no legal discrimination against them; however, societal discrimination persisted. Moreover, critics charged that the Government's resettlement program for ending slash-and-burn agriculture and opium production adversely affected many ethnic minority groups, particularly in the north. The program requires that resettled persons adopt paddy rice farming and live in large communities, ignoring the traditional livelihoods and community structures of these minority groups. International observers questioned whether the benefits promoted by the Government—access to markets, schools, and medical care for resettled persons—outweighed the negative impact on traditional cultural practices. Some minority groups not involved in resettlement, especially those in remote locations, faced difficulties, believing they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas.

The Hmong are one of the largest and most prominent highland minority groups. There were a number of Hmong officials in the senior ranks of the Government and the LPRP, including one Politburo member and five members of the LPRP Central Committee. However, societal discrimination persisted against the Hmong, and

some Hmong believed their ethnic group could not coexist with the ethnic Lao population. This belief fanned separatist or irredentist beliefs among some Hmong. The Government focused limited assistance projects in Hmong areas to address regional and ethnic disparities in income.

Although there were no reports of attacks by the few remaining Hmong insurgent groups during the year, the Government leadership maintained its suspicion of Hmong political objectives. Security forces continued operations to isolate and defeat or force the surrender of the residual small scattered pockets of insurgents and their families in remote jungle areas.

The Government continued to offer “amnesty” to insurgents who surrender to authorities. The Government continued to deny international observers permission to visit the estimated 2,000 insurgents who have surrendered since 2005, and their status and welfare remained unknown at year’s end. Because of their past activities, amnestied insurgents continued to be the focus of official suspicion and scrutiny.

The Government generally refused offers from the international community to assist surrendered insurgents directly, but it allowed some aid from the UN and international agencies to reach them as part of larger assistance programs.

Other Societal Abuses and Discrimination.—Within lowland Lao society, despite wide and growing tolerance of homosexual practices, societal discrimination persisted against such practices.

There was no official discrimination against persons with HIV/AIDS, but social discrimination existed. The Government actively promoted tolerance of those with HIV/AIDS, and it conducted awareness campaigns to educate the population and promote understanding toward such persons.

Section 6. Worker Rights

a. The Right of Association.—The law does not allow workers to form and join independent unions of their choice; they may form unions without previous authorization only if they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. In addition the law does not permit unions to conduct their activities without government interference. Strikes are not prohibited by law, but the Government’s ban on subversive activities or destabilizing demonstrations made strikes unlikely, and none were reported during the year.

According to the FLTU, there were 4,610 trade unions nationwide, including in most government offices. These included 16 provincial trade unions, one municipal trade union, 36 ministerial trade unions, and 2,772 permanent trade unions. Total FLTU membership was 12,111, significantly less than 1 percent of the total workforce. Most FLTU members worked in the public sector.

The Government employed the majority of salaried workers. Subsistence farmers made up an estimated 80 percent of the work force.

b. The Right to Organize and Bargain Collectively.—There is no right to organize and bargain collectively. The law stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the MLSW. The law generally was not enforced by the MLSW, especially in dealings with joint ventures in the private sector. Labor disputes reportedly were infrequent. According to labor activists, the FLTU needed government permission to enter factories and had to provide advance notice of such visits, rendering it powerless to protect workers who filed complaints.

The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

The law stipulates that employers may not fire employees for conducting trade union activities, lodging complaints against employers about law implementation, or cooperating with officials on law implementation and labor disputes, and there were no reports of such cases. Workplace committees were used for resolving complaints, but there was no information on how effective these committees were in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, except in time of war or national disaster, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—By law children under age 15 may not be recruited for employment except to work for their families, provided such work is not dangerous or difficult. Many children helped their families on farms or in shops, but child labor was rare in industrial enterprises. Some garment factories reportedly employed a very small number of underage girls. The Ministries of Public Security and Justice are responsible for enforcing

these provisions, but enforcement was ineffective due to a lack of inspectors and other resources.

e. Acceptable Conditions of Work.—The daily minimum wage for the more than 120,000 private sector workers was set at 11,154 kip (\$1.30); the monthly minimum wage was 290,000 kip (\$33.90). These minimum wages were insufficient to provide a decent standard of living for a worker and family. The minimum wage for civil servants and state enterprise employees was lower than the minimum wage for private-sector workers in the past but was raised from 200,000 to 250,000 kip (\$23.40 to \$29.20) per month in the Government's 2007–2008 budget and was increased again to 405,000 kip (\$47.40) per month in the 2008–2009 budget, which was in force at year's end. In addition to their minimum wage, civil servants often received other government benefits and housing subsidies. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities) and at least one day of rest per week. Overtime may not exceed 30 hours per month, and each period of overtime may not exceed three hours. The overtime pay rate varies from 150 percent to 300 percent of normal pay. The overtime law was not effectively enforced.

The law provides for safe working conditions and higher compensation for dangerous work. In case of death or injury on the job, employers are responsible for compensating a worker or the worker's family. This requirement was generally fulfilled by employers in the formal economic sector. The law also mandates extensive employer responsibility for those disabled while at work, and this provision appeared to be enforced effectively. The MLSW is responsible for workplace inspections. Officials undertake unannounced inspections when notified that a workplace has violated safe working standards. However, the MLSW lacked the personnel and budgetary resources to enforce the law effectively. The law has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There were a number of illegal immigrants in the country, particularly from Vietnam and China, and they were vulnerable to exploitation by employers.

MALAYSIA

Malaysia is a federal constitutional monarchy with a population of approximately 26.9 million. It has a parliamentary system of government headed by a prime minister selected through periodic, multiparty elections. The United Malays National Organization (UMNO), together with a coalition of political parties currently known as the National Front, has held power since independence in 1957. The most recent national elections, in March, were conducted in a generally transparent manner and witnessed significant opposition gains. The opposition complained of the ruling coalition's exploitation of the powers of incumbency and domination of the mainstream media. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The Government abridged citizens' right to change their government. Some deaths occurred during police apprehensions and while in police custody. Reported abuses by members of the People's Volunteer Corps (RELA) included rape, beatings, extortion, theft, pilfering homes, destroying UN High Commissioners for Refugees (UNHCR) and other status documents, and pillaging refugee settlements. Other problems included police abuse of detainees, overcrowded immigration detention centers, use of arbitrary arrest and detention using the Internal Security Act (ISA) and three other statutes that allow detention without trial, and persistent questions about the impartiality and independence of the judiciary. The Government arrested a prominent opposition leader on politically motivated charges of consensual sodomy. The Government also arrested other opposition leaders, journalists, and Internet bloggers apparently for political reasons. The Government continued to detain without trial five leaders of an ethnic Indian civil rights group. The civil courts continued to allow the Shari'a (Islamic law) courts to exercise jurisdiction in cases involving families that included non-Muslims. The Government continued to restrict freedom of press, association, assembly, speech, and religion. Trafficking in persons remained a problem. There were credible allegations of immigration officials' involvement in the trafficking of Burmese refugees. Longstanding government policies gave preferences to ethnic Malays in many areas.

Some employers exploited through forced labor migrant workers and ethnic Indian—Malaysians. Some child labor occurred in plantations.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, local media reported that police killed 82 persons while apprehending them, up from 16 such killings in 2007. Local nongovernmental organizations (NGOs) also reported that seven persons died in police custody, down from 11 such deaths in 2007.

The trial of police chief inspector Azilah Hadri and police corporal Sirul Azhar Umar for the 2006 murder of Altantuya Shaaribu remained ongoing at year's end. On October 31, the court acquitted political analyst Razak Baginda of abetting her murder.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—No law specifically prohibits torture; however, laws that prohibit “committing grievous hurt” encompass torture. There were some allegations of torture by RELA and immigration officials in immigration detention centers (IDC), which continued to be administered by the Immigration Department and supplemented by RELA.

On April 20, following the beating of a Pakistani detainee by immigration officials at Lenggeng IDC, the other detainees requested to speak with the camp commandant regarding alleged abuses. When the promised meeting did not occur, the detainees set fire to two buildings. On May 15, a Malaysian Human Rights Commission (SUHAKAM) commissioner confirmed he found evidence of torture at the Lenggeng IDC following an April visit to the facility. Witnesses alleged immigration officers and RELA volunteers routinely beat detainees as a form of punishment, including striking the soles of their feet, using electrical shock, burning them with cigarettes, and intimidating other prisoners into participating in the beatings.

In September authorities released Sanjeev Kumar, who was detained under the ISA in July 2007. Local NGOs alleged that authorities tortured him during interrogations lasting 15 hours and denied sufficient medical treatment after he complained about injuries he allegedly sustained under torture. A SUHAKAM commissioner confirmed that Sanjeev Kumar, whose left arm and leg were paralyzed, did not receive proper medical treatment. As a result of the beatings, Sanjeev remained partially paralyzed and wheelchair-bound.

On August 6, two police officers from Perak State allegedly abused a 10-year-old boy while questioning him for theft. The police officers allegedly choked him, slapped him, and melted plastic over him with the intent to burn his genitals. Neither the boy's parents nor a legal representative was present during his interrogation. Perak's police chief stated a police investigation into the allegations was ongoing at year's end.

On July 28, authorities charged a police officer with the rape of a student while in the Putra Heights police station in Kuala Lumpur.

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some nonviolent crimes, such as narcotics possession, criminal breach of trust, and alien smuggling. The law prescribes up to six strokes of the cane for both illegal immigrants and their employers. Judges routinely included caning in sentences of those convicted of such crimes as kidnapping, rape, and robbery. Some state Shari'a laws also prescribed caning, carried out with a half-inch thick wooden cane that commonly caused welts and at times scarring. The law exempts men older than 50 and women from caning. Male children 10 years of age and older may be given up to 10 strokes of a “light cane.”

Prison and Detention Center Conditions.—Prison overcrowding, concentrated in facilities near major cities, remained a serious problem. In July the Home Ministry reported that the prisoner population at the country's 29 prisons was 28 percent above capacity. Local and international NGOs estimated most of the country's 16 IDCs were at or beyond capacity, with some detainees held for a year or more.

NGOs and international organizations involved with migrant workers and refugees made credible allegations of inadequate food, water, medical care, poor sanitation, and prisoner abuse in the IDCs. According to the home affairs minister, all detention centers had their own standard operating procedures that were in line with international quality standards. An NGO with access to the IDCs claimed that overcrowding, deficient sanitation, and lack of medical screening and treatment facilitated the spread of disease. During the year the Government allowed local NGOs with mobile medical clinics into the IDCs.

The Government does not permit prison visits by the International Committee of the Red Cross. The authorities generally did not permit NGOs and the media to monitor prison conditions. The Government approved visits by SUHAKAM officials on a case-by-case basis.

The UNHCR received access to registered refugees and asylum seekers detained in IDCs and prisons, but prison and IDC officials denied the UNHCR access to unregistered asylum seekers in detention. During the year the UNHCR staff members conducted numerous visits at various prisons and IDCs located throughout the country to provide counseling and support to its persons of concern and ensure legal representation. By law anyone entering the country without appropriate documentation is considered illegal and faces mandatory imprisonment for a maximum of five years, a fine not to exceed RM10,000 (approximately \$2,941), or both, and mandatory caning not to exceed six strokes.

d. Arbitrary Arrest or Detention.—The constitution stipulates that no person may be incarcerated unless in accordance with the law. However, the law allows investigative detention to prevent a criminal suspect from fleeing or destroying evidence while police conduct an investigation. Four laws also permit preventive detention to incarcerate an individual suspected of criminal activity or to prevent a person from committing a future crime. Such laws severely restrict, and in some cases eliminate, access to timely legal representation and a fair public trial.

Role of the Police and Security Apparatus.—The Royal Malaysia Police is under the command of the inspector general of police, who reports to the home minister. The inspector general is responsible for organizing and administering the police force. The Government has some mechanisms to investigate and punish abuse and corruption. There were reports that security forces acted with impunity during the year.

Several NGOs conducted local surveys on government corruption and identified the police as among the country's most corrupt government organizations. Additional data indicated 73 percent of those surveyed perceived the Government's anticorruption efforts as "ineffective or very ineffective." Reported police offenses included accepting bribes, theft, and rape. Punishments included suspension, dismissal, and demotion. Police officers are subject to trial by the civil courts. Police representatives reported that there were disciplinary actions against police officers during the year.

The Government continued to focus police reform efforts on improving salaries, quarters, and general living conditions of police officers. However, the status of other reforms, including the formation of an independent police complaints and misconduct commission, remained pending at year's end. NGOs complained that the Government's reform efforts lacked transparency.

The police training center continued to include human rights awareness training in its courses. SUHAKAM conducted human rights training for police once during the year.

Security forces failed to prevent or respond to some incidents of societal violence. During the year, the police accompanied demonstrators and allowed them to forcibly disrupt a Bar Council forum on religious conversions.

The Home Ministry relied primarily upon RELA to conduct raids and detain suspected illegal migrants. In November the home minister announced that RELA members would undergo police and military training to expand their capabilities and become a "respected organization."

Reported abuses by RELA members included rape, beatings, extortion, theft, pillaging homes, destroying UNHCR and other status documents, and pillaging refugee settlements. In January RELA members allegedly looted a makeshift Burmese refugee camp, taking anything of value, including money, cell phones, blankets, and crafts made and sold by the refugees to earn money; burned the camp down; and detained 23 persons and took them to IDCs.

In May RELA detained a foreign diplomat even though he presented his diplomatic identity card. RELA officials held him for two hours until the diplomat's embassy intervened and validated his credentials.

On September 12, the High Court ordered RELA member Mohamed Tahir Osman to pay a woman detained during a 2003 raid RM100,000 (approximately \$29,400) as damages for taking a photograph of her when she was forced to relieve herself in the truck used to transport the detainees.

The Government did not release information on how it investigated complaints against RELA members or how it administered disciplinary action.

Arrest and Detention.—The law permits police to arrest individuals for some offenses without a warrant and hold suspects for 24 hours without charge. A magistrate may extend this initial detention period for up to two weeks. Although police

generally observed these provisions, a 2005 police commission report noted that police sometimes released suspects and then quickly rearrested them and held them in investigative custody. The law allows an arrested individual the right to be informed of the grounds of his arrest by the police officer making the arrest. Police must inform detainees that they are allowed to contact family members and consult a lawyer of their choice.

Police often denied detainees access to legal counsel and questioned suspects without giving them access to counsel. Police justified this practice as necessary to prevent interference in ongoing investigations, and judicial decisions generally upheld the practice. The commission stated that an “arrest first, investigate later” mentality pervaded some elements of the police force and recommended that detention procedures be reviewed to prevent abuse. On some occasions law enforcement agencies did not promptly allow access to family members.

The law allows the detention of a person whose testimony as a material witness is necessary in a criminal case if that person is likely to flee. Bail is usually available for those accused of crimes not punishable by life imprisonment or death. The amount and availability of bail is determined at the judge’s discretion. When bail is granted, accused persons usually must surrender their passports to the court.

Crowded and understaffed courts often resulted in lengthy pretrial detention, sometimes lasting several years. In May the *de facto* law minister reported there were 903,000 pending civil cases in the lower courts and more than 91,000 cases in the high court. Other sources estimated there were approximately 10,000 criminal cases backlogged in lower courts and 900 in high court.

On September 6, immigration officials released Rajeswari, a Malaysian citizen, from the Lenggang IDC after 11 months detention. Immigration authorities arrested the six-month pregnant woman on suspicion that she was an undocumented Sri Lankan migrant when she was unable to present her identity card (MyKad), unable to remember her MyKad number, and spoke only basic Malay. Authorities allegedly refused to confirm her citizenship status even though she provided her address and the name of the elementary school she attended. The law requires citizens to carry their MyKad at all times.

Four preventive detention laws permit the Government to detain suspects without normal judicial review or filing formal charges: the ISA, the Emergency (Public Order and Prevention of Crime) Ordinance, the Dangerous Drugs (Special Preventive Measures) Act, and the Restricted Residence Act.

The ISA empowers police to arrest without a warrant and hold for up to 60 days any person who acts “in a manner prejudicial to the national security or economic life of Malaysia.” During the initial 60 day detention period in special detention centers, the ISA allows for the denial of legal representation and does not require that the case be brought before a court. The home minister may authorize further detention for up to two years, with an unlimited number of two-year periods to follow. In practice the Government infrequently authorized ISA detention beyond two two-year terms. However, in one case, the Government has detained the longest-held ISA detainee for approximately seven years. Some of those released before the end of their detention period are subject to “imposed restricted conditions.” These conditions limit freedom of speech, association, and travel inside and outside the country.

Even when there are no formal charges, the ISA requires that authorities inform detainees of the accusations against them and permit them to appeal to a non-judicial advisory board for review every six months. However, advisory board decisions and recommendations are not binding on the home minister, not made public, and often not shown to the detainee.

The Bar Council called for the repeal of the ISA, which does not allow judicial review of ISA decisions in any court, except for issues of compliance with procedural requirements.

On July 16, authorities arrested political opposition leader Anwar Ibrahim for alleged consensual sodomy with a former aide and held Anwar overnight for questioning. The Bar Council and other civil society groups objected to the police use of intimidating tactics to arrest Anwar one hour before Anwar was due at the police station for voluntarily arranged questioning. On July 28, the police reportedly questioned and briefly detained a medical doctor who found no evidence of sodomy when examining the complainant, which the Bar Council described as “very troubling.” On August 7, prosecutors charged Anwar in court under the penal code for “consensual carnal intercourse against the order of nature,” which carries a potential sentence of 20 years in jail. The court released Anwar on bail, and the case remained ongoing at year’s end.

Despite official affirmations that Anwar’s arrest and prosecution were not politically based, senior government officials made repeated public comments prejudicial to the case. Government officials also highlighted the charges during a late-August

by-election, which resulted in Anwar's election to parliament. Civil society groups, including human rights organizations, and international Muslim figures raised concerns over the political motivation of the Government's prosecution of Anwar; they drew parallels between Anwar's arrest during the year with Anwar's arrest in 1998 and subsequent conviction for sodomy, which was overturned on appeal in 2004.

On September 12, police detained Raja Petra Kamaruddin, a blogger and critic of the ruling government, under the ISA. On September 23, the home minister ordered Raja Petra to be detained for two years, claiming that his writings posed a threat to national security by creating racial tension and insulting Islam. On November 7, the High Court ruled Raja Petra's detention was unconstitutional and the judge ordered his release from ISA detention. The judge ruled that the home minister's decisions regarding ISA detention could not be "unfettered and arbitrary," which allowed the court to consider whether the minister's ISA detention order was in "accordance with the act." The judge ruled that Raja Petra's detention was invalid because none of his alleged infractions fell under the scope of the ISA. The Government appealed the ruling, and the appeal remained pending at year's end.

On October 17, police detained for 19 hours human rights activist Cheng Lee Whee, from the local NGO SUARAM. Police claimed she was "spreading information that could cause fear among the people" against the police. Cheng alleged that police abused their power when they used water cannons and the Federal Reserve Unit (special riot police) to forcibly evict residents of the Kampung Baru Plentong Tengah squatter settlement. She was questioned and released on bail the following day after police failed to obtain a three-day remand order against her from the magistrate's court because of "insufficient evidence."

The Government's appeal of the Kuala Lumpur High Court's 2007 decision to award former ISA detainee Abdul Malek Hussin RM2.5 million (approximately \$735,000) for his arrest and torture in 1998 remained pending at year's end.

In December the home minister stated that there were approximately 46 persons in detention under the ISA. According to a local NGO, the 46 detainees included 29 suspected of involvement with terrorist groups, five ethnic Indian civil rights activists, and 12 held for falsification of documents or other offenses. According to SUARAM, authorities had not formally charged any of these detainees with a criminal offense.

Under the Emergency Ordinance, the home minister may issue a detention order for up to two years against a person if he deems it necessary for the protection of public order, "the suppression of violence, or the prevention of crimes involving violence." A local NGO reported that more than 1,000 individuals were detained under the Emergency Ordinance and other preventive measures. The authorities used the Emergency Ordinance on suspected organized crime figures.

Provisions of the Dangerous Drugs Act give the Government specific power to detain suspected drug traffickers without trial for up to 39 days before the home minister must issue a detention order. Once the Home Ministry issues the detention order, the detainee is entitled to a hearing before a court, which has the authority to order the detainee's release. Authorities may hold suspects without charge for successive two-year intervals with periodic review by an advisory board, whose opinion is binding on the minister. However, the review process contains none of the procedural rights that a defendant would have in a court proceeding. Police frequently detained suspected narcotics traffickers under this act after courts acquitted them of formal charges. According to the National Anti-Drug Agency, the Government detained 805 persons under the preventive detention provisions of the act during the first eight months of the year, compared with 798 persons during all of 2007.

The Restricted Residence Act allows the home minister to place individuals under restricted residence away from their homes. These persons may not leave the residential district assigned to them, and they must present themselves to police on a daily basis. As under the ISA, authorities may renew the term of restricted residence every two years. The minister is authorized to issue the restricted residence orders without any judicial or administrative hearings. The Government continued to justify the act as a necessary tool to remove suspects from the area where undesirable activities were being conducted.

e. Denial of Fair Public Trial.—Three constitutional articles provide the basis for an independent judiciary; however, other constitutional provisions, legislation restricting judicial review, and additional factors limited judicial independence and strengthened executive influence over the judiciary.

The constitution does not directly vest judicial powers in the courts but rather provides that Parliament confers judicial powers. The constitution also confers certain judicial powers on the attorney general, including the authority to instruct the courts on which cases to hear, the power to choose venues, and the right to dis-

continue cases. The attorney general controlled and directed all criminal prosecutions and assumed responsibility for judicial assignments and transfers. Session and magistrate court judges report to the Attorney General's Office. The prime minister's recommendation determined senior judge appointments, subject to concurrence by the Council of Rulers, the traditional Malay rulers of nine states.

Members of the bar, NGO representatives, and other observers expressed serious concern about significant limitations on judicial independence, citing a number of high-profile instances of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers.

On May 9, the royal commission, which had been formed to investigate the 2002 videotape of a purported conversation in which a senior lawyer and senior judge discussed arrangements for assigning cases to "friendly" judges, released its findings and determined that former Prime Minister Mahathir, UMNO Secretary General Tengku Adnan, and former Chief Justice Eusoff Chin among others were involved in manipulating judicial appointments and improperly influenced the promotion of judges. On May 22, the attorney general announced his office would investigate the allegations, but there was no progress in the investigations at year's end.

Sessions courts hear minor civil suits and criminal cases. High courts have original jurisdiction over all criminal cases involving serious crimes. Juvenile courts try offenders below age 18. A special court tries cases involving the King and the sultans. The Court of Appeal has appellate jurisdiction over high court and sessions court decisions. The Federal Court, the country's highest court, reviews Court of Appeal decisions.

Indigenous groups in the states of Sarawak and Sabah have a system of customary law to resolve matters such as land disputes between tribes. Although rarely used, penghulu (village head) courts may adjudicate minor civil matters.

Shari'a laws, administered by state authorities through Islamic courts, bind all Muslims, most of whom are ethnic Malays. The laws and the degree of their enforcement varied from state to state.

The armed forces have a separate system of courts.

Trial Procedures.—English Common Law is the basis for the secular legal system. The constitution states that all persons are equal before the law and entitled to equal protection of the law. Trials are public, although judges may order restrictions on press coverage. Juries are not used. Defendants have the right to counsel at public expense if requested by an accused individual facing serious criminal charges. Strict rules of evidence apply in court. Defendants may make statements for the record to an investigative agency prior to trial. Limited pretrial discovery in criminal cases impeded defendants' ability to defend themselves. Defendants confronted witnesses against them and presented witnesses and evidence on their behalf, although judges sometimes disallowed witness testimony. Government-held evidence was not consistently made available. Attorneys are required to apply for a court order to obtain documents covered under the Official Secrets Act. Defendants are presumed innocent until proven guilty and may appeal court decisions to higher courts. The law limits a defendant's right to appeal in some circumstances. The Government stated that the limits expedite the hearing of cases in the upper courts, but the Bar Council declared that they impose excessive restrictions on appeals.

In firearm and certain national security cases, a lower standard for accepting self-incriminating statements by defendants as evidence is in effect. Regulations also allow the authorities to hold an accused for an unspecified time before making formal charges.

In criminal cases police sometimes used tactics that impaired a defendant's due process rights. For example, police used raids and document seizures to harass defendants.

Shari'a courts do not give equal weight to the testimony of women. Many NGOs complained that women did not receive fair treatment from Shari'a courts, especially in matters of divorce and child custody.

Political Prisoners and Detainees.—The Government continued to hold five political prisoners at year's end, claiming that the men were security threats to the country. The prisoners' families and lawyers had regular access to them. The Government detained an opposition member of Parliament (MP) for one week.

P. Uthayakumar, M. Manoharan, R. Kenghadharan, Ganabatirau, and T. Vasantha Kumar, leaders of the Hindu Rights Action Front (HINDRAF), remained in ISA detention at year's end for organizing protests in 2007 against the alleged marginalization of ethnic Indians. Although Manoharan remained in detention, in March he was elected to the Selangor State assembly.

On September 12, police detained MP Teresa Kok, a senior Selangor State cabinet minister, and senior member of the opposition Democratic Action Party, under the

ISA for “causing tension and conflict among races.” Police officials claimed Kok created religious tension by organizing a petition to lower the loudspeaker volume for the Muslim call of prayers (azan); made a statement that 30 percent of the Selangor Islamic Department’s allocation for religious funding be given to non—Islamic religious groups; and opposed the use of Jawi, the Malay language written in Arabic script, on street signs. Prior to her arrest, the UMNO-owned Malay language newspaper, *Utusan*, pursued a two-week campaign highlighting these allegations against her. She was the first female MP and the most senior politician since 1998 to be detained under the ISA. Upon her release Deputy Inspector General of Police Ismail Omar stated the “police’s investigations offered no reason to continue her detention.” Subsequently, in October *Utusan* published a fictional article condoning the assassination of a female Chinese politician who supported anti—Malay policies. Teresa Kok filed a lawsuit against the newspaper in December, claiming the article was a veiled smear campaign against her that endangered her life.

Civil Judicial Procedures and Remedies.—The structure of the civil judiciary mirrors that of the criminal courts. A large case backlog often resulted in delayed provision of court ordered relief for civil plaintiffs. The Government and government officials can be sued in court for alleged violations of human rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Various laws prohibit arbitrary interference with privacy rights; however, authorities infringed on citizens’ privacy rights in some cases. Provisions in the security legislation allow police to enter and search without a warrant the homes of persons suspected of threatening national security. Police also may confiscate evidence under these provisions. Police used this legal authority to search homes and offices; seize computers, books, and papers; monitor conversations; and take persons into custody without a warrant. The Government monitored e mails sent to Internet blog sites and threatened to detain anyone sending content over the Internet that the Government deemed threatening to public order or security.

The Federal Islamic Development Department’s (JAKIM) guidelines authorize JAKIM officials to enter private premises without a warrant if they deem swift action necessary to conduct raids on premises where it suspects Muslims are engaged in offenses such as gambling, consumption of alcohol, and sexual relations outside marriage.

In corruption investigations, after a senior police official involved in the investigation submits a written application, the law empowers a deputy public prosecutor to authorize interception of any messages sent or received by a suspect. Information obtained in this way is admissible as evidence in a corruption trial. Security forces have broad authority to install surreptitiously surveillance devices on private property. In addition public prosecutors may authorize police to intercept postal and telecommunications messages if a prosecutor judges these likely to contain information regarding a terrorist offense. Intercepted communications from such efforts are admissible in court.

The law permits the Home Ministry to place criminal suspects under restricted residence in remote districts away from their homes for two years.

The Government bans membership in unregistered political parties and organizations.

Certain religious issues posed significant obstacles to marriage between Muslims and adherents of other religions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, in practice the Government restricted freedom of expression and intimidated journalists into practicing self censorship. According to the Government, it imposed restrictions on the media to protect national security, public order, and friendly relations with other countries.

The law provides that legislation “in the interest of security (or) public order” may restrict freedom of speech. For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters. The Government used the ISA, the Sedition Act, the Official Secrets Act, the Printing Presses and Publications Act, criminal defamation laws, and other laws to restrict or intimidate political speech. Nevertheless, individuals frequently criticized the Government publicly or privately. However, on some occasions the Government retaliated against those who criticized it.

In addition the election law makes it an offense for a candidate to “promote feelings of ill will, discontent, or hostility.” Violators could be disqualified from running for office.

The Government directly and indirectly censored the media by using the Printing Presses and Publications Act, which requires domestic and foreign publications to apply annually to the Government for a permit, making publication of “malicious news” a punishable offense, and empowering the home minister to ban or restrict publications believed to threaten public order, morality, or national security. It also prohibits court challenges to suspension or revocation of publication permits. According to the Government, these provisions ensured that the media did not disseminate “distorted news” and were necessary to preserve harmony and promote peaceful coexistence in a multiracial country. During the year the ministry continued to review, censor, and confiscate many foreign publications. In February SUARAM listed 57 books banned by the Government. Among the banned books was a Tamil-language book, *March 8*, which discussed the 2001 Kampung Medan racial clashes between Malays and Indians. In August the Home Ministry banned *Muslim Women and the Challenge of Extremism*, a book published by a local NGO, for “containing twisted facts on Islam that could undermine the faith of Muslims.”

Parties in the ruling coalition owned or controlled a majority of shares in two of the three major English and all Malay daily newspapers. Businesspersons well connected to the Government and ruling parties owned the third major English-language newspaper and all four major Chinese-language newspapers.

Journalists were subject to arrest, harassment, and intimidation due to their reporting. For example, Tan Hoon Cheng, a journalist for the Chinese-language paper *Sin Chew*, reported on a speech by Ahmad Ismail, a local UMNO party leader, in which he described Malaysian—Chinese as “squatters” and “immigrants.” On September 12, police detained Tan under the ISA because “her life was threatened,” according to the home minister. The public reaction, including the Malaysian Chinese Association’s threat to leave the ruling National Front coalition, forced the Government to release her within 18 hours of her detention.

Criminal defamation is punishable by a maximum of two years in jail, a fine, or both. This, along with the Government power over annual license renewal and other policies, inhibited independent or investigative journalism and resulted in extensive self-censorship. Nonetheless, the English—, Malay—, and Chinese-language press sometimes provided alternative views on sensitive issues. Following the March general election, the mainstream press increased its coverage of the opposition’s views and the number of articles critical of government policy. The media also asked government officials more difficult questions regarding policy issues than prior to the general election.

On November 24, the High Court acquitted Irene Fernandez, human rights activist, of her 2003 conviction for “publishing false news” in a memorandum to journalists and the Government on the abuse, detention, and treatment of migrant workers in IDCs in 1995.

The Government continued to censor the media by controlling news content, requiring the annual renewal of publishing permits, and limiting circulation to an organization’s members only. Printers often were reluctant to print publications that were critical of the Government for fear of reprisal. However, publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of government policies.

Radio and television stations were as restricted as the print media and were predominantly supportive of the Government. News of the opposition was tightly restricted and reported in a biased fashion. Opposition party leaders alleged that during the national election the mainstream media provided minimal coverage for their candidates, intensely negative reporting about their party’s senior figures, and extensive reporting on the ruling party candidates.

Internet television faced no such restrictions, and the Islamic Party of Malaysia (PAS) continued daily Internet television broadcasts.

Television stations censored programming in line with government guidelines. The Government banned some foreign newspapers and magazines and occasionally censored foreign magazines or newspapers, most often for sexual content. The Government maintained a “blacklist” of local and foreign performers, politicians, and religious leaders who were not allowed to appear on television or broadcast on radios.

The Government generally restricted remarks or publications, including books, it judged might incite racial or religious disharmony.

Internet Freedom.—Although there were no government restrictions on access to the Internet, during the year the Government blocked access to some Web sites and arrested several prominent bloggers for comments that were critical of the Government. Internet access was widely available, except in East Malaysia, where the Internet was often not available beyond urban centers. Internet subscriptions totaled approximately 14.9 million at the end of June 2007. Criminal defamation and

preventive detention laws generated some self-censorship from local Internet content sources such as bloggers, Internet news providers, and NGO activists.

Raja Petra and Syed Azidi Syed Aziz were the first individuals to be charged under the Sedition Act 1948 for Internet postings.

On May 6, police arrested Raja Petra for sedition. On July 17, authorities charged Raja Petra with three counts of criminal defamation over a statutory declaration, published on his Web site, which linked the deputy prime minister to Altantuya Shaaribu's 2006 murder. The court released Raja Petra on RM10,000 (approximately \$2,940) bail. Later, Raja Petra posted the examining doctor's statutory declaration and medical report relating to the ongoing sodomy case against opposition leader Anwar Ibrahim. On August 23, police raided Raja Petra's house and confiscated his computer and other materials. From August 27 through September 11, the Government blocked access to Raja Petra's Web site, Malaysia Today.

On September 11, the energy, water, and communications minister announced the Government would no longer block access to any Web sites or blogs in the country, including that of Malaysia Today. The minister stated there were other "harsher" laws in the country, including the ISA, to "control the irresponsible dissemination of information over the Internet and to bring those irresponsible Web sites and blogs to book."

On September 19, blogger Syed Azidi Syed Aziz, also known as "Kickdafella," was arrested under the Sedition Act for posting allegedly seditious statements on his website, including urging people to fly the national flag upside down as a sign of protest towards certain government policies. Police released him three days later.

The Communications and Multimedia Act requires certain Internet and other network service providers to obtain a license. Previously the Government stated that it did not intend to impose controls on Internet use but that it would punish the "misuse" of information technology. The act permits punishment of the owner of a Web site or blog for allowing content of a racial, religious, or political nature that a court deems offensive.

On September 23, the police summoned Whee Meng Chee, a Malaysian university student attending school overseas, to the commercial crime headquarters for questioning for releasing a YouTube video making a parody of the national anthem. He was released on the same day, and police continued the investigation at year's end.

Academic Freedom and Cultural Events.—The Government placed some restrictions on academic freedom, particularly the expression of unapproved political views, and enforced restrictions on teachers and students who expressed dissenting views. The Government continued to require that all civil servants, university faculty, and students sign a pledge of loyalty to the King and the Government. Opposition leaders and human rights activists claimed that the Government used the loyalty pledge to restrain political activity among civil servants, academics, and students.

Although faculty members sometimes were publicly critical of the Government, there was clear self-censorship among public university academics whose career advancement and funding depended on the Government. Private institution academics practiced self-censorship as well, fearing that the Government might revoke the licenses of their institutions. The law also imposes limitations on student associations and on student and faculty political activity.

The Government has long stated that students should be apolitical, and it used that assertion as a basis for denying political parties access to student forums. According to student leaders, academic authorities sometimes expelled or fined students who signed antigovernment petitions. School authorities did not restrain propagation of government views on controversial issues on school campuses.

The Government censored and banned films for profanity, nudity, sex, violence, and certain political and religious content. Among films banned during the year was the short film *Fitna*, which the Government claimed insulted Islam.

The youth wing of the PAS protested against singers and groups it considered obscene and not in line with Islamic values. The Government responded by cancelling or placing conditions on performances by some international performers. On September 2, the Kedah State government, led by PAS, issued a directive on September 2 stating that the Government would issue entertainment licenses to female artists only for concerts for female audiences. The state government also instituted a blanket ban on rock, reggae, pop, and dangdut (an Indonesian style of music) concerts, which it claimed could have a "negative impact" on youth.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution states that all citizens have "the right to assemble peaceably and without arms"; however, the Government placed significant restrictions on this right through use of the Public Order Ordinance and the Police Act. The ordinance re-

stricts public assemblies that could damage security and public order, while the act requires police permits for all public assemblies except for workers on picket lines. The act defines a public assembly as a gathering of five or more persons.

The decision to grant a permit rests with the district police chief; however, senior police officials and political leaders influenced the granting or denial of some permits. Police granted permits routinely to government and ruling coalition supporters but used a more restrictive approach with government critics, opposition parties, NGOS, and human rights activists.

On November 9, police detained 23 individuals during a rally commemorating the first anniversary of the 2007 HINDRAF protest because the group did not obtain a permit. Among those detained were a MP, state assembly persons, and journalists. Participants alleged that police used excessive force while attempting to detain persons.

On November 23, nine persons were arrested for unlawful assembly in relation to an anti-ISA rally organized by the Abolish-ISA Movement. Seven individuals were arrested during the event and another two individuals, opposition MP Salahuddin Ayub and PAS Vice President Mohamad Sabu, were detained at the police station while visiting the seven arrested earlier.

At year's end the cases continued of the 31 HINDRAF demonstrators, the nine persons arrested for participating in an assembly marking International Human Rights Day 2007, and the 17 members of the Coalition for Clean and Fair Elections.

Freedom of Association.—The constitution provides for the right of association; however, the Government placed significant restrictions on this right, and certain statutes limit it. Under the Societies Act, only registered organizations of seven or more persons may function as societies. The Government sometimes refused to register organizations or imposed conditions when allowing a society to register. The Government prohibited the Communist Party and its affiliated organizations from registering because it allegedly posed a national security threat. On August 19, the Government approved the registration of the Socialist Party of Malaysia, which it had blocked since 1999. The Government has the power to revoke the registration of an existing society for violations of the act. Unlike in prior years, the Government did not use this power against political opposition groups during the year.

Some human rights and civic society organizations expressed difficulty in obtaining government recognition as an NGO; as a result some NGOs were registered as companies, which presented legal and bureaucratic obstacles to raise money to support their activities. Some NGOs also reported that the Government monitored their activities.

On October 15, the home minister declared HINDRAF an illegal organization being used for unlawful purposes and posing a threat to public order and morality. On October 23, police arrested 10 persons when they attempted to submit a letter at the Prime Minister's Office urging the release of those detained under the ISA. A six-year-old remained overnight at the police station when her mother, one of the detained, refused to accept bail. The Government claimed that the 10 had been part of an illegal assembly for having gathered near the entrance of a government building. All were released the next day.

The Universities and University Colleges Act also restricts freedom of association. This act mandates university approval for student associations and prohibits student associations and faculty members from engaging in political activity. Many students, NGOs, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government maintained that the act still was necessary. In December, Parliament amended the act to allow students to be members of organizations outside the university.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the constitution and the Government placed some restrictions on this right. The constitution defines all ethnic Malays as Muslims and stipulates that Islam is the official religion. The Government significantly restricted the practice of Islamic beliefs other than Sunni Islam. Article 11 of the constitution states, "Every person has the right to profess and practice his religion," but it also gives state and federal governments the power to "control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam."

Civil courts continued to cede authority to Shari'a courts on cases concerning conversion from Islam and certain areas of family law involving disputes between Muslims and non-Muslims. Shari'a courts ordered some Muslims attempting to convert to other religions to undergo mandatory religious reeducation classes.

Non-Muslims, who constitute approximately 40 percent of the population and include large Buddhist, Christian, Hindu, and Sikh communities, were free to practice

their religious beliefs with few restrictions. According to the Government, it allocated RM428 million (approximately \$125.9 million) to build Islamic places of worship and RM8.1 million (\$2.4 million) to build Christian, Buddhist, Hindu, and other minority religions' places of worship between 2005 and the end of the year.

The Registrar of Societies, under the Home Ministry, registers religious organizations. Registration enables organizations to receive government grants and other benefits. The Government did not recognize some religious groups; as such these groups sometimes registered themselves as businesses under the Companies Act.

The Government maintained that views held by "deviant" groups endangered national security. According to the JAKIM Web site, the Government identified and prohibited to Muslims 56 deviant teachings. They included Ahmadiyya, Islamailiah, Shi'a, and Baha'i teachings. The Government asserted that "deviationist" teachings could cause divisions among Muslims. Religious authorities, with the consent of a Shari'a court, arrested and detained members of groups deemed "deviationist" in order to "rehabilitate deviants" and return them to the "true path of Islam." The religious affairs minister stated that members of these groups were subject to prosecution, detention under the ISA, or rehabilitation. Neither the Government nor religious authorities provided data on the number of persons subjected to prosecution or rehabilitation.

The Government continued to monitor the activities of the Shi'a minority, and state religious authorities reserved the right to detain Shi'a followers under the ISA as members of a "deviant sect." According to the Government, it did not detain anyone under the ISA for "deviationist" religious reasons during the year.

The Selangor Islamic Affairs Department continued efforts to stop the spread of the banned al—Arqam Islamic group. The Home Ministry continued to investigate the group as a "threat to national security." Authorities closely monitored the group.

The Government generally respected non—Muslims' right of worship; however, state governments have authority over the building of non—Muslim places of worship and the allocation of land for non—Muslim cemeteries. State authorities sometimes granted approvals for building permits very slowly. Minority religious groups reported that state governments sometimes blocked construction using restrictive zoning and construction codes.

In practice Shari'a law as interpreted in the country does not permit Muslims, born into Islam, to convert to another religion. Shari'a courts routinely denied requests to convert from Islam.

Lina Joy reportedly left the country rather than pursue her conversion case in a Shari'a court, following the 2007 decision by the Federal Court to uphold a 2005 lower court decision that the civil courts did not have jurisdiction.

The law strictly prohibits non—Muslims from proselytizing Muslims; proselytizing of non—Muslims faced no legal obstacles.

According to the Malaysian Consultative Council of Buddhists, Christians, Hindus, Sikhs, and Taoists, the Government continued to restrict visas for foreign clergy under the age of 40 to inhibit "militant clergy" from entering the country. While representatives of non—Muslim groups did not sit on the immigration committee that approved visa requests for clergy, the committee asked the consultative council for its recommendations. In May the Hindu Endowment Board claimed the Government refused to approve permit extensions and rejected new applications for priests and temple musicians, requiring existing visa holders to apply for extensions on a monthly basis. In December the human resource minister said Indians should stop relying on foreign priests and that the Government was prepared to arrange the training of ethnic Indian youths to become temple priests.

Religious education is compulsory for Muslim children and follows a government-approved curriculum. Muslim civil servants are required to attend Islamic religious classes taught by government-approved teachers.

The Government did not ban distribution in peninsular Malaysia of Malay-language translations of the Bible, Christian tapes, and other printed materials, but it restricted distribution and required "Not for Muslims," be stamped on all Malay-language materials. The distribution of Malay-language Christian materials faced few restrictions in the eastern states of Sabah and Sarawak. As of September the Government banned an additional 15 books and publications on Islam alleged to undermine the faith of Muslims.

The Government generally restricted remarks or publications that might incite racial or religious disharmony. This included some statements and publications critical of particular religions, especially Islam. The Government also restricted the content of sermons at mosques. In recent years both the Government and the opposition party PAS have attempted to use mosques in the states they control to deliver politically oriented messages. Several states attempted to ban opposition-affiliated imams from speaking at mosques.

Some religious minorities have complained that the Government undermined their rights in deference to the status of Islam. On July 4, a Sikh group representing more than 100,000 Sikhs joined the Catholic archbishop's lawsuit against the Internal Security Ministry's February 12 directive to the Catholic Church to stop using the word "Allah", which the ministry considered exclusive to Islam, in its weekly publication, *The Catholic Herald*. The case remained pending at year's end.

On July 16, the Home Ministry issued a letter to the Catholic archbishop, as publisher of *The Catholic Herald*, demanding an explanation for allegedly publishing material that breached the publishing permit by analyzing the August by-elections. In August the ministry issued a warning letter to *Herald*, demanding an explanation for articles that allegedly did not "focus" exclusively on religion and a report that allegedly degraded Islam, entitled *America and Jihad—where do they stand?* In December the Government renewed the printing permit but prohibited the paper's publication in Malay, the country's official language.

According to some women's rights advocates, women were subject to discriminatory interpretations of Shari'a and inconsistent application of the law from state to state.

In addition to the existing restrictions on personal attire imposed upon Muslim women working in retail outlets and restaurants requiring headscarves and allowing only faces and hands to be exposed, in June the Kelantan municipal council issued a directive forbidding Muslim women working in food outlets and business premises from wearing high heels and lipstick while at work.

The states' religious police continued to conduct raids on private homes, nightclubs, and other similar locations during the year to search for Muslims engaged in offenses such as gambling, consumption of alcohol, dressing immodestly, and engaging in sexual relations outside marriage. The Government provided no statistics regarding the raids.

Societal Abuses and Discrimination.—Political rhetoric using religion raised tensions among different religious groups but did not result in violence. No reliable estimate of the country's Jewish population was available, and there were no locally based Jewish communities or synagogues. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, although there were some restrictions. The eastern states of Sabah and Sarawak controlled immigration and required citizens from peninsular Malaysia and foreigners to present passports or national identity cards for entry. The Government provided some cooperation to the UNHCR and generally did not impede other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The Government regulated the internal movement of provisionally released ISA detainees. The Government also used the Restricted Residence Act to limit movements of those suspected of criminal activities.

Citizens must apply for government permission to travel to Israel.

The constitution provides that no citizen may be banished or excluded from the country. In June, however, Chin Peng, the former leader of the communist insurgency, lost his bid to return to Malaysia when the Court of Appeal upheld an earlier ruling compelling him to show identification papers proving his Malaysian citizenship, forcing him to continue to live in exile in Thailand.

HINDRAF Chairman Waytha Moorthy was briefly detained following the large November 2007 HINDRAF-organized demonstration. After his release he traveled overseas to raise awareness of ethnic Indian marginalization. Citing a fear of arrest if he returned to the country, Moorthy remained overseas in self-imposed exile, following the December 2007 ISA detentions of five other HINDRAF leaders. In March the Government revoked his passport.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. In practice the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government generally did not deport individuals registered by the UNHCR and being processed for resettlement to third countries.

The Government continued to deport some refugees and asylum seekers but allowed certain refugees and persons of concern to remain, pending resettlement to other countries. The Government generally did not distinguish between asylum seekers and illegal immigrants and detained them in the same centers. Detention facilities were overcrowded and lacked adequate medical facilities. Local human rights NGOs alleged immigration officials abused detainees and provided inadequate food.

Local NGOs estimated there were 100,000 asylum seekers, refugees, and stateless persons in peninsular Malaysia, of which there were an estimated 70,000 Burmese refugees, including ethnic Chin, Mon, and Rohingya. An estimated 61,000 Filipino Muslims who fled the Moro insurgency in the 1970s were reportedly living in the country. As of August 1, the UNHCR registered 41,405 persons of concern in the country, of which 11,172 were children and more than 88 percent were Burmese.

During the year there were widespread reports from NGOs, international organizations, and civil society groups alleging that immigration officials were involved in the trafficking of Burmese refugees from IDCs to Thailand, where some refugees were sold into slavery (*See* Section 5, Trafficking in Persons).

Throughout the year RELA continued to conduct raids on refugee camps and detained refugees and asylum seekers along with allegedly illegal migrants. According to local NGOs, those without the UNHCR documents were not given access to the UNHCR while in detention and were thereby deprived of their right to seek asylum. Refugees with UNHCR cards were usually safe from arrest by police, although police still arrested asylum seekers occasionally, as they did not always recognize the UNHCR documents.

In June, the Government, at the request of the Chinese embassy, deported two Chinese nationals, who identified themselves as Muslims, to China.

Although most asylum seekers traveled to Kuala Lumpur for determinations, the UNHCR conducted mobile registrations in areas with high concentrations of refugees because the UNHCR did not maintain a presence at the country's border. From January to September, the UNHCR listed 8,891 persons as asylum seekers and 42,308 as refugees, approximately 88 percent of whom were Burmese citizens.

By the beginning of September, the UNHCR had submitted 5,849 refugees to third countries for resettlement consideration. Third countries accepted and resettled 4,885 refugees. The remaining refugees remained at risk of detention and deportation by immigration officials.

In July the Government approved an allocation of RM50 million (approximately \$14,705,882) for its operation to repatriate 100,000 to 150,000 illegal immigrants in Sabah State to their country of origin. Informed sources reported less than 20,000 were deported by year's end.

The immigration law provides for six months in prison and up to six strokes of the cane for immigration violations. In practice delays in processing travel documents led to the detention of many illegal immigrants in camps for more than a year. Authorities caned at least six registered refugees, including a minor, compared with 32 in 2007.

NGOs reported that IDC conditions remained poor, largely due to inadequate funding for food, medical care, and infrastructure maintenance.

Stateless Persons.—Citizenship is derived from one's parents (*jus sanguinis*). NGO estimates of the number of stateless persons ranged from several thousand to as many as 30,000. A foreign government estimated that approximately 10 to 20 percent of the 60,000 illegal immigrants and persons of concern living in Sabah were stateless children born in Sabah. Government officials denied stateless persons access to education, health care, and the right to own property.

Some persons were stateless because the Government refused to register their birth due to inadequate proof of their parents' marriage. Interfaith marriages not recognized by the Government sometimes resulted in undocumented, *de facto* stateless children.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens formally exercised this right in practice through periodic elections based on universal suffrage; however, while votes generally were recorded accurately, there were irregularities that affected the fairness of elections, and this right was abridged in practice.

Elections and Political Participation.—Opposition parties were unable to compete on equal terms with the governing National Front coalition, led by the ethnic Malay UMNO party, which has held power at the national level since independence in

1957, because of significant restrictions on campaigning, freedom of assembly and association, and access to the media. Nevertheless, opposition candidates campaigned actively, and in the most recent national elections, held on March 8, the opposition parties captured 82 of 222 parliamentary seats and 198 of 505 state assembly seats, winning control of five out of 13 state governments. For the first time since 1969, the opposition's electoral success denied the ruling coalition a two-third majority in Parliament, blocking the Government's ability to amend the constitution at will.

Political parties could not operate without restriction or outside interference. The lack of equal access to the media was one of the most serious problems encountered by the opposition in the March national elections and in the subsequent by-election. Opposition leaders also claimed that the election commission (EC) was under government control and lacked the independence needed to carry out its duties impartially. In February the EC announced that it would use indelible ink for the March 8 general election as a measure to ensure a fair election. However, the EC reversed its decision on March 4, four days before election day, attributing the cancellation to police reports alleging that an unknown entity purchased indelible ink from abroad with the intention of creating "confusion and suspicion as to the voters' status." A subsequent investigation provided no evidence that the ink was compromised. There were numerous opposition complaints of irregularities by election officials during the campaign; however, most observers concluded that they did not substantially alter the results. NGOs and opposition party leaders lodged allegations of illegally registered "phantom" voters, reportedly brought in from other districts to vote in tightly contested districts; inflated voter rolls; nonregistered voters using fictitious names or the names of dead voters still listed on the voter rolls; and noncitizens registered to vote.

The constitution states that parliamentary constituencies should have approximately equal numbers of eligible voters; however, in practice the numbers varied significantly. For example, the Putra Jaya constituency had 6,606 voters, while in Kuala Lumpur, the Seputih constituency had 76,891 voters. In Perak, Gopeng had 74,344 voters compared with Lenggong, with only 23,223 voters.

Over the years power increasingly has been concentrated in the prime minister, and Parliament's function as a deliberative body has deteriorated. Parliament rarely amended or rejected government proposed legislation and did not give legislation proposed by the opposition serious consideration. Parliamentary procedures allow the speaker of parliament to suspend members, establish restrictions on tabling questions, edit written copies of members' speeches before delivery, and severely restrict members' opportunities to question and debate government policies. With the increased number of opposition MPs, government officials often faced sharp questioning in Parliament, and the press reported in greater detail than in the past. For example, during the year the Government initiated 30-minute live telecasts of parliament's daily question-and-answer period.

Under the Local Government Act, elections of public officials were confined to state assemblies and the federal Parliament. Some politicians and NGO activists advocated the reintroduction of local government elections, which the Government abolished after the 1969 race riots. Some ruling party municipal officials noted that local bodies were simply "rubber stamps" for the Government. The coalition of opposition parties controlled the state governments of Perak, Selangor, Penang, Kedah, and Kelantan.

Women faced no legal limits on participation in government and politics. At the end of September, two of the 32 cabinet ministers were women. Women held 23 of the 222 seats in the lower house and 17 of the 68 senate seats.

In practice the political dominance of the Malay majority meant that ethnic Malays held the most powerful senior leadership positions. Non-Malays filled nine of the 32 ministerial posts and 18 of the 37 deputy minister positions.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The media reported numerous cases of alleged official corruption. There was a broadly held perception of widespread corruption and cronyism within the governing coalition and in government institutions. The Anti-Corruption Agency (ACA), the primary government agency for combating corruption, employed approximately 1,800 staff members nationwide. In December the Government passed legislation replacing the ACA with the Malaysian Anti-Corruption Commission.

In December the ACA director general stated the agency arrested 585 people during the year, including 271 civil servants. The ACA arrested the director general of immigration for allegedly accepting bribes in exchange for authorizing visa for

more than 4,000 Bangladeshi workers, a group vulnerable to labor exploitation. The ACA also arrested the deputy director general for allegedly accepting bribes in exchange for authorizing social visas for Chinese women, a group vulnerable to commercial sex exploitation, to work as “guest relations officers,” a euphuism for prostitutes. Both individuals were removed from their positions along with six other officials.

Civil servants who refused or failed to declare their assets faced disciplinary actions and were ineligible for promotion.

There is no law designed to facilitate citizens’ requests for government statistics or other information collected and compiled by the Government. Individual MPs were allowed to request and obtain such information on an ad hoc basis, some of which was then made available to the public.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In some cases government officials were somewhat cooperative and responsive to their views.

The Government cooperated with some international organizations during the year. The Government provided some cooperation to the UNHCR to resettle refugees in third countries.

SUHAKAM was generally considered a credible monitor of some aspects of the human rights situation. SUHAKAM is not empowered to inquire into allegations relating to ongoing court cases and must cease its inquiry if an allegation under investigation becomes the subject of a court case. During the year the International Coordinating Committee for the Promotion and Protection of Human Rights (ICC) noted SUHAKAM’s failure to comply with the Paris Principles, which are the international standards for an independent and effective human rights body. The ICC notified the Government of its concern over SUHAKAM’s ability to operate independently, free from government restrictions. The ICC recommended establishing a clear and transparent appointment and dismissal process for commissioners and increasing commissioners’ tenures from the current two-year tenure. The ICC also found that SUHAKAM lacked genuine pluralism in the composition of its commission.

SUHAKAM commissioners traveled throughout the country to educate community leaders, including police officials, on the importance of human rights. Commissioners also made several visits to prisons throughout the country to monitor conditions. They repeatedly noted that a major unresolved challenge was the slow government response to their reports on major topics that touched on fundamental liberties.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal protection under the law and prohibits discrimination against citizens based on sex, religion, race, descent, or place of birth. However, the constitution also provides for the “special position” of ethnic Malays and the indigenous groups of the eastern states of Sabah and Sarawak (collectively, bumiputras), and discrimination based on this provision persisted. Government policies and legislation gave preferences to bumiputras in housing, home ownership, awarding of government contracts and jobs, educational scholarships, and other areas. Nonbumiputras regularly complained about these preferences, arguing that government subsidies for disadvantaged persons should be dispensed without regard to race.

Women.—The penal code states that rape is punishable by a prison term of up to 30 years, caning, and a fine. The Government enforced the law effectively. According to the police, 1,651 rapes were reported during the first half of the year. Spousal rape is not a crime, although a husband may be charged for causing harm to his wife while attempting to force sexual relations with her.

The courts may decide the minimum jail term for a man convicted of statutory rape of a girl age 15 years or less. The law also prohibits a person in authority from using his position to intimidate a subordinate into having sexual relations.

Violence against women remained a problem. Reports of rape and spousal abuse drew considerable government, NGO, and press attention. Under the Domestic Violence Act, anyone who willfully contravenes a protection order by using violence against a protected person may be punished by imprisonment of up to one year and a maximum fine of RM2,000 (approximately \$588). In extreme cases involving “grievous hurt” inflicted using a deadly weapon, the maximum imprisonment increases to 20 years. Women’s groups criticized the act as inadequate and called for

amendments to strengthen it. In their view the act fails to protect women in immediate danger because it requires that separate reports of abuse be filed with both the Social Welfare Department and the police, causing delay in the issuance of a restraining order. Cases also require visible evidence of physical injury, despite its interpretation to include sexual and psychological abuse.

Many government hospitals had crisis centers where victims of rape and domestic abuse could make reports without going to a police station. NGOs and political parties also cooperated to provide counseling for rape victims, but cultural attitudes and a perceived lack of sympathy from the largely male police force resulted in many victims not reporting rapes. According to the Ministry of Women, Family, and Community Development (MWFC) and a leading women's NGO, only 10 percent of rape cases were reported to police. Women's groups noted that while some rapists received heavy punishments, including caning, other rapists received inadequate punishments.

Although the Government, NGOs, and political parties maintained shelters and offered other assistance to battered spouses, activists asserted that support mechanisms for victims of domestic violence remained inadequate. There was a sexual investigations unit at each police headquarters to help victims of sexual crimes and abuse. Women's rights activists claimed that police needed additional training in handling domestic abuse and rape cases.

Some Shari'a experts urged Muslim women to become more aware of the provisions of Shari'a that prohibit spousal abuse and provide for divorce on grounds of physical cruelty. Provisions in state Shari'a laws, however, generally prohibit wives from disobeying the "lawful orders" of their husbands and presented an obstacle to women pursuing claims against their husbands in Shari'a courts. Muslim women were able to file complaints in civil courts.

Prostitution is not a criminal offense, although soliciting is a criminal offense. NGOs and international organizations estimated 50,000–150,000 women were involved in prostitution. According to the Government, police detained 6,357 foreign and 1,004 local prostitutes, including 442 under-age girls, during 8,893 antvice operations between 2003 and 2008. Muslims engaged in prostitution could face penalties under Shari'a for engaging in sexual relations out of wedlock. Authorities routinely arrested foreign prostitutes, usually as illegal immigrants or for violating the terms of their nonimmigrant visas. Financially benefiting from the prostitution activities of others is illegal, and the Attorney General's Office prosecuted offenders.

A government voluntary code of conduct provides a detailed definition of sexual harassment, which is meant to raise public awareness of the problem, but women's groups advocated passage of a separate law on sexual harassment. The Malaysian Employers Federation opposed any attempt to legislate against sexual harassment in the workplace, arguing that government imposed policies would unduly restrict the management of labor relations.

Women's rights advocates asserted that women faced discriminatory treatment in Shari'a courts due to prejudicial interpretations of Islamic family law.

The law allows polygamy, and Muslim men practiced polygamy in limited numbers. Islamic inheritance law generally favors male offspring and relatives. There was a small but steadily increasing number of women obtaining divorces under the provisions of Shari'a that allow for divorce without the husband's consent.

Non Muslim women are subject to civil law. The Guardianship of Women and Infants Act gives mothers equal parental rights. Four states extend the provisions of the act to Muslim mothers, and women's groups continued to urge the other states to do the same.

The Government undertook a number of initiatives to promote equality for women and the full and equal participation of women in education and the work force. For example, the Women's Ministry developed programs and workshops to encourage women to enter the business community and operate small and medium sized enterprises.

Women experienced some economic discrimination in access to employment. In 2007 there were 3.8 million women compared with 6.8 million men in the labor force. Women were routinely asked their marital status during job interviews. In September the Kedah State government announced that women entertainers could perform only in front of all-female crowds. The Joint Action group for Gender Equality condemned the state government for infringing gender equality rights protected by the constitution.

Children.—The Government demonstrated a commitment to children's rights and welfare; however, some government policies limited those rights and protections. For example, the law allows use of a "light cane" to administer a maximum of 10 strokes to male children between the ages 10 and 18.

Parents must register a child within 14 days of birth. The authorities require citizens to provide their marriage certificate and both parents' MyKad. Noncitizens must provide passport or travel documents. Parents applying for late registration must prove the child was born in the country. The authorities do not enter the father's information for a child born out of wedlock unless there is a joint application by the mother and the person claiming to be the father. The authorities do not register children born to illegal immigrants or asylum seekers. Asylum seekers who register a birth risk arrest as illegal immigrants. The UNHCR registers children born to refugees. Marriages between Muslims and non Muslims are void. Couples in such marriages have difficulty registering births that recognize the father due to the invalidity of the marriage. Children without birth certificates are stateless and denied entry into both public and private schools. Stateless children (like noncitizens) are required to pay higher medical fees, which caused hardship in many cases.

Although primary education is compulsory, there is no enforcement mechanism governing school attendance.

The Government recognized that sexual exploitation of children and incest were problems. Incest in particular was a problem in rural areas. The law provides for six to 20 years' imprisonment and caning for individuals convicted of incest. The testimony of children is accepted only if there is corroborating evidence. This posed special problems for molestation cases in which the child victim was the only witness.

Statutory rape occurred and was prosecuted. According to the MWFC, most victims were below 15 years of age. However, Islamic law provisions that consider a Muslim girl an adult after her first menstruation sometimes complicated prosecution of statutory rape. Such a girl may be charged with *khalwat*, or close physical proximity, an offense under Shari'a law, even if she is under the age of 18 and her partner is an adult. Shari'a courts sometimes were more lenient with males charged with *khalwat*, although in many cases Muslim men were charged and punished for statutory rape under civil law.

Child prostitution existed, but child prostitutes often were treated as delinquents or illegal immigrants rather than victims.

Sabah had a problem of street children. Estimates ranged from a few hundred to 15,000 children born in the country to illegal immigrant parents, some of whom were deported. These children lacked citizenship and access to government-provided support and often resorted to menial labor, criminal activities, and prostitution to survive.

Trafficking in Persons.—The 2007 Antitrafficking in Persons Act went into force in February. It prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country. The Government can also use other laws, such as the Child Act, the Immigration Act and the Restricted Residence Act, to arrest and detain traffickers.

Trafficking in persons was a serious problem. The country was a destination, and to a lesser extent, a source and transit point for men and women trafficked for the purposes of sexual exploitation and forced labor. Foreign trafficking victims, mostly women and girls from Burma, Mongolia, the People's Republic of China (PRC), Indonesia, Cambodia, Thailand, the Philippines, and Vietnam, were trafficked to the country for commercial sexual exploitation. Many economic migrants, mostly from Nepal, Burma, the PRC, Vietnam, Thailand, the Philippines, Cambodia, Pakistan, Bangladesh, and Indonesia, working as domestic servants or laborers in the construction, factories, and oil-palm and rubber plantations and logging companies, faced exploitative conditions that met the definition of involuntary servitude.

Foreign trafficking victims were kept compliant through involuntary confinement, confiscation of travel documents, debt bondage, physical abuse, and/or forced drug use. The Government has not yet reconciled its new antitrafficking law with pre-existing laws and regulations that allow, or even require, Malaysian employers to confiscate foreign workers' passports and travel documents, which is a contributing factor to trafficking. It remained common practice for employers to confiscate passports. According to news reports, female victims said that they were lured to the country by promises of legitimate employment but were forced into prostitution upon their arrival in the country.

According to police, the Bar Council, and SUHAKAM, many foreigners found to be involved in prostitution were possible trafficking victims. Foreign embassies, NGOs, and government authorities reported that police and NGOs rescued and repatriated more than 100 trafficking victims during the year. The rescues did not lead to a significant number of arrests and prosecutions of traffickers. The police referred the 79 women and at least four minors rescued from commercial sexual exploitation to the Government-operated trafficking shelter; 20 of the women were cer-

tified as trafficking victims. All of the potential and confirmed victims were legal migrants. The Government has not developed or implemented proactive procedures to identify victims of trafficking among the migrant worker population.

A small number of Malaysian women and girls were trafficked for sexual purposes, mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to the United Kingdom, Japan, Australia, and Canada. According to police and ethnic Chinese community leaders, female citizens who were victims of trafficking were usually ethnic Chinese, although ethnic Malay and Indian women also were exploited as prostitutes. NGOs estimated that fewer than 100 Malaysian women were trafficked abroad during the year and that the number had declined in recent years.

Trafficking of Malaysians domestically remained a problem. Women from rural areas, indigenous groups, such as the Orang Asli, and ethnic Indians were particularly vulnerable to domestic trafficking for sexual and labor exploitation. The Malaysian Trade Union Congress (MTUC) estimated a significant number of workers, foreign and domestic, worked in conditions equating to involuntary servitude; however, reliable data was unavailable to provide credible estimates.

On February 25, the High Court ruled that an undocumented migrant worker could not receive compensation for loss of income on the basis that such workers did not have legal status in the country.

There were credible reports of Malaysian immigration officials' involvement in the trafficking of Burmese refugees along the Malaysia—Thai border. Immigration officials allegedly received RM700 (approximately \$200) per person. Several local NGOs estimated immigration officials handed over a significant number of Burmese refugees transported to the border to traffickers. Traffickers demanded ransom, ranging from RM1,000 (\$300) for children to RM1,900 (\$560) for adults, in exchange for freedom and transportation back to Malaysia. Informed sources estimated 20 percent of the victims were unable to pay the ransom and were sold for the purposes of labor or sexual exploitation. Some reports indicated traffickers sold small children not freed by ransom to child beggar syndicates in the region.

Police and NGOs believed that criminal syndicates were behind most of the trafficking. Employment agencies were also believed to be heavily involved in trafficking migrant workers.

Under the Antitrafficking Act, any person convicted of trafficking an adult is subject to a maximum imprisonment term of 15 years and a possible fine. A person convicted of trafficking a child receives a minimum sentence of three years and maximum of 20. Any person profiting from the exploitation of a trafficked person may serve a maximum of 15 years and pay a minimum fine of RM50,000 (approximately \$14,706) and maximum of RM500,000 (\$147,058). The Government initiated prosecution of six trafficking-in-persons cases involving commercial sex exploitation. In December the Government obtained its first trafficking conviction. The court sentenced the trafficker to eight years in prison. However, the Government did not prosecute offenders of labor trafficking, which is a significant form of trafficking in persons in the country. The Government established an interagency antitrafficking council that included representatives from 11 government organizations and three local NGOs.

The Government assisted some underage persons exploited as prostitutes and rescued some trafficked women and girls. In March the MWCDFD opened two trafficking victims' shelters and began assisting foreign victims of sex trafficking. During the year police continued a referral system to place foreign trafficking victims in shelters operated by NGOs and certain foreign embassies. However, shelter space in private shelters remained inadequate to hold all identified victims, and authorities transferred those whom shelters could not accept to immigration detention facilities for deportation processing. Police participated in NGO and foreign-funded antitrafficking seminars.

The Government initiated consultations, seminars, and training workshops to disseminate implementation procedures for enforcing the country's antitrafficking law. The Women's Ministry and other government organizations began to develop public awareness programs and recruit local NGOs to share outreach best practices.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Neither the constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities, but the Government promoted public acceptance and integration of persons with disabilities.

The Government did not discriminate against persons with disabilities in employment, education, access to health care, or in the provision of other state services. A public sector regulation reserves 1 percent of all public-sector jobs for persons with disabilities. The Government did not mandate accessibility to transportation

for persons with disabilities, and few older public facilities were adapted for such persons. New government buildings were generally outfitted with a full range of facilities for persons with disabilities.

A code of practice serves as a guideline for all government agencies, employers, employee associations, employees, and others to place suitable persons with disabilities in private sector jobs.

Special education schools existed but were not sufficient to meet the needs of the population with disabilities.

The Government undertook initiatives to promote public acceptance of persons with disabilities, make public facilities more accessible to such persons, and increase budgetary allotments for programs aimed at aiding them. Recognizing that public transportation was not "disabled-friendly," the Government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities. The Ministry of Human Resources was responsible for safeguarding the rights of the disabled.

National/Racial/Ethnic Minorities.—The law and government policy provide for extensive preferential programs designed to boost the economic position of bumiputras. Such programs limit opportunities for nonbumiputras in higher education, government employment, business permits and licenses, and ownership of land. Businesses are subject to race-based requirements that limit employment and other economic opportunities for nonbumiputra citizens. According to the Government, these programs are necessary to ensure ethnic harmony and political stability.

Despite the Government's stated goal of poverty alleviation, these race-based policies are not subject to upper income limitations and appeared to contribute to the broadening economic disparity within the bumiputra community. Ethnic Indian citizens, who did not receive such privileges, remained among the country's poorest groups. Another goal of this policy is for bumiputras to hold 30 percent of the nation's wealth. According to several studies, the program reached or exceeded this target; however, official government figures placed bumiputra equity at 18.9 percent. The Government did not respond to public requests to make its methodology available.

In 2006 the minister of higher education stated that the nation's 17 public universities employed few nonbumiputra deans. At the Universiti Malaya, 19 of 20 deans were bumiputras; in many other universities, deans were exclusively bumiputras. They also accounted for more than 90 percent of the country's almost 1.15 million civil servants at the end of the year. The percentage has steadily increased since independence in 1957.

Indigenous People.—Indigenous people (the descendants of the original inhabitants of the peninsular region of the country and the Borneo states, such as the Penan) generally enjoyed the same constitutional rights as the rest of the population. However, in practice federal laws pertaining to indigenous people of the peninsular region, known as the Orang Asli, vest considerable authority in the non-Orang Asli minister for rural development to protect, control, and otherwise decide issues concerning this group. As a result indigenous people in peninsular Malaysia had very little ability to participate in decisions that affected them. The Government did not effectively protect indigenous persons' civil and political rights.

The Orang Asli, who numbered approximately 140,000, constituted the poorest group in the country. Government statistics, in 2007, categorized approximately 77 percent of Orang Asli households as living below the poverty level. In apparent contradiction to the 2007 statistics, the Department of Orang Asli Affairs claimed in September that less than 10,000 of the 28,000 Orang Asli households lived below the poverty line. A government-sponsored national advisory council monitored the development of Orang Asli, but only five of the council's 17 members were Orang Asli. In addition only one Orang Asli held a management position in the Government's Department of Orang Asli Affairs. Under its ninth economic plan covering the years 2006-10, the Government allocated slightly more than RM377.8 million (approximately \$111.1 million) for development projects for the Orang Asli. These focused on improving health, preschool education, infrastructure, and economic activities. The plan included an additional RM100 million (\$29.4 million) for development of lands inhabited by the Orang Asli and another RM20 million (\$5.9 million) to curb inflationary pressures. In September 2007 the Director General of the Department stated that the dropout rate among Orang Asli children was 36 percent in secondary schools, an improvement over the 50 percent dropout rate reported in 2006.

Under the Aboriginal People's Act, Orang Asli were permitted to live on designated land as tenants at-will, but they did not possess land rights. Observers re-

ported that over the years, the total area of land reserved for Orang Asli had decreased, and some land previously set aside as Orang Asli reserve was rezoned for development. In September the Department of Orang Asli reported that as of 2006, 20,000 hectares of land was set aside for the Orang Asli. In November the Government announced it would grant land ownership rights of 50,000 hectares of rural land currently belonging to state governments to 20,000 Orang Asli households.

The uncertainty surrounding Orang Asli land ownership made them vulnerable to exploitation. Logging companies continued to encroach on land traditionally held by Orang Asli and other indigenous groups in the Borneo states. Indigenous people in Sabah and Sarawak continued to protest encroachment by state and private logging and plantation companies onto land that they considered theirs under native customary rights.

The Sarawak Penan Association continued urging the state government to delineate the Penan's native customary land boundaries, revoke timber licenses that overlapped their land, stop issuing provisional leases for plantations, and halt all logging and plantation development activities on their land. The Penan tribe was among the poorest groups in the country and lived below the poverty line. In 2007 SUHAKAM urged the Government to ensure the availability of necessities for the Penan through poverty eradication and income generation programs. The state government had not responded to either group's recommendations by year's end.

On September 13, approximately 150 persons from the Indigenous Peoples Network of Malaysia (IPNM) staged a protest in Kuala Lumpur to urge the Government to honor its 2007 commitment to uphold the UN Declaration on the Rights on Indigenous People. Specifically, the IPNM called for the establishment of an Orang Asli native court, repeal of laws that marginalized indigenous people, and an end to the Government's practice of leasing native customary rights land without consulting native communities. The Government dismissed their demands, claiming some NGOs with hidden agendas influenced the indigenous groups.

Laws allowing condemnation and purchase of land do not require more than perfunctory notifications in newspapers, to which indigenous persons may have no access. In past years this deprived some indigenous persons of their traditional lands with little or no legal recourse.

The 2007 petition filed by the Semalai, another Orang Asli group, to the High Court to review a Pahang State government-ordered eviction from an area the Semalai claimed as their traditional land remained pending at year's end. In 2007 a suit was filed against authorities who allegedly tore down an Orang Asli church in Gua Musang in June 2007. The case remained pending at year's end.

The Penan, an indigenous community of Sarawak, used native customary rights to establish land ownership and stewardship. Each group of Penan maintained its own foraging area, which is passed down from one generation to another. Customary native lands are not always well demarcated. Indigenous rights groups alleged that Abdul Taib Mahmud, the chief minister of Sarawak, leased Penan and other indigenous groups' customary land to logging companies and land developers in exchange for political favors and money. Local observers claimed logging companies harassed and sometimes threatened vocal Penan leaders and land rights activists.

A credible international NGO reported that workers from two logging companies, including one owned by the chief minister's family, regularly sexually abused Penan women and girls, resulting in several pregnancies. The NGO urged the Government to investigate the claims. Although the Marudi District deputy superintendent promised to investigate the allegations, Sarawak's deputy chief minister initially dismissed the claims, stating that unless given evidence and specific details of the allegations, it would be a waste of time to investigate them. However, on October 7, following continued public outrage, he announced police would investigate the allegations. National police headquarters conducted the investigations, which remained pending at year's end.

Other Societal Abuses and Discrimination.—Although there are no laws that prohibit homosexuality, laws against sodomy and “carnal intercourse against the order of nature” exist and were enforced sporadically. Religious and cultural taboos against homosexuality were widespread.

The Government's response to HIV/AIDS was generally nondiscriminatory, although stigmatization of AIDS sufferers was common. On December 18, the deputy prime minister announced mandatory HIV screening, starting in 2009, for all Muslims prior to being married. He attributed the need for this screening to the rising rate of HIV infection among women. According to the Government, more than 82,000 HIV/AIDS cases had been identified since 1986, with over 1,500 new cases identified during the year.

Section 6. Worker Rights

a. The Right of Association.—By law most workers have the right to form and join trade unions, but the Trade Unions Act (TUA) and the Industrial Relations Act (IRA) restrict this right. Other laws also may restrict freedom of association. For example, the Malaysian Penal Code requires police permission for public gatherings of more than five persons. Trade unions represented only 8.9 percent of the labor force, a decrease from 9.3 percent in 2005.

Those restricted by law from joining a union include public sector workers categorized as “confidential, managerial, and executive,” as well as defense and police officials. However, according to the International Trade Union Confederation (ITUC), recent amendments to the IRA made it more difficult for workers to form unions because the director general and the minister also have absolute authority to determine designations of workers’ status as “confidential,” “managerial,” or “executive,” leading to possible systemic abuse by employers. In theory foreign workers can join a trade union; however, the Immigration Department barred foreign workers from holding trade union offices, and most foreign workers’ contracts banned them from joining a trade union.

The TUA prohibits interfering with, restraining, or coercing a worker in the exercise of the right to form trade unions or participation in lawful trade union activities. However, the act restricts a union to representing workers in a “particular establishment, trade, occupation, or industry or within any similar trades, occupations, or industries.” In addition the director general of trade unions has broad discretion to refuse to register a trade union and to withdraw the registration of an existing trade union based on provisions outlined in the act. When registration is refused, withdrawn, or canceled, a trade union is considered an unlawful association; there were no reports of any such actions during the year. The International Labor Organization (ILO) Committee on Freedom of Association found many provisions of the Trade Unions Act violate the principles of freedom of association, and the amendments made in 2007 were done “without consideration” of the ILO’s recommendations or without consultation with the MTUC and other labor organizations.

MTUC officials continued to express frustration about delays in the settlement of union recognition disputes. While the IRA requires that an employer respond to a union’s request for recognition within 21 days of application, it was not uncommon for such applications to be refused and unions to go unrecognized for one to four years. Under the amendments, if an employer does not respond to the union application within 21 days, the union must submit a written appeal to the director general of trade unions within 14 days. If the union fails to submit the appeal within the stipulated period, the union automatically is not recognized. The amendments also deny the right of unions and individuals to hold strikes protesting the nonrecognition of their union.

Trade unions from different industries, except for those in the electronics sector, may join in national congresses, but such congresses must register separately as societies under the Societies Act.

Government policy inhibited the formation of national unions in the electronics sector, the country’s largest industry, because it has “pioneer status,” which affords certain investment incentives. The Government stated that establishment of national unions in the electronics sector would impede foreign direct investment and negatively affect the country’s international competitiveness in the sector; government leaders stated that enterprise-level unions were more appropriate for the electronics industry. According to MTUC officials, 150,000 electronics workers were unable to organize, and only eight in-house unions existed in the electronics industry.

Unions maintained independence from both the Government and political parties, but individual union members may belong to political parties. Although by law union officers may not hold principal offices in political parties, individual trade union leaders have served in parliament. Trade unions were free to associate with national labor congresses, which exercised many of the responsibilities of national labor unions, although they cannot bargain on behalf of local unions.

Trade unions were permitted to affiliate with international trade union organizations, such as global union federations and the ITUC, subject to the approval of the director general of trade unions.

Although private sector strikes are legal, the right to strike is severely restricted. Strikes or lockouts are prohibited while the dispute is before the industrial court. The law contains a list of “essential services” in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions. MTUC officials said that requirements imposed by the authorities were so stringent that it was almost impossible to strike. According to MTUC officials, there were eight lunchtime pickets or one-day work slowdowns but

no strikes during the year. Employees in the public sector do not have the right to collective bargaining.

The IRA requires the parties to notify the Ministry of Human Resources that a dispute exists before any industrial action may be taken. The ministry's Industrial Relations Department then may become involved actively in conciliation efforts. If conciliation fails to achieve settlement, the minister has the power to refer the dispute to the industrial court. The IRA prohibits employers from taking retribution against a worker for participating in the lawful activities of a trade union. However, some trade unions questioned the effectiveness of the provisions. The IRA limits worker compensation to a maximum of two years from the time the employee is laid off.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to organize and bargain collectively, and collective bargaining was widespread in those sectors where labor was organized.

There are two national labor organizations. The MTUC is a society of trade unions in both the private and government sectors and is registered under the Societies Act. As such, the MTUC does not have collective bargaining or industrial action rights but provides technical support for affiliated members. The other national organization is the Congress of Unions of Employees in the Public and Civil Service (CUEPACS), a federation of public employee unions registered under the Trade Unions Act.

CUEPACS is an umbrella organization that included 127 distinct civil servant unions with approximately 300,000 members out of one million civil servants, represented by an estimated 160 unions. Teacher unions accounted for 140,000 of CUEPACS' 300,000 members. CUEPACS holds talks with the Government through three National Joint Councils (NJC) that represent three types of workers: managerial and professional, scientific and technological, and general (all other types of workers, such as clerical and support staff). The Government established the NJC system to have NJCs serve as aggregating, intermediary negotiating bodies between the Government and the various unions served by CUEPACS. NJC members are elected from constituent unions. While an individual civil service union may approach the Government directly on narrow issues that affect only that particular union or its members, broader issues that affect the entire civil service flow up to CUEPACS and then to one of the NJCs, depending on the type of civil servants involved.

Government regulations limited CUEPACS' negotiating power and virtually eliminated its right to organize strikes. CUEPACS has sought a minimum wage for civil servants; however, by year's end the Government had announced no plans to institute a minimum wage for public or private sector workers.

The Government placed limits on collective bargaining agreements in companies designated as having pioneer status. The MTUC continued to object to legal restrictions on collective bargaining in pioneer industries.

Charges of discrimination against employees engaged in organizing union activities may be filed with the Ministry of Human Resources or the industrial court. Critics alleged that the industrial court was slow to adjudicate worker complaints when conciliation efforts by the Ministry of Human Resources failed.

The Government holds that issues of transfer, dismissal, and reinstatement are internal management prerogatives; therefore, they are excluded from collective bargaining.

Companies in export processing zones must observe labor standards identical to those in the rest of the country. Although the electronics sector's pioneer status inhibits organizing, many companies had "in house unions"; however, these were seen as controlled by management and were not allowed to affiliate with national union umbrella bodies.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The law allows for employers to confiscate employees' passports, and it was common practice for employers to do so as a means to prevent employees seeking jobs elsewhere. Rights groups complained that the law effectively made some foreign workers captives of the hiring company. Recruiting agents required fees that sometimes made foreign workers vulnerable to debt bondage. Some companies used debt bondage to force some foreign workers to accept harsh working conditions, threatening imprisonment and deportation. Following a series of cases of poor treatment, including an incident when employers abandoned 2,000 workers at Kuala Lumpur's airport, in October the Government imposed a ban on issuing new work permits for guest workers from Bangladesh. Some observers believed that the Government used this incident as a justification to limit the flow of foreign workers.

Indebted to their employers due to excessively high recruitment fees and without their passports, these workers were effectively forced to work long hours, accept lower wages than promised, allow wage deductions, and live in poor housing. Forced labor conditions reportedly occurred in some palm oil and rubber plantations, factories manufacturing computer components, and in domestic households.

Some of the estimated 320,000 foreign women employed as household workers were subjected to physical abuse and forced to work under harsh conditions, and some child household employees worked in conditions amounting to forced labor. A number of domestic workers were not paid or were paid below the agreed salary. Several of the abused women reported their employers forced them to sleep on kitchen floors and fed them only the scraps from a meal.

Although Malaysia and Indonesia concluded a Memorandum of Understanding (MOU) in 2006 that, among other things, called for domestic workers to be paid directly, receive compensation for personal injury, and be given time off in lieu of overtime, it remained a common practice for employers to deposit wages with recruiting agencies as repayment for debts. Under terms of the MOU, domestic workers have to surrender their passports to their employers to ensure they will not run away. On November 27, the court found Yim Pek Ha guilty of three counts of causing grievous harm to Nirmala Bonet, a domestic worker from Indonesia, in 2004. Yim was sentenced to three 18-year concurrent terms for burning Nirmala with boiling water and a hot iron that resulted in severe disfigurement.

Child labor occurred in certain areas of the country.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children younger than age 14 but permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or in training institutions, or work as an approved apprentice. In no case may a child work more than six hours per day, more than six days per week, or at night.

Most child laborers worked informally in palm oil plantations and the agricultural sector, helping their parents in the field; however, only adult members of the family received a wage. Child labor in urban areas was often found in family food businesses, night markets, and small-scale industries. Government officials did not deny the existence of child labor in family businesses but maintained that foreign workers had largely replaced child labor and that child labor provisions were vigorously enforced.

e. Acceptable Conditions of Work.—No national minimum wage provision was in effect, as the Government preferred to allow market forces to determine wages. Prevailing market wages generally provided a decent standard of living for citizens, although not for all migrant workers. Wage councils, established by a 1947 act to provide a recommended minimum wage for sectors in which the market wage was deemed insufficient, had little impact on wages in any sector. According to MTUC officials, the wage councils had not met for more than 15 years, and their recommended wages have long been obsolete.

Plantation workers generally received production-related payments or daily wages. Under a 2003 agreement, plantation workers received a minimum wage of RM350 (approximately \$100) per month. Proponents of the agreement said that productivity incentives and bonuses raised the prevailing wage to RM700 (\$200). Labor activists and human rights NGOs reported that debt bondage was practiced in some plantations, where whole families of ethnic Indians and migrant workers were placed into forced labor conditions.

Under the Employment Act, working hours may not exceed eight hours per day or 48 hours per workweek of six days. Each workweek must include a 24-hour rest period. The act also sets overtime rates and mandates public holidays, annual leave, sick leave, and maternity allowances. The Labor Department of the Ministry of Human Resources is responsible for enforcing the standards, but a shortage of inspectors precluded strict enforcement.

Illegal foreign workers employed by licensed outsourcing companies and provided to factories on an as-needed basis have no legal protection under the law and limited legal options for recourse in cases of abuse.

Foreign migrant laborers, legal and illegal, often worked under difficult conditions, performed hazardous duties, had their pay withheld by employers, and had no meaningful access to legal counsel in cases of contract violations and abuse.

In March a Hong Kong-based manufacturing company agreed to pay compensation to all the workers whose contracts were changed, where passports were confiscated, and who were paid lower salaries than originally promised. The company's action followed a public campaign highlighting the poor working conditions of 1,300 Vietnamese contract workers hired in 2007 to work in the company's garment fac-

tory in Penang. The 84 workers, who had been deported by immigration officials at the request of the company for allegedly leading a strike, were also paid compensation. The Government did not play a significant role in resolving this case.

In August, following an investigative news report, a foreign-based company announced it had found major workers' rights violations at one of its Malaysian contract facilities. According to the company, 1,200 workers at the local factory were subjected to squalid living conditions and garnished wages. It also found that the local company that owned the factory also withheld the passports of foreign workers, many of whom paid fees to agents in their home countries to obtain the factory jobs. The Government rejected reports that the foreign workers were mistreated and that their wages were garnished. The human resources minister said the company did not breach any labor laws.

Foreign workers, particularly if they were illegal aliens, generally did not have access to the system of labor adjudication. However, the Government investigated complaints of abuses, attempted to inform workers of their rights, encouraged workers to come forward with their complaints, and warned employers to end abuses. Like other employers, labor contractors may be prosecuted for violating the law. According to the results of a survey conducted during the year by the Federation of Malaysian Manufacturers, the average monthly wage of foreign workers engaged in the manufacturing sector was RM581 (approximately \$172).

The Workmen's Compensation Act covers both local and foreign workers but provides no protection for foreign household workers. According to the Government, foreign household workers are protected under the Employment Act with regard to wages and contract termination. However, these workers are excluded from provisions of the act that would otherwise ensure that they received one rest day per week, an eight-hour workday, and a 48-hour workweek.

Employers sometimes failed to honor the terms of employment and abused their household workers. Only household workers ages 25 to 45 were allowed into the country, according to Immigration Department officials. They were not allowed to bring family members into the country while employed. The terms of the contract for Indonesian domestic workers, who made up approximately 90 percent of all foreign household workers, were often vague and open to abuse. The typical contract provided for a monthly salary of RM450-RM600 (approximately \$132-176) but did not specify the number of working hours per day. NGOs reported that many Indonesian household workers were required to work 14 to 18 hours a day, seven days a week. The contract for Filipina household workers included more comprehensive protections, but both groups suffered from a lack of education concerning their legal rights.

Some workers alleged that their employers subjected them to inhuman living conditions, withheld their salaries, confiscated their travel documents, and physically assaulted them.

Workers have the right to take legal action against abusive employers. According to NGOs the courts generally sided with employees and ruled that employers must pay all back salary and compensate plaintiffs for injuries, but long delays in court proceedings and rulings often precluded aggrieved foreign workers from seeking redress through the court system.

Mechanisms for monitoring workplace conditions were inadequate. Private, for-profit labor agencies, themselves often guilty of abuses, were often responsible for the resolution of abuse cases. Bilateral labor agreements with Indonesia do not provide adequate protections for household workers.

The Occupational Safety and Health Act covers all sectors of the economy except the maritime sector and the armed forces. The act established a national Occupational Safety and Health Council, composed of workers, employers, and government representatives, to set policy and coordinate occupational safety and health measures. It requires employers to identify risks and take precautions, including providing safety training to workers, and compels companies that have more than 40 workers to establish joint management-employee safety committees. The act requires workers to use safety equipment and cooperate with employers to create a safe, healthy workplace. Employers or employees that violate the act are subject to substantial fines or imprisonment for up to five years, although the MTUC complained that some employers flouted the rules with impunity. There are no specific statutory or regulatory provisions that provide a right for workers to remove themselves from dangerous workplace conditions without arbitrary dismissal.

MARSHALL ISLANDS

The Republic of the Marshall Islands is a constitutional republic with a population of approximately 56,000. In November 2007 voters elected the parliament (Nitijela) in generally free and fair multiparty elections. The parliament elected Litokwa Tomeing president in January 2008. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, prison conditions, government corruption, violence against women, child abuse, and lack of worker protections were areas of concern.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards. Lighting, ventilation, and sanitation were inadequate, and there was no program to ensure regular access to outside activity. Security was poor.

Some male juveniles were held together with the general prison population. There were no specialized prison facilities for female prisoners, including juveniles; they generally were held under house arrest. Some female offenders were held in a separate police substation. Pretrial detainees were not separated from the general prison population.

There were no requests for prison visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police force, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police force during the year.

Arrest and Detention.—Under the constitution and law, a warrant issued by a court is required for an arrest if there is adequate time to obtain one. The courts have interpreted this provision to exempt situations such as a breach of the peace or a felony in progress. There was a functioning system of bail, and detainees may request bond immediately upon arrest for minor offenses. Most serious offenses require the detainee to remain in jail until a hearing can be arranged, normally the morning after arrest. Detainees have the right to lawyers of their choice, and the Government provides a lawyer if the defendant is indigent. Families had access to detainees.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants can choose either a bench trial or a four-member jury trial. In recent years defendants increasingly opted for jury trials, which had a higher rate of acquittals. Defendants enjoy a presumption of innocence and have the right to counsel. They may question witnesses, examine government-held evidence, and appeal convictions. The constitution extends these rights to all citizens.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is no separate judiciary in civil matters, but there are administrative remedies for alleged wrongs, including human rights abuses, as well as judicial remedies within the general court system.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The plaintiff did not pursue further his 2007 suit against a police officer for allegedly destroying political signs.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. For most citizens, however, Internet access was limited by lack of public access points and high prices.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuse or discrimination against religious groups, including anti-Semitic acts. There were few known Jews in the country.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The occasion did not arise during the year for government cooperation with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not prohibit forced exile, but the Government did not employ it.

Protection of Refugees.—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the country is not a signatory of these instruments. The Government has not established a system for providing protection to refugees. In practice the country has almost no history of refugees or asylum seekers. The issue of providing protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened did not arise during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—Executive power is centralized in the president and his cabinet. The legislature consists of the Nitijela and a council of chiefs (Iroi), the latter of which serves a largely consultative function dealing with custom and traditional practices.

The most recent elections for the Nitijela were held in November 2007. Some ballot boxes were recounted on the initiative of the chief electoral officer, which caused accusations of impropriety and assertions that the boxes should have been reopened only with a court order. A team of independent election observers from the Pacific Islands Forum stated in its initial report that the election, while poorly managed, was conducted in a democratic manner, enabling voters to exercise their will freely. In February the Government appointed an independent commission of inquiry to investigate the election. In August the commission issued its report, which placed the blame for the marred election on interference in civil service hiring procedures by the then minister of internal affairs, which led to unqualified individuals managing the election process.

Individuals and parties can freely declare their candidacy and stand for election. There are no restrictions on the formation of political parties, although many candidates prefer to run independently or loosely align with informal coalitions.

There are no legal impediments to women's participation in government and politics; however, traditional attitudes of male dominance, women's cultural responsibilities and traditionally passive roles, and the generally early age of pregnancies made it difficult for women to obtain political qualifications or experience. There was one woman in the 33-member Nitijela, who served as minister of health, and four women in the 12-seat House of Iroij. There were a number of women in prominent appointed government positions, including the secretary of education, secretary of health, secretary of foreign affairs, director of the Social Security Administration, banking commissioner, and chief public defender.

There were no members of minorities in the legislature.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was a serious problem. Budgetary problems persisted, but independent auditors gave the Government an unqualified audit for the year, noting improvements.

Public officials are not subject to financial disclosure laws. The Attorney General's Office is responsible for investigating cases of alleged corruption, but few cases were prosecuted. No high-level elected official has ever been indicted for corruption. Voters tend to look to representatives for financial assistance, which pressured elected officials to use government authority to provide patronage to extended family members and supporters. This frequently led to allegations of nepotism in government hiring, especially for teachers, where studies found serious differences between teacher pay and qualifications. Officials also have used their positions to protect family members from prosecution for alleged wrongdoing.

In September an employee of the largest construction firm in the country was appointed as chairman of a newly appointed Environmental Protection Agency (EPA) board. An EPA employee was fired from his position after he publicly commented on the conflict of interest between serving on the body tasked with regulating development and construction permits and being employed by the country's biggest developer. Subsequently the president's office ordered the attorney general to investigate the circumstances surrounding the firing; the matter was pending at year's end.

The law does not provide specifically for public access to government information. Although there is no specific statutory basis for denying such information, the Government held that the burden for overcoming a denial of access rests with the public, and a court filing showing the reason the information is required was often necessary.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups generally operated without government restriction, but few local groups existed. The Government was not always responsive to the concerns of nongovernmental organizations (NGOs). The NGO Women United Together in the Marshall Islands (WUTMI) worked on women's, children's, and family issues.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of sex, race, color, language, national or social origin, place of birth, and family status or descent, and the Government generally observed these provisions.

Women.—Rape, including spousal rape, and assault are criminal offenses, and the Government enforced the law effectively. The law establishes penalties of up to 25 years' imprisonment for first-degree sexual assault. Spousal abuse was common; most assaults occurred while the assailant was under the influence of alcohol. According to a 2003 WUTMI survey, more than 80 percent of women had been affected by spousal abuse. Violence against women outside the family also occurred, and women in urban centers risked assault if they went out alone after dark. Police generally responded to reports of rape and domestic assault, and the Government's health office provided counseling in reported spousal and child abuse cases. However, most observers believed that few sexual offenses were prosecuted, since cultural constraints discouraged victims from reporting such crimes to the police. During the year four of the 34 criminal cases brought before the High Court were sexual assault cases. At year's end two cases resulted in convictions and two were pending.

The courts have promulgated rules designed to protect women filing rape charges during court testimony, and women's groups under the WUTMI umbrella continued to publicize women's issues and promote a greater awareness of women's rights.

Prostitution is illegal but continued to occur, particularly on the Majuro and Kwajalein atolls. Organized prostitution on Majuro, run primarily by foreigners, was patronized by visiting fishermen and local residents. The Government prosecuted

and expelled several persons who had overstayed their visas, could show no income or other evidence of support, and were alleged to be involved in prostitution.

Sexual harassment is not prohibited by law, but it was not considered a widespread or serious problem.

The inheritance of property and traditional rank is matrilineal, with women occupying positions of importance in the traditional system, although control of property often was delegated to male family members on behalf of female landowners. Several educated women held prominent positions, particularly in government; however, while female workers were very prevalent in the private sector, many were in low-paying jobs with little prospect for advancement. The traditional authority exercised by women has declined with growing urbanization and movement of the population away from traditional lands.

Children.—The Government showed a commitment to children's welfare through its programs of free education and health care, but these were not adequate to meet the needs of the country's increasing population.

Education was universal and compulsory to age 18, and the national government did not charge school fees, but it was estimated that up to 20 percent of children did not attend elementary school on a regular basis. In many cases this was because they lived too far away from a school or their families could not afford the annual registration fee, which varied by school but averaged approximately \$10 (the U.S. dollar is the national currency), or incidental expenses. The lack of school lunch programs in public schools was cited as another factor that contributed to absenteeism and poor performance.

Child abuse and neglect are criminal offenses, but public awareness of children's rights remained low, and child abuse and neglect were considered increasingly common. Convictions for violation are punishable by up to 25 years in prison, depending on the degree of the offense. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. Nonetheless, there were few reports or prosecutions.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical or mental disabilities. There was no apparent discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services; however, there were no building codes and no legislation mandating access for such persons. The Government provided minimal support for persons with mental disabilities.

Persons who could be medically defined as psychotic were imprisoned with the general prison population and visited by a doctor. When prison officials protested the disruptions caused by this practice, other arrangements, such as house arrest, were made.

There is no government agency specifically charged with protecting the rights of persons with disabilities. The attorney general is responsible for handling court cases involving complaints of discrimination against persons with disabilities, but no such cases were brought during the year.

National/Racial/Ethnic Minorities.—Discrimination against Chinese nationals continued. The Government has been accused of selectively enforcing laws, especially immigration laws, against migrants from the People's Republic of China (PRC) while ignoring similar violations by other nationalities. There were allegations that immigration officers seized PRC passports from their holders at the airport. The owners of these passports were later detained by immigration enforcement officers and were unable to produce their documentation because their passports had been "lost" by officials at the airport. Police then arrested them for being in the country without documentation.

Some ethnic Chinese reported being threatened or attacked based on their race and receiving regular racial slurs. In December a Japanese diplomat was assaulted outside a nightclub; his attacker later stated that he thought the diplomat was Chinese. Other ethnic Chinese stated it was common for taxi drivers to refuse to stop for Chinese passengers.

Other Societal Abuses and Discrimination.—There were no accounts of societal violence based on sexual orientation. There are no enforced laws criminalizing homosexuality. In general homosexuals were accepted in society.

There were no accounts of societal violence based on HIV/AIDS infection. There was some cultural stigma attached to HIV infection, but non-governmental organizations (NGOs) and the Government conducted campaigns to provide HIV/AIDS education and encourage testing for the disease.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of free association in general, and the Government interpreted this right as allowing the existence of labor unions, although none have been formed. With few major employers, there were few opportunities for workers to unionize, and the country had no history or culture of organized labor.

The law does not provide for the right to strike, and the Government has not addressed this issue.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning collective bargaining or trade union organization. Wages in the cash economy were determined by market factors in accordance with the minimum wage and other laws.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits involuntary servitude, and there were no reports of its practice among citizens. Officials suspected that some forced or compulsory labor existed among the illegal alien population.

The law does not specifically prohibit forced and compulsory labor by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—There is no law or regulation setting a minimum age for employment of children. Children typically were not employed in the wage economy, but some assisted their families in fishing, agriculture, retailing, and other small-scale enterprises.

e. Acceptable Conditions of Work.—The law establishes a minimum wage of \$2.00 per hour for both government and private-sector employees. The national minimum wage did not provide a decent standard of living for a worker and family. However, in the subsistence economy, extended families were expected to help less fortunate members, and there often were several wage earners to support each family. The Ministry of Resources and Development adequately enforced the minimum wage regulations. Foreign employees and local trainees of private employers who had invested in or established a business in the country were exempt from minimum wage requirements. This exemption did not affect a significant segment of the workforce.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards, and the office periodically convenes board meetings that are open to the public. There is no legislation concerning maximum hours of work or occupational safety and health. On Sunday most businesses were closed, and persons generally refrained from working. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions. The Government did not conduct any inspections of workplace health and safety conditions during the year. The law protects foreign workers in the same manner as citizens.

MICRONESIA, FEDERATED STATES OF

The Federated States of Micronesia is a constitutional republic composed of four states: Chuuk, Kosrae, Pohnpei, and Yap. Its population was approximately 108,000. The popularly elected unicameral legislature selects the president from among its four at-large senators (one from each state). There were no formal political parties. The most recent general elections for Congress, held in March 2007, were considered generally free and fair, despite technical problems and some allegations of fraud in Chuuk. In May 2007 Congress chose Emanuel Mori as president. Individual states enjoyed significant autonomy, and traditional leaders retained considerable influence in Pohnpei and Yap. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. Reported human rights problems included judicial delays, government corruption, discrimination against women, domestic violence, and child neglect.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and the Government generally respected these provisions; however, there were occasional reports of physical abuse by police or prison officials. In October authorities concluded an investigation, begun in 2007, of a corrections officer for sexual assault of an inmate. The officer was fired, but no criminal charges were filed. In another case police officers refused a detainee access to the toilet. After his release a court awarded the victim \$4,000 (the U.S. dollar is the national currency) in a civil suit against the police. There were some other private lawsuits alleging police abuse during the year, but there were no reports that abusive behavior was systemic.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, the underfunded corrections divisions of the Pohnpei and Chuuk State Public Safety Departments failed to provide nutritionally adequate meals to prisoners.

There were no designated juvenile detention facilities; however, juvenile crime was rare, and the states seldom incarcerated juvenile offenders. Pretrial detainees usually were held with convicted prisoners.

The Government permits prison visits by human rights observers, but none occurred during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Despite some improvement after Chuuk State's governor introduced measures in 2006 to reform the state's underqualified and politicized police force, law enforcement agencies in Chuuk remained staffed with friends and relatives of powerful individuals. Civilian authorities maintained effective control over the national, state, and local police forces, however, and the Government has effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the police forces during the year.

Arrest and Detention.—Warrants are required for arrests, and detainees were promptly advised of the charges against them. Detainees must be brought before a judge for a hearing within 24 hours of arrest, and this requirement was generally observed in practice. Most arrested persons were released on bail. Detainees had prompt access to family members and lawyers. All defendants have the right to counsel; however, the public defender's office was underfunded, and not all defendants received adequate legal assistance in practice.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The formal legal system coexists with traditional, mediation-based mechanisms for resolving disputes and dealing with offenders at the local level.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, although juveniles are allowed closed hearings. Judges conduct trials and render verdicts; there are no juries. Defendants enjoy a presumption of innocence and have the right to counsel, to question witnesses, to access government-held evidence, and to appeal convictions. The law extends these rights to all citizens. There is a national public defender system with an office in each state. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder did not go to trial, and suspects routinely were released indefinitely. Bail, even for major crimes, usually was set at low levels.

Underfunding of the court system and delays in most states in judicial appointments significantly impaired the judiciary's ability to function efficiently. The chief justice of Chuuk State estimated the state had a backlog of some 3,000 cases. Only Yap State reported no delays in its proceedings for criminal and civil cases. No state had case tracking or record-keeping systems in place at the courts. Consequently, some courts lost documents; this prevented cases from moving forward.

The National Court also lacked sufficient funding and staffing to adequately uphold standards for the Bar. Two members of the Bar were convicted felons, who nevertheless represented persons in court.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. The Supreme Court is responsible for hearing lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution contains an express right to privacy that prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of “expression” but not specifically of “speech” or of “the press”; however, the Government generally respected each of these rights in practice.

Individuals could criticize the Government publicly or privately without reprisal. The number of independent media outlets remained small, however, and there was a lack of consistently reliable access to broadcast media.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Cost and lack of infrastructure limited public Internet access on the outlying islands in each state. On the four principal islands, infrastructure was adequate, but cost still limited access. However, each state telecommunications office had Internet work stations available to the public 24 hours a day for reasonable hourly fees.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuse or discrimination against any religious groups. There were no known Jewish communities in the country and no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country. Foreign travel, emigration, and repatriation are addressed in other areas of the law. In practice none of these rights were restricted. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not explicitly prohibit forced exile; however, statutes that prescribe punishments for crimes do not provide for the imposition of exile, and the Government did not employ it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. There were no formal requests for refugee status or asylum during the year. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The last general elections were held in March 2007 and were generally free and fair; however, there were serious discrepancies between national and state voter registries in Chuuk State that disenfranchised perhaps hundreds of voters. The reasons for the discrepancies appeared primarily technical, although there were some allegations of fraud.

State governors, state legislators, and municipal governments are elected by direct popular vote. There are no restrictions on the formation of political groups; however, there were no significant efforts to form organized political parties, and none existed. Candidates generally sought political support from family and allied clan groupings, religious groups, and expatriate citizen communities.

Cultural factors in the male-dominated society limited women's representation in government and politics. Women were well represented in the middle and lower ranks of government at both the federal and state level but were scarcer in the upper ranks, although a woman held the cabinet-level position of secretary of health services. More women ran for elective office in 2007 than in previous elections. One woman retained her seat in the Pohnpei State legislature. Another won the primary election for Pohnpei lieutenant governor but lost in the general election.

There was one woman in the 23-seat Pohnpei State legislature and no women in the other state legislatures or in the 14-member national legislature.

The country is a multicultural federation, and both the legislature and the Government included persons from various cultural backgrounds.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government sometimes implemented these laws effectively; however, officials sometimes engaged in corrupt practices with impunity. Government corruption was a serious problem, particularly in Chuuk State. In May 2007 a former ambassador was charged with criminal conspiracy and violation of financial management regulations in connection with a passport fraud scheme at the country's embassy in the United States. His case was still pending at year's end, and he remained free on bail.

A senator indicted in 2004 for corruption retained his seat in the March 2007 elections. However, in March 2008 he was convicted of felonious embezzlement of government funds. The constitution prohibits a felon from serving in Congress, and in April Congress accordingly expelled the senator.

Public officials were not subject to financial disclosure laws. The Office of the Attorney General has primary responsibility for combating government corruption; however, during the year, the new attorney general, appointed in February, remained suspended from practice before the national Bar due to allegations of improper practices prior to assuming the position of attorney general. (His suspension dated from 1999.)

There is no national law providing for public access to government information. The speaker of Congress can declare any congressional documents confidential. State laws and practices varied. Legislative hearings and deliberations generally were open to the public. In Pohnpei the state legislature's proceedings were televised, and in Yap they were broadcast on FM radio. Information from other branches of government also was accessible; however, retrieval sometimes was delayed by the loss or mishandling of records and the need for lower level administrative personnel to verify that their release was permissible. There were no reported cases of government denial of access to media, but there were only a small number of media outlets, and their reporting resources were limited.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although there were no official restrictions, no local groups concerned themselves exclusively with human rights. Several groups addressed problems concerning the rights of women and children, and the Government often cooperated with these groups.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law provide explicit protection against discrimination based on race, sex, or language, but societal discrimination against women remained a problem.

Women.—Sexual assault, including rape, is a crime. There is no specific law against spousal rape. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the victim is punishable by up to nine years' imprisonment in Chuuk and 10 years' imprisonment in the other three states, or a fine of up to \$20,000 in Kosrae and \$10,000 in the other states. If neither a dangerous weapon nor serious harm is involved, the assault is punishable in all states by up to five years' imprisonment or a fine. Few cases were reported or prosecuted, however. It was believed that such crimes were underreported due to social stigma. During the year new programs took place to train police officers to recognize the problem. According to police and women's groups, there were a number of reports of physical and sexual assaults against women, both citizens and foreigners, outside

the family context. In this traditional society, unmarried women sometimes were considered to have invited such violence by living or traveling alone.

Reports of spousal abuse, often severe, continued during the year. Although assault is a crime, there were no specific laws against domestic abuse, and there were no governmental or private facilities to shelter and support women in abusive situations. Effective prosecution of offenses was rare. In many cases victims decided against initiating legal charges against a family member because of family pressure, fear of further assault, or belief that the police would not involve themselves actively in what is seen as a private family problem.

Within the traditional extended family unit, violence, abuse, and neglect directed against spouses or children were deemed offenses against the family, not just the individual victims, and were addressed by a complex system of familial sanctions. However, traditional methods of coping with family discord were breaking down with increasing urbanization, monetization of the economy, and greater emphasis on the nuclear family. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

Prostitution is illegal and was uncommon, although the police reported that a small number of prostitutes were available to fishermen temporarily docked in Pohnpei. National and state law enforcement authorities began an investigation into the problem as some local women, in addition to women from other Asian countries, reportedly engaged in prostitution; the investigation was ongoing at year's end.

The law does not prohibit sexual harassment, and anecdotal reports suggested that it was pervasive.

Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment. Women received equal pay for equal work. Societal discrimination against women continued, however, and cultural mores encouraged differential treatment for women. For example, in Yap State women are prohibited from entering a meeting hall during men's meetings. In Chuuk State women must bow in the presence of men during formal meetings. Nonetheless, women were active and increasingly successful in private business. There was an active national women's advisory council that lobbied the Government. Additionally, several small NGOs were interested in women's issues, particularly those associated with family violence and abuse. The Women's Interest Section of the Department of Health and Social Services worked to protect and promote women's rights.

Children.—The Government was committed to children's welfare through its programs of health care and education, but these programs were inadequate to meet the needs of the population. The problem was exacerbated in an environment in which the traditional extended family unit was losing its importance.

Although a compulsory education law requires all children to begin school at age six, not all did so. A shortage of qualified teachers and lack of textbooks hampered progress. Children were permitted to leave school when they reached the age of 14 or after completing the eighth grade.

Child abuse is against the law, although the constitution provides for a right of parental discipline. Crime statistics indicated no complaints of, or arrests for, child abuse during the year, but cultural attitudes regarding parental discipline limited the reporting of abuse. There were some anecdotal reports of child abuse and neglect.

Trafficking in Persons.—National and state laws do not specifically prohibit trafficking in persons. During the year a court in Guam convicted the owners of a local bar and their Chuukese accomplices for conspiracy to commit sex trafficking and enticement to travel for the purpose of prostitution. The bar owners admitted that they had recruited at least nine women from Chuuk to work as prostitutes from 2005 to 2007. Most local law enforcement officials believed that the case was isolated, reflecting economic problems in Chuuk, and that trafficking was not endemic in the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination in public service employment against persons with disabilities. Children with physical or mental disabilities, including learning disabilities, were provided with special education, including instruction at home if necessary; however, such classes were dependent on foreign funding. There were no reports of discrimination against persons with disabilities in employment, access to health care, or provision of other state services; however, persons with disabilities usually did not seek employment outside the home.

Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. The national Health Services Department is responsible for protecting the rights of persons with disabilities.

Due to a lack of facilities for treating mentally ill persons, some persons with mental illnesses but no criminal background were housed in jails. The authorities provided separate rooms in jails for persons suffering from mental illness, and state health departments provided medications.

National/Racial/Ethnic Minorities.—Each of the country's four states has a different language and culture. Traditionally the state of Yap had a caste-like social system with high-status villages, each of which had an affiliated low-status village. In the past those who came from low-status villages worked without pay for those with higher status. In exchange those with higher status offered care and protection to those subservient to them. The traditional hierarchical social system has been gradually breaking down, and capable people from low-status villages could rise to senior positions in society. Nonetheless, the traditional system continued to affect contemporary life. Persons from low-status backgrounds tended to be less assertive in advocating for their communities' needs with the Government. As a result, low-status communities sometimes continued to be underserved.

The national and state constitutions prohibit noncitizens from purchasing land, and a 2002 law continued to limit the occupations that noncitizens could fill. The national Congress granted citizenship to non-Micronesians only in rare cases. There is no permanent residency status. For the most part, however, noncitizens shared fully in the social and cultural life of the country.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination against homosexuals or persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Although the law does not specifically provide for the right of workers to join a union, under the constitution citizens have the right to form or join associations, and national government employees by law can form associations to "present their views" to the Government without coercion, discrimination, or reprisals. No workers, including foreign workers, were prohibited from joining unions, but for a variety of reasons—including the fact that most private-sector employment was in small-scale, family-owned businesses and citizens were not accustomed to collective bargaining—there were no unions.

There is no specific right to strike, but no law prohibits strikes.

b. The Right to Organize and Bargain Collectively.—No law deals specifically with trade unions or with the right to collective bargaining. Since there were no unions, there were no reports of collective bargaining agreements during the year. Individual employers, the largest of which were the national and state governments, set wages.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. The law does not specifically prohibit forced and compulsory labor by children, but there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—National and state laws do not establish a minimum age for employment of children. In practice there was no employment of children for wages, but children often assisted their families in subsistence farming and in family-owned shops.

e. Acceptable Conditions of Work.—The minimum hourly wage for employment with the national government was \$2.64. All states had a minimum hourly wage for government workers: \$2.00 in Pohnpei, \$1.25 in Chuuk, \$1.49 in Kosrae, and \$1.60 in Yap. Only Pohnpei had a minimum wage for private sector workers: \$1.35 per hour. These minimum wage structures and the wages customarily paid to skilled workers were sufficient to provide a decent standard of living for a worker and family. The minimum wage was enforced through the tax system, and this mechanism was believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek was standard practice) or prescribing standards of occupational safety and health. A federal regulation requires that employers provide a safe workplace, but the Department of Health had no enforcement capability, and working conditions varied in practice. There is no law for either the public or private sector that permits workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Foreign workers were not subjected to abuse or deported without cause. They have the right to a hearing if facing deportation.

Working conditions aboard some Chinese-owned fishing vessels operating in the country's waters were very poor. Crewmen reported a high incidence of injuries, beatings by officers, and nonpayment of salary.

MONGOLIA

Mongolia, with a population of approximately three million, is a multiparty, parliamentary democracy. In the June parliamentary elections, the Mongolian People's Revolutionary Party (MPRP) increased its majority, and the minority Democratic Party (DP) also gained seats, while the smaller parties fared poorly under the newly instituted electoral system of multiseat constituencies. Independent observers considered the elections generally free and fair, with only minor irregularities. Civilian authorities generally maintained effective control of the security forces; however, in a few instances elements of the security forces acted without civilian oversight.

The Government generally respected the human rights of its citizens; however, the following human rights problems were noted: alleged police involvement in the deaths and injuries of citizens during the July 1 postelection protest; police abuse of prisoners and detainees; impunity; poor conditions in detention centers; arbitrary arrest, lengthy detention, and corruption within the judicial system; continued refusal by some provinces to register Christian churches; secrecy laws and a lack of transparency in government affairs; domestic violence against women; international trafficking of persons; and child prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, abuse by security forces likely caused some deaths.

On July 1, police allegedly shot and killed five persons and injured hundreds of others during a protest initiated by opposition party members accusing the MPRP of voter registration fraud that later turned violent. Eleven police officers were arrested for their possible role in the killings. At year's end the suspects were in detention, and an investigation was pending.

On March 6, P. Ganbayar, a famous wrestler, died while in police custody. A police officer was convicted in connection with his death and sentenced to five years' imprisonment; press reports indicated that several other police were possibly involved in his death.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police, especially in rural areas, occasionally beat prisoners and detainees. The use of unnecessary force—particularly to obtain confessions—in the arrest process reportedly was common.

Nongovernmental organizations (NGOs) claimed that guards or police sometimes meted out cruel punishment to inmates at police stations, prisons, and detention centers. The NGOs stated that some inmates were burned with cigarettes, beaten with batons, or kicked in the shins with steel-toed boots.

According to the National Human Rights Commission (NHRC), during the year the Special Investigations Unit (SIU) of the State Prosecutor General's Office (SPO) received 30 complaints from citizens against police officers suspected of torture, of which 27 were dismissed and three led to convictions. The NHRC stated that some incidents of torture occurred during investigations but not during imprisonment. The NHRC received five complaints against police and law enforcement officers concerning beatings, abuse, and confessions through torture. The five complaints were transferred to the SIU; none had resulted in arrests or charges by year's end. According to an NHRC survey of 569 inmates, 94 percent declared that they had not faced torture, discriminatory treatment, or abuse.

During the year the Government ended the practice of paying bonuses to police for closing cases. Human rights organizations had argued that the bonuses created an incentive for police to use abusive methods to coerce quick confessions rather than fully investigate criminal activity.

In contrast with 2007, there were no reports that military superiors used force and humiliation against subordinates.

Prison and Detention Center Conditions.—Conditions in pretrial detention and prison facilities generally were poor. Insufficient food, heat, and medical care threatened the health and life of inmates. However, NGOs reported that prison and detention center conditions improved during the year, particularly with regard to food quality and access to hot water. However, the food supply was often poor in the latter months of the year due to high inflation and a limited budget for prison administration. Overcrowding continued to be a problem, especially at detention centers, where cells sometimes held eight persons in a space intended for two or three. To address this problem, the Government built new prison facilities at two sites, and another detention facility was under construction at year's end.

Many inmates entered prison infected with tuberculosis (TB) or contracted it in prison. The Government treated victims at prison, detention center clinics, or the Government's TB hospital. Generally, infected persons with active TB were isolated from the general prison population. NGOs stated the overall TB situation at prisons and detention centers improved slightly during the year.

At military prisons soldiers held in solitary confinement were sometimes denied potable water, fed as infrequently as once a day, and denied access to fresh air, according to the NHRC.

The NHRC monitored conditions at several prisons and a detention center. Monitors from the diplomatic and human rights community had limited access, and some monitors were accompanied by public servants who forbade them to speak privately with inmates. Domestic and foreign NGOs worked to improve conditions in prisons and detention centers. Some provided clothing, food, books, English-language instruction, and vocational training.

d. Arbitrary Arrest or Detention.—The law provides that no person shall be arrested, detained, or deprived of liberty except by specified procedures; however, arbitrary arrest and detention occurred, in particular during the unrest that followed the June elections. General public awareness of basic rights and judicial procedures, including rights with regard to arrest and detention, was limited, especially in rural areas.

Role of the Police and Security Apparatus.—Security forces are under the jurisdiction of the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). The MOD oversees national defense and assists in providing domestic emergency assistance and disaster relief, in support of internal security forces. National police operate under the MOJHA, as does the Border Force. The GIA, formerly the State Security Agency, is responsible for both internal security and foreign intelligence collection and operations. The GIA's civilian head reports directly to the prime minister. The SPO supervises undercover activities of the police and the intelligence agencies.

There was general agreement that corruption in law enforcement agencies was endemic. The Anti-Corruption Agency, established in 2007, reportedly investigated some police officers but did not make public the results of any such investigations. There were no major changes to prevent police from abusing detainees or punish those who did so. However, the Government made efforts to improve the training and professionalism of the security forces.

Laws and mechanisms to investigate police abuses remained inadequate. The SIU investigates allegations of misconduct by law enforcement personnel, prosecutors, and members of the judiciary. During the year the SIU received 519 complaints against law enforcement officials, opened cases on 170 of these complaints, refused to open a case on 255 complaints, and transferred 71 complaints to other agencies. The subjects of 64 percent of the complaints were police officers, 14 percent were investigators, 8 percent were GIA officers, and 3 percent were judges. According to the SIU, police frequently blocked or impeded the work of its investigators, particularly when the targets of investigation were high-ranking police officials.

Arrest and Detention.—A judge-issued warrant is required prior to the arrest of a suspect; however, arrest without a warrant was believed to be fairly common. A "pressing circumstances" exception allows police to arrest suspects without obtaining a warrant, and this was widely used.

Under the criminal code, police must request a court order to continue holding a suspect after 24 hours. If permission is obtained, police may hold suspects for up to 72 hours before a decision is made to prosecute or release them. If a court order is not granted within 72 hours, the suspect must be released.

Detainees generally were informed promptly of the charges against them. The maximum pretrial detention with a court order is 24 months; an additional six months are allowed for particularly serious crimes such as murder. Detainees are allowed prompt access to family members. Detainees may be released on bail with the approval of a prosecutor.

A detainee has the right to a defense attorney during pretrial detention and all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the Government must appoint an attorney. Despite this legal provision, many detainees were unaware of their right to a government-appointed attorney and did not assert it. There was a shortage of public-funded and pro bono attorneys for low-income defendants, particularly outside Ulaanbaatar. To address the shortage, the Government, working with the UN Development Program, placed an attorney in each of the provincial capitals and the districts of Ulaanbaatar to provide free legal advice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, corruption and outside influence were problems. Bribery could contribute to getting a case dismissed or a recommended sentence reduced, and blackmail and identity fraud were also a source of corruption. During the year two misconduct cases were opened against judges; at year's end the SIU was investigating one case and had transferred the second to another agency.

The judiciary consists of district and provincial courts as well as the Supreme Court and Constitutional Court. District courts primarily hear routine criminal and civil cases, while more serious cases, such as murder, rape, and grand larceny, are sent to the provincial courts. Provincial courts also serve as the appeals court for lower court decisions. The 17-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. The Constitutional Court, which is separate from criminal courts, has sole jurisdiction over constitutional questions.

The General Council of Courts, an administrative body within the MOJHA, nominates candidates for vacancies on the courts; the president has the power to approve or refuse such nominations. The council also is charged with protecting the rights of judges and providing for the independence of the judiciary.

Trial Procedures.—The law provides for the right to a fair public trial by a judge. Juries are not used. Closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases as provided by law. Defendants may question witnesses, present evidence, and appeal decisions. The law provides that defendants are innocent until proven guilty.

Despite these provisions, trial procedures were often plagued by legal inconsistencies. There was a shortage of state-provided defense lawyers, and many defendants lacked adequate legal representation. Confessions, many of which were coerced by police, were often relied upon in convicting defendants.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Corruption and outside influence were problems in the civil judicial system, and enforcement of court orders was also a problem. Although victims of police abuse were able by law to sue for actual damages, few were able to actually claim compensation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. However, in 2007 the head of the GIA, with the knowledge and consent of the prime minister, directed the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the SPO and can be conducted for up to two weeks at a time.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Government interference with licensing and indirect intimidation of the press, particularly broadcast media, was evident.

During the July 1–4 state of emergency, only state-run public television and radio were allowed to broadcast. All private television and radio stations resumed normal operations thereafter, except those with headquarters that had sustained damage during the riot.

A variety of newspapers and other publications represented both major political parties and independent viewpoints. The MOJHA licensed newspapers, television and radio broadcasters, and magazines. The media law bans censorship of public information and any legislation that would limit the freedom to publish and broadcast; however, perceived self-censorship continued to be a problem. The Government monitored all media for compliance with antiviolence, antipornography, antialcohol, and tax laws.

Violence against journalists occurred during the July 1 events. According to the NGO Globe International, six journalists were assaulted, although it was not clear if the attackers were rioters, police, or both. Globe indicated that no official investigation of these attacks was conducted.

While there was no direct government censorship, the press alleged indirect censorship in the form of government and political party harassment, such as frequent libel complaints and tax audits. The law places the burden of proof on the defendant in libel and slander cases. Both libel and "insult" were criminal charges.

Observers stated that many newspapers were affiliated with political parties or owned (fully or partly) by individuals affiliated with political parties, and that this affiliation strongly influenced the published reports. The observers also noted that underpaid reporters frequently demanded payment to cover or fabricate a story.

Broadcast media were similarly not free of political interference. A lack of transparency during the tendering process and lack of a fully independent licensing authority inhibited fair competition for broadcast frequency licenses and benefited those with political connections. At the provincial level, local government control of the licensing process similarly inhibited the development of independent television stations.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the Information and Communication Technology Agency, there were 35 Internet service providers in the country, and all provinces had Internet connectivity. Internet access continued to expand during the year to remote areas as a result of government and private-sector efforts.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

During the July 1–4 state of emergency, no public assembly was allowed. Afterwards, several small groups protested unrelated matters without incident.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

All NGOs, including religious groups, were required to register with the MOJHA. Local assemblies approve applications at the local level, and then MOJHA issues the registration once local approval is obtained. Registration and reregistration were burdensome for religious groups and could take years. The length and documentation requirements of the process reportedly discouraged some organizations from applying. Some provincial authorities reportedly used the registration process to limit the number of places for religious worship; however, this practice was not universal.

According to NGOs the Government's approval of places of worship was not a straightforward process. No religious organization was prevented from acquiring land on which to build a house of worship, but to circumvent bureaucratic problems, in many cases land was first acquired by an individual and then transferred to the organization following construction of the house of worship. Some places of worship avoided being authorized as such because of bureaucratic difficulties and instead characterized themselves as a fitness center or a cultural center. Eleven places of worship registered for the first time during the year—six Christian and five Buddhist. No places of worship were known to have been refused registration in Ulaanbaatar.

In Tov Province, near Ulaanbaatar, authorities continued routinely to deny registration to churches. At year's end Tov authorities had not made any public response, and no churches were registered there during the year.

In contrast with 2007, there were no reports that the Government monitored the Kazakh community for extremist or separatist activity.

The law does not prohibit proselytizing, but it forbids the use of incentives, pressure, or "deceptive methods" to introduce religion. Some Muslims complained that foreign (Christian) missionaries were using material goods to attract poorer Muslims to church activities.

Societal Abuses and Discrimination.—Societal attitudes were generally tolerant, and there was little overt or egregious discrimination based on religion.

The number of resident Jews was very small, and there were no reports of anti-Semitic acts during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

The law prohibits forced exile, and the Government did not use it.

Protection of Refugees.—Although the country is not a party to the 1951 UN Convention relating to the Status of Refugees and its laws do not provide the granting of asylum or refugee status, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In 2007 the Government developed a system for providing protection to refugees, referring to them as “humanitarian cases” rather than refugees. During the year 335 such “cases” entered from China.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. The law limits the president to two four-year terms. Parliamentary and local elections are held separately, also for four-year terms.

The law provides that the majority party in parliament, in consultation with the president, shall appoint the prime minister. The demarcation of powers between the president and the prime minister has been the subject of several constitutional amendments and court challenges. Members of parliament may serve as cabinet ministers. There is no requirement that the prime minister or other ministers be a member of parliament.

Elections and Political Participation.—Independent observers described the June parliamentary elections and the October local elections as generally free and fair. However, in several provinces and city districts, the outcome of the June election was disputed in court. One district in Ulaanbaatar had not resolved its dispute by the end of the year, leaving one of its parliamentary seats vacant. The June parliamentary elections increased the MPRP’s majority. The minority DP also gained seats, while the smaller parties fared poorly under the newly instituted electoral system of multiseat constituencies. Local elections occurred in October with only minor reports of irregularities and no disorder. Three of the nine districts within Ulaanbaatar did not obtain the minimum required voter turnout and were required to vote again on November 30.

The potential for bias within the General Election Commission (GEC) was a concern, particularly for smaller political parties. Six of the nine commissioners belonged to the same party prior to becoming commissioners and cancelling their memberships, as required. In response to criticism of his handling of the parliamentary election results, GEC leader Battulga submitted a resolution to parliament to have the GEC resign en masse; however, parliament refused to consider the resignations, and the GEC members retained their positions through the end of the year.

Political parties could operate without restriction or outside interference. There were 17 political parties registered with the Supreme Court. No party disbanded or lost its registration during the year.

There were no legal impediments to the participation of women or minorities in government and politics, but their numbers remained small. There were three women in the 76-member parliament. Two of the 15 cabinet ministers were women, as were seven of the 17 Supreme Court justices. Women and women’s organizations were vocal in local and national politics and actively sought greater female representation in government policymaking.

There were three ethnic Kazakhs serving in parliament. There were no members of minorities serving in the cabinet or the Supreme Court.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was perceived to be a serious and continuing problem at all levels of government, particularly within the police, judiciary, and customs service. Varying degrees of corruption at most levels of government resulted in a blurring of the lines between the public and private sectors. Conflicts of interest were frequent. The problem was compounded by ineffective governmental oversight bodies and media that frequently failed to expose corruption.

The criminal code proscribes the acceptance of bribes by officials and provides for fines or imprisonment of up to five years. It also outlaws offering bribes to government officials. However, corruption-related arrests and convictions were rare.

The Anti-Corruption Agency (ACA) was responsible for investigating corruption cases. The ACA declared that nearly all of the country's most senior officials had complied with the requirement to declare their assets and income (and those of relatives, including spouses, parents, children, and live-in siblings). The ACA is also required to review the asset declarations of public servants, including police officers and members of the military, and this was carried out in practice.

Government and parliamentary decision making was not transparent, and public legislative hearings were rare. Meetings of the standing committees of parliament were not open to the press or the public. General sessions of parliament were generally open to the public, although not in all cases. The far-reaching State Secrets Law inhibited freedom of information and government transparency while also undermining accountability. The law also hinders citizen participation in policy discussions and government oversight.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

With assistance from the UN Development Program, a local representative in each provincial assembly monitored human rights conditions, among other duties.

The NHRC is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NHRC consists of three senior civil servants nominated by the president, the Supreme Court, and parliament for terms of six years; it reports directly to parliament. In its reports the NHRC repeatedly criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws related to human rights.

The Government allowed midlevel civil servants to receive human rights training through seminars, conferences, and lectures.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status" and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

Women.—Rape and domestic abuse are illegal; however, there is no law specifically prohibiting spousal rape, and rape remained a problem. During the year there were 189 such cases reported to the research center of the Supreme Court. However, NGOs alleged that many rapes were not reported and claimed that police procedures were stressful to victims and tended to discourage reporting of the crime. Social stigma also lowered the number of cases reported.

According to NGOs police referred for prosecution only a minority of rape cases, largely claiming that there was insufficient evidence. Post-rape medical examinations were available, and results were occasionally used as evidence; however, such exams were not always available in remote areas. NGOs stated that negative attitudes among some police resulted in some cases not being referred to prosecutors.

The criminal code outlaws sexual intercourse through physical violence (or threat of violence) and provides for sentences of up to five years. If the victim is injured or tortured, or is a minor, the penalty can reach five to 10 years. Such a crime inflicting death, victimizing a child under 14 years of age, or committed by a recidivist may result in imprisonment for 15 to 25 years or application of the death penalty. Gang rape is punishable by death.

Domestic violence against women was a serious problem, particularly among low-income rural families. The law requires the police to accept and file complaints, visit the site of incidents, interrogate offenders and witnesses, impose administrative criminal penalties, and bring victims to refuge. It also provides for sanctions against offenders, including expulsion from the home, prohibitions on the use of joint property, prohibitions on meeting victims and on access to minors, and compulsory training aimed at behavior modification. However, this level of service was rarely provided because the police lacked sufficient funding and, according to women's NGOs, often were reluctant to intervene in what was viewed as an internal family matter.

There were no reliable statistics regarding the extent of domestic abuse; however, the National Center Against Violence (NCAV) reported that 32 persons were con-

victed of this offense during the year. The NCAV stated that it received 405 requests for temporary shelter at its five locations and provided psychological counseling to 278 victims and legal counseling to 524 victims in Ulaanbaatar.

There was increasing public and media discussion of domestic violence, including spousal and child abuse. However, victims were reluctant to come forward, in order to avoid “airing their family’s dirty laundry.” A vast majority of the perpetrators were men.

Divorced women secured alimony payments under the family law, which details the rights and responsibilities regarding alimony and parenting. The former husband and wife evenly split property and assets acquired during their marriage. However, women’s activists said that because businesses were usually registered under the husband’s name, ownership was increasingly transferred automatically to the former husband.

Prostitution is illegal, as is public solicitation for prostitution and organizing prostitution. Women’s activists claimed that in Ulaanbaatar there were hundreds of brothels posing as saunas, massage parlors, and hotels. Some were occasionally raided by police. Some women worked abroad in the sex trade; an unknown number of them were trafficked.

There are no laws against sexual harassment. NGOs alleged there was a lack of awareness within the society on what constituted inappropriate behavior, making it difficult to gauge the actual extent of the problem. An NHRC survey found that one of every two employed women under the age of 35 identified herself as a victim of workplace sexual harassment.

The law provides men and women with equal rights in all areas, including equal pay for equal work and equal access to education. In most cases these rights were enjoyed in practice. Women’s activists stated that in at least two areas—information technology and mining—women were paid less than men for the same work.

Women represented approximately half of the workforce, and a significant number were the primary wage earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health, and the Government effectively enforced these provisions. Many women occupied midlevel positions in government and business, and many were involved in the creation and management of new trading and manufacturing businesses.

There was no separate government agency to oversee women’s rights; however, there was the National Gender Center under the Prime Minister’s Office, a national council to coordinate policy and women’s interests among ministries and NGOs, and a division for women and youth issues within the Ministry of Social Welfare and Labor. There were approximately 40 women’s rights groups concerned with issues such as maternal and child health, domestic violence, and equal opportunity.

Children.—The Government remained committed to children’s rights and welfare, although lacked the capacity to keep pace with the educational, health, and social needs of this rapidly growing segment of the population. The Government provided children with compulsory, free, and universal public education through the age of 18; however, family economic needs and state budgetary troubles made it difficult for some children to attend school.

Child abuse took two main forms: violence and sexual abuse. According to the Governmental National Center for Children (NCC), both problems were most likely to occur within families.

Commercial sexual exploitation of children—involving those under 18 years of age—was a problem. According to the Gender Equality Center there were instances of teenage girls kidnapped in Ulaanbaatar and forced to work as prostitutes. Police raids freed some victims; however, NGOs claimed other police officers worked with procurers and brothel keepers.

Although society has a long tradition of raising children in a communal manner, societal and familial changes orphaned many children. Child abandonment was a problem; other children were orphaned or ran away from home as a result of abuse, much of it involving alcohol.

According to the NCC, there were 48 international and domestic organizations working on children’s issues. These organizations typically operated two or three shelters. There were two government-funded but privately owned and administered shelters, one for children up to age three and the other for children ages three to 16. Approximately 1,500 children lived in these shelters countrywide, while 60 children were estimated to be living on the street.

Trafficking in Persons.—The law specifically prohibits the “sale or purchase of humans” and provides for imprisonment of up to three years, or in egregious cases, up to 15 years; however, it does not cover the recruitment, transportation, or har-

boring of trafficking victims, and the country remained a source of internal and transnational trafficking. In some cases trafficking was carried out for sexual and labor exploitation.

According to a 2006 NGO study, women between 19 and 35 years of age were most vulnerable to trafficking, particularly those with low incomes or unemployed. Most victims worked abroad in commercial sexual exploitation, often in China, to which citizens can travel without visas. However, cases in destinations such as South Korea, Japan, Malaysia, Turkey, and Switzerland were alleged or confirmed. Local NGOs cited an increase in internal sex trafficking, including cases in which girls ages 15 to 17 were abducted, transported to a hotel, and forced into prostitution. The Gender Equality Center operated a trafficking hot line that received 1,500 calls during the year and provided information and counseling to 700 persons. The center and other NGOs also helped Mongolians who had ended up in debt-bondage situations abroad. There were also reports of involuntary servitude by Mongolian women who entered into foreign marriages, largely with South Korean men.

The criminal code provides for three years' imprisonment, fines, or forced labor for a person convicted of the sale or purchase of humans. The sentence can reach 10 years if the crime is committed against a minor or against two or more persons, or if it is for the purpose of forced prostitution. If the same crime is committed by an organized criminal organization or inflicted "grave harm," it can be punishable with a prison term of 10 to 15 years. During the year police opened nine trafficking cases, one of which resulted in a conviction and one a dismissal; the others remained open.

The Government took steps to prevent trafficking, identify and prosecute offenders, and assist victims. During the year the International Organization for Migration (IOM) and other NGOs provided trafficking-related training to immigration officials, police investigators, prosecutors, railway police, GIA officials, and officials of the Ministries of Foreign Affairs and Social Welfare and Labor, among others. In addition foreign law enforcement experts trained local police on techniques for investigating trafficking and developing cases. During the year 58 trafficking victims located abroad were repatriated. According to government officials, 41 of these victims were repatriated due to cooperation between the Criminal Police Office, State Investigation Office, police office in Zamiin-Uud County on the Chinese border, and Gender Equity Center.

During the year the country became a party to the Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, and joined the IOM. In February parliament passed amendments to the criminal code that expanded the range of acts considered as trafficking and increased penalties. Enforcement also improved; the attorney general created the Office for the Prosecution of Trafficking and Corruption to handle the increase in victims requesting assistance. Prosecutors increasingly chose to file trafficking charges under the robust Article 113 of the criminal code rather than under Article 124, Organized Prostitution, which carries lighter sentences.

NGO representatives reported that protections for victims and witnesses were extremely limited. Social stigma inhibited victims from telling their stories. However, during the year the Gender Equity Center opened the first shelter in the country for the protection of trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The labor law prohibits discrimination in employment and education against persons with disabilities. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. However, NGOs claimed that the Government did little to execute such measures, and in practice most persons with disabilities faced significant barriers to employment, education, and participation in public life.

According to the National Statistics Office, only one in four persons with disabilities was employed. The Government provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. Persons injured in industrial accidents had the right to reemployment when ready to resume work, and the Government offered free retraining at a central technical school.

There is no general law mandating access to buildings for persons with disabilities, and no government buildings were accessible to such persons. Public transportation was also largely inaccessible to persons with impaired mobility. In 2007 the NHRC reported that 60 percent of children with disabilities had never visited a cultural institution due to lack of accessibility, inadequate transportation, or other barriers.

There were several specialized schools for youth with disabilities, but these students could also attend regular schools. However, in practice children with disabilities had limited access to education. The Mongolian National Federation of Disabled Persons' Organizations (MNFDPPO) estimated that of the country's 42,000 children with disabilities, nearly two-thirds failed to complete secondary education. Schools for the disabled could accommodate only 2,200 children.

The law requires the Government to provide benefits according to the nature and severity of the disability. Although the Government generally provided such benefits, the amount of financial assistance was low, and it did not reach all persons with disabilities. According to the MNFDPO, approximately 42,000 persons received an allowance from the Government's Social Welfare Fund, and 46,000 persons received allowances from the Social Insurance Fund. The remaining 20,000 persons with disabilities were unable to draw an allowance from the Government.

Persons with disabilities could not fully participate in the political process. Little accommodation was made for persons with disabilities at polling stations, and there were no such representatives in parliament. According to an MNFDPO survey, 80 percent of all eligible voters with disabilities voted by guessing, since they were not able to obtain adequate information about candidates or their parties' platforms. Persons with sight and hearing disabilities also had difficulty remaining informed about public affairs due to a lack of accessible broadcast media.

During the year the MNFDPO worked with the Government to encourage vocational education centers to work with disabled children so that they could eventually be capable of running small businesses. There was one such business incubator under MNFDPO located in Ulaanbaatar.

National/Racial/Ethnic Minorities.—The constitution states that "all persons lawfully residing within Mongolia are equal before the law and the courts." However, some foreign businesspersons resident in the country complained that government tax and licensing authorities subjected them to much greater scrutiny than domestic competitors. Other foreign entrepreneurs complained privately that they were disproportionately targeted for shakedowns by corrupt government officials, including police.

A small number of nationalist and xenophobic groups threatened Chinese residents' personal safety and businesses, as well as the safety of any Mongolian women who associated with Chinese men. During the year there were several credible reports of violence against Chinese residents. The Government took steps to protect the rights of Chinese residents. The frequency of such attacks fell during the year compared with 2007.

Chinese construction workers, when away from their work sites, were sometimes subjected to hostility and suspicion from host-country citizens. However, during the year the inflammatory media reporting that increased the scrutiny of Chinese workers in the past was less evident. The Chinese government's decision not to require visas of Mongolians in the period preceding the Olympics also generated favorable press reports and good will.

Other Societal Abuses and Discrimination.—Homosexuality is not specifically proscribed by law. However, Amnesty International and the International Lesbian and Gay Association criticized a section of the penal code that refers to "immoral gratification of sexual desires," arguing that it could be used against homosexuals. Homosexuals reported harassment by police but remained divided over the overall level of societal discrimination.

There was no official discrimination against those with HIV/AIDS; however, some societal discrimination existed.

Section 6. Worker Rights

a. The Right of Association.—The law entitles all workers to form or join unions and professional organizations of their choosing, and the Government respected this right in practice. However, some legal provisions restrict these rights for groups such as foreign workers, public servants, and workers without employment contracts.

Union officials estimated that union membership declined from 220,000 in 2007 to 209,000 during the year, representing approximately one-quarter of the workforce. Approximately 400,000 workers were self-employed; such persons or those who worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

The law provides for the right to strike, but the Confederation of Mongolian Trade Unions reported there were no strikes during the year. However, the confederation organized nationwide demonstrations in April and September to call for government

action against inflation, a higher minimum wage, and improvements to the social insurance system.

If an employer fails to comply with a recommendation by a majority of workers, with union involvement or without, employees may exercise their right to strike. The Government prohibits third parties from organizing a strike.

Persons employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation, do not have the right to strike.

b. The Right to Organize and Bargain Collectively.—The law regulates relations among employers, employees, trade unions, and the Government. The Government's role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work. Wages and other conditions of employment are set between employers, whether state or private, and employees, with trade union input in some cases. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups were referred to intermediaries and arbitrators for reconciliation.

The law protects the right of workers to participate in trade union activities without discrimination. However, the Government does not allow intervention in collective bargaining by third parties.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law specifically prohibits forced or compulsory labor, including by children; however, there were isolated reports that such practices occurred.

The NHRC stated that military officials reportedly subjected subordinates to forced labor, such as cutting firewood, digging ditches, or working at construction sites owned by the superiors' friends or relatives.

An unknown number of North Korean laborers were employed in the country, and there was concern that some North Korean workers were not free to leave their employment or complain about unacceptable work conditions. Possible pressure on family members in North Korea raised additional concerns that the labor of these workers was not fully voluntary.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under age 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Labor inspectors assigned to regional and local offices were responsible for enforcement of these prohibitions, as well as all other labor regulations. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited, due to the small number of labor inspectors and the growing number of independent enterprises.

Children worked informally in petty trade, scavenging in dumpsites, in unauthorized small-scale mining, and herding animals. Widespread alcoholism and parental abandonment made it necessary for many children to have an income to support themselves. An NCC report placed the number of children in the labor force as high as 65,000, although up to 90 percent of these children were involved in traditional animal husbandry, while only 1 percent was estimated to be involved in mining.

International organizations continued to voice concern over child jockeys in horse racing. According to the NHRC reports, more than 30,000 child jockeys competed in horse races each year. Children commonly learn to ride horses at age four or five, and young children traditionally serve as jockeys during the national Naadam festival, where horse races range from two to nearly 20 miles.

In addition to the Naadam festival, human rights groups expressed concern over the rise and proliferation of commercial horse racing involving child jockeys. Such races often occurred during the winter, when temperatures average minus 13 degrees Fahrenheit.

e. Acceptable Conditions of Work.—The legal minimum wage rose in January from 90,000 tugrik (approximately \$76) per month to nearly 108,000 tugrik (\$94). This minimum wage, which applied to both public and private sector workers and was enforced by the Labor Ministry, did not provide a decent standard of living for a worker and family. Some workers received less than the minimum wage, particularly at smaller companies in rural areas.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For persons 14 and 15 years of age, the workweek is 30 hours; for those 16 and 17 years of age, it is 36 hours. By law overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers

are prohibited from working overtime by law. These laws generally were enforced in practice.

There is no law mandating sick leave for workers. According to the Government, employers set their own rules in this regard.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards; however, enforcement of the standards was inadequate. The near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. According to the National Confederation of Mongolian Trade Unions, 50 to 60 workers died each year in work-related accidents. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities enforced this right.

Foreign workers, a majority of whom were Chinese construction workers, generally enjoyed the same protections as citizens, despite often working in low-wage jobs and living under Spartan conditions. However, the Ministry of Social Welfare and Labor did not monitor the working or living conditions of an unknown number of North Korean laborers, who were employed primarily in the construction and service industries.

NAURU

Nauru is a constitutional republic with a population of approximately 10,700. The most recent parliamentary elections, held on April 26, were generally free and fair. There were no formal political parties. The unicameral parliament elects one of its members to be the president, who is both chief of state and head of government. Marcus Stephen has served as president since December 2007. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Few human rights problems were reported.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—The country's only prison generally met international standards but was damaged by fire in March. The Government undertook repairs, which were continuing at year's end. After the fire inmates were moved to makeshift accommodations on the prison grounds but subsequently were moved back into the prison building.

The Government affirmed it would permit visits by independent human rights observers, but none were reported. Prison visits by church groups and family members were permitted.

In February Australia transferred out of Nauru all remaining detainees at the refugee processing and detention center that had operated in Nauru since 2001 and in March closed the center.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Arrests are made openly, based either on warrants issued by authorized officials or for proximate cause by a police officer witnessing a crime. Police may hold a person for no more than 24 hours without a hearing before a magistrate. There was a functioning bail system. The law provides for accused persons to have access to legal assistance, but in practice qualified assistance was not always readily available. Detainees were allowed prompt access to family members.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Procedural safeguards are based on English common law. They include the presumption of innocence; the right to be informed promptly of charges; a guarantee of adequate time and facilities to prepare a defense; the right to confront witnesses, present evidence, and appeal convictions; the right to trial by jury; and a prohibition on double jeopardy and forced self-incrimination. Trials are public, defendants have the right to legal counsel, and a representative for the defense is appointed at public expense when required “in the interest of justice.” Bail and traditional reconciliation mechanisms rather than the formal legal process were used in many cases, usually by choice but sometimes under communal pressure. These rights were extended to all citizens without exception.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of “expression,” and the Government generally respected freedom of speech and of the press in practice.

Although there were no government restrictions, there were few local independent media.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—The relationships among religions generally were amicable, although there was a degree of societal intolerance toward religions other than established Christian denominations. There was no known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—Neither the constitution nor law specifically provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Neither the constitution nor law prohibits forced exile; however, the Government did not use it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; the country is a party to neither. Although the Government has not established a system for providing protection to refugees, under its 2001 agreement with Australia establishing refugee processing centers, the country undertook not to return refugees to countries where their lives or freedom would be threatened. The Government did not accept refugees for resettlement, nor did it grant refugee status or asylum. In March, after transferring the remaining detain-

ees to Australia, Australia closed its refugee processing and detention center on Nauru.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In April President Marcus Stephen called new parliamentary elections for April 26 in an effort to break a parliamentary deadlock between government and opposition members of Parliament (MPs). Following the elections, in which three opposition MPs lost their seats, Parliament reelected Stephen as president. Multiple candidates stood for all parliamentary seats in each of the country's eight constituencies. Political parties could operate without restriction or outside interference, but there were no formal parties.

Independent election observers concluded that the April elections were credible, with voters able to freely exercise their will.

There are no legal impediments to participation in politics by women, but in general women traditionally have been less prominent in politics than men. Four women stood as candidates in the April parliamentary elections, but none were elected. Women held some senior civil service positions, including the head of the civil service and the presidential counsel.

There were no members of minorities in the 18-member Parliament or the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but there are no financial disclosure laws or specific government agencies responsible for combating government corruption. There were some allegations of government corruption during the year.

In March the Government stated that the police were investigating accusations that former finance and foreign minister David Adeang was involved with Asian businessmen who allegedly had sold Nauran passports. By year's end the police indicated that they had found no improprieties.

There are no legal provisions providing for public access to government information, and the Government did not freely provide such access. An independent team observing the 2007 parliamentary elections commented on the lack of public access to information relating to major election issues and noted no improvement with respect to voter education during the April 2008 elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not restrict establishment of local human rights organizations, but no such groups existed. The Government worked harmoniously with the International Organization for Migration, which comanaged the refugee processing center with Australian authorities until the center closed.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, place of origin, color, creed, or sex, and the Government generally observed these provisions.

Women.—Rape is a crime punishable by up to life imprisonment. However, there was no information regarding the extent of rape or domestic violence. Police investigated all reports of rape thoroughly, and cases were vigorously prosecuted by the courts. Spousal rape is not specifically identified as a crime, but police investigated and filed charges when allegations of rape were made against a spouse.

The Government kept no statistics on the incidence of physical and domestic abuse against women. However, credible reports indicated that sporadic abuse occurred, often aggravated by alcohol use. Families normally sought to reconcile such problems informally and, if necessary, communally. The police and judiciary treated major incidents and unresolved family disputes seriously.

Prostitution is illegal, and there were no reports of such activity during the year.

Some forms of sexual harassment are crimes, but sexual harassment was not a serious problem.

The law grants women the same freedoms and protections as men. The Government officially provides equal opportunities in education and employment, and women may own property and pursue private interests. However, in practice societal pressures and the country's impoverished economic circumstances often limited opportunities for women to exercise these rights fully. The Women's Affairs Office was responsible for promoting professional opportunities for women.

Children.—Government resources for education and health care for children were severely constrained by the country's economic crisis.

Child abuse statistics were not compiled, and there were no reported cases of child abuse or child prostitution during the year. However, anecdotal evidence indicated that abuse occurred.

Trafficking in Persons.—The constitution and law do not prohibit trafficking in persons, but there were no reports that persons were trafficked to, from, through, or within the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities. Nonetheless, there was no reported discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. No legislation mandates services for persons with disabilities or access to public buildings. Department of Education teachers provided rudimentary schooling for a small group of students with disabilities, holding classes in a teacher's home, as no classroom was available.

There is no government agency with specific responsibility for protecting the rights of persons with disabilities. There are no formal mechanisms to protect persons with mental disabilities.

National/Racial/Ethnic Minorities.—Ethnic Chinese composed approximately 5 percent of the population. A pattern of petty theft, property damage, and assault directed at the ethnic Chinese community continued during the year. Police attributed most attacks on ethnic Chinese to economic motivations and noted a general trend of theft-related attacks on the country's few private businesses, such as stores and restaurants.

Other Societal Abuses and Discrimination.—Sodomy is illegal, but there were no reports of prosecutions under this provision. There were no reports of violence or discrimination against homosexuals.

There were no reports of violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, nor does it have any formal trade unions. Historically, the transient nature of the mostly foreign workforce hampered efforts to organize trade unions.

The right to strike is not protected, prohibited, or limited by law.

b. The Right to Organize and Bargain Collectively.—Although there were no legal impediments, collective bargaining did not take place. A tiny private sector, mostly family-run stores and restaurants, employed approximately 1 percent of salaried workers. Salaries, working hours, vacation periods, and other employment matters for government workers are governed by public service regulations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. Although the law does not specifically mention forced or compulsory labor by children, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age of employment at 17. The Department of Human Resources and Labour is responsible for enforcing the law, which was respected by the only two significant employers—the Government and the phosphate industry. Some children under 17 worked in small, family-owned businesses.

e. Acceptable Conditions of Work.—The Government raised wages and implemented a graduated salary system for public service officers and employees in July 2007. At lower ranges the salaries did not provide a decent standard of living for a worker and family. There was no minimum wage for private-sector workers.

By regulation the workweek in both the public and private sectors was 35 hours for office workers and 40 hours for manual laborers. Neither the law nor regulations stipulate a weekly rest period; however, most workers observed Saturdays and Sundays as holidays. There were provisions for premium overtime pay only for public-sector workers.

The Government sets some health and safety standards, which the Department of Human Resources and Labour is responsible for enforcing. The phosphate indus-

try had a history of workplace health and safety requirements and compliance, but with the decline of the industry, enforcement of these regulations was lax. A gradual revival of the industry during the year was accompanied by accusations that unfiltered dust discharge from the phosphate plant exposed workers and the surrounding communities to a significant health hazard. The Government did not act to eliminate the problem, citing high costs. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.

NEW ZEALAND

New Zealand is a parliamentary democracy with a population of 4.26 million. Citizens periodically choose their representatives in free and fair multiparty elections, most recently held in November. The National Party won 58 parliamentary seats and formed a minority coalition government; John Key became the new prime minister. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. There were disproportionate societal problems for indigenous people.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

In June a jury acquitted four police officers of charges that they used excessive force to subdue a prisoner in 2006. The Government had charged the officers after a closed-circuit camera recorded the officers using batons and pepper spray on the prisoner.

In an effort to avoid prison overcrowding, the Government continued to apply more noncustodial sentences such as home and community detention when the offender was considered not a significant risk to public safety.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest and Detention.—A court-issued warrant is usually necessary to make an arrest, but police may arrest a suspect without a warrant if there is reasonable cause. Police officers may enter premises without a warrant to arrest a person if they reasonably suspect the person of committing a crime on the premises or have found the person committing an offense and are in pursuit. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest.

After a suspect has been arrested and charged, police have the power to release the person on bail until the first court appearance. That bail ends at the first court appearance and is distinct from court bail. Court bail is granted unless there is a significant risk that the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Police bail is not normally granted for more serious offenses such as serious assault or burglary. Family members were granted prompt access to detainees. Detainees were allowed prompt access to a lawyer of their choice and, if indigent, to a lawyer provided by the Government.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the rights found in other common-law jurisdictions, including a presumption of innocence, a right to a jury trial, a right of appeal, and the right to counsel, to question witnesses, and to access government-held evidence. The law extends these rights to all citizens. A lawyer is provided at public expense if the defendant cannot afford counsel.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, which includes access to the Human Rights Review Tribunal and other courts to bring lawsuits seeking damages and other remedies for alleged human rights abuses. There are also administrative remedies for alleged wrongs through the Human Rights Commission (HRC) and the Office of Human Rights Proceedings.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

On October 10, the High Court ruled that the daily newspaper *The Dominion Post* was not guilty of charges involving contempt of court and publication of police surveillance material. Following the arrest of 20 persons in October 2007 on various weapons charges (see Section 5, Indigenous People), the newspaper published excerpts from police documents indicating that some of those arrested had discussed killing government officials and attacking public facilities.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and used by citizens.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—Relations among religions generally were amicable, although there were isolated instances of societal abuses or discrimination based on religious belief or practice.

The Jewish community numbered approximately 10,000 persons. Anti-Semitic incidents were rare.

The Government-funded HRC actively promoted religious tolerance.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

There is no statutory authority for imposing a sentence of exile, and the Government did not practice forced exile.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice the Government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not qualify under the defini-

tion of the 1951 convention and the 1967 protocol until their status was determined and action taken.

Bahareh Moradi, an Iranian citizen who entered the country with a fraudulent passport in 2005, claimed refugee status based on her conversion to Christianity. Moradi asserted that she would be punished, perhaps with death, if she returned to Iran. Her request for refugee status was denied by the Immigration Office in 2006. The Refugee Status Appeals Authority questioned Moradi's religious conversion and declined her appeal in 2007. In July the High Court rejected a subsequent appeal. At year's end Moradi was subject to a deportation order and, according to a media report, was in hiding.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In the most recent general elections, held in November, the National Party won 58 of 122 parliamentary seats and formed a minority government in coalition with the ACT Party (five seats) and the United Future Party (one seat). The National-led government also had a cooperation agreement with the Maori Party (five seats). Three other parties were represented in parliament: the Labour Party (43 seats), the Green Party (nine seats), and the Progressive Party (one seat).

Women participated fully in political life. There were 41 women in parliament. There were eight women on the executive council, which comprises 28 ministers (20 within the cabinet and eight outside the cabinet). The chief justice of the Supreme Court was a woman. There were three women in the 25-seat parliament of the Associated State of the Cook Islands and four women in the 20-seat parliament of the Associated State of Niue.

Seven seats in parliament are reserved for persons of Maori ancestry. The number of Maori seats is adjusted every five years, based on the number of persons who register to vote on the Maori electoral roll. Persons of Maori ancestry can also become members of parliament by election or appointment to non—Maori conventional seats in parliament.

Following the November election, there were 20 Maori members, four members of Pacific Island descent, and six members of Asian descent in parliament. The cabinet included at least three members of Maori ancestry.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Efforts to combat corruption and prosecution of corruption cases are handled through the Ministry of Justice and the independent Serious Fraud Office.

In May the director of the Immigration Service resigned following commencement of an investigation into the improper granting of immigrant visas to several of the director's family members.

In September the Minister of Foreign Affairs was temporarily relieved of his responsibilities pending investigation into allegations of providing misleading statements to parliament relating to the financing of his election campaign. While the Serious Fraud Office concluded that no fraud existed in the financing of the minister's campaign, a parliamentary committee ruled that the minister was in contempt of parliament for making misleading statements to the body.

The case of a member of parliament (MP) charged in 2007 with 37 criminal violations, including bribery, corruption, and perverting justice, remained pending at year's end.

The law requires MPs, including all ministers, to submit an annual report of their financial interests, which is then disclosed publicly. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission.

The law provides for public access to government information to be provided within 20 working days of a request. Information must be made available unless a good reason, such as concern for national security, exists for not doing so. The requester must be given an estimate of any fees before the information is provided.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, sex, disability, age, and national or ethnic origin, and the Government actively enforced it.

Women.—Violence against women affected all socioeconomic groups. The law criminalizes rape, including spousal rape; the maximum penalty is 20 years' imprisonment. From July 2007 through June 2008, police recorded 2,364 "sexual attacks," which resulted in 1,127 prosecutions. During the same period, the police recorded seven offenses of spousal rape with four prosecutions, and six offenses of unlawful sexual connection with a spouse and three prosecutions.

Assault by a male on a female is a nonsexual crime punishable by up to two years' imprisonment (a penalty double that for a male-on-male or a female-on-male assault, which carries a one-year maximum penalty). In the 12-month period ending June 30, 5,372 persons were prosecuted for assault by a male on a female. Of these prosecutions, 50 percent involved Maori men, 30 percent men of European ancestry, and 14 percent Pacific Islander men. Although only 15 percent of the total population claimed Maori ancestry, during the 12-month period ending June 30, 42 percent of the 28,845 women and children who used the National Collective of Independent Women's Refuges were Maori, 43 percent were of European ancestry, and 8 percent were Pacific Islanders.

Crisis centers offering support services for victims of sexual violence existed throughout the country and included centers focusing specifically on Maori and Pacific Islanders.

The Government's Task Force for Action on Violence Within Families continued to coordinate a variety of government initiatives to eliminate family violence, including its Te Rito program, a national strategy to address all forms and degrees of domestic violence.

Police were responsive when domestic violence was reported. The Government partially funded women's shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

The 2003 Prostitution Reform Act (PRA) decriminalized prostitution and created a certification regime for brothel operators. The act prohibits persons under age 18 from working in the sex industry and gives prostitutes the same workplace protections as given to workers in other industries. The law also eliminates the defense (by clients, brothel operators, and pimps, for example) of claiming ignorance that a person engaged in commercial sexual activity was under age 18. The act extends culpability to any person who receives financial gain from such activity involving an underage person. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts.

The PRA also established a statutory Prostitution Law Review Committee (PLRC) to review the act during the course of the year. The 10-member PLRC consisted of representatives from local government, the police, the public health industry, business, academia, nongovernmental organizations (NGOs), and the sex industry. In May the PLRC published its review of the PRA, in which it recommended continued monitoring and advocacy within the sex industry, support for sex workers seeking alternatives to street work, and enhancements at national and local government levels regarding safety and compliance measures.

The law prohibits sexual harassment. Sexual harassment in violation of the Employment Relations Act or the Human Rights Act carries civil penalties. However, sexual contact induced by certain threats may also fall under the criminal code, with a maximum 14-year prison sentence. The HRC published fact sheets on sexual harassment and made sexual harassment prevention training available to schools, businesses, and government departments on a regular basis.

The Ministry of Women's Affairs addresses problems of discrimination and gender equality, and there is a minister of women's affairs in the cabinet. While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the Government acknowledged that a gender earnings gap persisted in practice. According to June figures, women earned 88 percent of the average hourly earnings for men. A unit within the Department of Labour dedicated to this problem administered an annual fund of one million NZ dollars (approximately \$600,000) supporting employer and union initiatives to promote pay and employment equity.

Children.—The law provides specific safeguards for children's rights and protection. The Government demonstrated its commitment to children's rights and welfare through its well-funded systems of public education and medical care.

Child abuse continued to be of concern to the Government. The Government promoted information sharing between the courts and health and child protection agen-

cies to identify children at risk of abuse. From July 2007 through June 2008 there were 24,034 applications to Family Court for guardianship and parenting orders under the Care of Children Act and 4,490 applications for protection orders under the Domestic Violence Act. During the same period, there were 1,328 cases of assaults on children reported to police, with 661 prosecutions. The Office of the Commissioner for Children played a key role in monitoring violence and abuse against children. Cases of child abuse and neglect increased over previous years, but according to the Ministry of Justice it was unclear whether this trend reflected higher levels of abuse and neglect, or whether lower community tolerance stimulated increased reporting.

Illegal commercial sexual exploitation of children remained a problem. When discovered, law enforcement authorities arrested and prosecuted the violators.

In January police removed 16 young individuals from the streets during an undercover operation to crack down on the use of young persons in prostitution. Police charged two adults with being the client of a person under 18 years engaged in prostitution and one for sexual connection with a person under 16 years. The 16 individuals were either returned to their parents or placed in the care of Child, Youth, and Family Services.

In November authorities charged a New Plymouth brothel owner with several offenses relating to his employment of a 15-year-old girl as a prostitute during a six-month period in 2005. The charges remained pending at year's end.

There were developments in two 2007 prosecutions involving the use of underage prostitutes in Christchurch. In February a defendant accused of "using persons under 18 years of age" (a 14-year-old girl and a 16-year-old girl) to provide sexual services in his brothel in 2005 was sentenced to one year of home detention. In March another defendant was sentenced to 27 months in prison for facilitating and assisting in the hiring of an underage prostitute. Two other 2007 prosecutions in Christchurch relating to underage prostitution remained pending at year's end.

In July a Christchurch brothel owner was charged with exploiting underage girls in prostitution. The two girls, ages 16 and 17, worked at the brothel for more than a year. This was the first occasion that prosecutors applied the law banning sexual slavery, adopted in 2006 in accordance with the UN Convention on the Rights of the Child. At year's end the case was pending.

In December the Tauranga District Court sentenced a 19-year-old Bay of Plenty man to 27 months' imprisonment for assisting and receiving earnings from his 15-year-old girlfriend, who engaged in prostitution in 2006 and 2007.

The Government had a national plan of action against the commercial exploitation of children developed in concert with NGOs, and it operated programs to reintegrate children out of prostitution through vocational training and educational opportunities.

The Department of Internal Affairs' Censorship Compliance Unit actively policed images of child sex abuse on the Internet and prosecuted offenders. The Government maintains extraterritorial jurisdiction over child sex offenses committed by the country's citizens abroad.

Trafficking in Persons.—The law prohibits international trafficking in persons. The Department of Labour followed up on all allegations of trafficking but did not discover evidence sufficient for prosecution. No new confirmed cases of internationally trafficked persons have been brought to the attention of the authorities since 2001, although some nonresident women were found to be working illegally in the country as prostitutes. Authorities uncovered no proof that such women were victims of trafficking, nor did any nonresident prostitutes come forward to claim they were victims of trafficking.

The antitrafficking law does not address domestic trafficking per se. However, other laws criminalize the exploitation of persons in cases where victims (e.g., underage prostitutes) have not crossed an international border.

Although prostitution is not a crime, it is illegal for nonresidents to work in commercial sex activities.

The penalties for trafficking in persons stipulate a maximum of 20 years in prison and fines of NZ\$500,000 (approximately \$300,000). Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison. Under the PRA it is illegal to use a person under 18 years of age in prostitution. Under the criminal law, it is also illegal to have sexual contact with a child under 16 years of age, regardless of whether the accused believed the child to be 16 years or older.

The Department of Labor has primary responsibility for coordinating government efforts to combat trafficking in persons. In May the department unveiled the Government's national plan of action against trafficking in persons to address prevention, protection, prosecution, and victim reintegration. The department released a

discussion document that outlined the Government's existing antitrafficking efforts, and in June it conducted three public "consultations" in Auckland, Wellington, and Christchurch to solicit civil society input for a new action plan.

The Government and NGOs coordinated in antitrafficking matters and provided assistance programs to victims of trafficking, including short-term sanctuary, witness protection, access to medical services, and safe repatriation. The Government also worked to address trafficking in children by providing funding for NGO outreach programs in Auckland and Christchurch that provided accommodations and other support for young persons involved in or at risk of involvement in prostitution.

Shakti Community Council, Incorporated, an NGO with a strong interest in combating trafficking, reported abuses resulting from the immigration of Indian women for forced marriages and provided services to abused women through four refuges located in three cities: Auckland, Christchurch, and Tauranga.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities The law prohibits discrimination against persons with disabilities in employment, education, access to places and facilities, and the provision of goods, services, housing, and accommodation. During the year the Human Rights Commission received 424 disability-related complaints. Of those complaints, 26.4 percent related to employment; 12.7 percent to education; 6.1 percent to access to places, facilities, and vehicles; 20.6 percent to provision of goods, services, housing, and accommodation; and 34.2 percent to other complaints. Compliance with access laws varied. The Government is prohibited from discrimination on the basis of physical or mental disability, unless such discrimination can be "demonstrably justified."

The Government supported equal access for persons with disabilities to polling facilities.

The Government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In addition, during the year both the HRC and the Mental Health Commission continued to address mental health issues in their antidiscrimination efforts.

National/Racial/Ethnic Minorities.—On August 26, the HRC released, and the then Prime Minister Helen Clark publicly endorsed, a national Statement on Race Relations. The statement reaffirmed the Government's commitment to human rights and equality among the country's racial and ethnic groups, and it set out 10 fundamental rights to guide government policies toward racial and ethnic minorities.

Pacific Islanders, who made up 7 percent of the population, experienced societal discrimination. The Ministries of Justice and Pacific Island Affairs had a program to identify gaps in delivery of government services to Pacific Islanders.

Asians, who made up 10 percent of the population, also reported discrimination.

Indigenous People.—Approximately 15 percent of the population claimed at least one ancestor from the country's indigenous Maori minority. The law prohibits discrimination against the indigenous population; however, there was a continuing pattern of disproportionate numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households.

Maori unemployment was 7.9 percent in September, compared with the national average of 3.8 percent. The average hourly earnings for Maori in June were NZ\$18.76 (\$11.26), and the median earnings were NZ\$16.74 (\$10.04). These figures compared with the average and median earnings for all workers of NZ\$22.35 (\$13.41) and NZ\$18.75 (\$11.25), respectively.

Maori constituted approximately 50 percent of the prison population and 45 percent of persons serving community-based sentences. The Government, along with community partners, implemented several programs and services to reduce Maori recidivism and overrepresentation in the criminal justice system.

Government policy recognized a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that affected commercial development. The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous people. A special tribunal continued to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi. The deadline for submission of historical claims under the treaty was September 1, and many additional claims were submitted just before the deadline. After September 1, new claims could still be filed and existing claims amended.

On June 25, the Government and seven indigenous Maori tribes negotiated the settlement of a grievance arising from the seizure of Maori land by 19th-century European settlers. The settlement included a payment of NZ\$420 million (\$252 million)

and transfer of 435,000 acres of forest land to the tribes. On August 19 and 22, the Government settled claims with two additional tribes for NZ\$25 million (\$15 million) and NZ\$7 million (\$4.2 million), respectively.

A 2004 law regulates ownership of the foreshore (the land between high and low tide) and the seabed. The law grants ownership of the foreshore and seabed to the state and provides for universal public access. It also established a mechanism to accommodate customary indigenous rights of land use, including preservation of existing fishing rights. This legislation was the focus of protests by Maori groups asserting customary title to the land and by non-Maori groups opposing such claims.

In August 2007 the UN Committee on the Elimination of Racial Discrimination (CERD) reported on racial discrimination in the country. The report criticized the Government's foreshore and seabed legislation and its handling of Maori land claims. The report also expressed concern that the Bill of Rights Act and the Treaty of Waitangi, under which many Maori rights are spelled out, do not enjoy protected status within the country's parliamentary system. Therefore, according to CERD, enactment of legislation contrary to the act and the treaty was possible. The report included 16 recommendations for changes relating to Maori rights or the rights of other ethnic groups that the Government was considering at year's end but had not endorsed. In September the Government submitted a written response to CERD, but at year's end the response had not been released to the public.

Twenty persons, some of whom were Maori, were arrested in October 2007 on various weapons charges, including unlawful possession of rifles. The arrests reportedly stemmed from an investigation begun in 2005 after hunters told authorities they had seen a group of men training with firearms in a camp in a remote mountain area. Maori MPs and others in the Maori community criticized police conduct of the raids that led to the arrests as excessive and heavy-handed. At year's end charges remained against 18 of the defendants, and the next court hearing was scheduled in March 2009.

Other Societal Abuses and Discrimination.—The law prohibits violence or discrimination against persons based on sexual orientation. From January 1 to December 23, the HRC received 162 discrimination complaints relating to gender or sexual orientation (10.9 percent of all complaints). The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation.

The law also prohibits violence or discrimination against persons with HIV/AIDS. From January 1 to December 23, the HRC received four complaints relating to HIV/AIDS. There were no reports of violence against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join organizations of their choice without previous authorization or excessive requirements, and the law was applied. Nearly all unionized workers were members of the Council of Trade Unions, a federation that included unions representing various trades and locations. A few small, independent labor unions also existed. Unions represented approximately 18 percent of all wage earners. The law allows unions to conduct their activities without government interference, including the right to strike, and this right was exercised in practice.

Labor organization in the territory of Tokelau (population 1,400) was limited and based on communal decision making and activity. In Niue, a self-governing country in free association with New Zealand (population 1,400), the dominant public sector (460 positions) had an active public service association. In the Cook Islands, also a self-governing country in free association with New Zealand (population 22,000), most workers in the public sector, the major employer, belonged to the Cook Islands Workers' Association, an independent local union. Industrial relations in the Cook Islands are governed by a simplified version of New Zealand's national legislation.

Sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) are barred from striking or taking any form of industrial action. Disputes that cannot be settled by negotiation between the police association and management are subject to compulsory, final-offer arbitration. Strikes by providers of "key services" are subject to certain procedural requirements, including mandatory notice of three to 14 days, depending on the service involved. The Department of Labor offers mediation in such cases, and the Employment Court is empowered to resolve matters relating to such disputes.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and contract collectively, and workers exercised this right in practice.

The Employment Relations Act governs industrial relations and promotes collective bargaining. To bargain collectively, unions must be registered, be governed by

democratic rules, be independent, and have at least 15 members. Unions may not bargain collectively on social or political issues.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. However, police have freedom of association and the right to organize and bargain collectively.

There were no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and the Government generally enforced these provisions effectively.

d. Prohibition of Child Labor and Minimum Age for Employment.—Department of Labor inspectors effectively enforced a ban on the employment of children under the age of 15 in manufacturing, mining, and forestry. Children under age 16 may not work between the hours of 10 p.m. and 6 a.m. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

e. Acceptable Conditions of Work.—In April the minimum hourly wage increased to NZ\$12 (approximately \$7.20). Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage generally was adequate to provide a decent standard of living for a worker and family. In addition, a separate youth minimum wage for younger workers (ages 16 to 17) was replaced with a new entrants' wage of NZ\$9.60 (\$5.76) for nonsupervisory workers with less than three months or 200 hours of employment. A majority of the work force earned more than the minimum wage.

A 40-hour workweek is traditional. There are legal limits regarding hours worked and premium pay for overtime work. The law does not provide specifically for a 24-hour rest period weekly; however, management and labor have accepted the practice, and it was the norm. The law provides for a minimum four-week annual paid vacation and 11 paid public holidays. Parliament adopted a new law, to become effective April 1, 2009, granting employees two paid 10-minute breaks and one unpaid half-hour break during an eight-hour shift.

The Department of Labor was responsible for enforcement of laws governing conditions of work. From July 2007 to June 2008, the department received 2,439 employment complaints (addressing 4,627 separate employment issues) and conducted 3,527 investigations. Seventy-six percent of matters regarding employment relations were settled before or at mediation.

There were some reports of exploitation of foreign workers, especially seasonal workers employed in the horticultural sector.

On July 29, the Department of Labor closed, on grounds of insufficient evidence, a case in which eight Thai workers alleged they were forced to work 60- to 70-hour, seven-day weeks in vineyards, often at less than the minimum legal wage.

In April 2007 the Government introduced its Recognized Seasonal Employer (RSE) policy allowing horticulture and viticulture employers to recruit 5,000 workers from other countries in the Pacific. The purpose of the policy, according to the Department of Labor, was to meet industry need for seasonal workers, promote development in participating Pacific countries, reduce the use of illegal labor, and protect opportunities for citizen seasonal workers. During the year there was one incident involving 70 Kiribati workers admitted under RSE, some of whom were removed from their original employer at the request of the workers because of the lack of appropriate accommodations. Fifty-four workers were placed with new employers, who were not able to provide employment for as long as had been offered by the original employer. When no more work was available, 41 of the workers returned home. Thirteen workers attempted to remain in the country unlawfully—of these, all but five had left by year's end. According to the Department of Labor, all of the workers were paid for the work they did as part of the RSE program.

Extensive laws and regulations govern health and safety issues. Employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others.

Workers have the legal right to strike over health and safety issues, as well as the right to withdraw from a dangerous work situation without jeopardy to continued employment. Department of Labor inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The Department of Labor normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification.

In May the Human Rights Review Tribunal ruled that a section of the Accident Compensation Law violated the Human Rights Act on the basis of age discrimination.

PALAU

Palau is a constitutional republic with a population of approximately 20,000. The president, the vice president, and members of the legislature (the Olbiil Era Kelulau) are elected for four year terms. There were no political parties. In generally free and fair elections held November 4, Johnson Toribiong was elected president to succeed Tommy Remengesau, Jr., effective in January 2009. Civilian authorities generally maintained effective control over the security forces.

The Government generally respected the human rights of its citizens. Problems were reported in a few areas, including government corruption, domestic violence, trafficking in persons, and discrimination against, and some abuse of, foreign workers.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Conditions in the country's sole prison, although primitive, generally met international standards. Overcrowding remained a problem. The few female prisoners were held in separate cells but were permitted to mingle with male inmates during daylight hours.

No visits by independent human rights observers were requested or made during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The civilian authorities maintained effective control over the National Police and marine police in Koror and Peleliu states, and the Government has effective mechanisms to investigate and punish abuse and corruption. Corruption and impunity were not major problems.

Arrest and Detention.—The law requires warrants for arrests. Warrants are prepared by the Office of the Attorney General and signed by a judge. The law provides for a prompt judicial determination of the legality of detention, and this was observed in practice. Detainees were informed promptly of the charges against them and had prompt access to family members and lawyers. If a detainee could not afford a lawyer, the public defender or a court appointed lawyer was available. There was a functioning system of bail.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Government has an independent public defender system.

Trials are public and are conducted by judges; there are no juries. Defendants enjoy a presumption of innocence and a right of appeal. They can question witnesses, present evidence on their own behalf, and access government-held evidence in their cases. The law extends these rights to all citizens.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters for lawsuits involving allegations of human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Costs limited Internet access in homes. Internet access was available at schools, government offices, private businesses, Internet cafes, and hotels.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuse or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government was willing to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, but no cases involving such cooperation arose during the year.

The law prohibits forced exile, and the Government did not use it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government did not grant refugee status or asylum.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—On November 4, voters elected a new Congress and elected Johnson Toribiong as president. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the president on traditional laws and customs. Although there have been political parties in the past, there were none during the year.

There are no legal impediments to women's participation in government and politics. Two women were elected to the Senate in the November 4 general elections. Women constituted 16 percent of state legislators. Three women served as state governors during the year, and a third female associate justice was appointed to the Supreme Court. At year's end five of the country's nine judges were women.

There were two members of minorities in the House of Delegates.

Government Corruption and Transparency.—Government corruption was a problem, which the Government took some steps to address. The law provides criminal penalties for official corruption, and public officials are required to file annual financial disclosure statements with the Ethics Commission. The Office of the Special Prosecutor and the Office of the Public Auditor are responsible for combating government corruption.

In March the Office of the Special Prosecutor charged the governor of Melekeok State with 302 counts of embezzling state funds. A state employee was also charged

with embezzlement. The charges were brought after the Office of the Public Auditor reported that the governor and the state employee withdrew more than \$190,000 (the U.S. dollar is the national currency) from the state bank account between 2002 and 2005 for their personal use.

Shortly after filing the charges, however, the special prosecutor submitted his resignation to the president, citing personal reasons, and asked the court to dismiss the case without prejudice since he would be unable to pursue it. In April the court did so. President Remengesau selected a foreign lawyer to be the new special prosecutor; however, the Senate did not confirm the president's candidate, and the position remained vacant at year's end.

In May more than 100 residents of Peleliu State signed a petition calling for the ouster of the state legislature's speaker and an audit of the legislature for alleged misuse of public funds by legislators. At year's end no action had been taken in response to the petition.

In August, during a weekly presidential press briefing, Senator Joshua Koshiba questioned President Remengesau about his acquisition of certain real estate, including a new house under construction, and new vehicles during his time in office. In the course of investigating the matter, the press discovered that the president was constructing a new home for which he had not obtained the required permits. The Environmental Quality Protection Board inspected the construction site and issued a stop order until permits were obtained. It also issued a notice of violation to the president and the construction company. Within a week the first lady submitted an application for the required permits, which were approved, and subsequently paid a \$1,000 fine for the violation.

The following cases were pending with the Office of the Attorney General at year's end: the February 2007 case of a Koror State legislator charged with grand larceny and false pretense, the July 2007 case of the house speaker charged with misuse of travel funds, and the August 2007 case of 23 current and former Kayangel State legislators charged with misuse of government funds.

The law provides for the right of citizens and noncitizens to examine government documents and observe official deliberations of any government agency, and the Government generally respected this provision in practice.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international groups concerned with human rights generally operated without government restriction. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of sex, race, place of origin, language, social status, or clan affiliation, and the Government generally observed these provisions.

Women.—Rape, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment. There was one case of attempted rape reported during the year; a suspect was charged and the case was pending in court at year's end.

The Ministry of Health's Office of Victims of Crimes reported 39 cases of domestic violence against women for fiscal year 2008 (October 2007-September 2008). Alcohol and drug abuse contributed to this problem. According to the Office of the Attorney General, the Ministry of Health, and women's groups, reported cases of domestic violence represented a relatively small percentage of cases of actual abuse. Assault is a criminal offense, punishable by up to six months in jail or a fine of up to \$100, and the police responded when such cases were reported; however, women were reluctant to press charges against their spouses, and there were no shelters for victims of domestic violence. The Government conducted public education efforts to combat domestic violence.

Prostitution is illegal, but it was a problem.

Sexual harassment is illegal and did not appear to be a major problem.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. There were no reported instances of unequal pay for equal work or sex related job discrimination.

In March local women's groups organized their 15th annual women's conference. The conference focused on women's and children's issues, including health, education, drug abuse, prostitution, and traditional customs and values. Government officials, including the president, vice president, ministers, and traditional chiefs, participated.

Children.—The Government provided a well funded system of public education for children.

In fiscal year 2008, there were 30 reported cases of child abuse. Of these, 21 were of sexual abuse, four of physical abuse, two of emotional abuse, and three of neglect. Five cases of sexual abuse were resolved in court; all five resulted in convictions. Other cases were pending. There were some sexual abuse cases that were not referred to the court because both parties were minors.

In May a man charged with repeatedly raping his 15-year-old stepdaughter was convicted and sentenced to 10 years' imprisonment.

In September a court sentenced a man to 25 years' imprisonment for crimes related to the sexual abuse of a minor: child sexual abuse, rape, carnal knowledge, and sodomy. These crimes occurred over a number of years.

Children's rights generally were respected, although there were isolated reports of child neglect.

Trafficking in Persons.—An antitrafficking law prohibits such practices, with penalties of up to 10 years' imprisonment and a fine of up to \$50,000 for exploiting or otherwise profiting from a trafficked person; up to 25 years' imprisonment and a fine of up to \$250,000 for trafficking involving force, fraud, or deception; and up to 50 years' imprisonment and a fine of up to \$500,000 for trafficking involving a child "by any means for the purpose of exploitation." There are also laws against slavery, fraud, and prostitution. There were reports of women and some men being trafficked to the country from China and the Philippines to work in karaoke bars as hostesses and prostitutes, in private homes as domestics, and on construction sites.

In December 2007 a Taiwanese man successfully challenged his May 2007 conviction on charges of human trafficking and advancing prostitution, on the ground that his right to a fair trial was violated because he was not provided with interpretation services during his trial. He was released, and, although the Attorney General's Office stated it planned to appeal the court's decision, it had not done so by year's end. In November the court also reversed the convictions of the two Taiwanese women convicted in the same case. The women were also not provided with interpretation services during their trial. The court remanded the cases for a new trial. The ethnic Chinese witnesses in the case had already been repatriated, however, and by year's end the Attorney General's Office had not indicated whether it would retry the women.

The Divisions of Immigration and Labor and the Office of the Attorney General are responsible for combating trafficking; however, the Government lacked the resources and expertise to address the problem in practice. There was no formal assistance available for victims, and victims normally were detained, jailed, or deported if they committed a crime such as prostitution. However, the Government offered those victims who cooperated with the authorities in the May 2007 trafficking case the option of remaining in the country and pursuing different employment; five chose to do so.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The Disabled Persons' Antidiscrimination Act and the Programs and Services for Handicapped Children Act cover both persons with mental disabilities and persons with physical disabilities, and the Government enforced the provisions of these acts. No discrimination was reported against persons with disabilities in employment, education, access to health care, or the provision of other state services. The Government provided a monthly stipend of \$50 for persons with disabilities. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The public schools had special education programs to address problems encountered by persons with disabilities.

The Government agency Ngak Mak Tang ("Everyone Matters") has responsibility for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The law prohibits noncitizens from purchasing land or obtaining citizenship. A majority of citizens viewed negatively the rapid increase over the past several years in foreign workers, who, according to estimates during the year, constituted more than 31 percent of the population and approximately 51 percent of the work force. Foreign residents were subjected to discrimination and were targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Foreign residents made credible complaints that the authorities did not pursue or prosecute crimes committed against noncitizens with the same vigor as crimes against citizens.

In addition some foreign nationals experienced discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination.

Other Societal Abuses and Discrimination.—There were no reports of cases of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of all persons to assemble peacefully and to associate with others for any lawful purpose, including the right to join and organize labor unions. However, there were no active labor unions or other employee organizations; the majority of businesses were small-scale, family-run enterprises employing relatives and friends.

The law does not provide for the right to strike, and the Government has not addressed this issue.

b. The Right to Organize and Bargain Collectively.—There is no law concerning trade union organization or collective bargaining. Market forces determine wages in the cash economy.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits slavery or involuntary servitude except to punish crime. Although the law does not prohibit specifically forced or compulsory labor by children, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law states that the Government shall protect children from exploitation. The Division of Labor is responsible for enforcing laws and regulations relating to child labor. There is no minimum age for employment. Children typically were not employed in the wage economy, but some assisted their families with fishing, agriculture, and small scale family enterprises.

By regulation no foreigner under age 21 may be admitted into the country for employment purposes, and the Government generally enforced this regulation effectively.

e. Acceptable Conditions of Work.—The law sets the minimum wage at \$2.50 per hour, but foreign workers are not included under the minimum wage law. It generally was assumed that legislators specifically exempted foreign contract workers from the minimum wage law to ensure a continued supply of low cost labor in industries that the legislators often controlled. The national minimum wage provided a decent standard of living for a worker and family. Anecdotal evidence indicated that unskilled workers (usually foreigners) for commercial firms were paid only \$1.50 to \$2.00 per hour; wages for domestic helpers employed in private households were lower still. In addition to their wages, foreign workers usually were provided basic accommodations and food free or at nominal cost. The country continued to attract foreign workers from the Philippines, China, and Bangladesh. (Although the law prohibits importation of laborers from Bangladesh, this prohibition was not strictly enforced.) During the year there were more than 6,000 foreign nationals with work permits in the country; of these, 64 percent were from the Philippines, 14 percent from mainland China, and 7 percent from Bangladesh.

There is no legislation concerning maximum hours of work. The Division of Labor has established some regulations regarding conditions of employment for non-resident workers. The division may inspect the conditions of the workplace and employer provided housing on the specific complaint of the employees, but enforcement was sporadic. Working conditions varied in practice.

Although there are occupational and safety standards, the law does not specifically provide workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no law protects workers who file complaints about such conditions. Anecdotal evidence suggested that noncitizens would likely lose their employment if they removed themselves from situations that endangered health or safety. Since foreign workers generally are not permitted to change employers and must depart the country if their contract ends for any reason, noncitizens were reticent about reporting abuses. There were no reports to the Government of violations of occupational health or safety standards during the year.

Some foreign workers, particularly domestic helpers and unskilled laborers, reportedly were forced to accept jobs different from those for which they were recruited. Employers sometimes verbally threatened or withheld passports and return tickets of foreign workers desiring to leave unfavorable work situations.

Reports of employer mistreatment of foreign workers continued during the year. The foreign workers most likely to be abused were those who worked under contracts as domestic helpers, farmers, waitresses, beauticians, hostesses in karaoke bars and massage parlors, construction workers, and other semiskilled workers, the

majority of whom were from the Philippines, China, and Bangladesh. The most commonly reported abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and substandard food and housing. There have, at times, been complaints of physical abuse. In a number of instances local authorities took corrective action when alerted by social service and religious organizations.

PAPUA NEW GUINEA

Papua New Guinea is a constitutional federal multiparty parliamentary democracy with a population of approximately 6.7 million and more than 800 indigenous tribes. The most recent general elections, held in June and July 2007, were marred by bribery, voter intimidation, and influence peddling. A coalition government, led by Prime Minister Michael Somare, was formed following the election. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

The Government generally respected the human rights of its citizens, but there were serious problems in some areas. Human rights abuses included arbitrary or unlawful killings by police, police abuse of detainees, poor prison conditions, police corruption and impunity, lengthy pretrial detention, infringement of citizens' privacy rights, government corruption, violence and discrimination against women and children, discrimination against persons with disabilities, intertribal violence, and ineffective enforcement of labor laws.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, police killed a number of persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. However, public concern about police violence persisted.

In January a shootout between police and youths from the Gigo settlement in Kimbe Province resulted in the death of a young man. In December police shot and killed three gunmen who tried to rob the Bank South Pacific in West New Britain.

There were no developments in the following 2007 cases involving police actions: the March shooting of three persons in which one person died and two were injured, the May 4 shooting death of Jeffrey Kui, and the May 25 shooting of three persons, two of whom died.

There were no further developments in the alleged 2006 police killing of a person at a Port Moresby hotel.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, individual police members frequently beat and otherwise abused suspects during arrests, interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees. On June 17, a suspect had his leg amputated after a police officer reportedly shot him. In August William Kapis, a suspect in numerous bank robberies, was shot in both legs during his apprehension by the police.

There were no developments in the 2007 cases in which an auxiliary police officer in Rabaul allegedly shot and injured a high school student, or in which police reportedly beat a soldier in Port Moresby. There also were no developments in the 2006 case in which correction officers at Buimo Prison beat and sexually abused young male detainees.

On September 22, a National Court judge found seven members of the police force in Madang liable for breach of basic human rights of five young men in 2004. The prosecution claimed that the police officers forced two of the five detainees to have sex between themselves. In addition the prosecution alleged that the policemen subjected the detainees to torture and held them for three weeks without charges. The court found the seven policemen, as well as their commissioner and the Government, liable. At year's end damages were pending assessment.

Prison and Detention Center Conditions.—Prison conditions were poor, and the prison system suffered from serious underfunding. During most of the year, four of the country's 20 prisons remained closed because of life threatening conditions. Neither prisons nor police detention centers had medical care facilities. In some police

holding cells, detainees lacked bedding and sufficient food and water. Overcrowding in prisons and police cells was a serious problem. In rural areas infrequent court sessions and bail restrictions for certain crimes exacerbated overcrowding. Prison escapes were common, even from high security installations.

Male and female inmates usually were held separately, but some rural prisons lacked separate facilities, and there were reports of assaults on female prisoners. There were no separate facilities for juvenile offenders; however, in some prisons juveniles were provided with separate sleeping quarters. To hold minors waiting to be arraigned prior to bail being posted, there were three juvenile reception centers located in Port Moresby, Lae, and Goroka. Human Rights Watch reported that juveniles routinely were held with adults in police detention cells, where in many cases they were assaulted by older detainees. Police denied juvenile court officers access to police cells. Pretrial detainees were not separated from convicted prisoners.

The Government permitted prison visits by human rights observers, but no such visits were requested during the year.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—A commissioner who reports to the minister for internal security heads the national police force, the Royal Papua New Guinea Constabulary. Internal divisions related to clan rivalries and a serious lack of resources negatively affected police effectiveness. Police corruption and impunity were serious problems. At year's end there were no reports of any action taken against officers who in March 2007 allegedly assaulted the director of police prosecutions in Port Moresby.

Police shootings are investigated by the police department's Internal Affairs Office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations are also investigated and reviewed by a coroner's court.

In January a police complaints ombudsman was appointed as a result of a July 2007 agreement between the police and the Ombudsman Commission. The ombudsman deals with public complaints and concerns about members of the police force.

Arrest and Detention.—Under the law, to make an arrest police must have reason to believe that a crime was committed, is in the course of being committed, or will be committed. A warrant is not required, and police made the majority of arrests without one. Citizens may make arrests under the same standards as the police, but this was rare in practice. Police, prosecutors, and citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest.

Only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review; however, the Government did not always respect these rights. Detainees had access to counsel, and family members had access to detainees. There were reported instances of politicians directing or bribing police officials to arrest or intimidate individuals seen as political enemies or as possible whistle blowers on corruption.

Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for lengthy periods. Although pretrial detention is subject to strict judicial review through continuing pretrial consultations, the slow pace of police investigations and occasional political interference or police corruption frequently delayed cases for months. Additionally, circuit court sittings were infrequent because of shortages of judges and travel funds. Some detainees were held in jail for more than two years because of the shortage of judges.

In August the Lae resident National Court judge highlighted the increasing volume of new criminal cases. With an estimated 235 criminal cases pending, approximately 200 prisoners at the Buimo jail allegedly organized a four-day hunger strike in August to protest the slow speed of their cases pending in the National Court.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The legal system is based on English common law. The law provides for due process, including a public trial, and the court system generally enforced these provisions. Judges conduct trials and render verdicts; there are no juries. Defendants have the right to an attorney. The Public Solicitor's Office provides

legal counsel for those accused of “serious offenses” (charges for which a sentence of two years or more is the norm) who are unable to afford counsel. Defendants and their attorneys may confront witnesses, present evidence, access government-held evidence, plead cases, and appeal convictions. The shortage of judges created delays in both the process of trials and the rendering of decisions.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. District courts may order “good behavior bonds,” commonly called “protection orders,” in addition to ordering that compensation be paid for violation of human rights. However, courts had difficulty enforcing judgments. Additionally, many human rights matters were handled by village courts, which were largely unregulated. Village and District Courts often were hesitant to interfere directly in domestic matters. Village courts regularly ordered that compensation be paid to an abused spouse’s family in cases of domestic abuse rather than issue a domestic court order.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions; however, there were instances of abuse. Police raids and searches of illegal squatter settlements and homes of suspected criminals often were marked by a high level of violence and property destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. All newspapers included a variety of editorial viewpoints and reported on controversial topics. There was no evidence of officially sanctioned government censorship; however, newspaper editors complained of intimidation tactics aimed at influencing coverage.

In May the managing director, editors, and subeditors of the daily newspaper *Post Courier* were reportedly referred to the Parliamentary Privileges Committee over coverage of a diplomacy scandal involving a foreign government (See Section 3). Simon Eroro, one of the newspaper’s journalists, went into hiding after receiving death threats, allegedly because of his articles dealing with the scandal.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In practice cost factors and lack of infrastructure limited public access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, the Government often limited this right in practice. Public demonstrations require police approval and 14 days’ notice. Asserting a fear of violence from unruly spectators, police rarely gave approval.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community in the country.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not use it.

Protection of Refugees.—Although a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the Government has not enacted enabling legislation and has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or 1967 protocol.

With support from the UNHCR, the Government continued to provide protection to approximately 2,700 persons residing at the East Awin refugee settlement who fled the Indonesian province of Papua (formerly Irian Jaya). Another 5,000 such persons, classified by the Government as “border crossers,” lived in villages adjacent to the border with Indonesia.

Registered refugees residing in the East Awin refugee settlement were granted a residence permit that allowed them to travel freely within the country and, on a case-by-case basis, to travel abroad depending on the urgency of the business and a guarantee of financial support by sponsoring institutions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic but flawed elections based on universal suffrage.

Elections and Political Participation.—The most recent general election was held in June and July 2007. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the election. After the election the National Court registered 53 election petitions that alleged illegal practices. By year’s end 16 petitions had been dismissed and 13 withdrawn; two others were upheld and by-elections ordered, and 22 scheduled for court hearings, including Supreme Court appeals.

Political parties could operate without restriction or outside influence.

There is no law limiting political participation by women, but the deeply rooted patriarchal culture impeded women’s full participation in political life. There was one woman in the 109 seat Parliament. She served as minister of community development, the only cabinet position held by a woman. There was one female National Court justice and no female provincial governors. In December the National Executive Committee approved a proposal for three nominated seats to increase the number of women in Parliament.

There were six minority (non Melanesian) members of Parliament. Of these, two were in the cabinet, and three were provincial governors.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption at all levels of government was a serious problem due to weak public institutions, leadership, and governance; lack of transparency; politicization of the bureaucracy; and the use of public resources to meet traditional clan obligations.

In May there were allegations of that representatives of a foreign government had offered 80 million kina (approximately \$32 million) to government officials in exchange for establishing diplomatic relations. In a separate case, in June the media claimed that a government minister had 100 million kina (\$40 million) in a foreign bank account. At year’s end no investigation reports on either case had been released.

Public officials are subject to financial disclosure laws as stipulated in the leadership code of conduct. The Ombudsman Commission, the Leadership Tribunal, and the Public Accounts Committee are key organizations responsible for combating government corruption.

No law provides for public access to government information. The Government published frequent public notices in national newspapers and occasional reports on specific topics facing the Government; however, it generally was not responsive to individual requests, including media requests, for access to government information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were somewhat cooperative and responsive to their views.

In September a two-day national conference on human rights was held to reach consensus among key stakeholders, such as the Government, diplomatic missions, the UN Development Program (UNDP), the Individual and Community Rights Advocacy Forum, Transparency International, Save the Children, and the UN Children's Fund, to establish a comprehensive approach to human rights. The Individual and Community Rights Advocacy Forum initiated seven awards for human rights defenders that were presented at the end of the conference.

On October 21, the two treaties that constitute the International Bill of Rights came into force for the country, obliging the Government to report to UN treaty bodies on the steps taken to implement rights contained therein, initially in 2009 and every four years thereafter.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal protection under the law irrespective of race, tribe, place of origin, color, or sex; however, enforcement of the provisions was not effective.

Women.—Violence against women, including domestic violence and gang rape, was a serious and prevalent problem.

Rape, including spousal rape, is a crime punishable by imprisonment, and prison sentences were imposed on convicted assailants, but few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat. The legal system allows village chiefs to negotiate the payment of compensation in lieu of trials for rapists.

Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter, few victims pressed charges, and prosecutions were rare. Widespread sexual violence committed by police officials and their unresponsiveness to complaints of sexual or domestic violence served as barriers to reporting by both women and men. Traditional village mores, which served as deterrents against violence, were weak and largely absent when youths moved from their villages to larger towns or to the capital.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, an increasing number of women were charged with murdering one of their husband's other wives. Independent observers indicated that 90 percent of women in prison had been convicted for attacking or killing another woman.

Prostitution is illegal; however, the laws were not enforced, and the practice was widespread. Sexual harassment is not illegal, and it was a widespread problem.

The laws have provisions for extensive rights for women dealing with family, marriage, and property disputes. Some women have achieved senior positions in business, the professions, and the civil service; however, traditional discrimination against women persisted. Many women, even in urban areas, were considered second class citizens. Women continued to face severe inequalities in all spheres of life: social, cultural, economic, and political. There is no employment antidiscrimination law.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. By law a District Court must endorse orders for imprisonment before the sentence is imposed, and circuit riding National Court justices frequently annulled such village court sentences. Polygyny and the custom in many tribal cultures of paying a "bride price" tended to reinforce the view that women were property. In addition to the purchase of women as brides, women sometimes were given as compensation to settle disputes between clans, although the courts ruled that such settlements denied the women their constitutional rights.

According to statistics published in a UNDP report during the year, women continued to lag behind men in literacy and education due to discrimination; 51 percent of women were literate, compared with 63 percent of men. The Ministry of Community Development was responsible for women's issues and had considerable influence over the Government's policy toward women.

Children.—Independent observers generally agreed that the Government did not dedicate significant resources to protecting the rights and welfare of children. Religious and secular nongovernmental organizations (NGOs) operated programs to protect and develop youth and children.

Primary education was not free, compulsory, or universal. Substantial fees were charged and posed a significant barrier to children's education. Many children did not progress further than primary school.

Boys and girls had equal access to medical care, but many children did not have effective care. Government provided free medical care for citizens, including children, was no longer available due to budget cuts and deteriorating infrastructure, particularly in rural areas.

Sexual abuse of children was believed to be frequent. Independent sources confirmed that in two major cities, 1,000 or more cases of child sexual abuse were reported during the year. Incest is a crime and reportedly increased in frequency. On March 6, the National Court convicted a man of incest with his daughter and sentenced him to seven years' imprisonment. There were cases of commercial sexual exploitation of children between the ages of 14 and 16 in urban areas, including minors working in bars and nightclubs. Human Rights Watch documented numerous instances of police abuse of children. Some children were forced to work long hours as domestic servants in private homes, often to repay a family debt to the "host" family.

The legal age for marriage is 18 for boys and 16 for girls. There is a lower legal marriage age (16 for boys and 14 for girls) with parental and court consent. However, customary and traditional practices allow marriage of children as young as age 12, and child marriage was common in many traditional, isolated rural communities. Child brides frequently were taken as additional wives or given as brides to pay family debts and often were used as domestic servants. Child brides were particularly vulnerable to domestic abuse.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, although trafficking in children for sexual exploitation is a crime. There were reports of trafficking of women and girls within the country for sexual exploitation and domestic servitude. Custom requires the family of the groom to pay a "bride price" to the family of the bride. While marriages were usually consensual, women and girls were sometimes sold against their will. There also were reports of Asian women being trafficked into the country to work in the sex industry. Transactional sex was common and often involved the sexual exploitation of children.

The Government investigated allegations of corruption among officials dealing with passport issuance and immigration. The allegations primarily involved the illegal issuance of residence and work permits for Chinese or South Asian nationals migrating to the country. Although they originally suspected that corrupt officials were aiding the transport of trafficking victims into the country, authorities did not uncover any evidence that mala fide permits and passports were used for this purpose. Nevertheless, there was concern that the country may have been used as a route for trafficking in persons to Australia through different means.

The penal code lists trafficking under the general term of slavery, the penalty for which is 20 years' imprisonment. The Ministry of Justice was responsible for enforcing the law but was ineffective in doing so. There were no prosecutions for trafficking in persons during the year.

There were no government programs to assist trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution prohibits discrimination against persons with physical and mental disabilities; however, there are no antidiscrimination laws. Persons with disabilities faced discrimination in education, training, and employment. No legislation mandates accessibility to buildings.

Through the National Board for the Disabled, the Government granted funds to a number of NGOs that provided services to persons with disabilities. The Government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. Most persons with disabilities did not find training or work outside the family structure.

National/Racial/Ethnic Minorities.—Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. In the last few years, the number of deaths resulting from such conflicts continued to rise due to the availability of modern weapons. However, Radio Australia reported that on October 2, at least 30 warring hill tribes from the Southern Highlands signed a peace agreement. Tribal fighting continued in Western Highlands Province.

Other Societal Abuses and Discrimination.—Sodomy and acts of "gross indecency" between males are illegal, but there were no reports of prosecutions under this law

during the year. There were no specific reports of societal violence or discrimination against homosexuals, but homosexuals were vulnerable to societal stigmatization.

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection that prevented some individuals from seeking HIV/AIDS related services, and there were reports that companies dismissed HIV positive employees after learning of their condition.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join labor unions, subject to registration by the Department of Labor and Industrial Relations, and workers exercised this right in practice. The Government did not use registration to control unions; however, an unregistered union has no legal standing and thus cannot operate effectively. An estimated half of the approximately 250,000 wage earners in the formal economy were members of approximately 50 trade unions. The Public Employees Association represented an estimated 12,000 persons employed by national, provincial, and municipal governments, or one third of the public-sector workforce. Unions were independent of both the Government and political parties.

The law provides for the right to strike, although the Government may and often did intervene in labor disputes to require arbitration before workers may legally strike. The law prohibits retaliation against strikers, but it was not always enforced. The Department of Labor is responsible for enforcement. Employees of some government owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies or in pay disputes. In most cases the strikes were brief and ineffective.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and engage in collective bargaining, and workers exercised these rights in practice. Under the law the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. The Department of Labor and Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage were set through negotiations between employers and employees or their respective industrial organizations.

The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, the Department of Labor enforced the law selectively.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred in the formal economy. Some children were obliged to work long hours as domestic servants in private homes.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law establishes the minimum working age as 16; for hazardous work, the minimum age is 18. However, children between the ages of 11 and 18 may be employed in a family business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance. Some children under 18 worked in bars and nightclubs and were vulnerable to commercial sexual exploitation.

e. Acceptable Conditions of Work.—The Minimum Wage Board, a quasi-governmental body with labor and employer representatives, sets minimum wages for the private sector. The national youth wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. The minimum wage was 37.50 kina (approximately \$15) per week, and although it was above the national per capita income, it did not provide a decent standard of living for a worker and family who lived solely on the cash economy.

The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas, and it provides for premium pay for overtime work. The law provides for at least one rest period of 24 consecutive hours every week. Although the Department of Labor and Industrial Relations and the courts attempted to enforce the law, they were not effective.

The Department of Labor and Industrial Relations is also responsible for enforcing the Industrial Health and Safety Law and related regulations. The law requires inspection of work sites on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions.

Workers' ability to remove themselves from hazardous working conditions varied by workplace. Unionized workers had some measure of protection in such situations. The law protects legal foreign workers. The few illegal foreign workers lacked full legal protection.

PHILIPPINES

The Philippines, with a population of 89 million, is a multiparty republic with an elected president and bicameral legislature. In May 2007 approximately 73 percent of registered citizens voted in mid-term elections for both houses of congress and provincial and local governments. The election generally was free and fair but was marred by violence and allegations of vote buying and electoral fraud. Long-running Communist and Muslim insurgencies affected the country. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which elements of the security forces acted independently.

Arbitrary, unlawful, and extrajudicial killings by elements of the security services and political killings, including killings of journalists, by a variety of actors continued to be major problems. In recent years, following increased domestic and international scrutiny, reforms were undertaken and the number of killings and disappearances dropped dramatically. Concerns about impunity persisted. Members of the security services committed acts of physical and psychological abuse on suspects and detainees, and there were instances of torture. Prisoners awaiting trial and those already convicted were often held under primitive conditions. Disappearances occurred, and arbitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Corruption was a problem throughout the criminal justice system. Leftwing and human rights activists often were subject to harassment by local security forces. Problems such as violence against women, abuse of children, child prostitution, trafficking in persons, child labor, and ineffective enforcement of worker rights were common.

In addition to killing soldiers and police officers in armed encounters, the New People's Army (NPA)—the military wing of the Communist Party (CPP)—killed local government officials and ordinary civilians. There were reports that the Moro Islamic Liberation Front (MILF) and the terrorist groups NPA and Abu Sayyaf Group (ASG) used child soldiers in combat or auxiliary roles. Terrorist groups committed bombings that caused civilian casualties.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Security forces and antigovernment insurgents committed a number of arbitrary and unlawful killings. The Commission on Human Rights (CHR), an independent government agency, investigated 173 new complaints of killings that occurred during the year; 67 of these cases were classified as politically motivated. The CHR suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in a number of the killings of leftist activists operating in rural areas. Allegations of summary executions by government security forces were referred to the nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP). The TFDP was unable to investigate all of these allegations, but it alleged the summary execution of four individuals by government forces.

Through year's end, the PNP Task Force Usig recorded 146 cases of killings since 2001, six of which occurred during the year; 90 cases were filed in court, with one conviction during the year. At least one human rights organization, Karapatan, claimed that there have been more than 900 killings since 2001, with both state actors and nonstate actors as suspects. It recorded 69 victims of killings during the year.

During the year the PNP expanded human rights training and possessed a network of 1,636 human rights desk officers at the national, regional, provincial, and municipal levels. The chief justice noted that the writ of "amparo," which provides citizens with the court's protection, contributed to a reduction in killings.

However, human rights groups and the CHR noted little progress in implementing and enforcing some reforms. For example, cooperation and coordination between police and prosecutors continued to be a problem. Funding for the CHR and the Government witness protection programs was considered inadequate.

Arbitrary and unlawful killings through August included:

On January 23, two unidentified men shot and killed United Church of Christ Pastor Felomino Catambis in Abuyog, Leyte. The CHR was investigating the case at year's end.

On February 4, seven civilians and an off-duty soldier were killed in an AFP raid on alleged ASG forces in Maimbung, Sulu. Following an investigation, the CHR in Western Mindanao filed a case against the soldiers with the Deputy Ombudsman for the Military, which was pending at year's end.

On March 10, unidentified assailants shot and killed Solidarity of Cavite Workers' official Gerry Cristobal in Imus, Cavite. Cristobal was a former union president and a critic of provincial policies that were viewed by unions as limiting the right of workers to organize and strike. The case remained under investigation at year's end.

On May 15, three unidentified suspects shot and killed the Secretary General of Davao City Farmers Association, Celso Pojas. The CHR provisionally dismissed the case due to insufficient evidence.

A prosecutor dismissed the case against the suspects in the January 2007 killing of university professor and human rights advocate Jose Maria Cui for insufficient evidence. The case was re-filed on May 19.

Investigations of cases from 2006 and 2007 were ongoing.

On May 21, the AFP surrendered one of its members to the National Bureau of Investigation (NBI) in connection with the 2005 killing of union leader Ricardo Ramos. The suspect pleaded not guilty during his August 6 arraignment.

On June 12, a regional trial court judge sentenced a member of the AFP, Joel Flores, to 41 years' imprisonment for his involvement in the 2006 killing of community leader Jose Doton. At year's end Flores was appealing his conviction.

Government forces killed a number of civilians during clashes with armed groups. Terrorist groups killed and kidnapped NGO workers and other civilians. Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. Extortion groups associated with the ASG killed persons in bombings (*See* Section 1.g.).

Ruben Omar Pestano Lavilla, Jr., a leader of the terrorist Rajah Solaiman Movement wanted in connection with 2004 Superferry bombing and the 2005 Valentine's Day bombings, was deported from Bahrain to the Philippines on August 30.

Vigilante groups were suspected of conducting summary killings of adult criminals and children involved in petty crime in five major cities. The TFDP recorded 80 apparent vigilante killings in Davao City through 2007, and confirmed at least one such killing during the year. Another human rights group noted that local activists in Davao City counted more than 100 summary killings from January through November. Vigilante killings also allegedly occurred in Cebu City, Cagayan de Oro, Tagum City, and General Santos City. The victims were suspected of involvement in criminal activities, and the killings appeared to have popular support. Authorities made no arrests in these cases.

In April UN Special Rapporteur Philip Alston issued a report based on his February 2007 mission. Among other findings, the report noted that the Government's counterinsurgency strategy presumed some civil society groups had ties to the CPP or the NPA and led security forces to treat leftist leaders and community organizers as legitimate targets.

b. Disappearance.—According to local human rights NGOs, government forces were responsible for disappearances. By year's end the CHR investigated 20 new cases of enforced disappearances, abductions, and kidnappings involving 27 victims, some of whom were found to have been detained without a warrant (*See* Section 1.d.). Of the 20 cases, one was referred to the deputy ombudsman for the military, 16 were still under investigation, and three were either dismissed or closed. The NPA was implicated in two cases, members of the military and police were implicated in nine cases, and unidentified suspects were involved in the others. The NGO Families of Victims of Involuntary Disappearances (FIND) was monitoring four reported disappearance cases, whose victims had not been found, and those investigations continued.

On September 17, indigenous rights activist and Cordillera People's Alliance (CPA) founding member James Balao was abducted while in transit between Baguio City and La Trinidad in Benguet Province. Balao's family and members of the CPA claimed he was being held captive by members of the military. At year's end a court had not yet issued a decision on the writ of amparo petition filed in October.

On October 7, the Supreme Court upheld the writ of amparo granted to Raymond and Reynaldo Manalo by a court of appeals in December 2007. The Manalo brothers testified that beginning in 2006 they were held incommunicado and at times tortured by members of the AFP until they finally escaped in August 2007. During their detention their family filed a number of habeas corpus petitions in courts, but

responsible AFP officers denied any involvement in their disappearance. The Manalos further testified that at times they shared detention with other persons who had disappeared, notably University of the Philippines students Sherlyn Cadapan and Karen Empeno and their companion, Manuel Marino. Raymond Manalo testified that he witnessed the killing of Marino and the subsequent burning of his body. The Manalos' testimony implicated members of a division and battalion of the AFP, a sergeant, and a major general, among others.

On July 17, a court of appeals dismissed a petition for a writ of amparo in the April 2007 abduction of activist Jonas Burgos. During the year courts also dismissed other petitions for protective writs. On September 17, a court of appeals granted petitions for writs of amparo and habeas corpus filed against the military for the June 2006 abduction case of the University of the Philippines students and their associate.

Some victims' families complained that the courts and police failed to address adequately their complaints concerning disappearances in which security forces were suspected. Evidence of a kidnapping or killing is required to file charges. FIND and other NGOs continued to support the efforts of victims' families to press charges. In most cases, evidence and documentation were unavailable, and convictions were rare. Out of 16 court cases related to disappearances of concern to FIND, only one case was resolved during the year. On July 18, a regional trial court in Agusan del Sur convicted AFP Corporal Rodrigo Billones for his role in the October 2000 abduction and illegal detention of six workers of Paper Industries Corporation of the Philippines. The judge sentenced the defendant to a minimum of 54 years in prison and fined him for moral damages.

Judicial inaction on the vast majority of disappearances contributed to a climate of impunity and undermined public confidence in the justice system.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police were alleged to have routinely abused and sometimes tortured suspects and detainees. The CHR provided the police with mandatory human rights training. The CHR noted that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank-and-file awareness of the rights of detainees remained inadequate.

Human rights groups, including the CHR, noted that excessive force and torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation reportedly included electric shock, cigarette burns, or suffocation.

Through year's end the TFDP documented 12 cases of torture involving 16 victims. For the same period, the CHR investigated 23 cases of alleged torture. Most of the suspects in these cases were members of the AFP.

The CHR continued to observe greater sensitivity within the AFP to the need to prevent human rights violations. The CHR is required to determine whether an AFP officer or a PNP officer at the senior superintendent level being considered for promotion had a history of human rights violations; however, a negative CHR finding does not preclude promotion. In some instances promotions were withheld indefinitely when the CHR uncovered a record of human rights abuses. The AFP stated that it withheld some promotions on human rights grounds during the year.

On May 2, members of the military allegedly harassed and tortured four indigenous farmers, including one minor, in Compostella Valley Province. The case remained under investigation by the CHR.

On August 31, provincial police and the Regional Special Operations Group allegedly abducted, harassed, and tortured nine members of the Cavite Farmers' Confederation. The farmers were charged with illegal possession of firearms but were released on September 2 for lack of evidence.

There were reports that prison guards physically abused inmates. The CHR and TFDP reported that abuse by prison guards and other inmates was common, but prisoners, fearing retaliation, refused to lodge formal complaints. Women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Human rights activists believed suspected ASG and NPA members in captivity were particular targets for abuse.

Prison and Detention Center Conditions.—Prison conditions were rudimentary and sometimes harsh. Provincial jails and prisons were overcrowded, lacked basic infrastructure, and provided prisoners with an inadequate diet. Jails managed by the Bureau of Jail Management and Penology (BJMP) operated at an average of 191 percent of designed capacity, an improvement over the previous year owing to prison decongestion efforts. Prison administrators allotted a daily subsistence allowance of 50 pesos (approximately \$1.12) per prisoner. Lack of potable water, poor sanitation,

and poor ventilation continued to cause health problems. Some prisoners, including women and children, were abused by other prisoners and prison personnel. The slow judicial process exacerbated overcrowding.

There were reports of widespread corruption among prison guards and, to some extent, at higher levels of authority within the prison system.

According to BJMP regulations, male and female inmates are to be held in separate facilities and, in national prisons, overseen by guards of the same sex. Anecdotal reports suggested that these regulations were not uniformly enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners directly or indirectly. Although prison authorities attempted to segregate children or to place them in youth detention centers, in some instances children were held in facilities not fully segregated from adult male inmates. Girls were sometimes held in the same cells as boys. During the year as part of reform and budget reduction efforts, the Government consolidated women and minors into fewer jails, including some that contained separate facilities for those groups. Out of 1,075 jails managed by the BJMP and PNP, 205 had separate cells for minors, while 353 jails had separate cells for adult females. Lack of adequate food for minors in prisons was a concern (See Section 5, children).

In July 2007 President Gloria Macapagal-Arroyo directed the immediate release of all minor prisoners who were age 15 years and below at the time they committed the crime. From January to November, the BJMP released 298 minor inmates, usually in response to a court order following a petition by the public attorney's office or the inmate's private lawyer or through the appeals of NGOs.

International monitoring groups, including the International Committee of the Red Cross, were allowed free access to jails and prisons. However, a local NGO reported difficulty accessing jails or detentions centers where children were held.

d. Arbitrary Arrest or Detention.—The law requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, in a number of cases, police and the AFP arrested and detained citizens arbitrarily. From January to December, the TFDP documented 55 cases of illegal arrest and detention involving 93 victims. The CHR tracked one case of abduction during the year that resulted in the release of the victim. During the year, the NGO FIND counted 16 abduction victims who were later found alive.

Arbitrary detentions through August included the January 25 abduction of Flaviano Arante, a council member of the peasant group United Farmers of Santa Catalina in Negros Oriental. Two weeks later, a military officer reportedly said that Arante was in the custody of the AFP's 61st battalion. In February his family petitioned for a writ of amparo, but a court of appeals dismissed the petition on April 30. A petition for review of that decision was filed in the Supreme Court.

On March 15, Mel Abesamis, a United Methodist Church pastor and former Secretary General of the provincial Karapatan office, was abducted in Mindoro Occidental. Abesamis was missing for two days and then was found to be in a provincial jail. The Government linked Abesamis to a May 2007 encounter between the PNP and the NPA and filed four counts of murder and theft against him.

On May 15, Randy Felix Malayao, a consultant for the peace process of the CPP-affiliated National Democratic Front of the Philippines, was abducted in Metro Manila. Malayao was missing for five days before he was found in the Cagayan provincial jail facing murder charges.

On May 18, three unidentified men abducted peasant leader Bernadith Dignos. Dignos was missing for four days before she appeared in police custody. She was charged with multiple counts of murder in a regional trial court in Misamis Occidental.

There were also reports that many children detained in jails were arrested without warrants.

Role of the Police and Security Apparatus.—The Department of National Defense directs the AFP, which shares responsibility for counterterrorism and counterinsurgency operations with the PNP. The Department of Interior and Local Government directs the PNP, which is responsible for enforcement of law and order and urban counterterrorism; however, governors, mayors, and other local officials have considerable influence. The 115,000-member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that corruption remained a problem. PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, soliciting bribes, and other illegal acts. Efforts were underway to reform the institution in part to counter a widespread impression of official impunity. By year's end the PNP dismissed 84 members of the police force, including administrative officials and police officers, for

various reasons that may have involved corruption. Of the 2,786 administrative cases filed against PNP officers and personnel, 589 were resolved, 349 were dropped and closed, 157 remained under preliminary investigation, and 1,691 underwent summary proceedings. The deputy ombudsman for the military received 2,205 cases for the period January through August, of which 8 percent were cases filed against high ranking police and military officials.

As of August the AFP Human Rights Office monitored no new cases of killings, disappearances, or torture during the year. In August 2007 the AFP created five general courts-martial to hear administrative cases of officers and soldiers accused of human rights violations. As of December, two members of the army who were allegedly involved in killings were undergoing court martial proceedings, and one was on trial for murder in a civilian criminal court.

Government-armed civilian militias supplemented the AFP and the PNP.

Arrest and Detention.—Citizens are apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official and are brought before an independent judiciary. However, there were some reports during the year of citizens picked up by security forces without a warrant and detained arbitrarily. Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail. During the year a greater number of offenses were made eligible for bail and, according to government figures, 12,328 or 22 percent of detainees were able to post bail, compared with the 2 percent of detainees who posted bail in 2007. The law provides that an accused or detained person has the right to a lawyer of his choice and that the state must provide one when the accused cannot afford one. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, with the time given to file charges increasing with the seriousness of the crime. Lengthy pretrial detention remained a problem. The BJMP did not provide data about the number of detainees released during the year as part of jail decongestion programs, including the number of detainees who were released because they had been jailed for periods equal to or longer than the maximum prison terms they would have served if convicted. However, the BJMP acknowledged that 19,063 detainees were released from jail because they were acquitted or because their cases were dismissed for lack of witnesses or evidence.

Human rights and labor groups expressed concern about criminal charges filed in September against 72 labor activists, some of whom were arrested, including labor attorney Remigio Saladero, in connection with a 2006 NPA ambush on military forces.

The NPA, as well as some Islamic separatist groups, were responsible for a number of arbitrary detentions.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes bribery resulted in impunity for some wealthy or influential offenders and contributed to widespread skepticism that the judicial process could ensure due process and equal justice. The Supreme Court continued efforts to ensure speedier trials, sanction judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. In September the Supreme Court dismissed one justice at a court of appeals and disciplined four others for their roles in a bribery scandal. In October the high court denied the motions for reconsideration filed by these justices.

The national court system consists of four levels: local and regional trial courts, a national court of appeals divided into 17 divisions, a 15-member Supreme Court, and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operated in some Mindanao provinces. The courts-martial, each composed of at least five active-duty military officers, hear cases against military personnel accused of violating the Philippine Articles of War. The president, the chief of staff of the armed forces, or a military unit commander may appoint the members of a court-martial. Military or security tribunals cannot try civilians.

On January 14, Judge Roberto Navidad was shot and killed in Calbayog City, Samar. The police arrested a suspect, and the case was under investigation at year's end.

A decision was pending in the trial for the January 2007 killing of Judge Nathaniel Pattugalan. The police identified a suspect in the July 2007 killing of Judge Orlando Velasco, and a case against him was filed in court.

Trial Procedures.—The law provides that all persons accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial before a judge. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respected the right of defendants to be represented by a lawyer, but poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the Public Attorney's Office (PAO), but their workload was large and resources were scarce. The PAO provided legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused.

The law provides that cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for a court of appeals; and three months for lower courts. However, these time limits were not mandatory, and, in effect, there were no time limits for trials.

Lengthy pretrial detention remained a problem. Anecdotal evidence suggested that, in practice, trials can take six years or more. Trials take place in short sessions over time and as witnesses become available; these noncontinuous sessions created lengthy delays. Furthermore, there was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were high; of the total 2,182 trial court judgeships (including Shari'a courts), 509 (23 percent) were vacant. Courts in Mindanao and poorer provinces had higher vacancy rates than the national average. Shari'a court positions were particularly difficult to fill because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar. All five Shari'a District Court judgeships and 36 percent of circuit court judgeships remained vacant. Shari'a courts do not have criminal jurisdiction.

Political Prisoners and Detainees.—Various human rights NGOs maintained lists of incarcerated persons they considered to be political prisoners. From January to June, the TFDP reported that there were 231 political prisoners. Typically, there was no distinction in these lists between detainees and prisoners, and the majority of persons listed had not been convicted. Some NGOs asserted that it was frequent practice to make politically motivated arrests of persons for common crimes and to continue to detain them after their sentences expired. The Government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it did not consider the persons listed to be political detainees or prisoners.

From January to June, the Government released 22 persons whom NGOs claimed were political prisoners. The TFDP recorded 41 new political prisoners incarcerated through June.

The Government permitted access to alleged political prisoners by international humanitarian organizations.

Civil Judicial Procedures and Remedies.—The judiciary is independent and impartial in civil matters. There are administrative remedies as well as judicial remedies for alleged wrongs; however, corruption was widespread in the judiciary, and cases often were dismissed. Complainants have access to local trial courts to seek damages for, or cessation of, human rights abuses.

From January to December, human rights lawyers filed 13 writ of amparo petitions, all against the military, of which nine were resolved and four were pending hearings. Five of the resolved cases were dismissed, closed, or terminated; two were pending review by the Supreme Court; one was pending motion for reconsideration by the petitioners; and one was settled.

During the year the warden of the Davao Penal Colony reportedly refused to release journalist Alexander Adonis despite his having been paroled by the Department of Justice (DOJ) Board of Pardon and Paroles in a libel case. Adonis was released from prison in December.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law provides that a judge may issue search warrants on a finding of probable cause; however, while the Government generally respected restrictions on search and seizure within private homes, searches without warrants occurred. Judges declared evidence obtained illegally to be inadmissible.

The Government generally respected the privacy of its citizens; however, leaders of communist organizations and rural-based NGOs complained of what they described as a pattern of surveillance and harassment. The Human Security Act of 2007 allows law enforcement authorities, with a written order from a court of appeals, to intercept and record conversations and any other form of communication between members of terrorist organizations or any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year. The law provides certain protections for squatters; eviction was often difficult, especially because politicians recognized squatters' voting power. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters was limited.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—The Government was engaged in combat with antigovernment forces and terrorists who actively sought to destabilize the country. Government forces killed a number of civilians during clashes with antigovernment forces. Some citizens' groups complained that the AFP, in confronting the ASG and NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages. In August after the Supreme Court issued a temporary restraining order that halted the August 5 signing of a government-MILF territorial agreement, some MILF military commanders, allegedly acting without MILF authorization, attacked villages in central Mindanao, killing civilians.

Killings.—Government forces acknowledged the deaths of civilians in the course of military operations against the MILF. A National Disaster Coordinating Council report indicated that 163 persons were confirmed killed in the Mindanao conflict by either government or rebel MILF forces between August 10 and September 1, including 78 civilians, six law enforcement officials, and two MILF rebels. Unconfirmed numbers of AFP soldiers and other MILF rebels also were killed in the conflict.

Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. The NPA and other extortion groups also harassed businesses and burned buses and private communication facilities to enforce the collection of "revolutionary taxes."

At year's end, according to military and police sources, 209 members of the AFP were killed in action during encounters with rebel and terrorist groups: 140 by the NPA, 56 by the ASG, and 13 by the MILF. During the same period, AFP operations resulted in 340 insurgents killed: 166 NPA, 27 ASG, 146 MILF, and one from the Moro National Liberation Front. The PNP recorded 82 of its personnel killed from January to November and claimed 91 insurgents killed in operations around the country, including 67 NPA, two ASG, and 22 MILF.

On April 4, NPA forces in Tineg, Abra, fired at a truck carrying 14 civilians, killing four. On June 28, NPA forces killed four government forces members in two attacks on Siargao Island, Surigao del Norte; two civilians were killed in the crossfire. On August 5 and 13, NPA rebels killed two rebel returnees. On August 17, MILF rebels killed 28 civilians and 14 soldiers in attacks in Mulondo, Lanao del Sur. On August 18, MILF rebels killed 14 civilians in an attack on a passenger bus in Lanao del Norte.

On January 15, gunmen believed to be members of the ASG abducted a Catholic priest, Father Roda, and a teacher in Tawi—tawi. They subsequently killed Father Roda.

The police believed that extortion groups allegedly linked with the ASG and the Jemaah Islamiyah were responsible for a series of bomb attacks against three bus companies in Mindanao. On May 28, suspected terrorists killed three civilians in a bomb attack outside an airbase in Zamboanga City. On July 24, a bomb inside a bus in Digos, Davao del Sur, killed three passengers. A September 1 bomb also in Digos killed seven persons. No group claimed responsibility for the attacks.

Abductions.—There were numerous kidnappings throughout the year in Mindanao and the Sulu Archipelago by various armed groups, including the ASG. Victims often were released in exchange for payments.

On April 30, MILF rebels took over a village in Kalamansig, Sultan Kudarat, and held the residents hostage. On August 11, MILF forces took two civilians hostage in Pigcawayan, North Cotabato. On August 18, dozens of civilians in Kolambugan and Kauswagan, Lanao del Norte, reportedly were used as human shields by retreating MILF fighters. Some of the hostages later were reported killed.

Child Soldiers.—During the year the NPA and the ASG targeted children for recruitment as combatants and noncombatants. The NPA claimed that it assigned persons 15 to 18 years of age to self defense and noncombatant duties; however, there were reports that the NPA continued to use minors in combat. A local NGO reported that 100 children were used as NPA soldiers in Eastern Samar.

The ASG recruited teenagers to fight and participate in its activities. The two purported ASG suspects in the June 8 kidnapping of Filipino newscaster Ces Drilon were reported to be minors. The AFP stated that some Islamic schools in Mindanao

served as fronts to indoctrinate children. The AFP also alleged that the ASG used children as couriers and spies, but NGOs were unable to verify that claim.

A 2007 study commissioned by the UN Children's Fund (UNICEF) found that children as young as 10 years were used as soldiers or recruited by the MILF. Most of the children were volunteers often with the support of their families, serving in noncombat roles. In December during the visit of the Special Representative of the UN Secretary General, the MILF agreed to stop the recruitment and use of children in its ranks. At year's end a plan to implement this was not yet in place.

A human rights group documented one case of an indigenous child in Luzon being recruited by a paramilitary organization in 2007. The NGO also reported three cases of child soldiers being rescued by or surrendered to the Government, while government sources reported one case. Government reporting mechanisms for children in armed conflict were inconsistent between agencies and regions, making it difficult to evaluate the scope of the problem.

Other Conflict—Related Abuses.—MILF attacks and subsequent clashes with the AFP increased the number of internally displaced persons (IDPs). Most IDPs were in the central Mindanao provinces of Lanao del Norte, North Cotabato, and Maguindanao (See Section 2.d.).

The NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA executed some of these "defendants." The MILF also maintained similar "people's courts."

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Government owned several television and radio stations; however, most print and electronic media were privately owned. The media were active and expressed a wide variety of views without restriction. Broadcast and print media were free-wheeling and often criticized for lacking rigorous journalistic ethics. They tended to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Special interests often used bribes and other inducements to solicit one-sided and erroneous reports and commentaries that supported their positions. Journalists continued to face harassment and threats of violence from individuals critical of their reporting.

Journalists continued to be killed. The Center for Media Freedom and Responsibility reported six journalists killed during the year. The Task Force Usig classified four of these cases as work-related killings. There was also one reported abduction of a journalist.

On April 7, an unidentified assailant killed Benefredo Acabal, a publisher and writer for a local Cavite newspaper, *The Filipino Newsmen*. The case remained under investigation.

On April 27, two men killed former Iglesia ni Cristo religious sect minister and Pampanga television host Marcos Mataro at a North Luzon Expressway toll gate in San Simon, Pampanga. A case was filed against suspects in a local trial court.

Task Force Usig considered the Acabal and Mataro cases not work related.

On June 7, alleged ASG rebels abducted television reporter and anchorwoman Ces Drilon and two of her colleagues on the island of Sulu. The group was later released, and a Jolo mayor was implicated in the abduction and detained. A case was pending against the mayor.

On June 30, unidentified assailants killed Fausto Bert Sison, a local radio program host and columnist of a weekly regional bulletin in Sariaya, Quezon. Three suspects were apprehended and the case was under preliminary investigation by the DOJ. The motive for the killing was unknown.

On August 4, unidentified assailants shot radio journalist Dennis Cuesta, a program director and anchor of a local radio station in General Santos City, affiliated with the Radio Mindanao Network. Cuesta's reporting covered local political issues. He later died from the injuries he sustained. The NBI filed a case against a police officer suspect, and the case was under preliminary investigation by the DOJ.

On August 7, Martin Roxas, an anchorman for a Radio Mindanao Network affiliate who covered local political issues, was killed in Roxas City, Capiz, by persons who were apprehended following the attack. A case was filed against the suspects, who remained in police custody.

On November 17, two men killed radio host and columnist Aresio Padrigao. At year's end the suspects remained at large, and the case was under investigation.

The April 2007 case of Carmelo Palacios, a police-beat reporter for a government-run radio station, remained under investigation.

On May 28, a suspect in the December 2007 killing of radio broadcaster Fernando Lintuan voluntarily surrendered and was detained by authorities in Davao City.

On February 19, a regional trial court sentenced Roberto Cabal Lopez to life in prison for the 2006 slaying of photojournalist Prudencio Melendres in Metro Manila.

On October 20, charges were filed against the alleged planners of the 2005 killing of journalist Marlene Esperat; the gunmen and other parties to the killing were convicted in 2006.

On March 21, the Cebu Regional Trial Court sentenced John Lloyd Ortiz to up to 12 years' imprisonment for the 2004 attempted murder of journalist Cirse Torralba.

On March 5, a suspect in the 2004 killing of broadcaster Herson Hinolan surrendered to the court, although this occurred after a key witness withdrew his testimony.

On May 9, a trial began in the 2001 killing of radio journalist Rolando Ureta.

Human rights NGOs frequently criticized the Government for failing to protect journalists. The National Union of Journalists of the Philippines accused the police and the Government of failing adequately to investigate these killings and of subjecting journalists to harassment and surveillance. In some situations it was difficult to discern if violence against journalists was carried out in retribution for their profession or if these journalists were the victims of random crime.

On January 25, the Supreme Court chief justice advised judges to fine rather than imprison journalists found guilty of criminal defamation, although the judge's circular did not preclude imprisonment, and judges retained discretion in sentencing.

On June 5, a Makati City court judge found the publisher of The Daily Tribune newspaper guilty of libel in a 2003 series of articles criticizing a law firm over alleged irregularities in the contract for the new international terminal at Ninoy Aquino International Airport. The judge sentenced the publisher to six months to two years in prison and ordered her to pay a fine for moral damages.

On June 27, a Makati City court dismissed the charges filed by journalists and media organizations against government officials and the police over the arrests of media professionals during the November 2007 attempted takeover by rebel soldiers at the Manila Peninsula Hotel. On September 1, the CHR issued a resolution that the Government violated the journalists' liberty, personal security, and freedom from arbitrary arrest. The CHR referred the case to the PNP, the DOJ, and the Department of Interior and Local Government for further investigation.

On August 28, a court of appeals reversed its March 18 decision that upheld a verdict of libel against staff members of a defunct newspaper.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expressions of views via the Internet, including by e-mail. Internet access was available widely.

Academic Freedom and Cultural Events.—In his April report on extrajudicial killings, UN Special Rapporteur Philip Alston noted the existence of the AFP intelligence service's 2005 presentation, "Know Your Enemy," which listed some press unions and student organizations as "enemies of the state" or communist fronts. There were no reports that the military used the presentation in its training curriculum during the year.

The Government did not otherwise interfere with academic freedom. There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. Although the law requires that groups request a permit to hold a rally, the Government at times followed an unwritten policy of allowing rallies to occur without the filing of a request. The police exhibited professionalism and restraint in dealing with demonstrators, with few exceptions. An NGO reported that 37 protesters were injured by police in March during the dispersal of a protest outside the Department of Labor and Employment (DOLE) offices in central Manila.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Government's campaign against terrorist groups led some human rights NGOs to accuse the police and military of acting with bias in their treatment of Muslims.

Intermittent government efforts to integrate Muslims into political and economic society achieved only limited success. Many Muslims claimed that they continued

to be underrepresented in senior civilian and military positions and cited the lack of proportional Muslim representation in national government institutions. Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development. The percentage of the population under the poverty level in the Autonomous Region of Muslim Mindanao (ARMM) was almost twice as high as the national average, with per capita income of 15,760 pesos (approximately \$354) per year.

Societal Abuses and Discrimination.—Historically, the Christian majority has marginalized Muslims. The national culture, with its emphasis on familial, tribal, and regional loyalties, created informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported difficulty renting rooms or being hired for retail work if they used their real names or wore distinctive Muslim dress. As a result, some Muslims used Christian pseudonyms and did not wear distinctive dress when applying for housing or jobs.

An estimated 400 to 1,000 mostly foreign nationals of Jewish heritage lived in the country. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign travel was limited only in rare circumstances, such as when a citizen has a pending court case. Government authorities discouraged travel by vulnerable workers to areas in which they face personal risk.

The Government retained its formal ban on travel to Iraq for the purposes of employment, but the Department of Foreign Affairs estimated 6,000 Filipinos worked there. The travel ban also included Afghanistan, Nigeria, and Lebanon. The Philippine Overseas Employment Administration (POEA) sought to limit departures for work abroad to persons the POEA certified as qualified for the jobs. Millions of citizens worked overseas and remitted money home. In the first nine months of the year, such remittances accounted for approximately 11 percent of the gross domestic product.

Forced exile is illegal, and the Government did not use it.

Internally Displaced Persons.—Clashes between the AFP and the MILF increased the number of IDPs. Most IDPs were in the central Mindanao provinces of Lanao del Norte, North Cotabato, and Maguindanao. At the height of the clashes from August to September, the National Disaster Coordinating Council estimated there were 110,517 IDP families or 528,693 IDP individuals in Mindanao, which had been reduced to 62,849 families or 308,175 persons by December 29. Other agencies, including the UN Development Program, the Mindanao Emergency Relief Network, and the Red Cross provided food and essential items such as medicine, blankets, water containers, and mosquito nets.

Protection of Refugees.—The country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, there is no comprehensive legislation that provides for granting refugee status or asylum. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The refugee unit in the DOJ determined which asylum seekers qualify as refugees; such determinations in practice implemented many of the basic provisions of the 1951 convention. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or its 1967 protocol. As of August there were no reports of the Government extending such protections.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR recorded 107 refugees in 2007.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that largely were free and fair and held on the basis of universal suffrage.

Elections and Political Participation.—On August 11, more than 1.31 million of the 1.52 million registered voters from the six provinces that make up the ARMM elected a regional governor, a regional vice governor, and regional legislative district assemblymen. The Asian Network for Free Elections Foundation (ANFREL) noted the Government's commitment to make the elections as free and fair as possible. However, there were allegations of fraud in some localities. ANFREL and other NGO monitors noted such irregularities as phantom and multiple voting, inadequate neutrality of voting staff, and vote buying. Monitors also claimed that many voters did not have sufficient education about the electronic voting machines used for the first time in this election.

The PNP and AFP recorded four election-related combat incidents during the ARMM elections, including a bomb explosion and three armed encounters with alleged MILF members. PNP personnel were under investigation in a ballot-theft incident in Shariff Kabunsuan, Maguindanao. MILF rebels were suspected as perpetrators in another ballot-theft incident in Sumisip, Basilan.

In May 2007 midterm elections were held for senators, representatives, provincial governors, and local government officials. Voter turnout was high; however, incidents of violence and allegations of fraud marred the generally free and fair conduct of elections.

In general political parties could operate without restriction.

There were no restrictions in law or practice on participation by women and members of minorities in politics. Many women, including the president, held positions of leadership and authority. There were four women in the 24-seat Senate and 51 women in the 240-seat House of Representatives. There were two women in the 22-member cabinet, six female associate justices on the 15 member Supreme Court, and 17 women among the 80 governors.

Along with many other citizens, Muslims argued that electing senators from a nationwide list favored established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, which many Muslims and members of other groups underrepresented in the national legislature favored. There were no Muslim senators and no Muslim cabinet members. There were 11 Muslim members in the House of Representatives, mostly elected from Muslim-majority provinces.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Both the Government and the private sector have established a number of anticorruption bodies, including an ombudsman's office and an anticorruption court, and public officials were subject to financial disclosure laws. The Government prosecuted 168 officials in 276 corruption cases from January to November. Convictions included the July 17 conviction of the governor of Samar Province and several provincial board members; the September 10 conviction of two Mindoro Oriental district representatives, a former vice governor, and former provincial board members; the September 11 conviction of a former mayor and former municipal treasurer in Kalinga Province; and the October 29 conviction of a former ARMM regional governor and two of his staff. The Government pursued cases against high-ranking officials at the Government Service Insurance System and the Department of Environment and Natural Resources.

The law provides for the right to information on matters of public concern. However, denial of such information often occurred when the information related to an anomaly or irregularity in government transactions. Much government information was not available electronically and was difficult to retrieve.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The CHR and, to some extent, the PNP responded to and investigated cases of human rights abuses, as requested by NGOs. Human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from the area in which incidents under investigation took place. The Presidential Human Rights Committee did not include representation from NGOs, which some groups claimed reduced their ability to participate in the Government's human rights initiatives.

The CHR is mandated to protect and promote human rights. It is empowered to investigate all human rights violations and to monitor the Government's compliance with international human rights treaty obligations. The CHR has authority to make

recommendations regarding military and higher-level police promotions. The commission has a chairperson and four members. CHR monitoring and investigating continued to be hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays (villages) had human rights action centers, which coordinated with CHR regional offices; however, the CHR's regional and subregional offices remained understaffed and underfunded. The CHR nationwide budget for the year was 214.27 million pesos (approximately \$4.82 million).

The CHR reported that armed men fired on CHR investigators in July during a field investigation in Linawan, Basilan. The CHR was pursuing an inquiry with the AFP, which denied its members were responsible for the incident. The CHR faced difficulty accessing military sites to conduct its searches for missing or detained persons. On September 16, the AFP refused entry to a joint CHR congressional delegation intending to visit prisoners at Fort Bonifacio near Manila.

The Government cooperated with international organizations.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination against women, children, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

Women.—Rape, including spousal rape, is illegal, but enforcement was ineffective. Rape continued to be a problem, with most cases unreported. At year's end the PNP reported 3,549 rape cases, more than four times the 2007 figure. The increase may be attributable to improved reporting capability through women's and children's desks at police stations. There were reports of rape and sexual abuse of women in police or protective custody—often women from marginalized groups, such as suspected prostitutes, drug users, and lower-income individuals arrested for minor crimes.

Violence against women remained a serious problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and their children committed by their spouses or partners. As of December the PNP reported 706 cases of wife battering and physical injuries. This number likely underreported significantly the level of violence against women.

A local women's support group noted that, in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution. On other occasions women who sought to file complaints through the police were told to pay special fees before their complaints could be registered.

The PNP and the Department of Social Welfare and Development (DSWD) both maintained help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Approximately 9 percent of PNP officers were women. The PNP has a Women and Children's Unit to deal with these issues.

Prostitution is illegal but was a widespread problem. Many women suffered exposure to violence through their recruitment, often through deception, into prostitution. Penalties for prostitution are light, but detained prostitutes were sometimes subjected to administrative indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. Through year's end, DSWD provided temporary shelter and counseling to 103 women who were victims of involuntary prostitution. Some local officials discouraged the prosecution of those who exploited prostitutes. There were no convictions under the provision of the law criminalizing the act of engaging the services of a prostitute.

Sex tourism and trafficking in persons for sexual exploitation and forced labor were serious problems.

The law prohibits sexual harassment. However, sexual harassment in the workplace was widespread and underreported due to victims' fear of losing their jobs. Sexual harassment at a shoe factory in Muntinlupa City spurred unionization and a strike in July; in November management reinstated dismissed employees and recognized the workers' union.

Female employees in special economic zones were particularly at risk; most were economic migrants who had no independent workers' organization to assist with filing complaints. Women in the retail industry worked on three- to five month contracts and were often reluctant to report sexual harassment for fear their contracts would not be renewed. There were reports that some firms took action against female employees who became pregnant.

The law does not provide for divorce, although courts generally recognize the legality of divorces obtained in other countries if one of the parties is a foreign national. The Government recognizes religious annulment, but the process can be costly, which precludes annulment as an option for many women. Many lower-income

couples simply separated informally without severing their marital ties. The family code provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of seven are placed in the care of the mother unless there is a court order to the contrary. Children over the age of seven normally also remained with the mother, although the father could dispute custody through the courts.

In law, but not always in practice, women have most of the rights and protections accorded to men. Although they faced workplace discrimination, women continued to occupy senior positions in the workforce. In a January labor force survey, 57 percent of government officials, corporate executives, managers, and supervisors were women. The unemployment rate for women was 6.7 percent, while the rate for men was 7.8 percent.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 11 NGO leaders appointed by the president, acted as an oversight body whose goal is to press for effective implementation of programs benefiting women.

Children.—The Government devoted considerable resources to the education, welfare, and development of children. The Department of Education's (DepEd) 12 percent share of the national budget was the largest of any cabinet department. Nevertheless, children faced serious problems.

Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor. During the year according to DepEd figures, the estimated annual per pupil expenditure for basic education was 7,789 pesos (approximately \$175). The public school enrollment rate was 76 percent. According to the 2007 UNICEF Mid—Term Review, boys were more likely than girls to drop out of school.

Child abuse remained a problem. Through year's end, DSWD offices served 5,663 victims of child abuse, of whom 70 percent were girls. Approximately 50 percent of the girls were victims of sexual abuse, while 3 percent were victims of sexual exploitation. Several cities ran crisis centers for abused women and children. The problem of foreign pedophiles continued, and the Government continued to prosecute accused pedophiles vigorously. Some children also were victims of police abuse while in detention for committing minor crimes.

Child prostitution continued to be a serious problem. During the year, the DOLE ordered the closure of two establishments in the cities of Cebu and Lapu—Lapu for allegedly prostituting minors. Trials in these cases continued at year's end. One NGO reported that pornographers forced some children to engage in pornographic activity.

The NPA and ASG continued to recruit minors both as combatants and non-combatants (*See* Section 1.g.).

The Government estimated that there were at least 22,000 street children nationwide, while UNICEF estimated that there were approximately 250,000 street children. Many street children appeared to be abandoned and engaged in scavenging or begging. At year's end DSWD provided services to 238 street children nationwide. NGOs reported that some children engaged in petty crime were targets of vigilante groups (*See* Section 1.a.).

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth relations officers to ensure that child suspects are treated appropriately. However, procedural safeguards were often ignored in practice. The BJMP stated that 4,213 minors were held on "preventive detention" while their trials were underway, and an additional 130 children, convicted from January to November, were serving sentences. Many child suspects were detained for extended periods without access to social workers and lawyers and were not segregated from adult criminals. NGOs believed that children held in integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other ill treatment. There were also reports that many children detained in jails appeared to have been arrested without warrants.

During the year government agencies and NGOs transferred 69 minor prisoners to DSWD rehabilitation centers and continued to work to secure the release of minors wrongfully imprisoned and of those below 15 years of age. DSWD ran 11 regional youth rehabilitation centers for juvenile offenders. There were three detention centers for children in Manila.

Trafficking in Persons.—Trafficking in persons is prohibited under the law, which defines several activities related to trafficking in persons as illegal and imposes stiff penalties—up to life imprisonment—for convicted offenders. Nonetheless, trafficking remained a serious problem. The country was a source, transit point, and destina-

tion for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. A significant number of men and women who migrated abroad for work were subjected to conditions of involuntary servitude in the Middle East, North America, and other parts of Asia. Women were trafficked abroad for commercial sexual exploitation, primarily to Japan, Malaysia, Singapore, Hong Kong, South Korea, and countries in the Middle East and Western Europe. Women and children were also trafficked within the country, primarily from rural areas to urban areas for forced labor as domestic workers and factory workers and for sexual exploitation. A smaller number of women were occasionally trafficked from China, South Korea, Japan, and Russia to the country for sexual exploitation. Child sex tourism continued to be a serious problem, with sex tourists coming from Northeast Asia, Europe, and North America to engage in sexual activity with minors.

Both adults and children were trafficked domestically from poor, rural areas in the southern and central parts of the country to major urban centers, especially Metro Manila and Cebu, but also increasingly to cities in Mindanao. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the poverty and violence in their home areas. Approximately 75 percent of the trafficking victims provided with temporary shelter and counseling by the NGO Visayan Forum Foundation were from Mindanao. The Visayan region was also a source of trafficking victims. Women and girls were far more at risk of becoming victims of trafficking than men and boys.

Traffickers targeted persons seeking overseas employment. An estimated eight million Filipinos worked overseas, approximately 10 percent of the population and 20 percent of the workforce. Most recruits were females ages 13 to 30 from poor farming families. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns, promising respectable and lucrative jobs.

Although the Government pursued trafficking cases under the antitrafficking law as well as other related laws, its efforts were hampered by slowness of the courts, resource constraints within law enforcement agencies, corruption, and general inefficiency of the judicial system.

The DOJ assigned responsibility to 20 prosecutors who, in addition to their regular workloads, also handled the preliminary investigation and prosecution of trafficking cases at the national level. There were 95 prosecutors at the regional, provincial, and municipal levels with similar responsibilities for trafficking. The principal investigative agencies were the National Bureau of Investigation, the Bureau of Immigration, the Philippine Center for Transnational Crimes, and the PNP's Criminal Investigation and Detection Group, with the participation of other members of the Interagency Council Against Trafficking. The Government cooperated with international investigations of trafficking. The ombudsman created a task force for trafficking-related corruption cases. Corruption among law enforcement agents remained a particular obstacle to better antitrafficking performance. It was widely believed that some government officials were involved in, or at least permit, trafficking operations within the country.

On June 30, a woman was convicted and sentenced to life imprisonment for trafficking seven minors for sexual exploitation. On October 10, a Zamboanga City court sentenced a human trafficker to 30 years in prison for the 2004 illegal recruitment and trafficking of two women to Malaysia. On November 28, the Paranaque regional trial court fined and sentenced two traffickers to 20 years in prison for trafficking four minors in Albay Province. On December 4, a court acquitted an accused trafficker charged with transporting minors with the intent of forcing them into prostitution because the minors were rescued before they were actually forced into prostitution. From January to November, 162 new cases of trafficking were filed for prosecution, of which 37 were pending trial. A high vacancy rate among judges, among other factors, significantly slowed trial times.

Victims faced exposure to sexually transmitted or other infectious diseases and were vulnerable to beatings, sexual abuse, and humiliation.

There was anecdotal evidence that some lower-level officials such as customs officers, border guards, immigration officials, local police, or others received bribes from traffickers or otherwise facilitated trafficking. On September 17, an officer of the Bureau of Immigration at Ninoy Aquino International Airport was apprehended for her alleged role in aiding the trafficking of 17 Mindanao minors to Syria and Jordan. On October 22, a city prosecutor dismissed the charge against the officer for insufficient evidence, but filed trafficking charges against two accomplices. The Government expanded trafficking awareness training to include officials at international ports of entry and developed standard operating procedures for trafficking task forces at these entry points.

The Government increased efforts to protect victims of trafficking, although it continued to rely on NGOs and international organizations to provide services to victims. Victims were not penalized for any crimes committed as a direct result of being trafficked. The Government, in conjunction with NGO partners, assisted victims by providing temporary residency status and relief from deportation; shelter; and access to legal, medical, and psychological services. Through December DSWD provided temporary shelter and social services to 153 women and 153 juvenile victims of trafficking. Additional protective services included hot lines for reporting cases and the operation of 24 hour halfway houses in 13 regions of the country to assist victims.

The Government rarely deported or charged victims of trafficking with crimes; however, police sometimes charged women in prostitution with vagrancy. There were no reliable statistics indicating whether these individuals were victims of trafficking.

Victims may file civil suits or seek legal action against traffickers. Most victims who chose to do so filed charges of illegal recruitment. The Government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes. The NGO International Justice Mission (IJM), employing private investigators and lawyers, coordinated with the Government in an effort to increase the number of prosecutions on behalf of victims of trafficking and commercial sexual exploitation. Cases were prosecuted in coordination with DOJ prosecutors. IJM initiated 41 cases under the antitrafficking in persons law, and 18 of these cases were pending.

Numerous government agencies and officials, as well as NGOs and international organizations, continued to support public information campaigns against trafficking. The Government supported programs to prevent trafficking, such as the promotion of women's participation in economic decision making and efforts to keep children in school. The Government provided skills training to women, lessening the need for them to go to urban centers or overseas for employment. However, funding remained limited.

Persons With Disabilities.—The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments. The National Council for the Welfare of Disabled Persons formulates policies and coordinates the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. The DOLE's Bureau of Local Employment (BLE) maintained registers of persons with disabilities indicating their skills and abilities. BLE monitored private and public places of employment for violations of labor standards regarding persons with disabilities and also promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the Government had limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when their rights were violated because of the financial barriers to filing a lawsuit.

DSWD operated two assisted living centers in Metro Manila, and five community based vocational centers for persons with disabilities nationwide. Assisted-living centers were understaffed and underfunded. At year's end the DSWD provided services to 1,869 persons with disabilities.

Advocates for persons with disabilities contended that equal access laws were ineffective because implementing regulations were weak, funding was insufficient, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible; however, many stops had unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and there were reports of taxi drivers who failed to stop for passengers in wheelchairs. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep. The situation was worse in many smaller cities and towns. One NGO claimed that private transportation providers, such as taxis, often overcharged persons with disabilities or refused service.

The constitution provides for the right of persons with physical disabilities to vote; however, persons with mental disabilities are disqualified from voting. Persons with physical disabilities are allowed to vote with the assistance of a person of their choice. In practice many persons with disabilities did not vote because of the above barriers.

Indigenous People.—Indigenous people lived throughout the country but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They accounted for approximately 14 million or 16 percent of the national population, with over 34 percent of the total in Mindanao. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit as well as cultural bias prevented their full integration into society. Indigenous children suffered from lack of health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left or never attended school because of the discrimination they experienced.

Indigenous people suffered disproportionately from armed conflict, including displacement from their homes, because they often inhabited mountainous areas favored by guerrillas. Their lands were often the sites of armed encounters, and various parties to the fighting recruited many indigenous people.

A National Commission on Indigenous People (NCIP), staffed by tribal members, implemented constitutional provisions to protect indigenous people. During the year NCIP had a budget of 587 million pesos (approximately \$13.2 million). At year's end the NCIP had awarded Certificates of Ancestral Land and Ancestral Domain Titles covering over 2.67 million acres of land claimed by indigenous people. It awarded such "ancestral domain lands" on the basis of communal ownership, stopping sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands and assigns indigenous groups the responsibility to preserve their domains from environmentally inappropriate development. Some NGOs expressed concern that the law was not adequately enforced and that the rights of indigenous communities, including the right to prior consent, were not always protected.

Other Societal Abuses and Discrimination.—There was some societal discrimination based on sexual orientation, including in employment and education.

The law prohibits all forms of discrimination against persons with HIV/AIDS and provides basic health and social services for these persons. However, there was some evidence of discrimination against HIV/AIDS patients in the provision of health care, housing, and insurance services. The rate of HIV/AIDS remained low, although the rate of infection was believed to be underreported. Overseas workers were required to participate in an HIV/AIDS class as part of a predeparture orientation seminar.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

At year's end the Bureau of Labor Relations reported 141 registered labor federations and 15,537 private sector unions. The 1.9 million union members represented approximately 5 percent of the total workforce of 36.45 million. The number of firms using contractual labor, primarily large employers, continued to grow. There were 1,693 public sector unions, with a total membership of 352,182 or approximately 20 percent of the total employed persons in the public sector.

In May 2007 a new labor law lowered the requirements for union registration. On November 8, the DOLE issued the implementing rules and regulations for this law.

The International Trade Union Confederation (ITUC) and other labor rights advocacy groups expressed concern at killings, abductions, and other attacks on labor leaders and supporters and urged the Government to increase efforts in investigating these attacks. Through December, the Center for Trade Union and Human Rights (CTUHR) documented three cases of killings, including the March 10 killing of labor leader Gerry Cristobal in Cavite (See Section 1.a.), the July 19 killing of former chairperson of the Compostela Workers Association, Maximo Baranda, and the November 10 killing of worker's advocate and Bayan Muna coordinator Rolando Antolihao in Compostela. Apart from this, the CTUHR documented 32 cases of threats, harassment, and intimidation affecting 479 workers and labor advocates, 11 cases of physical assault, and five cases of violent dispersal of protests.

During the year the International Labor Organization (ILO) Committee on Freedom of Association (CFA) issued decisions on two cases and pursued investigations in three other cases, including a 2006 complaint by a labor federation alleging human rights violations, for which a government response to the ILO inquiry was still pending.

Subject to procedural restrictions, strikes in the private sector are legal; however, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law, the reason for striking must be relevant to the labor contract or the law, and all means of rec-

conciliation must have been exhausted. The DOLE secretary may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the secretary decides that the company affected by the strike is vital to the national interest. Labor rights advocates criticized the Government for intervening in labor disputes in sectors that were not vital to the national economy. In August the National Labor Relations Commission (NLRC) issued a temporary restraining order against striking workers and members of the Associated Labor Union—Trade Union Congress of the Philippines who were protesting against Gaisano Capital South and Gaisano Capital Mactan the day after the management asked the agency to intervene. In November, citing the company's contribution to the national economy, the secretary of labor intervened to prevent workers at garment maker and exporter Triumph International from going on strike.

Government workers are prohibited from joining strikes under threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes between workers and their employers. In August the Pampanga governor dismissed some 40 workers at a government-owned quarry after they staged a second strike over alleged administrative irregularities. At year's end the workers had not been reinstated.

The DOLE reported five strikes involving 1,115 workers from January to September. The American Center for International Labor Solidarity reported four strikes involving 910 workers.

In June at least 13 workers at Hanjin Garments Inc; a Korean owned firm located in Cabuyao, Laguna, were injured and four others arrested following dispersal by local authorities. Workers sought to regularize the employment status of contractual workers who had worked at the company for several years.

Although the labor code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to three years, there has never been a conviction under this provision.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. The labor code provides for this right for employees both in the private sector and in corporations owned or controlled by the Government. A similar right is afforded to most government workers. Collective bargaining was practiced; however, it was subject to hindrance and union leaders may be subject to reprisal. International labor organizations noted that collective bargaining in the public sector was limited. Through year's end the total number of private— and public sector workers covered by collective bargaining agreements was recorded at 282,683 (approximately 14.5 percent of union members and less than 1 percent of the total workforce).

Allegations of intimidation and discrimination in connection with union activities are grounds for review before the quasi judicial NLRC as possible unfair labor practices. Before disputes reach the NLRC, the DOLE provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. The DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Management dismissal or threatened dismissal of union members was common. In September approximately 65 union executive officers and members working through a contractor for a gold mining company were dismissed a few days before a DOLE-scheduled union certification election. In August the contractor allegedly forced members of the union to sign a termination letter although they had a contract to work through October.

In March the CFA responded to a 2007 complaint by several union members at the Technical Education Services and Development Authority (TESDA) regarding the members' work—transfer orders and their subsequent dismissal from TESDA. The committee requested the Government to reinstate the workers and provide compensation. Conflicting decisions in 2007 from the Civil Service Commission called for the reinstatement of the workers but also approved TESDA's decision to dismiss them. In December a court of appeals ruled in favor of TESDA management. A union representative said the organization would appeal that decision to the Supreme Court.

Labor groups alleged that companies in Special Economic Zones (SEZs) used frivolous lawsuits as a means of harassing union leaders. Labor groups reported that firms used bankruptcy as a reason for closing and dismissing workers.

Labor law applies uniformly throughout the country, including in SEZs; however, local political leaders and officials who governed the SEZs attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. The ITUC in its 2007 Annual Survey maintained that the DOLE was unable or unwilling to

enforce labor law in the SEZs. A conflict over interpretation of the SEZ law's provisions for labor inspection further obstructed the enforcement of workers' rights to organize. The DOLE can conduct inspections of SEZs and establishments located there, although local zone directors claimed authority to conduct their own inspections as part of the zones' privileges intended by congress. Hiring often was controlled tightly through SEZ labor centers. Union successes in organizing in the SEZs have been few and marginal in part due to organizers' restricted access to the closely guarded zones and the propensity among zone establishments to adopt fixed-term, casual, temporary, or seasonal employment contracts.

Labor groups claimed that government security forces stationed near industrial areas were intended to intimidate workers attempting to organize.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced labor, including forced and compulsory labor by children; however, there were some reports of forced and compulsory labor, particularly by children, mainly in prostitution, drug trafficking, domestic service, and other areas of the informal sector (See Sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the DOLE secretary but forbids the employment of persons less than 18 years of age in hazardous or dangerous work. However, child labor remained a common problem, and a significant number of children were employed in the informal sector of the urban economy as domestic workers or as unpaid family workers in rural agricultural areas—some as bonded laborers. The Government estimated that there were approximately four million working children, an estimated half of whom were exposed to hazardous working environments, in industries such as quarrying, mining, deep sea fishing, pyrotechnic production, and agriculture, especially sugar cane plantations.

Most child labor occurred in the informal economy, often in family settings. The Government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the Government made attempts to devote more resources to child labor programs during the year, resources remained inadequate.

The Government and NGOs implemented programs to prevent the engagement of children in exploitive child labor; they educated communities on child labor and provided counseling and other activities for children. The DOLE and the DepEd worked with NGOs to assist children to return to school, and UNICEF and the ILO continued to work with the Government on programs for the reduction of child labor. The Government also imposed fines and instituted criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. The trial continued for a Metro Manila garment factory that employed 10 child laborers. The DOLE continued its efforts to remove child workers from hazardous situations. From January to June, the DOLE conducted 16 rescue operations, removing 59 minors.

e. Acceptable Conditions of Work.—The national minimum wage did not provide a decent standard of living for a worker and family. Tripartite regional wage boards set minimum wages, and they increased minimum wages slightly during the year. Under a new law, minimum wage earners are exempt from paying income tax. The highest minimum wage rates were in the National Capital Region, where the minimum daily wage for nonagricultural workers was 382 pesos (\$8.59). The lowest minimum wage rates were in the Southern Tagalog Region, where daily agricultural wages were 187 pesos (\$4.20). The regional wage board orders covered all private sector workers except domestic servants and others employed in the service of another person. Boards exempted some newly established companies and other employers from the rules because of factors such as business size, industry sector, export intensity, financial distress, and level of capitalization. These exemptions excluded substantial numbers of workers from coverage under the law. Through year's end the regional wage boards granted minimum wage exemption applications to 256 establishments, a 48 percent increase over 2007. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards and the use of contract employees to avoid the payment of required benefits were common, including in the Government-designated SEZs, where tax benefits were used to encourage the growth of export industries. According to a year-end Bureau of Working Conditions report, 11,531 of 26,169 inspected firms were found to have violated labor or occupational safety and

health standards. Many firms hired employees for less than the minimum apprentice rates, even if there was no approved training in their production-line work. The DOLE inspects establishments that employ 10 to 199 workers to determine compliance with national labor laws and international core labor standards. Establishments employing 200 or more persons and unionized establishments with collective bargaining agreements are subject to a self-assessment of compliance with labor standards. The DOLE provided training and advisory services to enterprises with less than 10 workers to help them comply with national labor laws and core labor standards. At year's end, 18 percent (4,664 out of 26,169) of commercial establishments inspected by the DOLE were not in compliance with the prevailing minimum wage. The DOLE acknowledged that the shortage of inspectors made it difficult to enforce the law. In addition to fines, the Government also used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. Complaints about nonpayment of social security contributions, bonuses, and overtime were particularly common with regard to companies in SEZs.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour per day limit. The Government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates one day of rest each week. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE conducted only sporadic inspections to enforce limits on workweek hours. From January to December, 153 DOLE labor inspectors made 26,169 inspections to check on companies' compliance with general labor and working standards. Labor groups maintained that forced overtime was common.

On January 22, the DOLE in the Southern Tagalog region ordered a Korean-owned garment factory to pay back wages, but, by May 1, only a portion of the workers had been paid.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these standards, but with too few inspectors nationwide, local authorities often must carry out enforcement. The DOLE continued a campaign to promote safer work environments in small enterprises. Statistics on actual work related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. At year's end the DOLE conducted inspections of 7,129 establishments on occupational safety standards compliance, 6,353 or 80 percent of which were able to comply upon inspection. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

There were work-related deaths and injuries during the year, including the death of five employees and injury of eight others at Hanjin Heavy Industries, a ship-building firm in Subic Bay. An investigation by the Subic Bay Metropolitan Authority revealed several safety lapses.

The Government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were temporary or contract workers. The Government placed financial sanctions on and criminal charges against domestic recruiting agencies found guilty of unfair labor practices. Although the POEA registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The Government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

In November trade unions called on the POEA to eliminate a provision in POEA's sample contract that lists involvement in trade union activities as a valid reason for terminating employment. The POEA subsequently removed the sample contract from its Web site.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens. They are not allowed to join or form unions.

SAMOA

Samoa is a constitutional parliamentary democracy that incorporates traditional practices into its governmental system. Its population was approximately 188,000. Executive authority is vested in Head of State Tui Atua Tupua Tamasese Efi, elected by parliament in 2007. The unicameral parliament, elected by universal suffrage,

is composed primarily of the heads of extended families, or matai. The most recent parliamentary elections, held in 2006, were marred by charges of bribery. All 10 by-elections subsequently ordered by the Supreme Court were concluded by February 2007 and considered generally free and fair. The ruling Human Rights Protection Party (HRPP) increased its majority and continued to be the only officially recognized party in parliament. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. Some problems remained, however, including poor prison conditions, local limitations on religious freedom, domestic violence, and discrimination against women and non-matai.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and the Government generally observed these prohibitions in practice. Tafaigata Prison's former "Cell Nine," in which inmates previously had been held with no lights, bedding, or sanitary facilities, was renovated to hold new inmates.

During the year a nongovernmental organization (NGO) brought to light a complaint from a former inmate at the Oloamanu Juvenile Center alleging that a senior police officer forced him into an unwanted sexual relationship in 2007. At year's end the Professional Standards Unit of the Ministry of Police was investigating the allegation.

Prison and Detention Center Conditions.—Prison conditions remained poor, especially for male inmates. Some prison facilities were nearly a century old. Only basic provisions were made with respect to food, water, and sanitation. Diplomatic observers reported that each concrete cell held 10 to 15 inmates. Most cells had gravel floors, no toilets, poor ventilation, and almost no lighting. Some juveniles were held with adults. At year's end construction work continued on parts of a new separate facility for juveniles, the Oloamanu Juvenile Center, although the facility held a limited number of juveniles. Physical conditions at the juvenile center were generally better than those for adults, but there were unconfirmed reports of problems with food, clothing, and the water supply.

Inmates were employed in various activities outside prisons, including work in government officials' private residences and companies. Because the Government regarded this work as a form of rehabilitation and preferable for the inmates to confinement in prison, the prisoners were not always paid for this work. The assignments reportedly were voluntary and periodically inspected by prison staff.

The Government permitted visits by independent human rights observers; however, there were no known requests during the year. The Government permitted family members and church representatives to visit prisons every two weeks.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The country has a small national police force. Enforcement of rules and security within individual villages is vested in the fono (Council of Matai).

A commissioner for police and prisons administration is appointed to a three-year term and reports to the minister of police. Corruption and impunity were not significant problems among the police, although there were credible reports of minor instances of bribery, such as bribes to avoid traffic citations. A lack of resources limited police effectiveness.

In September a special commission of inquiry was set up to investigate alleged involvement of the police commissioner in the smuggling of three firearms onboard the police patrol boat; at year's end the inquiry was ongoing.

The 2007 case of an assistant police commissioner accused of indecent assault against two female police officers went to trial during the year but was delayed due to absence on maternity leave of one of the witnesses; the trial was expected to resume in 2009.

Arrest and Detention.—The Supreme Court issues arrest warrants based on sufficient evidence. The law provides for the right to a prompt judicial determination regarding the legality of detention, and the authorities generally respected this right in practice. Detainees are informed within 24 hours of the charges against them,

or they are released. There was a functioning system of bail. Detainees were allowed prompt access to family members and a lawyer of their choice. If the detainee is indigent, the Government provides a lawyer.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judiciary consists of the District Court, the Lands and Titles Court, the Supreme Court, and the Court of Appeal. The Court of Appeal, the highest court, has appellate jurisdiction only and can review the rulings of any other court. It is composed of a panel of retired New Zealand judges and sits once a year for several weeks.

Due to staff shortages, some Supreme Court and District Court judges faced a backlog of pending cases. Of particular concern were postponements of rulings on constitutional cases that in some cases dated back years.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. A trial judge examines evidence and determines if there are grounds to proceed. Defendants have the presumption of innocence. Trials are public, and juries are used. Defendants have the right to be present and to timely consultation with an attorney, at public expense if required. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government held evidence, and defendants have the right to appeal a verdict. The law extends these rights to all citizens.

Many civil and criminal matters were handled by village fono, which varied considerably in their decision making styles and the number of matai involved in the decisions. The Village Fono Act recognizes the decisions of the fono and provides for limited appeal to the lands and titles court and the Supreme Court. The nature and severity of the dispute determine which court receives an appeal. A further appeal may be made to the Court of Appeal if necessary. According to a 2000 Supreme Court ruling, fono may not infringe upon villagers' freedom of religion, speech, assembly, or association.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The laws prohibit such actions, and the Government generally respected these prohibitions in practice. However, there is little or no privacy in villages, where there can be substantial societal pressure on residents to grant village officials access without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent media were generally active and expressed a wide variety of views without restriction. However, the Government imposed restrictions on media reporting with regard to a commission of inquiry investigation into an alleged gun-smuggling incident involving the police commissioner. Although members of the media were allowed to be present at commission hearings, they were instructed to report only on daily media briefings prepared by the Office of the Attorney General; reporting of any information not included in the briefings was prohibited. At year's end the inquiry was ongoing, and media were still restricted in reporting on it.

The law stipulates imprisonment for any journalist who, despite a court order, refuses to reveal a confidential source upon request from a member of the public. However, there has been no court case invoking this law.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Although for financial reasons private ownership of computers was relatively uncommon, access to the Internet through Internet cafes was generally available and widely used.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution acknowledges an “independent state based on Christian principles and Samoan custom and traditions”; however, there is no official or state denomination. The law grants each person the right to change religion or belief and to worship or teach religion alone or with others, but in practice the matai often choose the religious denomination of their extended family.

Societal Abuses and Discrimination.—There were no significant reports of societal religious discrimination. There was no organized Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state/drl/irf/rpt.

d. Freedom of Movement, Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, traditional law governs villages, and village fono regularly banned citizens from village activities or banished citizens from the village for failing to conform to village laws or obey fono rulings. Cases of village banishment are rarely made public. Of those cases that became known during the year, reasons for banishment included murder, rape, adultery, and unauthorized claims to land and matai title. In some cases civil courts have overruled banishment orders. Some banished persons were accepted back into the village after performing a traditional apology ceremony called “ifoga.”

The Government was willing to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, but the need did not arise during the year.

The law prohibits forced exile, and the Government did not use it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The Government received no requests during the year for refugee status, asylum, or protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The most recent elections, held in 2006, were marred by charges of bribery. As a result of election challenges filed by losing candidates, the Supreme Court ordered 10 by-elections. All the mandated by-elections were conducted and generally considered free and fair.

The law does not prohibit the formation of opposition parties, but there were no officially recognized opposition parties. Two members of parliament (MPs) from the ruling HRPP resigned in disapproval of government legislation to switch the driving side of the road; in May they joined 10 other independent MPs to form the Tautua Samoa Party. The former Samoa Democratic United Party disbanded, with most members joining the new party. The new party was not officially recognized, however, as parliamentary standing orders dictate that parties must be registered before the general election to receive recognition. In October organizers of protests against the driving switch (none of whom were MPs) announced the formation of another new political party, the People's Party. At year's end the HRPP remained the only recognized party, with 35 parliamentary seats; independents, including those affiliated with Tautua Samoa, held 14 seats.

While the constitution gives all citizens above age 21 the right to vote and run for office, by social custom candidates for 47 of the 49 seats in parliament are drawn from the approximately 30,000 matai. Matai are selected by family agreement; there is no age qualification. Although both men and women are permitted to become matai, only 8 percent were women. Matai controlled local government through the village fono, which were open to them alone.

There were four women in the parliament and three women in the cabinet. Two women served as heads of constitutional offices, four women as chief executive officers of government ministries, and three women as general managers of government corporations.

The political rights of citizens who are not of ethnic Samoan heritage are addressed by the reservation of two parliamentary seats for “at-large” MPs. One at-large cabinet minister and MP was of mixed European—Samoan heritage. Citizens of mixed European—Samoan or Chinese—Samoan heritage were well represented in the civil service.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. Penalties ranged from several months to several years of imprisonment if convicted. There were isolated reports of government corruption during the year.

Public officials were not subject to financial disclosure laws; however, such disclosure was encouraged by codes of ethics applicable to boards of directors of government-owned corporations. The law provides for an ombudsman to investigate complaints against government agencies, officials, or employees, including allegations of corruption. The ombudsman may require the Government to provide information relating to a complaint.

In April an account officer in the Ministry of Police and two account officers in the Ministry of Finance were charged with embezzling 350,000 tala (approximately \$125,450) in police funds. The case was ongoing at year’s end. In May a staff member of the former South Pacific Games Authority was convicted of embezzling 43,000 tala (approximately \$15,400). In August a senior official of the Ministry of Justice was terminated after two court files went missing. However, an employment dispute tribunal subsequently found him innocent of wrongdoing and offered him reinstatement.

In May the former financial controller of the Samoa Kidney Foundation pled guilty to a 2007 charge of theft as a public servant and was awaiting sentencing at year’s end.

Under the law government information is subject to disclosure in civil proceedings involving the Government, unless the information is considered privileged or its disclosure would harm the public interest.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally respected these provisions in practice. However, politics and culture reflected a heritage of matai privilege and power, and members of certain families of high traditional status had some advantages.

Women.—The constitution prohibits abuse of women, but common societal attitudes tolerated their physical abuse within the home, and such abuse was common.

Rape is illegal, but there is no legal provision against spousal rape. Many cases of rape went unreported because common societal attitudes discouraged such reporting. In recent years authorities noted a rise in the number of reported cases of rape, as women slowly became more forthcoming with police. Rape cases that reached the courts were treated seriously. The penalties for rape ranged from two years’ to life imprisonment, but a life sentence has never been imposed.

Domestic abuses typically went unreported due to social pressure and fear of reprisal. Village fono typically punished domestic violence offenders, but only if the abuse was considered extreme (i.e., visible signs of physical abuse). Village religious leaders were also permitted to intervene in domestic disputes. When police received complaints from abused women, the Government punished the offender, including by imprisonment. Domestic violence is charged as common criminal assault, with terms of imprisonment ranging from several months to one year. The Government did not keep statistics on domestic abuse cases specifically but acknowledged the problem to be one of considerable concern.

The Ministry of Police has a 10-person Domestic Violence Unit, which received reports of domestic abuse and worked in collaboration with NGOs that combated domestic abuse. NGO services for abused women included confidential hot lines, in-person counseling, victim support, and shelters.

Prostitution is illegal but was not a major problem. The law prohibits sexual harassment; it was not a widespread problem but was believed to be underreported.

Women have equal rights under the constitution and statutory law, and the traditional subordinate role of women was changing, albeit slowly, particularly in the more conservative parts of society. The Ministry of Women, Community, and Social Development oversees and helps secure the rights of women. To integrate women into the economic mainstream, the Government sponsored numerous programs, including literacy programs and training programs for those who did not complete high school.

A provision of labor law prohibits employment of women between midnight and 6:00 a.m. This regulation was generally observed.

Children.—The Government made a strong commitment to the welfare of children through the implementation of various youth programs by the Ministry of Women, Community, and Social Development in collaboration with the Ministries of Education and Health. Education is compulsory through age 14; however, the Government did not enforce this law. Public education was not free; students were required to pay some school fees.

Law and tradition prohibit severe abuse of children, but both tolerate corporal punishment. A recent rise in reported cases of child abuse appeared to be due to citizens' increased awareness of the need to report physical, emotional, and sexual abuse of children. The Government aggressively prosecuted such cases.

In September a matai was convicted of having an unlawful sexual relationship with a 14-year-old boy and sentenced to two-and-one-half years' imprisonment.

The Ministry of Justice and Courts Administration and the Ministry of Education, in collaboration with NGOs, carried out educational activities to address domestic violence and inappropriate behavior between adults and children and to promote human rights awareness.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

There are laws against kidnapping that could be used to prosecute trafficking-related activities. The law provides a penalty of up to 10 years in prison for kidnapping any person with the intent to transport, imprison, or hold for service. Abducting or receiving a child under age 16 is punishable by up to seven years' imprisonment. A transnational crimes unit monitors crimes related to trafficking in persons.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There is no law pertaining specifically to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice. There were no reports of discrimination against persons with disabilities in the areas of employment, education, access to health care, or the provision of other state services. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—Sodomy and "indecentcy between males" are illegal. However, these provisions were not actively enforced with regard to consensual homosexual acts between adults. There were no reports of societal violence or discrimination against homosexuals.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers legally have unrestricted rights to establish and join organizations of their own choosing. There were no practical limitations to union membership, and approximately 20 percent of the private sector workforce was unionized. The Public Service Association (PSA) functioned as a union for all government workers, who comprised approximately 80 percent of the paid workforce, excluding the self-employed.

The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety, and workers have exercised this right.

Workers in the private sector have the right to strike, but there were no private-sector strikes during the year.

b. The Right to Organize and Bargain Collectively.—The law provides workers with the right to organize and bargain collectively, and workers exercised this right in practice. The PSA engages in collective bargaining on behalf of government workers, including bargaining on wages. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arose.

There are no special laws or exemptions from regular labor laws in the sole export processing zone.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, but matai frequently called upon persons, including minors, to work for their villages. Most persons did so willingly; however, the matai may compel those who do not.

d. Prohibition of Child Labor and Minimum Age for Employment.—It is illegal to employ children under the age of 15 except in “safe and light work.” The Ministry of Labor refers complaints of illegal child labor to the attorney general for enforcement; however, no cases were prosecuted during the year. The law does not apply to service rendered to family members or the matai, some of whom required children to work for the village, primarily on village farms. The extent of this practice varied by village, but it generally did not significantly disrupt children’s education.

Children frequently were seen vending goods and food on Apia street corners. The Government has not made a definitive determination as to whether this practice violates the country’s labor laws, which cover only persons who have a place of employment. Although the practice may constitute a violation of the law, local officials mostly tolerated it.

e. Acceptable Conditions of Work.—An advisory commission to the minister of labor sets minimum wages. There were two minimum wages: 2.00 tala (approximately \$0.70) per hour for the private sector, and 2.40 tala (approximately \$0.85) for the public sector. Neither provided a decent standard of living for a worker and family unless supplemented by other activities, such as subsistence farming and fishing. Wages in the private sector are determined by competitive demand for the required skills but should not be less than the minimum private-sector wage.

The provisions of the Labor Act cover only the private sector; a separate law, the Public Service Act, covers public-sector workers. Labor laws stipulate a standard work week of no more than 40 hours, or eight hours per day (excluding meal times). For the private sector, overtime pay is specified at time and a half, with double time for work on Sundays and public holidays and triple time for overtime on such days. For the public sector, there is no paid overtime, but compensatory time off is given for overtime work.

The Occupational Safety Hazard Act establishes certain rudimentary safety and health standards for workplaces, which the Ministry of Commerce, Industry, and Labor is responsible for enforcing. The law also covers persons who are not workers but who are lawfully on the premises or within the workplace during work hours. However, independent observers reported that safety laws were not enforced strictly, except when accidents highlighted noncompliance. Work accidents were investigated when reports were received. Many agricultural workers, among others, were inadequately protected from pesticides and other dangers to health. Government education and awareness programs addressed these concerns by providing appropriate training and equipment to agricultural workers. Safety laws do not apply to agricultural service rendered to the matai. While the law does not address specifically the right of workers to remove themselves from dangerous work situations, the commissioner of labor investigates such cases, without jeopardy to continued employment. The Government investigated several cases during the year. Government employees are covered under different and more stringent regulations, which were enforced adequately by the Public Service Commission.

SINGAPORE

Singapore is a parliamentary republic in which the People’s Action Party (PAP), in power since 1959, overwhelmingly dominates politics. The population was approximately 4.6 million, with foreign workers accounting for nearly one fifth of the total. Opposition parties exist, and the May 2006 parliamentary elections were generally fair and free of tampering; however, the PAP placed formidable obstacles in the path of political opponents. Civilian authorities generally maintained effective control of the security forces.

The Government has broad powers to limit citizens’ rights and to handicap political opposition, which it used. Caning is an allowable punishment for numerous of-

fenses. The following human rights problems also were reported: preventive detention, executive influence over the judiciary, infringement of citizens' privacy rights, restriction of speech and press freedom and the practice of self-censorship by journalists, restriction of freedoms of assembly and association, limited restriction of freedom of religion, and some trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these prohibitions.

The penal code mandates caning, in addition to imprisonment, as punishment for approximately 30 offenses involving violence, such as rape and robbery, and for non-violent offenses such as vandalism, drug trafficking, and violation of immigration laws. Caning is discretionary for convictions on other charges involving the use of force, such as kidnapping or voluntarily causing grievous hurt. All women, men over age 50 or under age 16, and anyone determined medically unfit are exempt from punishment by caning. Through September, 4,078 convicted persons were sentenced to caning, and 98.7 percent of caning sentences were carried out.

Prison and Detention Center Conditions.—Prison and detention center conditions, while Spartan, generally met international standards.

The Government did not allow human rights monitors to visit prisons; however, diplomatic representatives were given consular access to citizens of their countries.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police force and the armed forces, and the Ministry of Home Affairs has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—The law provides that, in most instances, arrests are to be carried out after issuance of an authorized warrant; however, some laws, such as the Internal Security Act (ISA), provide for arrests without warrants. Those arrested under warrants must be charged before a magistrate within 48 hours. The majority of those arrested were charged expeditiously and brought to trial. A functioning bail system exists. Those who face criminal charges are allowed counsel; however, there is no access to counsel during an initial arrest and investigation before charges are filed. The Law Society administered a legal aid plan for those who could not afford to hire an attorney.

Some laws—the ISA, the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (the drug act), and the Undesirable Publications Act (UPA)—have provisions for arrest and detention without a warrant, and under the ISA, CLA, and drug act, executive branch officials can order continued detention without judicial review. The ISA has been employed primarily against suspected security threats. In the past these threats were Communist related; however, in recent years the ISA has been employed against suspected terrorists. The CLA has been employed primarily against suspected organized crime and drug trafficking.

The ISA and the CLA permit preventive detention without trial for the protection of public security, safety, or the maintenance of public order. The ISA gives broad discretion to the minister for home affairs, at the direction of the president, to order detention without filing charges if it is determined that a person poses a threat to national security. The initial detention may be for up to two years and may be renewed without limitation for additional periods of up to two years at a time. Detainees have a right to be informed of the grounds for their detention and are entitled to counsel. However, they have no right to challenge the substantive basis for their detention through the courts. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority. Instead, detainees may make representations to an advisory board, headed by a Supreme Court justice, which reviews each detainee's case periodically and must make a recommendation to the president within three months of the initial detention. The president may concur with the advisory board's recommendation that a detainee be released prior to the expiration of the detention order, but he is not obligated to do so.

At year's end, 22 detainees were being held under the ISA as suspected terrorists. Of these detainees, 19 were suspected of belonging to the terrorist group Jemaah Islamiyah (JI) or to the Philippines based Moro Islamic Liberation Front (MILF). In January the authorities detained Muhammad Zamri Abdullah and Maksham Mohammad Shah under the ISA for involvement in activities deemed to pose a potential terrorist threat. The Government placed a third man, Mohammad Taufik Andjah Asmara, under a Restriction Order (RO) limiting his movements. In March the Government announced that it had detained alleged JI member Rijal Yadri bin Jumari.

A religious rehabilitation program designed to wean detained terrorists from extremist ideologies is in effect, and between January and September, 12 detainees were released under the program. Between January and March, five JI detainees and one MILF detainee, all held since 2001, and JI detainee Anis bin Mohamad Mansor, held since 2004, were released. On September 15, the Government announced that five additional alleged JI members were released between March and September. Three brothers, Muhamad Ismail bin Anwarul, Abdul Rashid bin Anwarul, and Abdul Nassir bin Anwarul, held since 2006, were released from detention on March 28 and placed on ROs. On September 14, detainees Ab Wahab bin Ahmad and Sanin bin Riffin, held since 2002, were released and placed on ROs. The authorities said all of the detainees released had cooperated in investigations and responded positively to rehabilitation.

At year's end, 41 others were on ROs. This number included both released detainees and suspected terrorists who were never arrested. A person subject to an RO must seek official approval for a change of address or occupation, for overseas travel, or for participation in any public organization or activity.

The CLA comes up for renewal every five years. Under the CLA the minister for home affairs may order preventive detention, with the concurrence of the public prosecutor, for an initial period of one year, and the president may extend detention for additional periods of up to one year at a time. The minister must provide a written statement of the grounds for detention to the Criminal Law Advisory Committee (CLAC) within 28 days of the order. The CLAC then reviews the case at a private hearing. CLAC rules require that detainees be notified of the grounds of their detention at least 10 days prior to this hearing, in which a detainee may represent himself or be represented by a lawyer. After the hearing the committee makes a written recommendation to the president, who may cancel, confirm, or amend the detention order. Persons detained under the CLA have recourse to the courts via an application for a writ of habeas corpus. Persons detained without trial under the CLA are entitled to counsel, but they may challenge the substantive basis for their detention only to the CLAC. The CLA was used almost exclusively in cases involving narcotics or criminal organizations and has not been used for political purposes. The last CLA renewal occurred in 2004, at which time 211 persons were in detention under its provisions. More recent data has not been made available. Persons who allege mistreatment while in detention may bring criminal charges against government officials alleged to have committed such acts.

Both the ISA and the CLA contain provisions that allow for modified forms of detention such as curfews, residence limitations, requirements to report regularly to the authorities, limitations on travel, and, in the case of the ISA, restrictions on political activities and association.

The drug act permits detention without trial. Under the drug act, the director of the Central Narcotics Bureau (CNB) also may commit—without trial—suspected drug abusers to a drug rehabilitation center for a six-month period, which is extendable by a review committee of the institution for up to a maximum of three years. As of September, 612 persons were held in drug rehabilitation centers. Under the Intoxicating Substances Act, the CNB director may order the treatment of a person believed to be an inhalant drug abuser for up to six months.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence; however, in practice laws that limit judicial review permit restrictions on constitutional rights. Some judicial officials, especially Supreme Court judges, have ties to the ruling party and its leaders. The president appoints judges to the Supreme Court on the recommendation of the prime minister and in consultation with the chief justice. The president also appoints subordinate court judges on the recommendation of the chief justice. The term of appointment is determined by the Legal Service Commission (LSC), of which the chief justice is the chairman. Under the ISA and the CLA, the president and the minister for home affairs have substantial de facto judicial power, which explicitly (in the case of the ISA) or implicitly (in the case of the CLA) excludes normal judicial review. These laws provide the Government with the power

to limit, on vaguely defined national security grounds, the scope of certain fundamental liberties that otherwise are provided for in the constitution.

Government leaders historically have used court proceedings, in particular defamation suits, against political opponents and critics. Both this practice and consistent awards in favor of government plaintiffs raised questions about the relationship between the Government and the judiciary and led to a perception that the judiciary reflected the views of the ruling party in politically sensitive cases.

The judicial system has two levels of courts: the Supreme Court, which includes the High Court and the Court of Appeal, and the subordinate courts. Subordinate court judges and magistrates, as well as public prosecutors, are civil servants whose specific assignments are determined by the LSC, which can decide on job transfers to any of several legal service departments. The subordinate courts handle the great majority of civil and criminal cases in the first instance. The High Court may hear any civil or criminal case, although it generally limited itself to civil matters involving substantial claims and criminal matters carrying the death penalty or imprisonment of more than 10 years. The Court of Appeal is the highest and final court of review for matters decided in the subordinate courts or the High Court. Supreme Court justices may remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, renewable terms at full salary. Some observers believed that the LSC's authority to rotate subordinate court judges and magistrates and the Government's discretion with regard to extending the tenure of Supreme Court judges beyond the age of 65 undermined the independence of the judiciary.

In addition the law provides for Islamic courts whose authority is limited to Islamic family law, which is applicable only to Muslims.

A two-tier military court system has jurisdiction over all military personnel, civilians in the service of the armed forces, and volunteers when they are ordered to report for service. The system handled approximately 450 cases each year. The Military Court of Appeal has jurisdiction to examine an appeal from a person convicted by a subordinate military court. Trials are public, and defendants have the right to be present. An accused individual also has the right to defense representation.

Trial Procedures.—The law provides for the right to a fair trial, and independent observers viewed the judiciary as generally impartial and independent, except in a small number of cases involving direct challenges to the Government or the ruling party. The judicial system provides citizens with an efficient judicial process. In normal cases the Criminal Procedure Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Trials are public and heard by a judge; there are no jury trials. Defendants have the right to be present at their trials and to be represented by an attorney; the Law Society administers a criminal legal aid plan for those who cannot afford to hire an attorney. In death penalty cases, the Supreme Court appoints two attorneys for defendants who are unable to afford their own counsel. Defendants also have the right to question opposing witnesses, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right of appeal in most cases. Despite the general presumption of innocence, the drug act stipulates that a person who the prosecution proves has illegal narcotics in his possession, custody, or control shall be assumed to be aware of the substance and places the burden on the defendant to prove otherwise. The same law also stipulates that, if the amount of the narcotic is above set low limits, it is the defendant's burden to prove he or she did not have the drug for the purpose of trafficking. Convictions for narcotics trafficking offenses carry lengthy jail sentences or the death penalty, depending on the type and amount of the illegal substance.

Persons detained under the ISA or CLA are not entitled to a public trial. In addition, proceedings of the advisory board under the ISA and CLA are not public.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is no differentiation between civil and criminal judicial procedures. The subordinate courts handled the majority of civil cases. Access to the courts is open, and citizens and residents have the right to sue for infringement of human rights. However, there were no known attempts to use legal action against the Government for human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution does not address privacy rights; remedies for infringement of some aspects of privacy rights are available under statutory or common law. The Government generally respected the privacy of homes and families; however, it had a per-

vasive influence over civic and economic life and sometimes used its broad discretionary powers to infringe on these rights. To prevent housing segregation, the Government enforced ethnic ratios in publicly subsidized housing where the majority of citizens lived. Normally the police must have a warrant issued by a court to conduct a search; however, they may search a person, home, or property without a warrant if they decide that such a search is necessary to preserve evidence or under the discretionary powers of the ISA, CLA, the drug act, and the UPA.

Law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have extensive networks for gathering information and conducting surveillance and highly sophisticated capabilities to monitor telephone and other private conversations. No court warrants are required for such operations. It was believed that the authorities routinely monitored telephone conversations and the use of the Internet. It was widely believed that the authorities routinely conducted surveillance of some opposition politicians and other government critics.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and freedom of expression but permits official restrictions on these rights, and in practice the Government significantly restricted freedom of speech and freedom of the press. Government intimidation and pressure to conform resulted in self-censorship among journalists; however, there was a moderate level of debate in newspapers and on the Internet on some public issues such as rising income inequality and whether to repeal a statute that bans homosexual activity.

Under the ISA the Government may restrict or place conditions on publications that incite violence; counsel disobedience to the law; have the potential to arouse tensions in the country's diverse population; or might threaten national interests, national security, or public order. While the ISA has not been invoked in recent years against political opponents of the Government, political opposition and criticism remained restricted by the Government's authority to define these powers broadly.

Government leaders urged that news media support the goals of the elected leadership and help maintain social and religious harmony. In addition to strict defamation and press laws, the Government's demonstrated willingness to respond vigorously to what it considered personal attacks on officials led journalists and editors to moderate or limit what was published.

Citizens do not need a permit to speak at indoor public gatherings outside the hearing or view of nonparticipants, unless the topic refers to race or religion.

The Government effectively restricts the ability to speak freely in public to a single location called Speakers' Corner, which is located in a public park. Prospective speakers must be citizens or permanent residents and must show their identification cards. In August the Government announced it was no longer necessary for citizens to register in advance with the police, but only to preregister the event on-line with the Government. While it was not necessary to declare speech topics in advance, regulations governing the Speakers' Corner state that "the speech should not be religious in nature and should not have the potential to cause feelings of enmity, ill will, or hostility between different racial or religious groups." On August 18, the Government announced demonstrations would also be allowed to take place at Speakers' Corner under the same rules and restrictions.

The Government strongly influenced both the print and electronic media. Two companies, Singapore Press Holdings Limited (SPH) and MediaCorp, owned all general circulation newspapers in the four official languages—English, Chinese, Malay, and Tamil. MediaCorp was wholly owned by a government investment company. SPH was a private holding company with close ties to the Government; the Government must approve (and can remove) the holders of SPH management shares, who have the power to appoint or dismiss all directors or staff. As a result, while newspapers printed a large and diverse selection of articles from domestic and foreign sources, their editorials, coverage of domestic events, and reporting of sensitive foreign relations topics usually closely reflected government policies and the opinions of government leaders.

Columnists' opinions and letters to the editor expressed a moderate range of opinions on public issues.

Government-linked companies and organizations operated all domestic broadcast television channels and almost all radio stations. Only one radio station, the BBC World Service, was completely independent of the Government. Some Malaysian and Indonesian television and radio programming could be received, but satellite dishes were banned, with few exceptions. Cable subscribers had access to seven for-

sign television news channels and many entertainment channels, including some with news programs; these were not censored.

The Media Development Authority (MDA), a statutory board under the Ministry of Information, Communications, and the Arts (MICA), continued to censor broadcast media, Internet sites, and all other media, including movies, video materials, computer games, and music. Banned publications consisted primarily of sexually oriented materials but also included some religious and political publications. Both the MDA and MICA developed censorship standards with the help of a citizen advisory panel. The ISA, the UPA, and the Films Act allow the banning, seizure, censorship, or restriction of written, visual, or musical materials by these agencies if they determine that such materials threaten the stability of the state, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. The MDA has the power to sanction broadcasters for airing what it believes to be inappropriate content. All content airing between 6 a.m. and 10 p.m. must be suitable for viewers of all ages.

A substantial number of foreign media operations were located within the country, and a wide range of international magazines and newspapers could be purchased uncensored. However, under the Newspaper and Printing Press Act (NPPA), the Government may limit the circulation of foreign publications that it determines interfere with domestic politics. The NPPA requires foreign publications that report on politics and current events in Southeast Asia, with circulation of 300 or more copies per issue, to register, post a S\$200,000 (approximately \$150,000) bond, and name a person in the country to accept legal service. The Government has granted exemptions to 19 of the 24 publications to which these requirements could apply. The *Far Eastern Economic Review* (FEER) continued to be subject to a 2006 government ban for failing to comply with the NPPA. Importation or possession of FEER for sale or distribution is an offense. Readers could access FEER through the Internet. Newspapers printed in Malaysia cannot be imported.

The Government may limit (or “gazette”) the circulation of publications. The Government also may ban the circulation of domestic and foreign publications under provisions of the ISA and the UPA. The Broadcasting Act empowers the minister for information, communication, and the arts to gazette or place formal restrictions on any foreign broadcaster deemed to be engaging in domestic politics. Once gazetted, a broadcaster can be required to obtain express permission from the minister to continue broadcasting in the country. The Government may impose restrictions on the number of households receiving a broadcaster’s programming, and a broadcaster may be fined up to S\$100,000 (approximately \$75,000) for failing to comply.

Critics charged that government leaders used defamation lawsuits or threats of such actions to discourage public criticism and intimidate opposition politicians and the press. Under the country’s defamation laws, some plaintiffs can easily win substantial judgments for damages and legal costs. Conviction on criminal defamation charges may result in a prison sentence of up to two years, a fine, or both. There were no known new defamation suits or threats of defamation suits against media organizations during the year. On September 23, the High Court issued a summary judgment in favor of the plaintiffs in the 2006 defamation suit brought by Prime Minister Lee Hsien Loong and Minister Mentor Lee Kuan Yew against the editor and publisher of FEER in connection with a 2006 interview with opposition politician Chee Soon Juan. On October 22, FEER announced it would seek to appeal the judgment. If the ruling stands, damages will be assessed at a later date.

The Attorney General may bring charges for contempt of court, and he used this power to charge several persons who published criticisms of the judiciary.

On June 2, the High Court found opposition party leaders Chee Soon Juan and Chee Siok Chin guilty of contempt of court and sentenced them to 12 and 10 days in jail, respectively. The contempt proceeding stemmed from comments they made during a three-day hearing to determine damages in connection with a 2006 conviction of the Chees and the Singapore Democratic Party (SDP) for libeling Minister Mentor Lee Kuan Yew and his son, Prime Minister Lee Hsien Loong, in an SDP newsletter article that drew parallels between the management style of the ruling party and that of a local charity that had been the subject of a corruption scandal. On October 13, the High Court ordered the SDP and the Chee siblings to pay the two Lees a total of S\$610,000 (approximately \$458,000), a sum that could bankrupt the SDP.

On November 24, a judge found three SDP members, including the party’s Assistant Secretary General John Tan, in contempt of court. The attorney general brought the charges because the three attended one of the court proceedings against Chee Soon Juan and Chee Siok Chin wearing T-shirts bearing the image of a kangaroo

in judicial robes. On November 27, the court sentenced the defendants to prison terms of 15 days (for Tan) and seven days (for the other defendants).

On November 25, the High Court found Dow Jones, publisher of Wall Street Journal Asia, in contempt of court for publishing three items, including a letter to the editor, questioning the independence of the courts from the PAP government. Dow Jones had also published in full two rebuttals submitted by the Government. The court fined Dow Jones S\$25,000 (approximately \$18,750) and ordered it to pay S\$30,000 (approximately \$22,500) in court costs.

Internet Freedom.—Although residents generally have unrestricted access to the Internet, the Government subjected all Internet content to the same rules and standards as traditional media. Internet service providers (ISPs) are required to ensure that content complies with the MDA's Internet code of practice. The MDA also regulates Internet material by licensing the ISPs through which local users are required to route their Internet connections. The law permits government monitoring of Internet use, and the Government closely monitored Internet activities such as blogs and podcasts. The MDA was empowered to direct service providers to block access to Web sites that, in the Government's view, undermined public security, national defense, racial and religious harmony, or public morals. Political and religious Web sites must register with the MDA. Although the MDA ordered ISPs to block 100 specific Web sites that the Government considered pornographic, in general the Government focused on blocking only a small number of sites. The Internet was widely available.

In May a 24-year-old blogger was charged with posting a "racist rant" on his Web site; he was released after posting an apology. In June a visiting foreign citizen, Gopalan Nair, was arrested for comments he made in his blog about the High Court judge presiding in the hearing to assess damages in the Chee defamation case. He was charged with insulting a public servant, which carried a maximum fine of S\$5,000 (\$3,759) or one year in prison. In September Nair was found guilty and sentenced to three months in prison. While Nair was serving this sentence, the attorney general charged him with contempt of court for posting statements critical of the judiciary on his Web site. Nair retracted and apologized for those statements, and the court imposed no additional punishment. In November authorities released Nair from prison and permitted him to leave the country.

Academic Freedom and Cultural Events.—All public institutions of higher education and political research have limited autonomy from the Government. Although faculty members are not technically government employees, in practice they were subject to potential government influence. Academics spoke and published widely and engaged in debate on social and political issues. However, they were aware that any public comments outside the classroom or in academic publications that ventured into prohibited areas—criticism of political leaders or sensitive social and economic policies or comments that could disturb ethnic or religious harmony or appeared to advocate partisan political views—could subject them to sanctions. Publications by local academics and members of research institutions rarely deviated substantially from government views.

In October the local branch of Australia-based James Cook University suspended John Tan, assistant Secretary General of the

SDP and a lecturer at the university, indefinitely from his teaching duties after the attorney general announced his intention to bring contempt-of-court charges against Tan for wearing a protest T-shirt to court.

The Films Act bans political advertising using films or videos as well as films directed towards any political purpose. The act does not apply to any film sponsored by the Government, and the act allows the MICA minister to exempt any film from the act.

In May the MDA censors interrupted the private screening of political activist Seelan Palay's film *One Nation Under Lee*, which portrays the country as lacking press and political freedoms. The MDA confiscated the film because it had not been submitted to the Board of Film Censors for classification and certification. At year's end the Board of Film Censors still had not certified the film, with the result that any public screening remains unlawful.

A list of banned films was available on the MDA Web site. Certain films that were barred from general release may be allowed limited showings, either censored or uncensored, with a special rating. In April the MDA censors gave an NC-16 (no children below 16 years old) rating to a documentary by filmmaker Martyn See focused on the activities of SDP chief Chee Soon Juan and others during a three-day protest at the Speakers' Corner.

In January the MDA stopped the Complaints Choir from performing in public, stating that foreigners should not get involved in domestic politics. The choir in-

cluded six foreigners among its 50 members and refused to perform without the six. The performance was moved to an indoor venue and was recorded and posted on YouTube, where it received over 10,000 viewings.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides citizens the right to peaceful assembly but permits Parliament to impose restrictions “it considers necessary or expedient” in the interest of security, public order, or morality; in practice the Government restricted this right. Public assemblies of five or more persons, including political meetings and rallies, require police permission; however, citizens do not need permits for some indoor speaking events. Spontaneous public gatherings or demonstrations were virtually unknown.

On August 18, the Government announced it would relax restrictions on public gatherings at Speakers’ Corner (*See* Section 2.a.).

The Government closely monitored political gatherings regardless of the number of persons present. Plain-clothes police officers often monitored political gatherings.

Freedom of Association.—Most associations, societies, clubs, religious groups, and other organizations with more than 10 members are required to register with the Government under the Societies Act. The Government denied registration to groups that it believed were likely to have been formed for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order. The Government has absolute discretion in applying criteria to register or dissolve societies. During the year the Registry of Societies received 289 registration applications. No application processed during the year was denied.

The Government prohibits organized political activities except by groups registered as political parties or political organizations. This prohibition limits opposition activities disproportionately and contributes to restricting the scope of unofficial political expression and action. The PAP was able to use nonpolitical organizations, such as residential committees and neighborhood groups, for political purposes far more extensively than opposition parties. Political parties and organizations are subject to strict financial regulations, including a ban on receiving foreign donations. Due to laws regulating the formation of publicly active organizations, there were few nongovernmental organizations (NGOs) apart from nonpolitical organizations such as religious groups, ethnically oriented organizations, and providers of welfare services.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the Government restricted this right in some circumstances. The constitution provides that all citizens or persons in the country have the right to profess, practice, or propagate their religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality.

All religious groups were subject to government scrutiny. These groups must be registered under the Societies Act. The Maintenance of Religious Harmony Act (MRHA) gives the Government the power to restrain leaders and members of religious groups and institutions from carrying out political activities, “exciting disaffection against” the Government, creating “ill will” between religious groups, or carrying out subversive activities. Violation of a restraining order issued under the MRHA is a criminal offense. The act also prohibits judicial review of its enforcement or of any possible denial of rights arising from its implementation.

The Government played an active but limited role in religious affairs. It did not tolerate speech or actions, including those of a religious nature, that it interpreted as adversely affecting racial and religious harmony. The Government may issue restraining orders barring participation in activities adversely affecting religious harmony. The Presidential Council for Religious Harmony reviews such orders and makes recommendations to the president on whether to confirm, cancel, or alter a restraining order. The Presidential Council for Minority Rights examines all pending legislation to ensure it is not disadvantageous to a particular group, reports to the Government on matters that affect any racial or religious community, and investigates complaints. The Government maintains a relationship with the Muslim community through the Islamic Religious Council (MUIS), which was established under the Administration of Muslim Law Act. The MUIS advises the Government on the Muslim community’s concerns, drafts a weekly approved sermon, maintains regulatory authority over Muslim religious matters, and oversees a fund financed by voluntary payroll deductions and used for mosque building and social and educational purposes.

The Jehovah’s Witnesses and Unification Church are banned along with all written materials published by the Jehovah’s Witnesses’ publishing affiliates, the International Bible Students Association and the Watch Tower Bible and Tract Society. A person in possession of banned literature can be fined up to S\$2,000 (approx-

mately \$1,500); for holding a meeting, the fine can be as high as S\$4,000 (\$3,000). There were no arrests of Unification Church members reported during the year. The Government declined to make data available to the public concerning arrests of Jehovah's Witnesses during the year.

While the Government did not prohibit evangelical activities, in practice it discouraged activities that could upset intercommunal relations, such as unsolicited public proselytizing.

Societal Abuses and Discrimination.—The size of the Jewish community was approximately 800–1,000. There were no reports of societal religious discrimination or of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, it limited them in a few respects. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Citizens' choice of where to live sometimes was limited by the Government's legal requirement for ethnic balance in publicly subsidized housing, in which the majority of citizens lived. The Government required all citizens and permanent residents over the age of 15 to register and to carry identification cards. The Government may refuse to issue a passport and did so in the case of former ISA detainees. Under the ISA a person's movement may be restricted. According to official press releases, at year's end there were 41 suspected terrorists subject to such restrictions.

The law prohibits forced exile, and the Government did not employ it.

The right of voluntary repatriation was extended to holders of national passports. The Government actively encouraged citizens living overseas to return home or at least to maintain active ties with the country. A provision of the law allows for the loss of citizenship by citizens who resided outside the country for more than 10 consecutive years, but it was not known to have been used.

In June the authorities refused to grant Chee Siok Chin permission to travel overseas to participate in a foreign fellowship program. She was required to have government approval to leave the country as a result of her bankruptcy stemming from failure to pay fines related to a 2005 protest she and three others staged outside a government building.

Men are required to serve 24 months of national service upon turning 18 years of age. They also are required to undergo reserve training up to the age of 40 (for enlisted men) or 50 (for officers). Male citizens with national service reserve obligations are required to advise the Ministry of Defense if they plan to travel abroad. Boys age 13 to 16⁺ years are issued passports that are valid for five years but are required to obtain exit permits for trips longer than three months. From the age of 16⁺ until the age of enlistment, male citizens are granted one-year passports and are required to apply for exit permits for travel that exceeds three months. A bond of S\$75,000 (approximately \$56,250) is needed for exit permits of two years or more for both age groups.

The law stipulates that former members of the Communist Party of Malaya (CPM) residing outside the country must apply to the Government to be allowed to return. They must renounce communism, sever all organizational ties with the CPM, and pledge not to engage in activities prejudicial to the country's internal security. In addition, the law requires them to submit to an interview by the Internal Security Department and to accept any restrictive conditions imposed on them.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, to which the country is not a party. The Government has established a system for providing protection to refugees on a case-by-case basis. In practice, the Government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened.

During the year the Government required some Burmese nationals who held permanent residence status in Singapore to leave the country upon expiration of their visas. The authorities determined that these persons had attempted to hold demonstrations without approval and had ignored police warnings. They were not required to return to Burma but departed for third countries.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully. Opposition parties can contest elections, and the voting and vote-counting systems are fair and free from tampering; however, the PAP, which has held power continuously and overwhelmingly for almost five decades, has used the Government's extensive powers to place formidable obstacles in the path of political opponents.

Elections and Political Participation.—Following the 2006 elections, the PAP (having captured 66.6 percent of the vote) held 82 of 84 elected constituency seats in Parliament; the opposition Singapore Democratic Alliance (13.1 percent) and the Workers' Party (16.3 percent) each held one elected seat. Because three seats are reserved by law for opposition parties, the Workers' Party obtained a second, "non-constituency" seat as the opposition party with the highest vote total.

The opposition continued to criticize what it described as PAP abuse of its incumbency advantages to handicap opposition parties. The PAP maintained its political dominance in part by developing voter support through effective administration and its record in bringing economic prosperity to the country and in part by manipulating the electoral framework, intimidating organized political opposition, and circumscribing political discourse and action. The belief that the Government might directly or indirectly harm the employment prospects of opposition supporters inhibited opposition political activity; however, there were no confirmed cases of such retaliation. As a result of these and other factors, opposition parties were unable to challenge seriously the ruling party. The PAP claimed that the lack of an effective opposition was due to disorganization, weak leadership, and the absence of persuasive alternative policies.

The PAP has an extensive grassroots system and a carefully selected, highly disciplined membership. The establishment of government-organized and predominantly publicly funded Community Development Councils (CDCs) further strengthened the PAP's position. The CDCs promoted community development and cohesion and provided welfare and other assistance services. The PAP dominated the CDCs even in opposition-held constituencies from which it threatened to withdraw publicly funded benefits.

The PAP completely controlled key positions in and out of government, influenced the press and courts, and limited opposition political activities. Often the means were fully consistent with the law and the normal prerogatives of a parliamentary government, but the overall effect (and many argued the ultimate purpose) was to disadvantage and weaken political opposition. Since 1988 the PAP changed all but nine single-seat constituencies into group representational constituencies (GRCs) of five to six parliamentary seats, in which the party with a plurality wins all of the seats. According to the constitution, such changes are permitted to ensure ethnic minority representation in Parliament; each GRC candidate list must contain at least one ethnic minority candidate. These changes made it more difficult for opposition parties, all of which had very limited memberships, to fill multimember candidate lists. The constitutional requirement that members of Parliament resign if expelled from their party helped ensure backbencher discipline.

Although political parties legally were free to organize, they operated under the same limitations that applied to all organizations, and the authorities imposed strict regulations on their constitutions, fundraising, and accountability. There were 24 registered political parties in the country; however, only six of these were active. Political parties and organizations were subject to strict financial regulations, including a ban on receiving foreign donations. Government regulations hindered attempts by opposition parties to rent office space in government housing blocks or to establish community foundations. In addition government influence extended in varying degrees to academic, community service, and other NGOs.

The law provides for a popularly elected president to be elected for a six-year term from among candidates who are approved by a constitutionally prescribed committee selected by the Government. In 2005 the committee decided that the PAP endorsed incumbent, President S.R. Nathan, was the only qualified candidate out of four applicants. The election was cancelled, and Nathan was inaugurated for a second term. The Government placed significant obstacles in the way of opposition political figures' presidential candidacies. For example, opposition members were much less likely to satisfy the requirement that candidates have experience in managing the financial affairs of a large institution, since many of the country's large institutions were run by or linked to the Government.

Voting is compulsory, and 95 percent of eligible voters voted. There is no legal bar to the participation of women in political life; women held 17 of the 84 elected parliamentary seats. There were three female ministers of state, although none of

cabinet rank. Three of the 15 Supreme Court justices were women. On April 11, the Government appointed the country's first female solicitor general.

There are no restrictions in law or practice against minorities voting or participating in politics; they actively participated in the political process and were well represented throughout the Government, except in some sensitive military positions. Malays made up approximately 15 percent of the general population and held approximately the same percentage of elected seats in Parliament. Indians made up approximately 9 percent of the general population and held approximately 11 percent of the elected seats in Parliament. There were four ethnic Indian ministers and one ethnic Malay minister. Three of the 14 members of the Supreme Court were ethnic Indian; there were no Malays on the court.

Government Corruption and Transparency.—There were no reports of government corruption during the year. In the past the Government actively prosecuted officials involved in corruption. The salaries of senior officials are public information, and political parties must report donations; however, there is no financial disclosure law.

There are no laws that specifically provide for public access to government information; however, significant amounts of information were available on government Web sites.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Efforts by independent organizations to investigate and evaluate government human rights policies faced the same obstacles as those faced by opposition political parties. NGOs were subject to registration under the Societies Act. Some domestic NGOs criticized restrictions on human rights or suggested changes that would relax or remove restrictions. NGOs working in the area of trafficking in persons described cooperation from the authorities as "excellent."

The Presidential Council on Minority Rights monitors pending legislation for anything possibly disadvantageous to minorities.

The Government permitted international human rights organizations to observe human rights related court cases.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the Government generally respected these provisions in practice; there is no explicit provision granting equal rights to women and minorities. Mindful of the country's history of intercommunal tension, the Government took measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities were available to all citizens regardless of race, religion, or gender.

Women.—The Government enforced the law against rape, which provides for imprisonment of up to 20 years and caning for offenders. Under the law, rape can be committed only by a man, and spousal rape is not a crime; however, husbands who force their wives to have intercourse can be prosecuted for other offenses, such as assault. During the year 10 persons were prosecuted for rape; there were two convictions, and eight persons were awaiting trial. The Ministry of Education and the police both carried out programs aimed at preventing rape.

The law criminalizes domestic violence and intentional harassment; however, violence or abuse against women occurred. A victim of domestic violence can obtain court orders barring the spouse from the home until the court is satisfied that the spouse has ceased aggressive behavior. The number of court orders for protection against violent family members increased in recent years, in part because the definition of violence includes intimidation, continual harassment, or restraint against one's will. The law prescribes mandatory caning and a minimum imprisonment of two years for conviction on any charge of "outraging modesty" that caused the victim fear of death or injury. The press gave prominent coverage to instances of abuse or violence against women. Several organizations provided assistance to abused women. The Association of Women for Action and Research operated a hot line that offered counseling and legal advice. The Family Protection and Welfare Service, an office of the Ministry of Community Development, Youth, and Sports (MCYS), documented physical and psychological abuse and provided counseling and other support services to abused women. The Star Shelter accepted children, women, and men and could accommodate up to 30 persons. In 2006 there were more than 2,600 applications for Personal Protection Orders, 70 percent of which were filed by wives for protection against their husbands. The Government did not provide more recent data concerning such orders.

Prostitution itself is not illegal; however, public solicitation, living on the earnings of a prostitute, and maintaining a brothel are illegal. The authorities periodically

carried out crackdowns on solicitation for prostitution and arrested and deported foreign prostitutes, particularly when their activities took place outside informally designated red-light areas. In practice police unofficially tolerated and monitored a limited number of brothels; prostitutes in such establishments were required to undergo periodic health checks and carry a health card.

There are no specific laws prohibiting stalking or sexual harassment; however, the Miscellaneous Offenses Act and laws prohibiting insults to modesty were used successfully to prosecute these offenses. Sexual harassment was not considered a significant problem; there was an active education program in place for workers.

Women accounted for 56 percent of civil service employees. They enjoyed the same legal rights as men, including civil liberties, employment, commercial activity, and education. The Women's Charter gives women, among other rights, the rights to own property, conduct trade, and receive divorce settlements. Muslim women enjoyed most of the rights and protections of the Women's Charter. For the most part, Muslim marriage falls under the administration of the Muslim Law Act, which empowers the Shari'a (Islamic law) court to oversee such matters. The laws allow Muslim men to practice polygyny, although requests to take additional spouses may be refused by the Registry of Muslim Marriages, which solicits the views of an existing wife or wives and reviews the financial capability of the husband. During the year there were 53 applications for polygynous marriages. As of year's end, 21 of those applications were approved, 11 were rejected, six had been withdrawn, and 15 remained pending. Polygynous marriages constituted 0.5 percent of Muslim marriages.

Both men and women have the right to initiate divorce proceedings; however, in practice women faced significant difficulties that often prevented them from pursuing such proceedings. This included the lack of financial resources to obtain legal counsel. Men do not have the right to seek alimony from their wives in cases of divorce or separation.

As of June women constituted 43.3 percent of the labor force and were well represented in many professions. The percentage of women between the ages of 30 and 54 in the workforce increased to 68.9 percent in 2007, with 46.8 percent of women 55 and over employed. However, women held few leadership positions in the private sector and no cabinet level positions in the Government. Women were overrepresented in low wage jobs such as clerks and secretaries. Salaries for women ranged upwards from 66 percent of men's salaries depending on the occupational grouping. In some occupations women earned more than their male counterparts. Observers noted that the wage differential was smaller in professional jobs and that wage disparities could be attributed in part to differences in average educational levels and work experience.

Children.—The Government demonstrated a strong commitment to children's rights and welfare through well-funded systems of public education and medical care, and access was equal for all children. The Children and Young Persons Act created a juvenile court system and established protective services for children orphaned, abused, "troubled," and with disabilities. The MCYS worked closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operated most of the homes for children, while the Government funded from 50 to 100 percent of living expenses and overhead, as well as expenses for special schooling, health care, and supervisory needs.

Some child prostitution occurred. During the year authorities arrested 40 female prostitutes believed to be under the age of 18. In 2007 the Government revised the penal code to criminalize commercial sex with any individual under the age of 18, whether the offense occurs in Singapore or elsewhere. One person was prosecuted for and convicted of this offense during the year. The age of consent remains 16 years of age. Sexual intercourse with anyone under the age of 16 is illegal, and the law prescribes punishment of up to five years in prison and a fine of up to S\$10,000 (approximately \$7,500). The authorities may detain persons under age 18 who are believed to be engaged in prostitution, as well as to prosecute those who organize or profit from prostitution, who bring women or girls to the country for prostitution, or who coerce or deceive women or girls into prostitution.

The MCYS sponsored activities promoting children's causes, including family stability. The ministry and several NGOs focused on keeping fathers involved in their children's lives and on preventing child abuse.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, the country was a destination for women and girls trafficked from Southeast Asia and China for prostitution. A small number of foreign domestic workers faced seriously abusive labor conditions that amounted to involuntary servitude. Some

women from Thailand, the Philippines, China, and Indonesia who traveled to the country voluntarily for prostitution or other work were deceived.

Three major laws govern trafficking and prostitution: the Women's Charter, the Children and Young Persons' Act, and the penal code. Trafficking in women and children, regardless of whether it is related to prostitution, is punishable by up to five years' imprisonment, a S\$10,000 (approximately \$7,500) fine, and caning. Traffickers could be prosecuted under provisions governing kidnapping, abduction, slavery, and forced labor, which carry maximum punishments of 10 years' imprisonment and a fine. Convicted traffickers could be found guilty of violating more than one law. There was no specific campaign to combat or prevent the use of fraud or coercion to recruit foreign women as prostitutes, although some persons were prosecuted and punished for crimes involving such acts. During the year one person was prosecuted in relation to forced prostitution and importing women under false pretenses for the purpose of prostitution.

In practice successful investigation and prosecution of trafficking in persons required that victims remain in or return to the country to testify. Police urged victims to remain in the country until a case was prosecuted, and generally they did; some abused domestics who left were brought back to testify. Victims did not receive government assistance during this period or at other times and sometimes were not granted permission for alternative employment and were dependent on support from their embassy. Laws prohibiting the harboring, aiding, or abetting of illegal immigrants could hamper assistance to trafficking victims by putting NGOs in the position of harboring a victim who has no legal status; however, the authorities did not appear to investigate or prosecute such assistance.

The authorities notified embassies of the arrest of nationals, including for prostitution-related offenses, and allowed consular access. Prostitutes rarely contacted embassies voluntarily, unless detained for solicitation or immigration offenses during police sweeps. However, victims of crimes, including domestics alleging abuse, sometimes requested and received assistance from their embassies.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The Government maintained a comprehensive code on barrier-free accessibility; this established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. There was no legislation addressing equal opportunities for persons with disabilities in education or employment; however, the National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. The Government also ran vigorous campaigns to raise public awareness of issues confronting persons with disabilities and the services available to them. A tax deduction of up to S\$100,000 (approximately \$75,000) was available to employers to defray the expense of building modifications to benefit employees with disabilities. The country allows guide dogs for the blind into public places and on public transportation. During the year, 6.5 percent of public trains and buses were wheelchair accessible.

Informal provisions in education permitted university matriculation for the visually impaired, those hard of hearing, and students with other physical disabilities. More than 4,000 children with intellectual disabilities attended mainstream schools. There were 20 special education schools that enrolled approximately 4,800 students. Approximately 20 percent of primary and secondary schools were equipped with full-handicap facilities, and all schools were outfitted with basic handicap facilities such as handicap toilets and first-level wheelchair ramps. The Government provided funds for six childcare centers to take in 60 children with special needs.

The Government allowed a tax deduction of up to S\$3,500 (\$2,625) per individual for families caring for a sibling, spouse, or child with a disability. Mental and physical disabilities were treated in the same way. Press coverage of the activities and achievements of persons with disabilities was extensive, and discrimination or abuse of persons with disabilities did not appear to be a problem.

National/Racial/Ethnic Minorities.—Ethnic Malays constituted approximately 15 percent of the population. The constitution acknowledges them as the indigenous people of the country and charges the Government to support and to promote their political, educational, religious, economic, social, cultural, and language interests. The Government took steps to encourage greater educational achievement among Malay students. However, ethnic Malays have not yet reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remained underrepresented at senior corporate levels and, some asserted, in certain sectors of the Government and the military. This reflected their historically lower educational and economic levels, but

some argued that it also was a result of employment discrimination. The Government issued guidelines that call for eliminating language referring to age, gender, or ethnicity in employment advertisements; restrictive language pertinent to job requirements, such as “Chinese speaker” remains acceptable. These guidelines were generally followed.

The Presidential Council on Minority Rights examined all pending bills to ensure that they were not disadvantageous to a particular group. It also reported to the Government on matters that affected any racial or religious community and investigated complaints.

Government policy enforced ethnic ratios for publicly subsidized housing to prevent ethnic or racial ghettos.

Other Societal Abuses and Discrimination.—Some individuals with HIV/AIDS claimed that they were socially marginalized and faced employment discrimination if they revealed they were suffering from the disease. The Government discouraged discrimination, supported initiatives that countered misperceptions about HIV/AIDS, and publicly praised employers that welcomed workers with HIV/AIDS.

Consensual homosexual sex is illegal but in practice was not prosecuted.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides all citizens the right to form associations, including trade unions; however, parliament may impose restrictions based on security, public order, or morality grounds. The right of association was restricted by the Societies Act and by labor and education laws and regulations. Under these laws any group of 10 or more persons is required to register with the Government. The Trade Unions Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions such as prohibitions on the unionization of uniformed personnel or government employees. The Amalgamated Union of Public Employees was declared exempt from these provisions, and its scope of representation expanded to cover all public sector employees except the most senior civil servants.

The Trade Unions Act restricts the right of trade unions to elect their officers and to choose whom they may employ. Foreigners and those with criminal convictions may not hold union office or become employees of unions. However, the minister of manpower may grant exemptions. The Trade Unions Act limits the objectives for which unions can spend their funds and prohibits payments to political parties or the use of funds for political purposes. In 2007 the national labor force consisted of approximately 2.9 million workers, nearly 500,000 of whom were represented by 69 unions. Almost all of the unions (which represented virtually all union members) were affiliated with the National Trade Union Congress (NTUC), an umbrella organization with a close relationship with the Government.

The NTUC acknowledged that its interests were linked closely with those of the ruling PAP, a relationship often described by both as symbiotic. The NTUC’s Secretary General, Lim Swee Say, a PAP MP, was a member of the cabinet as minister in the Prime Minister’s Office. Young PAP MPs with no union experience were often elected to leadership positions in the NTUC or a member union. NTUC policy prohibited union members who supported opposition parties from holding office in affiliated unions. While the NTUC is financially independent of the PAP, the two shared a common ideology and worked closely with management in support of nonconfrontational labor relations. The NTUC is free to associate regionally and internationally.

Workers in “essential services” are required to give 14 days’ notice to an employer before striking, and there is a prohibition on strikes by workers in the water, gas, and electricity sectors. Other workers have the legal right to strike but rarely did so. No specific laws prohibit retaliation against strikers. The law provides that before striking, 51 percent of unionized workers must vote in favor of the strike by secret ballot, as opposed to the more common practice of 51 percent of those participating in the vote.

Most disagreements were resolved through informal consultations with the Ministry of Manpower. If conciliation failed, the disputing parties usually submitted their case to the tripartite Industrial Arbitration Court (IAC), which is composed of representatives from labor and management and chaired by a judge. In limited situations the law provides for compulsory arbitration, which has not been used since 1980. Besides these labor dispute mechanisms and the close working relationship and shared views among labor, management, and the Government, the maintenance of labor peace has been a product of high economic growth rates, regular wage increases, and a high degree of job mobility in a virtual full employment economy.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was a normal part of labor-management relations in the industrial sector. The IAC must certify collective agreements before they go into effect. The IAC may refuse certification at its discretion on the ground of public interest. Union members may not reject collective agreements negotiated between their union representatives and the employer. Transfers and layoffs are excluded from the scope of collective bargaining. However, in practice employers consulted with unions on both issues, and the Tripartite Panel on Retrenched Workers issued guidelines calling for early notification to unions of layoffs.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government enforced the Employment Act, which prohibits employment of children under the age of 12. Restrictions on the employment of children between the ages of 12 and 16 are rigorous and were fully enforced. Children under the age of 14 generally are prohibited from employment in the industrial sector. Exceptions include family enterprises; children may work in a business in which only members of the same family are employed. A child age 12 or older may be employed in light work, subject to medical clearance. Employers must notify the commissioner of labor within 30 days of hiring a child between the ages of 14 and 16 and attach a medical certification of the child's fitness for employment. The incidence of children in permanent employment was low, and abuses were almost nonexistent.

Ministry of Manpower regulations prohibit night employment of children and restrict industrial work for children between the ages of 14 and 16 to no more than seven hours a day, including the hours spent in school. Children may not work on commercial vessels, with moving machinery, on live electrical apparatus lacking effective insulation, or in any underground job. The minister of manpower effectively enforced these laws and regulations.

e. Acceptable Conditions of Work.—There are no laws or regulations on minimum wages or unemployment compensation. Agreements between management and labor were renewed every two to three years, although wage increases were negotiated annually. The National Wages Council, a group composed of labor, management, and government representatives, issued yearly guidelines on raises and bonus pay that served as the starting point for bargaining agreements. Subject to negotiation in each enterprise, up to 10 percent of salaries was considered "variable" each month, allowing companies to eliminate that portion of pay if there were financial problems. The labor market generally offered citizens and permanent residents good working conditions and relatively high wages, which provided a decent standard of living for a worker and family.

The Employment Act sets the standard legal workweek at 44 hours and provides for one rest day each week.

The Ministry of Manpower effectively enforced laws and regulations establishing working conditions and comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, were implemented to reduce the frequency of job-related accidents. While workers have the right under the Employment Act to remove themselves from a dangerous work situation, their right to continued employment depended upon an investigation of the circumstances by the ministry.

Because of a domestic labor shortage, approximately 600,000 foreign workers were employed legally, constituting approximately 30 percent of the total work force. There were no reliable estimates of the number of foreigners working illegally. Most foreign workers were unskilled laborers and household servants from other Asian countries. Foreign workers faced no legal wage discrimination; however, they were concentrated in low-wage, low skill jobs and were often required to work long hours. Employers are required by law to provide their workers with a minimum standard of housing.

Although the great majority of the approximately 180,000 maids (mainly from the Philippines, Indonesia, and Sri Lanka) worked under clearly outlined contracts, their low wages, dependence on their employers for food and lodging, and relative isolation made them vulnerable to mistreatment, abuse, and labor conditions that in some cases could amount to involuntary servitude. The authorities fined or imprisoned employers who abused maids. During the year the Ministry of Manpower collected unpaid wages on behalf of maids in 276 cases. The Government prosecuted abusive employers in numerous cases. For example in July, a man was sentenced to 2° years in jail for repeatedly molesting his Indonesian maid, and, in a separate

case, a housewife was sentenced to a 20-month jail term for causing her dog to bite her maid. In June a man was sentenced to 10 months in jail and three strokes of the cane for molesting his domestic employee. In September two siblings were sentenced to six weeks and 26 months in jail, respectively, for abusing their Indonesian maid.

Public debate continued about how to prevent abuse of maids. The Ministry of Manpower operated a demerit points system that penalized employment agencies for violating government regulations. The accumulated points are shown on the ministry's Web site to help potential employers identify errant agencies. Agencies with too many demerits faced license suspension. The ministry sets the minimum age for maids at 23 and requires all maids to show that they had eight years of formal education before allowing them to enter the country. All new maids and new employers of maids must undergo mandatory training on maids' rights and responsibilities. Maids must take a written entrance exam that covers topics such as safety and English comprehension. In July the ministry issued regulations that prohibit employers both from receiving payment as consideration for employing foreign workers and from recovering from employees any employment-related costs, such as mandatory health insurance, fees, and training costs.

Most maids worked six days per week from early morning until late in the evening. The ministry required employers to deposit a maid's salary directly into her bank account if she so requests. The ministry also regularly distributed pamphlets in four different languages alerting maids to their rights. The law mandates a standard employment contract for maids and stipulates that maids are to be provided either a minimum of one day off each month or cash compensation.

Maids often had to set aside most or all of their wages for the first several months of employment to reimburse their placement agents. Work permits for low-wage foreign workers may be cancelled if a worker applies to marry or married a citizen or permanent resident.

The Employment Act protects foreign workers such as the many employed in the construction industry; however, domestic servants are not covered by the act and are not eligible for limited free legal assistance from the Government. The NTUC reported that it advocated for the rights of all migrant work-permit holders through its Migrant Workers' Forum. In addition, the Ministry of Manpower offered conciliation services for all employees, foreign or local. The Foreign Workers Unit of the ministry provided free advisory and mediation services to foreign workers experiencing problems with employers. The Government allowed complainants to seek legal redress and operated a hot line for maids. During the year the hot line received approximately 4,800 calls, 97 percent of which were general inquiries.

SOLOMON ISLANDS

The Solomon Islands is a constitutional multiparty parliamentary democracy with a population of approximately 566,000. Parliamentary elections held in April 2006 were considered generally free and fair, although there were incidents of vote buying. In December 2007 the parliament elected Derek Sikua as prime minister. The Regional Assistance Mission to the Solomon Islands (RAMSI), a multinational police-centered force organized by Australia, arrived in the country in 2003 at the Government's invitation to assist in restoring law and order and rebuilding the country's institutions following the 1998 to 2003 period of violent conflict between the Malaitan and Guadalcanalese ethnic groups. RAMSI continued its assistance during the year, and relations between RAMSI and the Government remained stable. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, but there were problems in some areas. Human rights problems included lengthy pretrial detention, government corruption, and violence and discrimination against women and minorities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no confirmed reports of such prac-

tices during the year. There were a few allegations by detainees that they were mistreated by police during questioning, but they often lacked substantiating evidence.

Since its arrival in 2003, RAMSI apprehended and charged persons allegedly responsible for human rights abuses and other criminal acts. More than 240 persons were arrested. Most of those arrested had been tried by year's end, although cases were still pending.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest and Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—A commissioner who reports to the minister of police heads the Royal Solomon Islands Police (RSIP) force of approximately 1,050 members. This force was supported by 250 RAMSI officers, who served in line positions and in logistical and finance support. During the year Police Commissioner Mohammed Jahir Khan, a Fijian, was alleged to have abused powers, and his contract was not renewed. Peter Marshall, a New Zealander, was appointed acting police commissioner.

While the police were more effective under RAMSI, the RSIP continued to be weak in investigation and reporting. The police service has an inspection unit to monitor police discipline and performance. Police corruption and impunity were not serious problems during the year. However, some observers criticized that the police were more loyal to their respective ethnic group, or wantok (extended family), than to the Solomons as a whole.

On October 20, following an investigation by the RSIP, a police officer from Honiara was arrested and charged with incest, indecent assault, and attempted rape. He was removed from his duties without pay and was released on bail. At year's end the officer was due to appear in court at a later unspecified date.

Arrest and Detention.—The law provides for a judicial determination of the legality of arrests. Detainees generally were informed promptly of the charges against them and have the right to counsel. The Public Solicitor's Office provided legal assistance to indigent defendants. Detainees had prompt access to family members and to counsel. Officials found to have violated civil liberties were subject to fines and jail sentences. There was a functioning system of bail. However, delays in adjudication of the large number of cases before the courts resulted in lengthy pretrial detention for some detainees.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. On June 24, Justice Nkemdilim Amelia Izuako was appointed as the first female judge on the High Court.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trial procedures normally operated in accordance with British common law, with a presumption of innocence, access to attorneys, and the right to access government-held evidence, confront witnesses, and appeal convictions. Judges conduct trials and render verdicts; there are no juries. Accused persons are entitled to counsel, and an attorney was provided at public expense for indigent defendants facing serious criminal charges.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters; local courts and magistrates' courts have civil jurisdiction. In addition the constitution provides that any person whose rights or freedoms have been contravened may apply directly to the High Court for redress.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals were allowed to criticize the Government publicly and privately without reprisal. The Government did not attempt to impede criticism. However, there were reports of intimidation and evidence of threats from criminal elements against individuals who criticized the Government.

The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In practice cost factors and lack of infrastructure limited public access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, and the Government generally respected this right in practice. Demonstrators must obtain permits, which the Government generally granted.

Freedom of Association.—The constitution provides for freedom of association, but at times the Government restricted this right. The Government has outlawed the principal militant groups. Other groups associated freely.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not use it. Native-born citizens may not be deprived of citizenship on any grounds.

Protection of Refugees.—Although party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum during the year. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The April 2006 national parliamentary elections were regarded as generally free and fair, although there was evidence of vote buying. In April 2006 rioting broke out in Honiara immediately following the election of Snyder Rini as prime minister. Rini resigned, and in May 2006 the parliament elected Manasseh Sogavare as prime minister. In December 2007 Sogavare's government lost a vote of no confidence, and parliament elected opposition candidate Derek Sikua as prime minister.

Political parties could operate without restriction, but they were institutionally weak, with frequent shifts in political coalitions and unstable parliamentary majorities.

Male dominance in government limited the role of women. There were no women in the 50-member parliament. Five women served as permanent secretaries in the Sikua government.

There were two minority (non-Melanesian) members in parliament.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Government corruption and impunity in both the executive and legislative branches continued to be serious problems.

Public officials were subject to financial disclosure laws under the leadership code of conduct. The Office of the Leadership Code Commission (LCC) investigates mat-

ters of misconduct involving members of parliament (MP) or senior civil servants. If the LCC finds that there is conclusive evidence of misconduct, the LCC sends the matter to the Department of Public Prosecution, which can then proceed with legal charges. The Ombudsman Commission is responsible for investigating public complaints of government maladministration.

On August 13, MP Peter Shanel was found guilty of unlawful wounding and possession of an unlawful weapon in a restricted area. He was sentenced to nine months' imprisonment. An appeal in the High Court was pending at year's end.

During the year the Solomon Islands Code Commission began investigating 16 MPs from the National Alliance Party of Solomon Islands (NASPI) for accepting SBD\$50,000 (approximately \$6,500) in loans from Bobo Dettke, a prominent Honiara businessman and founder of NASPI. Some alleged that the money was provided by logging companies that wanted to influence key ministries, including the Ministries of Finance, Forests, and Environment and Conservation. Dettke was scheduled to appear before the LCC for a hearing in March 2009.

Due to a delay in the Court of Appeal judges' annual visit to the country, at year's end a government appeal remained pending before the High Court in the cases of a former East Honiara MP and a former cabinet minister charged in 2004 and 2005, respectively, with official corruption involving the granting of certificates of naturalization to Chinese nationals. A court acquitted both on the basis of insufficient evidence, and the Government appealed the verdicts.

In November 2007 a magistrate's court found MP and former Prime Minister Allan Kemakeza guilty of intimidation, larceny, and demanding money with menace in connection with a 2002 attack by a group of men on a Honiara law firm that owned shares in the country's national bank. In December 2007 the court fined Kemakeza SBD\$7,500 (approximately \$1,050) and sentenced him to five months' imprisonment, reduced to two months. At year's end the appeal was still pending due to a delay in the annual visit of Court of Appeal judges to the first quarter of 2009.

No law provides for public access to government information. In practice the Government generally was responsive to inquiries from the media during the year.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The Guadalcanal Peace and Reconciliation Committee was formed in 2007 to plan the reconciliation and peace process on Guadalcanal. The Committee met in October to discuss and produce a plan for interprovincial peace and reconciliation activities for 2009.

The constitution provides for an ombudsman, with the power to subpoena and to investigate complaints of official abuse, mistreatment, or unfair treatment. While the Ombudsman's Office has potentially far-ranging powers, it was limited by a shortage of resources. In July a new ombudsman was appointed when the Court of Appeal upheld the decision on the ombudsman designate's appointment.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that no person—regardless of race, place of origin, color, or disability—shall be treated in a discriminatory manner with respect to access to public places. The constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in the male-dominated society. Unemployment was high, and there were limited job opportunities for persons with disabilities.

Women.—The law does not specifically address domestic violence; however, there are provisions against common assault and rape. Violence against women, including rape and domestic abuse, remained a serious problem. Among the reasons cited for the failure to report many incidents of abuse were pressure from male relatives, fear of reprisals, feelings of shame, and cultural taboos on discussion of such matters.

The maximum penalty for forced rape is life imprisonment. Spousal rape is not a crime. Following RAMSI's arrival, rape charges were brought against a number of persons. As part of a new police curriculum, officers received specialized training on how to work with rape victims. The police have a sexual assault unit, staffed mostly by female officers, to combat the problem.

Although statistics were unavailable, incidents of domestic violence appeared to be common. In the rare cases of domestic abuse that were reported, victims often

dropped charges before the court appearance, or the case was settled out of court. The magistrates' courts dealt with physical abuse of women as with any other assault, although prosecutions were rare. Nongovernmental organizations (NGOs) conducted awareness campaigns on family violence during the year. There was one church-run facility for abused women and an NGO-supported family center that provided counseling, legal assistance, and other support services for women.

Prostitution is illegal, but the statutes were not enforced. There is no law specifically against sex tourism, although such offenses could be prosecuted under laws against prostitution.

Sexual harassment is not illegal and was a problem.

The law accords women equal legal rights, including the right to own property. However, women were limited to customary family roles, and this situation prevented women from taking more active roles in economic and political life. A shortage of jobs also inhibited the entry of women into the work force. An estimated 80 percent of women were illiterate; this was attributed in large part to cultural barriers. The Solomon Islands National Council of Women and other NGOs attempted to make women more aware of their legal rights, including voting rights, through seminars, workshops, and other activities. The Government's Women's Development Division also addressed women's issues.

Children.—While constrained by resources, the Government was committed to the welfare and protection of children. During the year major foreign assistance continued to bolster the educational system, but education was not compulsory, and the high cost of school fees severely limited attendance at secondary and higher institutions.

The law grants children the same general rights and protections as adults, and there are laws designed to protect children from sexual abuse, child labor, and neglect. Child sexual and physical abuse remained significant problems, according to the coordinator of the Family Support Center in Honiara. However, children generally were respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services. Virtually no children were homeless or abandoned.

Both boys and girls may legally marry at age 15, and the law permits marriage at age 14 with parental and village consent, but marriage at such young ages did not appear to be common.

Trafficking in Persons.—The law prohibits trafficking in persons for labor or sexual exploitation. There were no confirmed reports that persons were trafficked to, from, through, or within the country, but there were anecdotal reports that young women were trafficked internally, and from China and several Southeast Asian countries, for the purpose of sexual exploitation on foreign ships and in logging camps.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There is no law or national policy on persons with disabilities, and no legislation mandates access to buildings for such individuals. Their protection and care is left to the extended family and NGOs. A disability center in Honiara assisted persons with disabilities in finding employment; however, with high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities.

The country had one educational facility for children with disabilities, which was supported almost entirely by the ICRC. An education unit at the College of Higher Education, staffed by Australian volunteers, trained teachers in the education of persons with disabilities. Such training was compulsory for all student teachers at the college. Persons with mental disabilities were cared for within the family structure; there were very limited government facilities for such persons. The Kilufi Hospital in Malaita operated a 10-bed ward for the treatment of psychiatric patients.

National/Racial/Ethnic Minorities.—The country comprises more than 27 islands with approximately 70 language groups. Many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of their nation. Tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in 1998. The presence of RAMSI greatly reduced ethnic tension between the two groups, and the Peace and Reconciliation Ministry organized reconciliation ceremonies. However, under-

lying problems between the two groups remained, including issues related to jobs and land rights.

Unlike in prior years, there were no known instances of societal discrimination against Chinese or Australians.

Other Societal Abuses and Discrimination.—Same-sex relationships are illegal, and persons engaged in same-sex relationships were often the subject of societal discrimination.

While there were fewer than 200 confirmed HIV/AIDS cases, there were reports that HIV-positive individuals were often disowned by their families.

Section 6. Worker Rights

a. The Right of Association.—The constitution implicitly recognizes the right of workers to form or join unions, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. The courts have confirmed these rights, and workers exercised them in practice. Only an estimated 10 percent of the population participated in the formal sector of the economy. According to the chief of trade unions, approximately 55 percent of employees in the public sector and 25 percent of those in the private sector were organized.

The law permits strikes. Private-sector disputes usually were referred quickly to the Trade Disputes Panel (TDP) for arbitration, either before or during a strike. In practice the small percentage of the work force in formal employment meant that employers had ample replacement workers if disputes were not resolved quickly. However, employees are protected from arbitrary dismissal or lockout while the TDP is deliberating.

In May Solomon Islands Telikom workers were on a two-week strike. A deed of settlement was drafted and was pending formal recognition by stakeholders at year's end.

On October 21, after the Heritage Park Hotel construction workers' demands for better pay and improved working conditions had not been met, they went on strike for several weeks. With the assistance of a dispute panel, a deal was reached between the hotel management and the Solomon Islands National Union of Workers, which represented the workers in negotiations to settle the dispute, and the employees returned to work.

The standoff between the National Union of Workers and the Russell Islands Plantation Estate continued during the year, and estate workers were still on strike. At year's end the case was pending with the high courts.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and to bargain collectively, and unions exercised these rights. Wages and conditions of employment were determined by collective bargaining, usually at the level of individual firms. Disputes between labor and management that cannot be settled between the two sides are referred to the TDP for arbitration. The three-member TDP, composed of a chairman appointed by the judiciary, a labor representative, and a business representative, is independent and neutral.

The law protects workers against antiunion activity, and there were no areas where union activity was officially discouraged.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children, except as part of a court sentence or order; however, there were some unconfirmed reports of internal trafficking in young women for purposes of sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids labor by children under the age of 12, except light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. The commissioner of labor is responsible for enforcing child labor laws, but few resources were devoted to investigating child labor cases. Given low wages and high unemployment, there was little incentive to employ child labor.

e. Acceptable Conditions of Work.—The minimum wage rate was SBD\$1.50 (\$0.20) per hour for all workers except those in the fishing and agricultural sectors, who received SBD\$1.25 (\$0.17). The legal minimum wage did not provide a decent standard of living for an urban family living entirely on the cash economy. However, most families were not dependent solely on wages for their livelihoods.

The law regulates premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to six days

per week. There are provisions for maternity leave and for premium pay for overtime and holiday work.

Both an active labor movement and an independent judiciary provided enforcement of labor laws in major state and private enterprises. The commissioner of labor, the public prosecutor, and the police are responsible for enforcing labor laws; however, they usually reacted to complaints rather than routinely monitoring adherence to the law. The extent to which the law was enforced in smaller establishments and in the subsistence sector was unclear. Safety and health laws appeared to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site. Laws on working conditions and safety standards apply equally to foreign workers and citizens.

THAILAND

Thailand is a democratically governed constitutional monarchy with a population of more than 65 million. The King is revered and exerts strong informal influence. In the most recent election for the lower house of parliament, held in December 2007, the People's Power Party (PPP), led by Samak Sundaravej, won a plurality. A six-party coalition elected Samak as prime minister, and he held office until a September 9 Constitutional Court ruling forced him to step down. On September 25, a new government, headed by Somchai Wongsawat, took office but stepped down on December 2 following a Constitutional Court ruling that dissolved his party because of electoral law violations. A government led by Abhisit Vejjajiva was inaugurated on December 22. Earlier in the year, a selection committee announced on February 19 the appointment of 74 senators to the 150-seat upper house of parliament. On March 2, voters elected the remaining 76 senators to represent each province. The election process for both legislative bodies was generally viewed as free and fair, but there were widespread allegations of vote buying. Civilian authorities generally maintained effective control of the security forces, although the military continued to play a role in maintaining internal security.

Despite a year of political instability, the country avoided unconstitutional disruptions in governance, and the Government's respect for human rights remained unchanged. Security forces continued at times to use excessive force against criminal suspects, and some elements also committed or were connected to extrajudicial, arbitrary, and unlawful killings. Reports also linked police to disappearances. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, many of whom were held in overcrowded and unsanitary conditions. Police corruption was widespread. A separatist insurgency in the southern part of the country resulted in numerous human rights abuses, including killings, committed by ethnic Malay Muslim insurgents, Buddhist defense volunteers, and government security forces. The Government maintained some limits on freedom of speech, freedom of the press, and freedom of assembly that were imposed following the September 2006 coup. Human rights workers, particularly those focusing on violence in the south, reported harassment and intimidation. Trafficking in persons remained a problem. Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and were not protected by labor laws. Government enforcement of labor laws was ineffective.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports that the Government or its agents committed any politically motivated killings; however, security forces continued to use excessive, and at times lethal, force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings, including killings by security force personnel acting in a private capacity.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, during the year 459 persons died in prison or police custody, 34 due to the actions of police officers. Authorities attributed most of the deaths to natural causes.

On March 20, members of Royal Thai Army Task Force 39 detained Imam Yapa Koseng and his two sons in Narathiwat Province. Several detainees saw Task Force 39 personnel beating Yapa repeatedly, after which he died. The body was returned to the family, who alleged it showed signs of torture. During a postmortem inquest conducted on June 30 at the request of the family, a forensics expert testified that

Yapa died as a result of blunt force trauma, although the army maintained he died of natural causes as concluded by its own investigation. At year's end no member of Task Force 39 had been charged in connection with Yapa's death. Five members of the group testified during the postmortem inquest that they were subsequently transferred to Petchabun Province and received punishment according to internal army procedures. On December 25, the Narathiwat Provincial Court issued a ruling on the postmortem inquest that concluded Yapa died in state custody at the hands of state officials. However, the court did not explicitly identify the perpetrators.

Reports continued that individuals were executed in apparent extrajudicial killings following their participation in army-sponsored reeducation centers. The Central Institute of Forensic Science stated that it received 84 unidentifiable bodies during the year, compared with 194 bodies in 2007.

At year's end the investigation into the March 2007 death of Nopphon Chaiwichit in Nakhon Si Thammarat Province had been transferred to the Crime Suppression Division in Bangkok, but no individuals had been arrested.

The investigation into the April 2007 alleged shooting by a police lieutenant colonel, who killed Thinnawut Phumuda and Phatphong Sisamut, was officially closed after the Phang Nga police and the Public Prosecutor's Office determined that the shooting was in self-defense.

The case of the December 2007 shooting by an Interior Ministry security official in Mae Hong Son Province that killed Karenni refugee Aie Oo reached the preliminary hearing stage of a postmortem inquest in court to determine if murder charges could be placed against the suspect, a local village militia member. The accused surrendered, claimed self-defense, and was released on bail shortly after the incident.

Court proceedings continued against the five accused gunmen allegedly involved in the 2006 shooting of former member of parliament Kopkul Nopamornbodee.

Due to a lack of suspects and evidence, police closed the cases of the 2006 killings of land rights activist Saharat Suramit, Democrat Party activist Charan Iamphaibun, and Narathiwat village headman and human rights activist Muhammad Danai Tanyeeeno.

In March the Bangkok Metropolitan Police closed the investigations of the December 2006 bomb attacks in Bangkok and Nonthaburi, in which three persons were killed and 32 injured.

On December 31, the criminal court sentenced lawyer Thanu Hinkaew to life imprisonment for orchestrating the 2004 killing of environmental activist Chaoren Wataksorn.

There were few developments in the Justice Ministry's investigations regarding the extrajudicial killings of at least 1,300 persons in the three-month "War on Drugs" campaign in 2003 conducted during the Thaksin government. In January an independent commission reviewing the killings released a report that encouraged further investigation of the cases but did not hold anyone accountable. The commission was disbanded after the end of the interim government, and its findings were considered confidential. During the June 3 session of the UN Human Rights Council (UNHRC), the Asian Legal Resource Centre expressed concern over the Government's lack of action in investigating such extrajudicial killings. The Government responded that more than 50 law enforcement officers had been prosecuted, but human rights and legal aid groups in Bangkok were unaware of these prosecutions.

According to the Thailand Mine Action Center, during the year there were two deaths due to landmines, both of which occurred in Sisaket Province.

b. Disappearance.—There were no reports of politically motivated disappearances. There were no confirmed reports that individuals disappeared after being questioned by security officials in the southern provinces, but reports continued of individuals killed in apparent extrajudicial killings following their participation in army-sponsored reeducation centers.

On February 7, Kamol Laosophaphant disappeared in Khon Kaen Province after he went to the Baan Phai police station to lodge criminal complaints against local officials concerning state railway land deals. His family filed complaints with the police and the Crime Suppression Division, and at year's end an investigation was ongoing.

On February 29, Utsaman Awaenu, a navy draftee stationed in Sattahip, Chonburi Province, disappeared. On March 3, his relatives contacted Utsaman's navy unit and allegedly were told that he was detained at an undisclosed location in the south. His relatives were unable to see him and filed a complaint with the Justice Access and Legal Protection Program.

There were no developments in the July 2007 abduction of Anukorn Waithanomsak, an assistant to a leader of the United Front of Democracy Against Dictatorship (UDD), a group that led rallies in opposition to the 2006 coup.

The Government continued to investigate cases in which the Thaksin government was suspected in the disappearance of alleged southern insurgents; however, at year's end no individuals were charged in connection with such incidents.

On March 12, the fourth anniversary of Muslim attorney and human rights activist Somchai Neelaphaijit's disappearance, his wife Angkhana Neelaphaijit addressed the UNHRC in Geneva, calling on authorities to bring high-ranking police officers to justice and requesting the testimony of former prime minister Thaksin as a witness based on previous remarks that indicated his confirmation of her husband's death. She also expressed concern over Samak's appointment of Police General Sombat Amornwiwat, former supervisor of the five accused persons in her husband's disappearance, to be an advisor to the Ministry of Justice. None of the five police officers arrested in 2004 were charged with offenses connected to enforced disappearance. Police Major Ngern Thongsuk, convicted in January 2007 of coercion for his role in forcing Somchai into a car, allegedly died in a mudslide in Kanchanaburi Province on September 19. His body was not found, and no death certificate was produced. Security officials allegedly pressured Angkhana to drop legal proceedings against Ngern due to his apparent death. At year's end Ngern's appeal remained pending in court.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution specifically prohibits such practices, but there is no law that specifically prohibits torture, and it is not punishable as an offense under criminal law. Nongovernmental organizations (NGOs) and legal entities continued to report that members of the police and military occasionally tortured and beat suspects to obtain confessions. There were newspaper reports of numerous cases in which citizens accused police and other security officials of using brutality. Investigations were undertaken in many of the cases, including several in which the accused police officers were suspended pending the results of internal investigations. At year's end no military personnel had been charged or prosecuted.

On January 27, security officials arrested Ismael Tae and Amisi Manak, Yala Rajabhat University students whom authorities suspected of involvement with insurgent activities. Both alleged that they were tortured by members of Yala's Task Force 11 and soldiers from a neighboring camp in Pattani. The students were released without charge within nine days after a complaint was filed at the Yala Court. The incident was reported to the National Human Rights Commission (NHRC) and the Office of the UN High Commissioner for Human Rights (UNHCHR).

Aminudeen Kaji, a religious teacher at a private Islamic school in Songkhla, alleged that on February 5, border patrol police (BPP) subjected him to beatings, strangulation, and suffocation with plastic bags; boxed both temples so that his eardrums burst; stomped on his throat; and told him to confess to crimes or choose between being killed immediately or being killed while being made to look as if he had tried to escape. He filed a police complaint that resulted in an investigation of 13 BPP members but later withdrew the complaint.

On March 19 and 20, members of Task Force 39 stationed in Ruseor District, Narathiwat, arrested Rayu Korkor, an 18-year-old villager, along with Imam Yapa Koseng and four other men. Rayu alleged that he witnessed Yapa's death at the hands of officials of Task Force 39 officials (*See* Section 1.a.). He also claimed that security officials hung him upside down from a tree, subjected him to multiple beatings, and pierced his fingernails, toenails, and genitalia with syringes. Officials later transferred Rayu to Ingkayuthboriharn camp in Pattani for medical treatment.

The NHRC reported that the 2006 suit filed by Sakhon Khamto against police who allegedly beat her to force a confession was closed after she did not identify the police abusers.

Prison and Detention Center Conditions.—Prison conditions were poor. Prisons and detention centers were overcrowded. Sleeping accommodations were insufficient, medical care was inadequate, and communicable diseases were widespread in some prisons. Seriously ill prisoners at times were transferred to provincial or state hospitals.

Prison authorities sometimes used solitary confinement of not more than one month, as permitted by law, to punish male prisoners who consistently violated prison rules or regulations, although the Department of Corrections maintained that the average confinement was approximately seven days. Authorities also used heavy leg irons to control prisoners who were deemed escape risks or harmful to other prisoners.

Approximately 28 percent of the prison population consisted of pretrial detainees, who were not segregated from the general prison population. Men, women, and children often were held together in police station cells pending indictment. Separate

facilities for juvenile offenders were available in all provinces, but in some locations juveniles were detained with adults.

Conditions in immigration detention centers (IDCs) remained poor. The Immigration Police Bureau, reporting to the Office of the Prime Minister, administered IDCs, which were not subject to many of the regulations that governed the regular prison system. There were credible reports that guards physically abused detainees in some IDCs. Overcrowding and a lack of basic medical care continued to be serious problems.

International observers reported continued overcrowded conditions for detainees in Bangkok's Suan Phlu IDC. Observers alleged that detainees were sexually and physically abused while in detention. There were reports that detainees, including children, were not permitted to exercise at some facilities. Provincial authorities also admitted that overcrowding existed at the Mae Sai IDC in Chiang Rai.

A total of 158 refugees recognized by the Office of the UN High Commissioner for Refugees (UNHCR) as persons of concern, including 80 children, remained in the Nong Khai IDC, where they had been placed in late 2006. This number included nine children born in the IDC, whom the UNHCR has been unable to add to their parents' cases due to lack of access. In August officials permitted the construction of a temporary facility to ease overcrowding. However, at year's end authorities continued to prohibit resettlement processing or to release of the refugees.

Access to prisons was not restricted, and the Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC). ICRC representatives were allowed to meet prisoners without third parties present and could make repeated visits. However, at year's end the military had not replied to ICRC requests to visit military detention facilities in the four southernmost provinces, where detainees allegedly were mistreated. The UNHCR continued to be denied access to detainees at the Suvarnabhumi Airport IDC in Bangkok based on an April 2007 government decision. In practice UNHCR working-level officials were able to interview detainees in Suan Phlu IDC, and in September access was improved for third countries to process recognized refugees for resettlement.

d. Arbitrary Arrest or Detention.—The constitution specifically prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. A December 2007 royal command stated that martial law, which gave the military authority to detain persons without charge for a maximum of seven days, remained in force in 31 of the country's 76 provinces.

The Law Society of Thailand received 200 complaints from residents of the southern provinces that security forces made searches and arrests by citing the emergency decree and presented warrants afterwards. They received 100 complaints from residents in the north that security forces made searches and arrests by citing the occurrence of a "flagrant offense," thus not requiring a warrant.

Role of the Police and Security Apparatus.—The Royal Thai Police (RTP) has the authority to minimize threats to internal security and to suppress criminal activity. It is under the direct supervision of the prime minister and a 20-member police commission. The police commissioner general is appointed by the prime minister and subject to cabinet and royal approval. The BPP have special authority and responsibility in border areas to combat insurgent or separatist movements.

The February 28 implementation of the Internal Security Act created the Internal Security Operations Command (ISOC) as a state agency under the command of the prime minister, who acts as the ISOC director. It includes broad powers for the military. Military and civilian personnel comprise ISOC staff; ISOC is intended to function as a national security force to suppress unrest. Human rights organizations and academics criticized the bill for authorizing the ISOC director, with approval of the cabinet, to respond to alleged threats to national security by restricting fundamental rights and overriding civilian administration and due process.

Corruption remained widespread among police officers. Police officials suggested that low pay made them susceptible to bribes. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. There were also reports that some police officers were involved in facilitating prostitution and trafficking in women and children.

On January 25, the Office of the Narcotics Control Board (ONCB) arrested Police Captain Nat Chonnithiwant and seven other BPP members for extorting money from an estimated 200 victims allegedly tortured into confessing to drug deals in Bangkok, Kanchanaburi, and several southern provinces. Charges included criminal conspiracy, armed robbery, forced intrusion, threatening others with weapons, detaining others, and abducting minors. After the ONCB announced on February 5 that it would reimburse all victims found to be falsely accused of drug trafficking,

Human Rights Watch expressed concern over threats made by Police General Seriphisut Temiyavej to take action against anyone who made false claims of innocence.

Complaints of police abuse can be filed directly with the superior of the accused police officer, the Office of the Inspector General, or the police commissioner general. The NHRC, the Law Society of Thailand, the National Counter—Corruption Commission (NCCC), the Court of Justice, the Ministry of Justice, and the Office of the Prime Minister also accept complaints of police abuse and corruption, as does the Office of the Ombudsman.

When the police department receives a complaint, an internal investigation committee first takes up the matter and may temporarily suspend the officer during the investigation. Various administrative penalties exist, and serious cases can be referred to the criminal court. The police department reported that 310 officers were under investigation for criminal offenses between January 2007 and June 2008. The NHRC received approximately 124 complaints of police abuse between October 2007 and September 2008.

Procedures for investigating suspicious deaths, including deaths occurring in police custody, require that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that in most cases family members have legal representation at the inquests. However, these procedures often were not followed. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrests.

Arrest and Detention.—With few exceptions, the law requires police to obtain a warrant from a judge prior to making an arrest. In practice the system for issuing arrest warrants was subject to misuse by police officers who provided false evidence to courts to obtain arrest warrants and a tendency by the courts to automatically approve all requests for warrants. Legal aid organizations noted that in 2007 the Yala Provincial Court permitted 390 of 392 requests for arrest warrants under the emergency decree. They also granted all requests for search warrants. By law persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. The law provides for access to counsel for criminal detainees; however, lawyers and human rights groups claimed that local police often conducted interrogations without providing access to an attorney. Lawyers working in the southern provinces reported that under the emergency decree they were denied adequate access to detained clients, and some individuals in the southern provinces reported they were denied permission to visit detained family members. Foreign detainees sometimes were pressured to sign confessions without the benefit of a competent translator. The Ministry of Justice and the Attorney General's Office sought to provide an attorney to indigent detainees at public expense.

Under normal conditions the law requires police to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest, with extensions of up to three days permitted. Prosecutors may seek court permission to extend detentions for additional periods (up to a maximum of 84 days for the most serious offenses) to conduct investigations. Lawyers reported that police rarely brought cases to court within the 48-hour period. Laws and regulations place offenses for which the maximum penalty is less than three years under the jurisdiction of the District Courts, which have different procedures. In these cases police are required to submit cases to public prosecutors within 72 hours of arrest. According to the Law Society of Thailand, pretrial detention of criminal suspects for up to 60 days was common.

The law provides defendants the right to bail, and the Government generally respected this right. However, some human rights groups reported that police frequently either did not inform detained suspects of their right to bail or refused to recommend bail after a request was submitted. On July 22, police arrested activist Daranee Charnchansinlapakun on lese majeste charges following speeches at a UDD rally on July 18 and 19. The court refused her bail, citing the sensitive nature of her case and concern for her safety. At year's end she remained in jail after an appellate review refused her bail on the grounds that she posed a high risk for repeating the offense and out of alleged concern for her safety.

Under martial law the military has the authority to detain persons without charge for a maximum of seven days.

Amnesty.—At year's end authorities had released approximately 28,500 prisoners pardoned by the King as part of a royal amnesty marking his 80th birthday in December 2007.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary. Although the judiciary generally was regarded as independent, it was subject

to corruption and outside influences. According to human rights groups, the lack of progress in several high-profile cases involving alleged abuse by the police and military diminished the public's trust in the justice system and discouraged some victims of human rights abuses (or their families) from seeking justice.

The civilian judicial system has three levels of courts: courts of first instance, courts of appeal, and the Supreme Court of Justice. In addition there is a Constitutional Court, charged with interpreting the constitution, and the Supreme Administrative Court, which adjudicates cases involving government officials or state agencies. Justices nominated to the Supreme Administrative Court are confirmed by the Senate and a judicial commission consisting of 12 judges and four officials appointed by the Senate and the Court of Justice Secretariat. At year's end there were 17 Supreme Administrative Court judges; the law allows a maximum of 23. Other judges are career civil servants whose appointments are not subject to parliamentary review.

A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. Islamic (Shari'a) courts hear only civil cases concerning family and inheritance matters between Muslim parties in Yala, Pattani, Narathiwat, and Satun provinces.

Trial Procedures.—There is no trial by jury. A single judge decides trials for misdemeanors; two or more judges are required for more serious cases. The constitution provides for a prompt trial, although a large backlog of cases remained in the court system. While most trials are public, the court may order a closed trial, particularly in cases involving national security, the royal family, children, or sexual abuse.

The law provides for the presumption of innocence. In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program sought to provide free legal advice to the poor, but indigent defendants were not automatically provided with counsel at public expense. The Ministry of Justice and the Attorney General's Office remained committed to providing legal aid in both civil and criminal cases but did not allocate sufficient resources. The legal aid provided was often done on a pro bono, ad hoc basis, and it was of a low standard. Some NGOs reported that legal aid lawyers pressured their clients into paying additional fees directly to them. The court is required to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where the possible punishment is more than five years' imprisonment or death. Most free legal aid came from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association. There is no discovery process, so lawyers and defendants do not have access to evidence prior to the trial. The law provides for access to courts or administrative bodies to seek redress, and the Government generally respected this right.

Several NGOs expressed concern over the lack of adequate protection for witnesses, particularly in cases involving alleged wrongdoing by the police. The Office of Witness Protection in the Ministry of Justice had limited resources and primarily played a coordinating role. In most cases witness protection was provided by the police, but six other state agencies participated in the program. Witnesses, lawyers, and activists involved in cases of alleged police abuse reported that protection was inadequate and that they were intimidated by the police sent to provide protection.

In March Angkhana Neelaphajit and other participants in the witness protection program temporarily withdrew from the program when the Department of Special Investigations assigned police instead of civilian officers to protect witnesses. The role of Police General Sombat Amornwiwat, former supervisor of the five accused officers in the disappearance of her husband, was of particular concern.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. The law provides for access to courts and administrative bodies to bring lawsuits seeking damages for, or cessation of, a human rights violation, and the Government generally respected this right. However, sections 16 and 17 of the Emergency Decree, which was in force in the three southern border provinces, expressly excludes scrutiny by the Supreme Administrative Court or civil or criminal proceedings against government officials, although victims may seek compensation from a government agency instead. During the year two high-profile rulings by the Constitutional Court, which forced two prime ministers from office, drew allegations of court bias from politicians disadvantaged by those rulings.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution specifically prohibits such actions, and the Government generally respected these prohibitions in practice. The law provides standardized procedures for

issuing warrants. Martial law gives military forces the authority to conduct searches without a warrant, and this authority was used on some occasions during the year.

The emergency decree covering the southern provinces also allows authorities to make searches and arrests without warrants. The Law Society of Thailand received multiple complaints from persons in the south claiming that security forces abused this authority; however, the decree provides security forces broad immunity from prosecution.

There were reports that police conducted warrantless searches for narcotics in villages in the northern provinces, although officials sometimes cited martial law as a pretext for the search. Warrantless searches are permitted in cases in which there is reasonable suspicion and an urgent search is deemed necessary.

On May 27, police and officials from the Aeronautical Radio of Thailand raided without a warrant a community radio station belonging to the Duang Prathip Foundation, founded by former senator Prathip Ungsongtham Hata, and halted operations. Police asserted that the station's broadcast interrupted air traffic communications.

The investigation continued into the July 2007 incident in which Bangkok police and military officials without a warrant confiscated posters critical of the newly drafted constitution in front of Prathip's residence and entered his residence for an additional search, also without a warrant.

Security services monitored persons, including foreign visitors, who espoused extremist or highly controversial views.

Members of indigenous hill tribes continued to face forced evictions and relocation. Due to lack of proof of citizenship and land ownership, they were forced to move from areas they had cultivated for decades.

In 2007 the land committee established under the National Poverty Reduction Program to deal with land disputes in areas affected by the 2004 tsunami was dissolved due to inactivity following the end of the interim government.

g. Use of Excessive Force and Other Abuses in Internal Conflict.—The internal conflict in the ethnic Malay, Muslim-majority, southernmost provinces (Narathiwat, Pattani, Yala, and portions of Songkhla) continued throughout the year. Insurgents carried out almost daily bombings and attacks that caused deaths and injuries. The emergency decree in effect for Narathiwat, Pattani, Yala, and three districts of Songkhla gives military, police, and civilian authorities significant powers to restrict certain basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. The 2006 martial law, which also remained in effect in the area, gives a wide range of power to the military.

Killings.—Government forces were accused of extrajudicial killings, arbitrary arrests, and torture of individuals suspected of involvement with separatists. As a result of a series of increasingly provocative attacks by suspected insurgents, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities continued to grow, alongside a distrust of security officials. NGOs alleged that during the year security forces extrajudicially killed an estimated dozen individuals suspected of involvement with the insurgency, although army officials denied these allegations.

On January 27, an estimated 100 soldiers killed two suspected insurgents during a raid in Ban Tan Namtip Village, Chumphon Province.

On March 18, according to the Asian Human Rights Commission and the Working Group for Justice and Peace, 60 members of Task Force 39 allegedly shot and killed Sakri Loama in Ba Ngao Muwa, Narathiwat, and detained his son-in-law, Sukrinai Loamar. Sukrinai was allegedly tortured before being transferred to Ingkayuthboriharn camp in Pattani and then to the Ruesor police station. Sukrinai's family reported seeing dried blood on his clothing and claimed that a Ruesor police report recorded his injuries but did not provide specific details.

According to Issara News Institute statistics, during the year separatist violence resulted in the deaths of 546 individuals in 1,056 incidents. However, other sources believed the death toll was higher. According to police statistics, between October 2007 and September at least 694 civilians were killed as a result of 1,472 incidents linked to separatist violence. As in previous years, the separatists frequently targeted government and religious representatives, including teachers, monks, and district and municipal officials, but also Buddhist and Muslim civilians. In July insurgents allegedly issued a fatwa that permitted the targeting of students.

Between January 1 and 15, suspected insurgents staged a series of shootings and bombings in Narathiwat, Pattani, and Yala that killed three persons and injured 78. On January 24, a teacher was shot and killed in Khok Pho District, Pattani. In February suspected insurgents killed six persons and injured 35 in a series of

bombings and shootings. On March 15, car bombs exploded in Pattani and Yala, killing three persons and injuring many others, including in a hotel in Pattani.

On January 3 and 10, roadside bombs seriously wounded 12 soldiers belonging to a teacher escort in Yaring District, Pattani, and in Narathiwat; according to security officials, two suspects were arrested and later confessed to the incident.

Suspected insurgents carried out large-scale attacks in June and July, including a June 21 attack on a passenger train in Ra Ngae District that killed four persons. On July 2, suspected insurgents shot and killed Veera Muenjan, the principal of Ban Ma Hae school, resulting in the closure of 55 government schools for several days. Also on July 2, Wanna Sisuan, a Buddhist, was shot and killed in Narathiwat. A note found next to her body stated that Buddhists would be killed in retaliation for the deaths of ethnic Malay Muslims. On August 21, car bombs exploded in Sungai Golok, Narathiwat, killing a journalist and two rescue workers.

Some government-backed civilian defense volunteers, most of them ethnic Thai Buddhists from villages in the south, continued to receive basic training and weapons from the Ministry of Interior and security forces. Human rights organizations expressed concerns about vigilantism against ethnic Malay Muslims by these defense volunteers and other civilians. On July 5, three ethnic Malay Muslims were killed when unknown attackers opened fired on a teashop not far from where Buddhist elementary school principal Veera Muenjan was shot on July 2.

Police continued investigating the February 2007 attacks in Narathiwat, Pattani, Yala, and Songkhla that killed nine persons and injured approximately 70. Authorities issued 15 arrest warrants for the March 2007 ambush of a van in Yala that killed eight Buddhist passengers. Two of the 15 suspects were killed during clashes with authorities at other locations.

No arrests were made for the March 2007 attacks on ethnic Malay Muslims in which three were killed and 20 injured in Yala following the deaths of eight ethnic Thai Buddhists in an ambush on the same day. Police continued to investigate the April 2007 killings of four ethnic Malay Muslim youths in Yala by what the press reported were government-backed ethnic Thai Buddhist village defense volunteers.

Police identified five suspects in the May 2007 killing of seven soldiers in Narathiwat; the case was pending review by the public prosecutor. A police investigation continued in the May 2007 explosions in Hat Yai City in Songkhla. Police arrested three suspects in the May 2007 bombing of Saba Yoi District market in Songkhla.

There were no developments in the investigation of the September 2007 killing of Imam Wae-asae Madeng in Narathiwat and the October 2007 killing of Imam Asae Dengsa, also in Narathiwat. No arrests were made in the investigation of the November 2007 incident in which suspected insurgents reportedly killed a Muslim man, allegedly for cooperating with security officials.

The April 2007 inquest by the Songkhla Provincial Court into the deaths of 78 ethnic Malay Muslim detainees at Tak Bai in 2004 resulted in additional inquests. The Krue Se inquest started in December 2007 and was expected to finish in January 2009. The Tak Bai inquest was conducted between March and May; however, the court did not publicize its findings. NGOs alleged that local military officials threatened witnesses in the inquest to prevent them from testifying. At year's end no individuals had been arrested in connection with the October 2007 killing in Narathiwat of Ma—usoh Malong, the husband of activist Yaena Solaemae, and the police investigation continued.

An independent commission designed to serve as a focal point for complaints against the Government in Pattani, Songkhla, Yala, and Narathiwat was disbanded. A former committee member alleged that they convened only a few times before disbanding due to a lack of government funding.

Abductions.—The wife of Mayateh Maranoh, a caretaker at a public elementary school, filed an inquest to a court in Yala to rule on the fate of her husband, last seen when rangers from Unit 4111 surrounded their house in June 2007 and detained him. On November 16, the court dismissed the case.

In March 2007 Human Rights Watch released a report documenting 22 cases of disappearances in the southern provinces between 2002 and October 2006 under the Thaksin and interim governments. In many cases the missing persons allegedly disappeared after being questioned by security forces. The RTP established a committee to investigate the reported disappearances, but it convened only once, during which the members concluded that the whereabouts of those listed were unknown. By year's end no individuals had been brought to trial or convicted.

The Central Institute of Forensic Science abandoned its project to exhume approximately 400 unidentified bodies from cemeteries in the south due to changes in the central government and budgetary constraints. The reported reluctance of pro-

vincial governors to allow remains to be transported across provincial borders and alleged opposition from some law enforcement agencies further complicated efforts.

Police closed the investigation into the 2006 abduction of Wae-halem Kuwaekama from Joh Airong District in Narathiwat due to lack of evidence.

Physical Abuse, Punishment, and Torture.—The army was accused of torturing some suspected militants, mostly at the Royal Thai Army's Region Four Ingkayut Borihan military camp in Pattani and at other detention facilities in the region.

By September the NHRC had completed its investigation into the April 2007 alleged torture of Sukri Ar-dam in a southern detention facility and the July 2007 death of Ashari Sama-ae, and it was preparing to send the Government a report on its findings.

The June 2007 death of Sakareeya Pa-oh Mani while in the custody of security authorities was pending at the Yala Provincial Court.

The investigation into the alleged 2006 torture of Muhammad Ari Yusoh resulted in an ISOC settlement. ISOC offered a 50,000 baht (\$1,500) payment to the victim through monthly installments. According to the victim's family, the payments stopped prematurely, and they were awaiting a response from an inquiry to ISOC.

The Government continued to arrest suspected militants, some of them juveniles, and in some cases held them for a month or more under provisions of the emergency decree and martial law. Human rights organizations considered the arrests arbitrary, excessive, and needlessly lengthy, and they expressed concerns about detention facility overcrowding. The media documented occasions in which security forces arrested all male occupants of a village or detained the elderly or infirm. Large-scale village sweeps in the deep south led by hundreds of soldiers resulted in mass warrantless detentions. On January 25, more than 300 security officials raided several areas and apprehended 12 suspects in two districts of Narathiwat in response to a wave of attacks in January that resulted in the deaths of eight soldiers.

The four provinces of the deep south are covered by two security laws. Martial law allows for detention without charge up to seven days without court or government agency approval in Pattani, Narathiwat, Yala, and three districts of Songkhla. The emergency decree was in effect in the same areas and allows authorities to arrest and detain suspects for up to 30 days without charge. After the expiration of this period, authorities can begin holding suspects under normal criminal law. Unlike under martial law, these detentions require the consent of a court of law, although human rights NGOs complained that courts did not always exercise their right to review these detentions. In some cases a suspect was held first under martial law for seven days and then detained for an additional 30 days under the emergency decree. Government statistics were not available, but police officials stated that 1,474 persons had been arrested since 2005 under these provisions and that 289 of those arrested had been prosecuted. It was unclear whether any persons were detained under the auspices of martial law alone.

The Government cancelled a program to transfer approximately 400 detainees whom authorities declined to prosecute criminally to military camps in Chumporn, Ranong, and Surat Thani provinces for a vocational training program. The cancellation came after complaints from human rights organizations and an October 2007 ruling by provincial courts in the three provinces that the army could not compel participation. Lawyers and NGOs stated that the detainees returned to their villages following the court ruling. However, credible sources indicated that some of the men remained under surveillance and that security officials visited their homes on occasion.

Human rights organizations alleged that the military mailed official letters to suspected militants in the four southernmost provinces, inviting them to attend an education program. Credible sources indicated that two such sessions were held in Pattani and Songkhla. The 15- to 30-day programs included reeducation training and sightseeing in nearby provinces. NGOs noted that several program participants were killed once they returned to their home villages; security forces were suspected of involvement due to the close proximity of the killings to mosques.

Child Soldiers.—There were reports that separatist groups recruited teenagers under the age of 18 to carry out attacks. Human rights organizations alleged that separatists used private Islamic schools to indoctrinate ethnic Muslim Malay children with a separatist agenda.

On January 29, the Working Group on Justice for Peace reported that the Ruam Thai Team, a local Buddhist self-defense force in the three southernmost provinces headed by Police Colonel Pithak Iedkaew, was training an estimated 300 Buddhist and Muslim children to include in its forces. The 2008 Child Soldiers Global Report published by the Coalition to Stop the Use of Child Soldiers claimed that insurgency groups included children.

Other Conflict—Related Abuses.—There were reports that separatists used women and children as human shields to confront or provoke security forces and restrict their operations. The police and military imposed a curfew in several districts of Yala prohibiting persons from leaving their homes after 9 p.m.

The Ministry of Education reported that since 2004 insurgents had burned more than 304 schools in the south. During the year insurgents burned 14 schools in Pattani and Narathiwat. The Government periodically closed schools throughout the region in response to attacks against teachers, students, educational facilities, and parents. The Government frequently armed ethnic Thai Buddhist and some ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers. According to the Ministry of Education, 139 teachers, students, and education staff had been killed and 228 others injured due to separatist violence since 2004.

Separatist violence included attacks on medical facilities, such as the destruction of two government health centers in Pattani on June 7. According to the Public Health Ministry, 69 public health volunteers had been killed, 47 health volunteers injured, and 24 community health centers burned or bombed in the south since January 2004.

While official government statistics were not available, there were reports that a significant number of ethnic Thai Buddhists were fleeing violence-affected areas for other provinces in the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law specifically provide for freedom of speech and of the press with some exceptions; in addition the Government and legal code limited some rights.

Freedom of speech and the press were occasionally curtailed by government interference and the use of libel suits directed against journalists. The broadcast media, particularly television and radio, were closely monitored. Under former prime minister Samak Sundaravej, government interference in the media intensified. The Government pressured the media, particularly broadcast media, to cooperate on disseminating constructive and complimentary news and information. Nevertheless, the media and civil society vocally criticized government authorities throughout the year. Print and broadcast media reported news critical of the Government as well as statements and activities of the former and current prime minister. Samak in particular was criticized for his attitude towards the media.

By law the Government may restrict freedom of speech and freedom of the press to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. The law permits police to close newspapers or printing presses in times of war or national emergency, but only with a court order. The law allows police under a court order to restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals.

Lese majeste provisions make it a criminal offense to criticize the King, queen, royal heir apparent, or regent; the criminal code allows for three to 15 years' imprisonment. The provisions allow private citizens to initiate lese majeste complaints, and there were dozens of instances in which private citizens accused each other of lese majeste. This triggered a lengthy process of investigations and subsequent case review by the Office of the Attorney General (OAG). Although the OAG formally charged some individuals with lese majeste, at year's end only the case of UDD supporter Bunyuen Prasoehtying was brought to trial. Bunyuen received six years' imprisonment.

On April 5, police charged social activists Chotisak Ongsoong and Songkran Pongbunjan with lese majeste for not standing for the royal anthem in a movie theater in September 2007. They were released without bail; the case was under investigation at year's end. On April 29 and 30, radio station Metro Life 97 urged listeners to attack Chotisak when he was scheduled to appear at a panel discussion on lese majeste at Thammasat University. The Web site component of the station also posted his personal information, including his address and telephone number.

On April 8, a police officer accused reporter Jonathan Head of BBC's Bangkok bureau of lese majeste for remarks Head made at August 2007 and December 2007 panel events at the Foreign Correspondents' Club of Thailand. The August 2007 panel also featured Jakrapob Penkair, a political activist, who discussed the history of patronage in the country. An investigation concluded on September 10 that there was significant evidence of lese majeste against Jakrapob and recommended that he be prosecuted. At year's end the Jakrapob case was under review by the OAG, and the investigation against Head remained open.

On August 31, Australian author Harry Nicolaides was arrested under lese majeste provisions of the criminal code over a passage in his 2005 novel *Verisimilitude* that allegedly defamed the crown prince. At year's end he remained in jail awaiting formal charges and had been denied bail four times.

On November 6, Khon Kaen province police apprehended Buddhist scholar and social critic Sulak Siwalak in Bangkok and charged him under the lese majeste provisions of the criminal code. At year's end he was free on bail and awaiting further official action. Sulak had been arrested, charged, or prosecuted on similar grounds multiple times in the past but never convicted.

Political figures and large media conglomerates held ownership of large stakes in many prominent newspapers.

Government entities owned and controlled all radio and broadcast television stations, including the 524 officially registered "regular" AM and FM stations. The military and police also owned another 244 radio stations, ostensibly for national security purposes. Other owners of national broadcast media included the Government's Public Relations Department (PRD) and the Mass Communication Organization of Thailand, a former state enterprise of which the Government still owned a majority share. Almost all of the stations were leased to commercial companies.

The Broadcasting Act, promulgated on March 4, governs the regulation of radio and television frequencies. The new act provides for three categories of broadcast licenses: public service, community service, and commercial. The act empowers the National Telecommunications Commission to enforce the law, pending the establishment of the National Broadcasting and Telecommunications Commission (NBTC). No progress was made on the appointment of that body, and as a result no new broadcast licenses were issued during the year.

The Government censored broadcast media both directly and indirectly, and self-censorship was evident. Broadcast media nevertheless reported criticism of the Government.

In early February the Prime Minister's Office announced plans to establish a task force to monitor the "news balance" of the broadcast media. That same month, the minister attached to the Prime Minister's Office, Jakrapob Penkair, signed an order transferring PRD director general Pramote Ratvinij to an inactive post. Although the Government claimed the move was not politically motivated, media observers believed that Pramote was removed due to his connection to the former government. In May Jakrapob warned broadcast media outlets about carrying news reports in support of a rumored coup and stated he would take disciplinary action against any PRD staff who did so.

On January 14, the Thai Public Broadcasting Service Act took effect, transforming Thailand Independent Television—the PRD-operated successor to the former Thaksin-owned iTV—into Thai Public Broadcasting Service, which later was renamed TV Thai.

The Government attempted to discredit media organizations via government-owned and -operated media outlets, particularly through its programming on National Broadcasting Services of Thailand (NBT). It often refuted content broadcast on Asia Satellite TV (ASTV), a television station owned by Manager Media Group whose managers were tied to the antigovernment movement led by the People's Alliance for Democracy (PAD).

On January 9, the car of Samraeng Khamsanit, a reporter with the Thai-language daily newspapers *Matichon* and *Khao Sod* in Angthong Province, was set on fire. On May 26, Surayud Yongchaiyudh, another reporter with *Matichon*, survived a shooting in Prachuab Kirikhan Province. On August 1, Atiwat Chainurat, also a *Matichon* reporter, was shot and killed at his home in Nakhon Sri Thammarat. All three were believed to have been targeted for their politically sensitive reporting.

The case of the shooting of journalist Manop Ratanajaroongporn in Phang Nga Province in 2006 was dismissed for lack of evidence. There was no resolution of the 2006 killing of Santi Lammaneeenil, owner of the *Pattaya Post* and a freelance reporter. These individuals also were believed to have been targeted for their politically sensitive reporting.

Print media criticism of political parties, public figures, and the Government was common. Journalists generally were free to comment on government activities and institutions without fear of official reprisal; however, they routinely practiced self-censorship, particularly with regard to the monarchy and national security.

On February 13, a well-known radio host and former senator, Chirmsak Pinthong, took his popular talk radio show off the air following his criticism of then-prime minister Samak's comments on the October 1976 massacre. His production house reportedly told him to cancel the show after receiving a call from a government official.

The international and independent media were allowed to operate freely, although with some exceptions.

On January 31, the Administrative Court suspended a 2006 order issued by the PRD instructing CAT Telecom to terminate transmission of ASTV. Despite the order, ASTV was able to operate via satellite.

On June 13, Interior Minister Chalerm Yoobamrung ordered provincial governors and officials to file charges against cable television operators broadcasting antigovernment rallies. No charges were filed, but several cable operators in the provinces reportedly suspended ASTV broadcasts of antigovernment rallies as a result.

The defamation cases of three popular television talk show hosts, one of them PPP leader Samak Sundaravej, remained under appeal. On September 25, the appeals court upheld a primary court verdict convicting former prime minister Samak of defamation charges and sentenced him to two years' imprisonment; the other two cases remained under appeal. Samak remained free on bail and continued to appeal the court decision.

On September 10, the court of appeal confirmed a lower court's verdict that found newspaper Neow Naa editor Prasong Soonsiri guilty of libel. He was convicted of defamation for criticizing Constitution Court judges on their acquittal of former prime minister Thaksin Shinawatra in his 2001 asset concealment case. Prasong received a suspended sentence of one year.

At year's end the December 2007 court ruling in the libel case against PAD leader and Manager Media Group owner Sondhi Limthongkul continued under appeal. There were no reports that the Government used libel laws to suppress criticism of political or other leaders.

There were reports that state-owned media did not provide equal broadcast time to all parties and used the PRD-operated NBT to discredit conventional media outlets. In July then-prime minister Samak was granted a daily, one-hour period on NBT, during which he regularly attacked the media for reporting inaccurate and distorted stories about his administration. Reportedly, the PRD denied a formal request submitted by opposition leader Abhisit Vejjajiva for equal time on NBT.

No progress was made on the appointment of a National Broadcast Commission tasked with reallocating all broadcast frequencies and regulating the broadcast media under the new broadcasting act.

Under past legislation radio stations had to renew their licenses every year; however, the new broadcasting act increases radio license terms to seven years. Radio signals are broadcast via government transmitters. Stations are required by law to broadcast 30 minute government-produced newscasts twice daily. With no movement on the establishment of the NBTC, the country's estimated 2,000 to 3,000 community radio stations technically continued to operate outside the law.

During an April 19 seminar with community radio operators in the eastern part of the country, Minister Attached to the Prime Minister's Office Jakrapob reportedly offered to help community radio stations operating without licenses avoid arrest if they agreed to allot two to three hours a day to government-sponsored programming. The Thai Broadcast Journalist Association condemned the proposal.

The Government continued to prohibit the import and sale of *The King Never Smiles*, written by Paul Handley and published overseas, and *A Quarter-Century on Democracy's Thorny Path*, written by Sulak Sivaraksa.

Internet Freedom.—Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, there were some limitations. There were some government restrictions on access to the Internet and reports that the Government monitored Internet chat rooms.

The 2007 Computer Crime Act, which created new computer crime offenses, establishes procedures for the search and seizure of computers and computer data in certain criminal investigations and gives the Ministry of Information and Communication Technology (MICT) authority to request and enforce the suspension of information disseminated via computer. Under the act a maximum five-year jail sentence and a 100,000-baht (\$3,000) fine can be imposed for posting false content on the Internet that undermines public security, causes public panic, or hurts others. A maximum 20-year sentence and 300,000-baht (\$9,000) fine can be imposed if an offense results in the death of an individual. In addition, any service provider who intentionally consents to or supports the publishing of illegal content is also liable. It also obliges Internet service providers (ISPs) to preserve all user records for 90 days, in the event that officials wish to access them. Media activists criticized the law, stating that the offenses are defined too broadly and some penalties are too harsh.

There was also an increase in Internet censorship. The Government blocked numerous Web sites critical of the monarchy and those that expressed pro-Thaksin or republican views, although most were accessible again by the end of the year. The Government allowed relative freedom of expression on political Web sites and discussion boards. Several political Web boards and discussion forums chose to self-censor and closely monitored discussions to avoid being blocked. The Government blocked 2,300 Web sites and URLs and listed approximately 400 Web sites as pending court orders to be blocked, of which 344 were considered to have content deemed offensive to the monarchy, two were religious sites, and six had pornographic content. According to press reports, the MICT also advised ISPs to block an additional 1,200 sites that it considered a danger to national security or disturbing social order.

Some Web sites suffered from self-censorship by domestic ISPs. On January 4, the Web site for Same Sky publishing house, which produces an eponymous quarterly sociopolitical magazine, was denied further hosting service from its domestic host; it later moved to a hosting service abroad. The Web site contained content from the magazine, blogs by columnists, and articles, and its Web board featured relatively open discussions on the monarchy. On April 28, Sunimit Jirasuk of Khon Kaen Province filed lese majeste charges against the Web sites of Same Sky and Prachatai, a liberal news media outlet, alongside an additional charge against activist Chotisak Onsoong; Sunimit claimed they advocated the elimination of the monarchy. Chotisak already faced lese majeste charges for not standing during the royal anthem at a movie theater in September 2007. Customers of Telephone Organization of Thailand reported that they could not access Same Sky and Prachatai Web sites on May 14 and 15; users instead found a message stating that it had been blocked due to a request by the MICT. On October 30, the Government assembled Web site managers from several entities to request their cooperation in monitoring content critical of the monarchy.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom.

During the year Chulalongkorn University political science professor Giles Ungpakorn reported that his university's bookstore refused to sell his book, *A Coup for the Rich*. The book was available only via the Internet after Thammasat University's bookstore also stopped selling it following a police request.

Cultural events may be censored, usually for reasons of public decency. The law specifies that theater owners and broadcasters must submit films they plan to show to the film censorship board for review. The board may ban a film if offending portions are not deleted. Reasons for censoring films include violating moral or cultural norms and disturbing the public order or national security. Theater owners and broadcasters frequently censored films themselves before submitting them to the board. According to the board, no films have been banned since 2003. During the year film director Apichatpong Weerasethakul released his film *Syndromes and a Century* with six missing scenes blacked out to show where he capitulated to the film censorship board's demands.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution provides for freedom of assembly, and the Government generally respected this right with some exceptions. Martial law, which gives the military authority to restrict freedom of assembly, was in effect in 31 provinces. The emergency decree for the southern provinces allows the Government to limit freedom of assembly, but this provision was not used during the year.

Government officials in the provinces of Ranong, Surat Thani, Phuket, Phang Nga, Chumphon, and Rayong issued written provisions that prohibited migrant workers—specifically those from Cambodia, Burma, and Laos—from forming gatherings, among other restrictions, while Samut Sakhon Province prohibited gatherings of more than five persons. Employers could request permission from authorities for migrant workers to hold cultural gatherings.

Throughout the year various pro- and anti-Thaksin groups, such as the PAD and UDD networks, among other organizations, staged a series of protests in Bangkok and other areas that resulted in violent clashes between supporters. The demonstrations drew thousands of participants and peaked with the September 2 death of protester Prasit Jantemduang in Bangkok, the October 7 deaths of protesters Angkhana Radappanyawut and Methee Chartmontri, and the seizure of Bangkok's two airports from November 25 until December 4. The number of demonstrators dropped dramatically after the September 4 resignation of then-prime minister Samak and the December 2 removal from office of then-prime minister Somchai.

On July 17, PAD protesters clashed with a group of at least 200 progovernment protesters in Si Sa Ket Province who attempted to block them from reaching the

Preah Vihear temple. On July 24, clashes between PAD protesters and anti-PAD protesters resulted in the reported injury of approximately 13 protesters and two police in Udon Thani Province.

On August 26, antigovernment protesters led by the PAD occupied the formal seat of government without resistance from police, and the Government declared it would resolve the standoff peacefully, despite the issuance of arrest warrants for the PAD's leadership.

Freedom of Association.—The constitution specifically provides for freedom of association, although exceptions are made “to protect public interests, to maintain public peace and order or good morals, or to prevent economic monopoly.”

In accordance with the law, the Government prohibited candidates for the Senate, ostensibly a nonpartisan body, from distributing printed materials carrying the name of a political party or publicly identifying a political party as a candidate's sponsor.

The law prohibits the registration of parties with the same name or emblem as that of a dissolved political party. Legal experts maintained that the law was designed to inhibit the reregistration of the Thai Rak Thai party, which the Constitutional Court dissolved in May 2007.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it restricted the activities of some groups. The constitution specifically provides for freedom of religion, provided that the religion is not contrary to a person's “civic duties, public order, or good morals.”

The constitution requires that the monarch be a Buddhist, but it does not designate a state religion. Some Buddhist organizations called for the designation of Buddhism as the state religion, but the effort failed. The constitution requires the Government “to patronize and protect Buddhism and other religions.” The Government subsidized activities of the three largest religious communities.

Under the Religious Organizations Act, a new religion can be registered if a national census shows that it has at least 5,000 adherents, represents a recognizably unique theology, and is not politically active. A religious organization must also be accepted into one of the five officially recognized ecclesiastical groups: Buddhist, Muslim, Christian, (which includes Catholicism and four Protestant subgroups), Brahmin—Hindu, and Sikh. Since 1984 the Government has not recognized any new religious groups. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Unregistered religious organizations did not receive these benefits but operated freely in practice.

The 1962 Sangha Act specifically prohibits the defamation or insult of Buddhism and the sangha (Buddhist clergy). The penal code prohibits the insult or disturbance of religious places or services of all recognized religions in the country. Followers of the Santi Asoke sect of Buddhism were unable legally to refer to themselves as Buddhists because of theological disagreements with the Sangha Council, but they were able to practice their faith without restriction.

Religious instruction is required in public schools at both the primary and secondary education levels. The Ministry of Education has formulated a course that contains information about all recognized religions in the country.

In the past pondok (traditional Islamic) schools were not required to register with the Government and had no government oversight or funding. Following the outbreak of violence in the southern provinces in 2004, registration with the Government was made mandatory. By year's end the Government had registered 367 pondok schools in Songkhla, Satun, Yala, Pattani, and Narathiwat provinces and seven pondok schools in other provinces. Observers estimated that as many as 1,000 pondok schools operated in the south.

Muslims, who represent between 5 and 10 percent of the population nationwide and constitute the majority in four of the five southernmost provinces, experienced some economic discrimination. The Government attempted to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities. However, these efforts were often resisted amid charges of forced assimilation. Muslims outside the southern provinces were much better integrated into society.

Government officials reportedly continued to monitor Falun Gong members and restrict their activities. The Falun Gong complained that officials attempted to limit their activism due to fear of damaging bilateral relations with the People's Republic of China (PRC). On February 8, police arrested 13 practitioners meditating in front of the PRC embassy. On March 13 and 14, six mainland Chinese practitioners were

arrested while distributing leaflets near the Chinese embassy and the Grand Palace. At year's end all remained in Bangkok's IDC.

Societal Abuses and Discrimination.—Violence committed by suspected separatist militants in Narathiwat, Pattani, Songkhla, and Yala affected the ability of some ethnic Thai Buddhists in this predominantly ethnic Malay Muslim region to undertake the full range of their traditional religious practices. Buddhist monks and temples were targeted. A number of monks reported that they no longer were able to travel freely through southern communities. Monks also claimed that, due to fear of being targeted by militants, laypersons sometimes declined to assist them in their daily activities.

During the year one Buddhist layperson was reportedly beheaded, compared with five in 2007. On July 4, Khan Sangthong was shot, burned while nailed to the road, and then beheaded in Bannang Sta District, Yala. The media reported it as a reprisal killing for the killing of insurgent leader Koseng Apibanbae and other members on June 23 by government forces. According to media and academic sources, suspected insurgents beheaded at least one Muslim during the year.

As a result of a series of increasingly provocative attacks, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities in the south continued to grow. However, there were no outbreaks of communal violence between the Buddhist and Muslim communities. Many Muslims complained of societal discrimination both by Buddhist citizens and by the central government. Many Muslims complained that Thai-language newspapers presented a negative image of Muslims and their communities, associating them with terrorists.

Insurgent groups in the south spread propaganda against Buddhists in the form of threatening pamphlets and flyers. There were allegations that some religious school teachers in the south preached hatred for Buddhists as well as for Muslims who cooperated with the Government and security forces.

The Jewish community is small, and there were no reports of anti-Semitic incidents.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, and emigration, and the Government generally respected these rights in practice; however, there were some exceptions. The constitution specifically provides for these rights but makes exceptions for “maintaining the security of the state, public peace and order or public welfare, town and country planning, or youth welfare.” The Government generally cooperated with humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although with many restrictions.

Members of hill tribe minorities who were not citizens were issued identity cards that reflected restrictions on their freedom of movement. Holders of such cards were prohibited from traveling outside their home district without prior permission from the district head and needed permission from the provincial governor to travel outside their home province. Offenders were subject to fines and jail terms. Persons with no card could not travel at all. Human rights organizations reported that police at inland checkpoints often asked for bribes in exchange for allowing stateless persons to move from one district to another.

Other long-time noncitizen residents, including many thousands of ethnic Shan and other nonhill tribe minorities, were required to seek permission from local authorities or the army for foreign and domestic travel.

Migrant workers may work only in certain provinces. The Government continued to offer illegal migrants the opportunity to be legally registered. Registration must be renewed each year. According to the Ministry of Labor, 787,640 migrants registered during the year, 476,676 of whom were from Burma. Migrants from Burma could apply for border passes at select Burmese border crossings. Migrants possessing these passes may legally reenter Thailand and work. The document is not valid for travel to third countries. Similar agreements were in place with the Governments of Laos and Cambodia. By law unregistered children of illegal migrants face arrest and deportation.

The law prohibits forced exile, and the Government did not practice it. Former prime minister Thaksin returned on February 28 after 18 months abroad following the 2006 coup. During Thaksin's time overseas, the Government declared that he was free to return, but Thaksin stated he would not do so, citing safety concerns. The then-foreign minister Noppadol Pattama approved the issuance of a diplomatic passport to Thaksin weeks before Thaksin's return. Thaksin retained his diplomatic

passport when he fled to the United Kingdom on August 11. However, on December 12, the Government revoked his diplomatic passport.

Protection of Refugees.—The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the law does not provide for granting asylum or refugee status. Nevertheless, authorities continued the country's longstanding practice of hosting significant numbers of refugees.

The Government had a screening process for Burmese entering the official refugee camps, but the process stalled in most provinces during the year. While the Government generally cooperated with humanitarian organizations in assisting refugees in the established camps, cooperation with the UNHCR continued to deteriorate during the year on protection matters as authorities detained large numbers of Hmong, North Korean, and Burmese Rohingya asylum seekers and refugees. The UNHCR was formally forbidden to conduct refugee status determinations or provide its protection mandate to these groups. However, in July authorities granted the UNHCR informal access to asylum seekers in the main IDC in Bangkok to conduct status interviews, and several resettlement countries were also allowed to conduct processing activities. The Government also permitted a UNHCR monitoring presence at the facility, where many new arrivals were held.

The Government continued to allow the UNHCR to monitor the conditions of the approximately 140,000 Burmese refugees living in nine camps along the Burmese border but prohibited the UNHCR from maintaining a permanent presence in the border camps. NGOs provided basic needs assistance in the camps. Authorities permitted the UNHCR to provide identification cards to registered refugees living in the camps.

During the year provincial admission boards (PABs) continued to permit 711 refugees to remain in nine camps. Many of the refugees previously lived in the camps without formal permission. The Government agreed to permit third country resettlement of camp refugees, and at year's end 16,607 persons were resettled from the camps.

IDCs in several provinces and Bangkok were designated to hold asylum seekers. Conditions in all IDCs were poor, with mental and physical health problems among the asylum seekers stemming from overcrowding and poor ventilation.

The Government allowed NGOs to provide food, medical services, housing, and other services to Burmese who may have had valid refugee claims but who resided outside the camps. Government officials periodically arrested Burmese outside designated camps as illegal aliens. Those arrested generally were taken to the border and released without being turned over to Burmese authorities. Many returned to Thailand shortly thereafter.

The UNHCR reported that after the September 2007 crackdown on prodemocracy protesters in Burma, approximately 230 new arrivals contacted the UNHCR and received temporary UNHCR identification documents. The Government convened two sessions of a special "fast track" PAB screening process, and 58 cases were approved for refugee status and third-country resettlement.

Many Burmese asylum seekers encountered by army border units continued to be returned to Burma before they could reach the established refugee camps. However, thousands of other asylum seekers were able to enter the country and gain entry into the refugee camps during the year. According to the UNHCR, there were approximately 30,000 to 40,000 unregistered Burmese asylum seekers in the nine camps. The PABs for Burmese asylum seekers met only sporadically.

On July 16–17, the Third Army oversaw the forced return of 59 ethnic Karenni asylum seekers to Burma from two refugee camps in Mae Hong Son Province. Government authorities often sent such persons back to Burma if they were discovered before reaching a refugee camp, but the group in question had already taken up residence in the camps. Following that incident an estimated 1,000 other recent arrivals in the two refugee camps in Mae Hong Song were photographed, in the past a precursor to repatriation.

In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, although the Government adopted a tougher approach to resolve the situation of the approximately 7,800 Hmong, some appearing to have valid refugee claims, who were confined in an army-run camp in Huay Nam Khao, Phetchabun Province. The Government reserved the right to repatriate the population at Phetchabun to Laos and did not grant the UNHCR permission to interview them to determine their refugee status. During the year 1,600 Hmong were returned to Laos in five separate movements. Many appeared to return voluntarily, although third-party monitoring of the returns initially was not permitted by the Lao government, which agreed in September to allow monitoring by the UNHCR and diplomats. However, in June more

than 830 Hmong were opportunistically returned to Laos after they marched out of the camp in protest over the lack of resettlement options. An internal government screening system existed to identify those who might face harm if returned to Laos. However, during the year a systematic review of the cases by a national-level committee did not take place. Food and basic health care in the army camp were provided by an international NGO.

In contrast with 2007, local officials in Mae Hong Son Province allowed ethnic Karenni Paduang refugees to enter camps to be processed for resettlement.

The Government continued to allow the UNHCR to conduct weekly visits to the group of Hmong asylum seekers from Laos detained in small cells in the Nong Khai IDC since 2006. A local NGO provided supplementary food and toiletries. The Government permitted construction of a temporary NGO shelter on the IDC grounds to relieve the crowding in the cells. Several countries sought to consider the group detained at Nong Khai for refugee resettlement. However, at year's end authorities had not permitted resettlement processing to continue, nor had they released the refugees.

Although a 2005 cabinet resolution declared that every child in the country, regardless of legal status, was entitled to free primary education (nine years of schooling, to age 15 or completion of middle school), the Government did not always respect this right in practice. Human rights organizations reported that local officials often excluded undocumented children were often excluded from primary school. Enrollment among stateless hill tribe students remained low and declined with age. According to UNESCO's 2006 Highland Peoples Survey on the impact of statelessness among 12,000 hill tribe households in the north, highlanders lacking citizenship were 73 percent less likely to enter primary school than highlanders with citizenship. Moreover, human rights organizations reported that stateless students who did complete primary school did not receive an official graduation certificate, which hindered their access to higher education and restricted their employment options.

Stateless Persons.—A significant but indeterminate number of stateless persons resided in the country.

The stateless persons, most of whom are known as highlanders or hill tribes, were concentrated in the northern region. The most recent highland survey, conducted in 1999, recorded a total hill tribe population of nearly 874,000 persons, of whom more than 496,000 were registered as citizens. The remaining 378,000 highlanders were placed in various categories, such as "eligible for citizenship," "eligible for permanent residency," or "undetermined." Of these 378,000 noncitizens, a number subsequently received citizenship, but neither government nor NGO sources were able to provide a precise figure, due to the absence of more recent census data tracking the number of hill tribe residents and their citizenship status. Although the Government and NGOs concurred on the need for a new and more comprehensive survey, they were unable to agree on how it should be conducted.

Many stateless highlanders lived in poverty, and as noncitizens they could not own land, had difficulty accessing credit from banks, and did not have access to a variety of government services, such as universal health care. The law prohibits many stateless highlanders from traveling out of their home district or province without prior permission. The law also prohibits highlanders from participating in certain occupations reserved for citizens, most notably farming, although in practice officials permitted noncitizen highlanders to undertake small-scale subsistence activities. NGOs asserted that statelessness was the single greatest risk factor for hill tribe people to be trafficked or otherwise exploited, such as by being forced into the drug trade or other sectors of the underground economy, since they are precluded from many legitimate economic opportunities.

The 2008 Nationality Act, which took effect on February 28, provides citizenship eligibility to certain categories of highlanders who were not previously eligible. It also streamlines citizenship registration and eases evidentiary requirements. NGOs believed that the act significantly reduced the number of persons previously ineligible to apply for citizenship; however, its full impact had not been assessed because the Interior Ministry's implementing regulations were ambiguous; human rights organizations requested clarification.

Because of the remoteness and restricted mobility of stateless highlanders, documentation and evidence of birth was usually difficult to provide in establishing citizenship eligibility. However, the Civil Registration Act of 2008 stipulates that every child born in the country will receive an official birth certificate, regardless of the parents' legal status. Some stateless persons who were born in the country and who may be able to prove citizenship eligibility often waived that right in order to classify themselves as "migrants" and gain access to public health care and certain jobs unavailable to stateless persons. In doing so, however, these individuals lost any

basis for citizenship eligibility that they previously held. However, the new Nationality Act allows these individuals to reclaim their eligibility provided they relinquish migrant worker status and take steps such as surrendering work permits.

Stateless highland women encountered more barriers to citizenship than men. Tribal customs and traditions subjected women to a certain social status that limited their access to postprimary education and political opportunities that contribute to knowledge of the citizenship process. Women had to rely on reportedly corrupt village leaders and district officials to act as facilitators for them. Most stateless highland women had few economic opportunities outside the home and could not afford the bribe demanded for processing citizenship applications. Highlanders claimed to have paid district officials anywhere from 3,000 to 15,000 baht (\$90 to \$450) despite there being no official processing cost for citizenship. NGOs reported that some local officials pressed women into offering sexual favors in exchange for accelerating their citizenship registration.

A 2005 cabinet-approved national strategy permits individuals who lack legal status and entered the country before January 1995 to remain in the country temporarily and apply for various categories of legal status, including citizenship. However, at year's end the Government had not implemented the strategy fully, as some implementing regulations were still under development. An October statement by the Ministry of Foreign Affairs noted that the failure of some local officials to act according to the national strategy often stemmed from their lack of knowledge of relevant laws and regulations. The Interior Ministry was working with human rights organizations to train local officials in these areas.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Following the December 2007 general election, the country reverted to a bicameral system, composed of a House of Representatives and a Senate. The constitution provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal, compulsory suffrage. The constitution provides for the election of all members of the 480-seat lower house of parliament and 76 members of the 150-seat Senate. It also provides for the appointment of 74 additional members of the Senate by members of the judiciary and other regulatory bodies.

Elections and Political Participation.—A national election for the lower house of parliament held in December 2007 was generally considered free and fair; however, there were allegations of widespread vote buying, minor procedural irregularities, and scattered but unconfirmed reports of intimidation by local military and government officials. International observers stated that the martial law in effect in parts of the country during the election was inconsistent with international norms. The Election Commission of Thailand announced that the PPP, led by Samak Sundaravej, won a plurality of 233 seats in the 480-seat lower house. The commission disqualified 10 candidates and parliamentarians for alleged vote buying, including the PPP's Yongyut Tiypairat, who briefly served as House speaker.

At least three political canvassers and local government officials reportedly were killed or injured during 2007 election campaigns; there was speculation that some of the killings may have been politically motivated. By September the 150 allotted slots for senators were filled, but only 470 of the 480 allotted slots for the House of Representatives were filled, due to resignations and disqualifications.

Political parties could operate without restriction or outside interference, although violations of election laws by three members of political parties' executive boards prompted the Constitutional Court on December 2 to dissolve three of the eight parties holding seats in the legislature, including two of the three largest. The sanction of party dissolution is provided for by the 2007 constitution, which also provides that all executive board members of parties dissolved by the court lose their political rights for a five-year period. The December 2 ruling therefore forced Prime Minister Somchai Wongsawat, a PPP executive, out of office. The other parties dissolved were the Chart Thai Party and the Matchima Thippathai Party. A total of 106 executive board members lost their political rights in connection with the parties' dissolution.

There were 80 women in the 620-seat bicameral parliament. Women held three cabinet positions. The constitution encourages political parties to consider a "close proximity of equal numbers" of both genders. Many NGOs noted that women had the right to vote and run for positions, but there were relatively few elected female officials.

Few members of ethnic minorities held positions of authority in national politics. Muslims from the south held significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 32 Muslim and six Christian members of parliament.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, although government implementation of these laws was weak, and officials sometimes engaged in corrupt practices with impunity.

There were many cases of corruption involving senior government officials, including former prime ministers Thaksin and Samak and other government ministers.

On March 10, prosecutors filed charges against former prime minister Thaksin and 46 other persons, including deputy prime minister and finance minister Surapong Suebwonglee, labor minister Uraivan Thainthong, and deputy transportation minister Anurak Jureemas, in connection with embezzling proceeds from a government lottery implemented during the Thaksin administration between August and November 2006. In April the Asset Examination Committee (AEC) pressed criminal charges against Thaksin over the Export-Import Bank of Thailand's loan to Burma of four billion baht (approximately \$120 million).

On March 14, the AEC indicted Bangkok governor Apirak Kosayothin, former commerce minister Wathana Muangsuk, and former Director General of the Foreign Trade Department Rachen Potjanasunthorn on charges of malfeasance related to the purchase of fire trucks. In the same case, the AEC had previously indicted former Bangkok governor Samak Sundaravej, former interior minister Bhokin Bhalakula, former deputy interior minister Pracha Maleenont, and former Director General of the Bangkok Metropolitan Authority's Public Disaster Relief Department Athilak Tanchookiat. Apirak was later cleared of involvement.

On July 31, the Supreme Court sentenced Thaksin's wife Potjaman to three years in jail for tax evasion, but she was released on bail and an appeal was pending at year's end. Her brother and secretary were also found guilty in the case, and their appeals were pending at year's end. Following the ruling Thaksin and his wife failed to return to the country from overseas. On September 11, a criminal court issued an arrest warrant for them when they failed to appear at court proceedings concerning asset concealment allegations in a real estate case; a Supreme Court ruling on October 21 acquitted Potjaman but found Thaksin guilty of abusing his position in connection with his wife's purchase of land.

On September 9, the Constitutional Court ruled against then-prime minister Samak in a conflict of interest case involving his hosting of television cooking shows in violation of Article 267, forcing him to step down.

The OAG continued to investigate the August 2007 arrest of a retired police officer in connection with the alleged bribery of two judges on the Constitutional Court prior to its May 2007 ruling dissolving the former ruling Thai Rak Thai Party.

The December 2007 determination by the NCCC that 13 former Constitutional Court judges, four former members of the Election Commission, and three former ombudsmen had illegally approved pay increases for themselves remained with the OAG, pending prosecution.

During the year the NCCC, AEC, and OAG continued to investigate allegations of corruption committed by the Thaksin government. The findings by the AEC and the OAG triggered multiple cases at the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions.

In addition, the NCCC brought several other cases to court and reported that there were 5,333 cases pending investigation at the conclusion of its fiscal year in October.

Public officials were subject to financial disclosure laws. Aside from the NCCC, the AEC, and the OAG, the Anti—Money Laundering Office, the Supreme Court, the Ombudsman's Office, the Administrative Court, and the Ministry of Justice played a role in combating corruption.

The new constitution provides access to public information, and there were no reports that government agencies denied citizens' requests for information. If a government agency denies such a request, a petition may be made to the Official Information Commission, and petitioners may appeal the commission's preliminary ruling to an appellate panel. According to the commission, the vast majority of petitions were approved. Requests for public information may be denied for reasons of national security and public safety.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. However, NGOs that dealt with sensitive political issues, such as opposition to government-sponsored development projects, faced periodic harassment. Human rights workers focusing on the violence in the southern provinces were particularly vulnerable to harassment and intimidation by government agents and militant groups.

Very few NGOs were accorded tax-exempt status, which sometimes hampered the ability of domestic human rights organizations to secure adequate funding. The International Commission of Jurists faced government delays in renewing the registration of its Bangkok office, remaining without a registration number at year's end.

Police closed the investigation into the March 2007 attack on Sot Sutnak, an environmental activist in Surat Thani Province. According to police, Sot fled the province after the attack and had not been seen again.

Government officials met and cooperated with visitors from the ICRC and the UNHCHR throughout the year. There were several visits by international Muslim leaders, including Organization of the Islamic Conference officials, to the southern provinces, some at the invitation of the Government.

The NHRC was active during the year. As an independent government entity, it submitted an annual evaluation of the human rights situation, proposed policies and recommendations for amending laws to the parliament, promoted measures to educate citizens on human rights, and investigated human rights abuses. The lack of power to prosecute or to punish violators prior to the promulgation of the new constitution, which provides for the NHRC to file suits on behalf of victims of human rights abuses in the courts, hindered the NHRC's ability to carry out its mandate. Modest staffing and resources also hampered NHRC progress.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status; however, in practice some discrimination existed, and government enforcement of equal protection statutes was uneven.

Women.—Rape is illegal, although the Government did not always enforce the law effectively. The criminal code permits authorities to prosecute spousal rape. Between October 2007 and September, the police stated that 4,736 rape cases had been reported, including five cases where the victim was killed. Suspects were arrested in 2,340 of these cases, including all of the cases resulting in the victim's death. The Ministry of Public Health reported that an estimated 11,538 women and children were sexually abused between October 2007 and September, including 2,366 women more than 18 years old and 9,172 children.

NGOs believed that rape was a serious problem in the country. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because state agencies tasked with addressing the problem were not adequately funded, and law enforcement agencies were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of female police officers in metropolitan Bangkok and in three other provinces.

The law specifies a range of penalties for rape or forcible sexual assault, depending on the age of the victim, degree of assault, and physical and mental condition of the victim after the assault; penalties range from four years' imprisonment to life as well as fines. The law also provides that any individual convicted twice for the same criminal rape offense in three years is liable to increased penalties for recidivism. Victims of sexual abuse were eligible to receive state financial aid of up to 30,000 baht (\$900).

Domestic violence against women was a significant problem. The law imposes a fine of up to 6,000 baht (\$180) or as much as six months' imprisonment for violators and provides authorities, with court approval, the power to prohibit offenders from remaining in their homes or contacting family members during trial. The law implements measures designed to facilitate the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts the media's reporting on domestic violence cases in the judicial system.

A few domestic violence crimes were prosecuted under provisions for assault or violence against a person. Domestic violence frequently went unreported, and police often were reluctant to pursue reports of domestic violence. NGO supported programs included emergency hotlines, temporary shelters, and counseling services to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The Government's crisis centers, located in some state-run hospitals, continued to care for abused women and children, although several centers faced budget difficulties. State-run hospitals referred victims to external organizations when services at a hospital were not available. The crisis centers reported that they had received 26,565 reports of violent abuse between October 2007 and September 2008.

On January 11, the Ministry of Social Development and Human Security launched a community-based system to protect women from domestic violence in six pilot communities in Bangkok. Representatives from each community received training in increasing awareness of women's rights and abuse prevention.

Prostitution is illegal, although it is practiced openly throughout the country. Local officials with commercial interests in prostitution often protected the practice. Trafficking in women and children for prostitution was a serious problem. The illegal nature of the work and the high incidence of part-time prostitutes made precise numbers difficult to assess, and estimates varied widely. A government survey during the year found that there were 76,000 to 77,000 adult prostitutes in registered entertainment establishments. However, NGOs believed there were between 200,000 and 300,000 prostitutes.

There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem. According to the Ministry of Social Development and Human Security, there were no laws to specifically address sex tourism. Rather, the criminal code, laws on prostitution, and laws combating trafficking in persons contain provisions designed to combat sex tourism.

Sexual harassment is illegal in both the formal sector and the informal sector. The law specifies fines of not more than 20,000 baht (\$600) for individuals convicted of sexually harassing female or minor employees in the formal sector. The law indicates that the victim must file charges against the abuser in the informal sector. The punishment depends on the degree of harassment and age of the victim. Abuse categorized as an indecent act may result in imprisonment of up to 15 years and a fine of up to 30,000 baht (\$900). The new Civil Servant Regulations Act prohibits sexual harassment and stipulates five levels of punishment, namely, probation, docked salary, salary decrease, discharge from service, and termination. NGOs claimed that the legal definition of harassment was vague and prosecution of harassment claims difficult. The civil service commission's sexual harassment and bullying hotline merged into the Merit System Protection Commission. No complaints were received during the year. Prosecution or disciplinary action was rarely sought, because most callers wanted only to seek consultations or did not provide enough information to permit an investigation to be pursued. Some complaints may have been settled out of court.

The constitution provides for the equality of all citizens; however, some inequalities in the law remained. For example, a man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has publicly acknowledged another woman as his wife. According to the Ministry of Social Development and Human Security (MSDHS), unlike in 2007, foreign spouses of Thai citizens are eligible to apply for citizenship.

Military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. In contrast with 2007, police academies planned to accept female civilian students during the March 2009 application period pending approval by the police Commissioner General. According to the MSDHS, in 2006 women constituted 59 percent of the nonagricultural labor force. Women held 22 percent of managerial positions in publicly listed companies, 35 percent in commercial companies, and 22 percent of high-level administrative positions in the Government sector. According to the Office of the Civil Service Commission, women held 15 percent of executive-level positions. Women were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and women were concentrated in lower-paying jobs. In practice women received lower pay for equal work in virtually all sectors of the economy.

We Move, a league of more than 50 women's organizations, advocated legal reforms to address inequities in the treatment of women. The organization actively campaigned for gender-equality clauses in legislation and the new constitution and encouraged women to seek elected positions on provincial government bodies.

Children.—The constitution provides children equal protection.

According to NGOs, highlanders and other stateless individuals on occasion did not register births with the authorities because poverty and restricted mobility made it difficult to do so (*See* Section 2.d.).

Primary education was compulsory, free, and universal. Violence in the southern provinces, and particularly violence aimed at public school teachers, sporadically forced the temporary closure of public schools and disrupted the educational process in those areas.

Many NGOs reported that children of registered migrant workers, particularly in Chiang Mai and Mae Sot, were permitted to attend public schools. Children who failed to enter the education system at age seven for grade one were required to

wait until they reached the age of 15, when they could enter informal or vocational education programs. Children in this group remained without access to community services provided to children attending public schools, such as day-care centers, government-subsidized free milk, and lunch privileges. Migrant workers who could afford it often chose to send their children to private nursery or day-care centers at their own expense.

The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The law imposes a jail term of seven years' to life imprisonment for the statutory rape of children under the age of 15. In 2006 a nationwide, government-sponsored poll of high school students found that 5 percent of boys and 3 percent of girls had encountered sexual harassment. Police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under the age of 18, and procedures with a judge's consent allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or social worker. However, many judges declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for commercial sexual exploitation, remained a serious problem. Pedophilia continued, both by citizens and by foreign sex tourists. In 2007 the Government, university researchers, and NGOs estimated that there were as many as 60,000 prostitutes under age 18. The Prostitution Prevention and Suppression Act makes child prostitution illegal and provides for criminal punishment for those who use prostitutes under age 18. Parents who allow a child to enter into prostitution also are punishable. According to government officials, during the year there were no arrests or prosecutions of parents who allowed a child to enter into prostitution. Custom and tradition made it rare for children to accuse their parents in court proceedings.

On August 8, the Ranong Criminal Court sentenced Suchon Boonplong, the driver of a container truck, to six years' imprisonment after 54 illegal migrants suffocated in his truck en route to Phuket in April 2007. A case against an alleged accomplice, the owner of the Choke Charoen Fishing Pier, was pending in the courts.

A 2005 study widely cited by NGOs and state agencies estimated that there were approximately 20,000 street children in major urban centers. However, the Government and NGOs could provide shelter to only 5,000 children each year. Generally, the children were referred to government-provided shelters, but many, especially foreign migrants, reportedly avoided the shelters due to fear of being detained and expelled from the country. According to the Government, citizen street children were sent to their home provinces and placed in occupational training centers.

Street children were often left out of national reports on child labor issues, and national statistics on street children often included only citizens.

Trafficking in Persons.—A new comprehensive antitrafficking law that came into force on June 5 extends the definition of trafficking in persons to include trafficking for the purpose of labor exploitation and the trafficking of males. Previous laws defined trafficking only in terms of sexual exploitation and allowed only women and children to be classified as victims eligible to receive shelter or social services from the Government. The new law provides stringent penalties for crimes involving human trafficking. It also makes trafficking a predicate crime for prosecution under the Anti—Money Laundering Act, allowing for additional penalties and asset confiscation.

There were reports throughout the year that persons were trafficked to, from, or within the country for a variety of purposes. Women and children (particularly girls) tended to be the most frequent trafficking victims for sexual exploitation. However, credible studies and evidence accumulated from a number of cases suggested that the trafficking of men for labor exploitation, especially migrant workers, was also prevalent. The trafficking of men, women, and children into such fields as commercial fisheries and seafood processing was documented in the Samut Sakhon region. Some portion, believed by the UN, NGOs, and the Government to be a minority, of the estimated 200,000 to 300,000 sex industry workers in the country were either underage or in involuntary servitude or debt bondage. Young migrant women and girls, especially from Laos, were employed in indentured servitude.

Within the country women were trafficked from the impoverished northeast and the north to Bangkok for sexual exploitation. However, internal trafficking of women appeared to be on the decline, due to prevention programs and better economic opportunities. Women were trafficked to Japan, Malaysia, Singapore, Taiwan,

Hong Kong, Bahrain, Australia, South Africa, Europe, and the United States, chiefly for sexual exploitation but also to some destinations for sweatshop labor. Men, especially migrant workers from Burma, were trafficked into the country to commercial fisheries, seafood processing plants, and for farm, industrial, and construction labor.

Women and men were trafficked from Burma, Cambodia, the PRC, Laos, Russia, Uzbekistan, and eastern European nations for labor and sexual exploitation.

Entire families occasionally were trafficked for labor in sweatshops. Boys and girls were trafficked chiefly from Burma and Cambodia for sexual exploitation and to work in begging gangs. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. According to domestic NGOs, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Social workers noted that young girls were prized because clients believed that they were free of sexually transmitted diseases. Persons trafficked from the PRC often were in transit to other countries, such as Malaysia, although women and girls from Yunnan Province generally were destined for brothels in the north. Victims of trafficking were often lured into the country or for transit to other countries with promises of restaurant, spa, or household work and then were pressured or physically forced into prostitution.

The lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although members of this group were not a large percentage of trafficking victims, they continued to be found in disproportionately large numbers in situations entailing severe forms of trafficking.

Trafficking within the country and from neighboring countries into the country tended to be carried out by loosely organized small groups that often had close ties in the source communities. Burmese, Laotian, Cambodian, and Thai individuals were involved in labor trafficking along the border. Informal chains of acquaintance often were used to recruit victims. In some cases the traffickers themselves were former victims, particularly where the sex industry was the destination.

Most prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their child's future earnings. The child was then obligated to work in a brothel to repay the loan.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they were particularly vulnerable to physical abuse and exploitation. Reports of labor trafficking also were received from Burmese migrant workers, who were ostensibly offered jobs in the food processing industry but were later induced or forcibly transported to work on fishing vessels.

A March 10 police raid on the Anoma shrimp processing factory in Samut Sakhon found 72 illegal migrant workers being held against their will, including 10 suspected trafficking victims and 20 children. The police completed their investigation on August 19 and submitted the case for review at the OAG, filing 20 civil and criminal charges against the factory owner and manager. The police were working to expand their investigation to suspected Burmese procurers. The OAG submitted the case to the court on September 10, and a preliminary court hearing was conducted on October 13. Court proceedings were to resume in February 2009.

The new trafficking law strengthens penalties on traffickers. Penalties vary according to the age of the victim and the types of trafficker. If the offender is an individual, the law prescribes imprisonment of four to 10 years and a fine of 80,000 to 200,000 baht (\$2,400 to \$6,000) for trafficking offenses committed against victims more than 18 years old. For offenses against children between 15 and 18, the punishment is six to 12 years' imprisonment and a fine of 120,000 to 240,000 baht (\$3,600 to \$7,200). For offenses against children under 15, the penalty ranges from eight to 15 years' imprisonment and a fine of 160,000 to 300,000 baht (\$4,800 to \$9,000).

If the offender is a corporation, the law prescribes a fine of 200,000 to one million baht (\$6,000 to \$30,000), and the responsible authority in the convicted corporation may be sentenced to six to 12 years' imprisonment and a fine of 120,000 to 240,000 baht (\$3,600 to \$7,200). The law also prescribes penalties on those who obstruct the process of an investigation and prosecution as well as those who disclose information or documents to persons not involved in the investigation and prosecution process.

The RTP's Children and Women Welfare and Protection Division is charged with implementing the antitrafficking law, while the MSDHS is charged with providing assistance and shelter to trafficking victims. Police reported that 144 trafficking-in-persons cases were filed in the judicial system from July 2005 to June 2007. Police reported they arrested 5,012 offenders in the 12-month period preceding July. The arrests included 159 transnational crimes in human trafficking, 4,780 transnational

crimes in labor fraud, 19 transnational crimes in sexual exploitation, and 54 other crimes. NGOs assisted some victims to obtain back wages from abusive employers; however, criminal prosecutions were scarce. In mid-2006 the 1951 antislavery law resulted in a conviction for the first time when the employer of an abused domestic servant was found guilty of enslavement. The verdict continued under appeal at year's end.

Trafficking victims cannot be charged with the crimes associated with their case, such as immigration violations if trafficked over the border or prostitution if forced. They also receive assistance in government shelters. Memorandums of understanding (MOUs) among government agencies and between the Government and domestic NGOs provided some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The MOUs stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Instead of being deported, they would become the responsibility of the public welfare department. However, implementation of the MOUs was erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law. Between October 2007 and September 2008, the MSDHS implemented training workshops for police, public prosecutors, public health officers, labor officers, immigration officers, and NGOs.

In general the Government cooperated with governments of other countries in the investigation of transnational crimes, including trafficking. The country had bilateral antitrafficking MOUs with Cambodia, Laos, and Vietnam and was working on bilateral cooperation MOUs with the PRC, Burma, and Japan. Receiving countries generally initiated trafficking case investigations. The Government continued to investigate rings associated with smuggling female citizens abroad. The Ministry of Foreign Affairs assisted 403 women and girls, most victims of sexual exploitation, to return from abroad in 2007 (up from 397 in 2006).

The law allows for extradition of citizens; however, none were extradited for trafficking-related offenses. Requesting-country nationals charged with trafficking-related crimes, including pedophilia, were extradited to Japan, Australia, Germany, Bahrain, the PRC, the United Kingdom, and the United States.

There were reports of bribe taking by some low- or mid-level police officers facilitating the most severe forms of trafficking in persons. There was no evidence that high-level officials benefited from or protected the practice. Compromised local police protected brothels and other sex venues from surprise raids. Officials found complicit in any part of the illegal economy rarely were prosecuted but instead were moved to positions thought to limit opportunities for future corruption.

Several NGOs, both local and international, and government agencies worked with trafficking victims. The Government worked with the International Labor Organization's (ILO) International Program on the Elimination of Child Labor to implement projects to reduce the incidence of trafficking of children for labor and sexual exploitation. However, funds for fighting trafficking or aiding its victims were limited. A new fund to assist antitrafficking activities was being set up under the new law.

In general victims awaiting repatriation were brought to government-run shelters or, in the case of noncitizens, to NGO run shelters. During the year eight government shelters received 524 women and children from neighboring countries and Uzbekistan, plus 158 citizens, including women found in voluntary prostitution and domestic abuse victims. The Government provided food, medical care, and limited psychological counseling.

The Government screened trafficking victims from Cambodia and Burma through cooperation between the police and the International Organization for Migration. Law enforcement officials identified victims of trafficking and referred them to one of six regional government shelters.

Trafficking victims received some legal assistance from NGOs and Department of Welfare officials, and they generally were informed of the option of pursuing legal action against the trafficking perpetrators. Relatively few opted to do so; language barriers, illiteracy, distrust of government officials, the lengthy legal processes, and fear of the traffickers played a role. Trafficked victims residing illegally in the country were not allowed to obtain employment while awaiting repatriation, even if they were involved in legal proceedings against the trafficker.

The Government continued cooperative arrangements with NGOs and local industries, especially the hotel industry, to encourage youths (particularly girls) to find employment outside the sex industry and other exploitative work. Vocational training programs aimed at high school students also received funding. Although the vocational training was not intended explicitly for trafficking prevention, the practical effect was to increase the range of choices for recent school graduates.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution mandates newly constructed buildings to have facilities for persons with disabilities, but these laws were not uniformly enforced. The constitution prohibits discrimination against persons with physical and mental disabilities in education and provides for access to health care and other state services. Activists continued to work to amend laws that allow employment discrimination against persons with disabilities.

A September 2007 law expands the types of disabilities covered by the law and facilitates legal recourse to seek redress for discrimination based on disability status. The law also elevates the status of a division in the MHDHS tasked with protecting the rights of persons with disabilities. During the year the Government held two events to promote awareness of persons with disabilities, including two contests to award businesses employing persons with disabilities and organizations dedicated to supporting disabled communities.

Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches. The Government provided five-year, interest-free small business loans for persons with disabilities.

The Government maintained 43 special schools for students with disabilities. The Ministry of Education reported that there were 76 centers nationwide offering special education programs for preschool-age children. There also were nine government-operated and 15 NGO-operated training centers for persons with disabilities. In addition, there were private associations providing occasional training for persons with disabilities. There were reports of schools turning away students with disabilities, although the Government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate such students.

Many persons with disabilities who found employment were subjected to wage discrimination. According to NGOs, government regulations require private firms either to hire one person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not enforced. Government officials estimated that as many as 48 percent of firms disregarded the law, but NGOs believed the number to be as high as 70 percent. Some state enterprises had discriminatory hiring policies.

National/Racial/Ethnic Minorities.—Two groups—former belligerents in the Chinese civil war and their descendants living in the country since the end of the civil war, and children of Vietnamese immigrants who resided in five northeastern provinces—lived under laws and regulations that could restrict their movement, residence, education, and occupation. According to the Ministry of Interior, during the year approximately 680 Chinese and some of their descendants and five of the Vietnamese and their descendants were granted full citizenship.

Indigenous People.—Those members of hill tribes who were not citizens continued to face restrictions on their movement, could not own land, had difficulty accessing credit from banks, and were not protected by labor laws, including minimum wage requirements. They were also barred from state welfare services such as universal health care.

The 2008 Nationality Act provides citizenship eligibility to certain categories of highlanders who were not previously eligible (See Section 2.d.). Although the Government was supportive of efforts to register citizens and educate eligible hill tribe persons about their rights, activists reported that widespread corruption and inefficiency, especially among highland village headmen and district and subdistrict officials, contributed to a backlog of pending citizenship applications.

Hill tribe members continued to face societal discrimination arising in part from the belief that they were involved in drug trafficking and environmental degradation.

Other Societal Abuses and Discrimination.—NGOs complained that employers discriminated against male homosexuals after reviewing military documents that permanently labeled these individuals as having a mental disorder. According to the military, the practice stopped in April 2007. However, an NGO reported that the military began using “unfit chest size” to label homosexuals on military documents. The law did not permit transgendered individuals to change their gender on identification documents. NGOs also alleged that some nightclubs, bars, hotels, and factories denied entry or employment to transgendered individuals.

Persons with HIV/AIDS faced the psychological stigma associated with rejection by family, friends, and the community, although intensive educational outreach efforts may have reduced this stigma in some communities. There were reports that some employers refused to hire persons who tested HIV-positive following employer-

mandated blood screening. According to the Thailand Business Coalition on AIDS, an estimated 7,000 businesses pledged not to require HIV/AIDS tests for employees or discharge infected employees and vowed to hold regular awareness campaigns.

Section 6. Worker Rights

a. The Right of Association.—The law allows all private sector workers to form and join trade unions of their choosing without prior authorization; however, enforcement of the law was ineffective. In addition, the Labor Relations Act and Labor Protection Act provide inadequate protection to workers who participate in union activities. The law allows unions to conduct their activities without government interference. The law also permits workers to strike, and this right was exercised in practice.

Civil servants, including public school teachers, are prohibited from forming or registering a union. They are allowed to form and register only as associations, which have no right to bargain collectively. Noncitizen migrant workers, whether registered or illegally present, do not have the right to form unions or serve as union officials; however, registered migrants may be members of unions organized and led by citizens. The Ministry of Labor requires foreign workers to renew their temporary work status annually. Few, if any, registered migrants joined unions. A substantial number of migrant workers worked in factories near border-crossing points, where labor laws were routinely violated and few inspections were carried out to verify compliance with the law.

The labor force consisted of 36.9 million persons. Less than 4 percent of the total work force but nearly 11 percent of industrial workers and more than 50 percent of state enterprise workers were unionized. At the end of 2007, there were 43 state enterprise unions with 170,630 members and 1,243 private labor unions with 331,250 members. Almost two-thirds of employed laborers were informal workers who were not protected under labor laws and did not have access to the social security system. Most informal workers were in the agriculture, wholesale, retail, hotel, restaurant, and the construction sectors.

The State Enterprises Labor Relations Act (SELRA) restricts affiliations between state enterprise unions and private sector unions; however, union confederations can affiliate. The restriction against union affiliation effectively divided the trade union movement along state enterprise and private sector lines. However, unofficial contacts at the union level between public and private sector workers continued, and the Government did not interfere with these relationships. Unions in state-owned enterprises generally operated independently of the Government and other organizations. Internal conflicts, corruption, and a lack of leadership weakened the labor movement.

The law prohibits antiunion actions by employers; however, it also requires that union officials be full-time employees of the company or state enterprise, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions. It also serves as a prohibition against permanent union staff, thus limiting the ability of unions to organize and be politically active. The Labor Relations Act allows only two government licensed outside advisors to a union, and the Ministry of Labor often blocked the registration of labor advisors whom it deemed too activist. Union leaders and outside observers complained that this interfered with the ability to train union members and develop expertise in collective bargaining, leading to rapid turnover in union leaders.

Trade union leaders can be dismissed for any reason, provided severance payment is made. In such circumstances the law does not provide for reinstatement, and the requirement for severance pay was not always respected. The labor court reinstated employees in some cases where dismissal resulted from union activity and was illegal. However, because the reinstatement process was lengthy and costly for the employee, most cases were settled out of court through severance payments to the employee, and there were no punitive sanctions for employers.

On July 29, garment maker Triumph International dismissed labor union leader Jitra Kongdej for alleged slights to the monarchy and for tarnishing the company's image after she wore a shirt advocating the right not to stand for the king's anthem on a television talk show. Nearly 3,000 union members protested in support of Jitra outside the factory in Samut Prakan. On August 29, Triumph reinstated all workers except Jitra following negotiations between the union and management; Triumph also gave all union members 5,200 baht (\$156). Jitra filed a complaint with the Human Rights Commission and requested a new hearing at the Samut Prakan Court of Labor. The company paid Jitra's salary until the new hearing on November 27, when the court ruled in favor of Triumph International and permitted Triumph to fire Jitra without compensation. The court did not publish the ruling due to alleged controversial lese majeste content. Jitra planned to appeal the verdict.

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision in the past and did not do so during the year. The law also forbids strikes in "essential services," which are defined much more broadly than in the ILO criteria and include sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. Employers are legally permitted to hire workers to replace strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state enterprise workers. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and to have a strike approved by 50 percent of unionists.

During the year there were 87 labor disputes and two legal strikes involving more than 48,000 workers. In addition, three lockouts were reported. Most of the conflicts involved wages, the failure of employers to deliver services as agreed, the transfer of employees to new assignments, and the number of work days and hours. There were also protests against mass layoffs without proper severance pay and the closure of factories.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of citizen private-sector workers to organize and bargain collectively; however, the Government's efforts to protect this right were weak. The law defines the mechanisms for collective bargaining and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurred only in a small fraction of workplaces, and in most instances it continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers.

Wage increases for most workers came as a result of increases in the minimum wage rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite wage committees may have further limited union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests.

Union leaders and academic observers reported that employers often discriminated against workers seeking to organize unions. The law does not protect workers from employer reprisal for union activities prior to the registration of the union, and employers could exploit this loophole to defeat efforts at union organization. Employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions. During the year there were several reported cases of workers being dismissed from their jobs for engaging in union activities. In some cases the court ordered workers reinstated if grounds for their dismissal were proven inaccurate.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector; however, there was documented abuse in the system, including evidence that awards to workers were ignored or not paid in full. Issues of collective labor relations are adjudicated through the tripartite labor relations committee and are subject to review by the labor courts. Workers may also seek redress through the NHRC. The law authorizes the Ministry of Labor to refer any private sector labor dispute for voluntary arbitration by a government-appointed group other than the Labor Relations Committee. Although the legal authority seldom was used, the ILO viewed this provision as acceptable only in defined essential services. Redress of grievances for state enterprise workers was handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders unjustly dismissed were awarded only back wages with no punitive sanctions against the employer. This limited any disincentive for employers to fire union organizers and activists.

Labor brokerage firms used a "contract labor system" under which workers signed an annual contract. Contract laborers are not covered under the Labor Relations Act or the Labor Protection Act. These workers lacked the ability to bargain collectively over wage and benefit issues. Although they may perform the same work as direct-hire workers, they were paid less and received fewer, or no, benefits. However, the new Labor Protection Act that came into force on May 27 requires that businesses provide contract laborers benefits and welfare. The new law also states that regardless of whether the contract labor employee was outsourced and collecting wages

from a separate company, the contracting business is the overall employer. It was not clear how benefits and welfare are defined under the new act.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs), in which wages and working conditions often were better than national norms. However, union leaders alleged that employers' associations were organized to cooperate in discouraging union organization in the EPZs.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children, except in the case of national emergency, war, or martial law; however, the Government was unable to enforce these provisions effectively in the large informal sector.

Employers routinely kept possession of migrant workers' registration and travel documents, which restricted their travel outside of the work premises. There continued to be reports of sweatshops or abusive treatment in livestock farms, seagoing trawlers, animal feed factories, and seafood processing factories in which employers prevented workers, primarily foreign migrants, from leaving the premises. There were no estimates of the number of such workplaces, but the large number of migrants from Burma, Cambodia, and Laos created opportunities for abuse.

On January 16, the police rescued three Laotian girls and arrested three Thais on charges of abuse and child slavery. The girls worked as domestic employees in Samut Prakarn for two years before being rescued. They were regularly beaten or burned when the employers were dissatisfied with their work.

On February 4, four Burmese migrant workers were shot and killed, at point-blank range and with their hands bound, on a rubber plantation in Surat Thani Province. Police arrested six suspects, five of whom were tried; on December 25, three received the death penalty and two received life sentences.

Police arrested four individuals in the June 2007 death of a Karen migrant worker who attempted to flee a factory in Supanburi Province, where he allegedly had been subjected to forced labor and severe physical abuse by his employer. Factory owner Sarawut Ayuken was charged with murder and with providing work and shelter to illegal migrant workers. In 2007 the court sentenced him to 12 months' imprisonment and a fine of 35,000 baht, (1,050), but he then changed his plea to guilty and, in exchange for acknowledging fault, received a lesser sentence of two years' probation and a fine of 17,500 baht (\$525). The cases against the other three suspects remained with the provincial court.

Problems encountered by Thai citizens working overseas highlighted the problem of exploitative labor supply agencies that charged heavy and illegal recruitment fees often equal to all of a worker's first— and second-year earnings. In many cases recruited workers did not receive the terms they were promised and incurred significant debt. Local banks contributed to this practice by offering exorbitant loans to allow workers to pay recruitment fees, which ranged from 300,000 to one million baht (\$9,000 to \$30,000) for workers traveling abroad.

d. Prohibition of Child Labor and Minimum Age for Employment.—In general, sufficient legal protections exist for children in the formal economic sector. The Labor Protection Act is the primary law regulating employment of children under the age of 18. Employment of children under 15 is prohibited. Children under 18 may not be employed in hazardous work, which includes any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic microorganisms; operation of heavy equipment; underground or underwater work; and work in places where alcohol is sold or in hotels or massage parlors. The maximum penalty for violating these prohibitions is one year in prison. The law does not cover the agricultural and informal sectors, including domestic work, which employ the majority of persons in the workforce, including many child workers. The law allows for issuance of ministerial regulations to address sectors not covered in the law, and since 2004 regulations have increased protections for child workers in domestic and agricultural sector work. The minimum working age is coordinated with the mandatory national educational requirement.

Child labor remained a problem, particularly in agriculture, fishing, domestic work, and entertainment industries as well as street begging. Contradictory surveys by various government agencies, which largely ignored foreign children and those in illegal industries, made estimating the scope of the phenomenon difficult. According to a study funded by the Ministry of Labor and the ILO, labor abuse of child citizens was declining and such children made up less than 1 percent of the workforce. However, abuse of underage migrant workers, especially from Burma, was widespread and continued to increase.

The Ministry of Labor estimated that approximately 300,000 children between 15 and 17 years old were working legitimately. However, the number of all child labor-

ers was much larger when taking into consideration child laborers under 15 and unregistered migrant children. NGOs reported that 2 to 4 percent of children between the ages of six and 14 worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily in gasoline stations, small scale industry, and restaurants. Child labor was less evident in larger, export-oriented factories. NGOs also reported extensive child labor in garment factories along the Burmese border, in Mae Sot Province. However, there was no comprehensive survey of child labor throughout the country, since NGOs often did not have access to shophouse factories. NGOs reported child domestic workers were predominantly migrants from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation. Minimum wage and age provisions of the Labor Protection Act do not apply to domestic workers, some of whom were believed to be less than 15 years of age. There are regulations that extend certain protections to children in the domestic and agricultural sectors, although the effects of these regulations have not been measured.

Children (usually foreign) were exploited in street selling, begging, domestic work, agriculture work, and prostitution in urban areas, sometimes in a system of debt bondage. There were reports of street children who were bought, rented, or forcibly “borrowed” from their parents or guardians to beg alongside women in the street. A 2006 ILO study in six provinces concluded that almost half of child laborers were involved in the worst forms of child labor due to long working hours (more than eight hours per day) and hazardous work.

The Ministry of Labor is the primary agency charged with enforcing child labor laws and policies. In 2007 the Ministry of Labor inspected 672 establishments employing 10,044 child workers (under age 18), with four establishments found to be using underage workers (in most cases, under 15). Inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior rather than seek prosecution and punishment. The legal requirement for a warrant hampered inspection of private homes to monitor the welfare of child domestic workers.

e. Acceptable Conditions of Work.—The minimum wage ranged from 148 baht to 203 baht per day (\$4.44 to \$6.09), depending on the cost of living in various provinces. This wage was not adequate to provide a decent standard of living for a worker and family. Although the minimum wage increased over the year, especially in provinces adjacent to Bangkok, it did not keep pace with inflation. The minimum wage is set by provincial tripartite wage committees that sometimes included only employer representatives.

The Government sets wages for state enterprise employees under SELRA. Wages for civil servants are determined by the Office of Civil Service Commission. However, the new Civil Servant Act that took effect on January 26 gives each ministry or department more flexibility in designing civil servant salary levels.

The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, enforcement of minimum wage laws was mixed. Academics estimated that one third of formal sector workers nationwide received less than the minimum wage, especially those in rural provinces. In addition, many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. An estimated one to two million unskilled and semiskilled migrant workers worked for wages that were less than half the minimum wage.

The Labor Protection Law mandates a uniform workweek of 48 hours, with a limit on overtime of 36 hours per week. Employees engaged in “dangerous” work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 42 hours per week and are not permitted overtime. Petrochemical industry employees cannot work more than 12 hours per day and can work continuously only for a period not exceeding 28 days. The Government enforced the work hour standards. There were reported incidents of employees forced to work overtime, with punishments and dismissals for workers who refused. Typically, migrant workers worked 12 hours per day, with one day off a month.

Working conditions varied widely. During the year there were 163,137 reported incidents of diseases and injuries from industrial accidents. This included 117,585 minor disabilities (resulting in no more than three days of missed work) and 2,628 disabilities resulting in more than three days’ missed work (including permanent disabilities and deaths). However, the rate of incidents occurring in the larger informal and agricultural sectors and among migrant workers was believed to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or

clinics specialized in them. The approximately 50,000 young migrant women employed in textile factories along the Burma border in Mae Sot in Tak Province had limited and substandard medical care options, and many suffered from stress-related disorders and complications from abortions. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers, prohibiting them from working on night shifts, overtime, and holidays, with dangerous machinery, or on boats. Despite the act's prohibition against dismissing pregnant workers regardless of their nationalities, there were reports that employers of migrant women fired those who became pregnant.

The Ministry of Labor promulgates health and safety regulations regarding conditions of work and is responsible for their enforcement; however, the inspection department enforced these standards ineffectively, due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations. According to the Ministry of Labor's Department of Labor Protection and Welfare, mining, consumer goods production, and the construction industry violated the most laws regarding workers' safety.

Redress for workers injured in industrial accidents was rarely timely or sufficient. Few court decisions were handed down against management or owners involved in workplace disasters.

Despite the new registration process, migrant workers, especially from Burma, remained particularly vulnerable to poor working conditions due to a lack of labor rights. According to Amnesty International, they were routinely paid well below the minimum wage, worked long hours in unhealthy conditions, and were at risk of arbitrary arrest and deportation. In addition, improper wage deductions for registration, health care, sick days, and employee errors were widespread. Attempts by registered migrant workers to carry out work stoppages to demand minimum and back wages, along with better working conditions, often led to deportations, resulting from apparent collusion between factory owners and local government immigration officials.

Migrant workers also faced discrimination by a Social Security Office (SSO) policy that denies disabled but registered migrants access to the Workmen's Compensation Fund (WCF). In January the WCF Committee rejected an appeal from Shan migrant worker Nang Noom Mai Seng, who was permanently disabled after a 2006 construction accident while working at the Shangri-la Hotel in Chiang Mai. In February Nang Noom petitioned a labor court and argued that a circular in the SSO was discriminatory, unlawful, and in breach of the constitution. In July the Labor Court rejected her petition, and the case was pending before the Supreme Court.

In April three Shan migrant workers, including Nang Noom An, submitted an additional case to an administrative court requesting revocation of the same SSO policy. The Supreme Administrative Court ruled in November that administrative courts have no jurisdiction to rule on labor cases. NGOs subsequently commented that there existed a gap in the justice system's ability to rule on the legality of labor policies, whether related to citizens or migrant workers.

In some areas provincial governors issued decrees that led to a restriction of rights of migrant workers. Phuket, Ranong, Rayong, Phang Nga, Samut Sakorn, Surat Thani, and Krabi provinces issued decrees that included sections prohibiting migrant workers from owning mobile telephones or riding motorcycles, leaving a worksite at night between the hours of 8 p.m. and 6 a.m., gathering in assemblies of more than five persons, or organizing or taking part in cultural events. However, the regulations were not rigorously enforced. There were many reports of migrant workers being detained by police officers and asked for bribes to avoid deportation. There continued to be credible reports of NGO personnel being assaulted or threatened by security officials while trying to assist migrant workers.

TIMOR-LESTE

Timor-Leste is a multiparty parliamentary republic with a population of approximately 1.1 million. President Jose Ramos Horta was head of state. Prime Minister (PM) Kay Rala Xanana Gusmao headed a four-party coalition government formed following free and fair elections in June 2007. In an exchange of gunfire with armed rebels on February 11, President Ramos Horta was wounded seriously and PM Gusmao was unhurt. As provided for in the constitution, the Government imposed a state of emergency from February through May. International security forces in

the country included the UN Police (UNPOL) within the UN Integrated Mission in Timor-Leste (UNMIT) and the International Stabilization Force (ISF), neither of which was under the direct control of the Government. The national security forces are the National Police (PNTL) and Defense Forces (F-FDTL). While the Government generally maintained control over these forces, there were problems with discipline and accountability.

Serious problems included: police use of excessive force and abuse of authority; perception of impunity; arbitrary arrest and detention; an inefficient and understaffed judiciary that deprived citizens of due process and an expeditious and fair trial; conditions in camps for internally displaced persons (IDPs) that endangered health, security, education, and women's and children's rights. Domestic violence, rape, and sexual abuse were also problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no politically motivated killings during the year; however, on February 11, F-FDTL guards shot and killed Major Alfredo Reinado and one of his followers when a band of rebels led by Reinado gained entry to the presidential compound; President Ramos—Horta was severely wounded. A separate group of Reinado's followers attacked the convoy of PM Xanana Gusmao. Gusmao was unhurt. The Government formed a joint PNTL/F-FDTL command to apprehend the attackers, and parliament declared a state of siege that imposed a curfew, relaxed legal requirements for searches and arrests, and restricted demonstrations. The application of the state of siege was modified as a state of emergency and extended on several occasions until Reinado's second in command, Lieutenant Gastao Salsinha, and 11 others surrendered to the authorities on April 29.

On April 5, in Bobonaro District, an F-FDTL member shot and killed a civilian who reportedly threatened the F-FDTL member with a machete. The authorities investigated the case and forwarded it to the prosecutor general for further action.

Legal proceedings were ongoing against Luis da Silva, an off duty officer accused of shooting a member of then candidate Xanana Gusmao's security detail at a political rally in Viqueque in June 2007.

There were no developments in the inquiry into the August 2007 case of a PNTL unit firing into a crowd in Viqueque, killing two.

The four F-FDTL soldiers sentenced to 12 years, 11 years, and 10 years for the 2006 killing of eight unarmed PNTL personnel were serving their sentences at the military prison at F-FDTL headquarters in Dili. A local human rights nongovernmental organization (NGO) and government contacts expressed concern that there was no civilian oversight of the prison.

There were no developments in the following 2006 cases: the January killing of three men by Border Patrol Unit personnel; the May mob killing of a police officer in Ermera District; and the May killing of six persons in a house set on fire by a mob. Investigations into other cases stemming from the April-May 2006 violence continued. Some individuals identified for investigation in the 2006 UN Commission of Inquiry Report were subpoenaed to testify regarding their role in illegal arms distribution.

In May President Ramos—Horta granted pardons to a number of persons including former interior minister Rogerio Lobato sentenced for illegally distributing weapons during the 2006 violence and Joni Marques, a pro-Indonesia militia leader, sentenced for multiple killings in 1999 (*See* Section 1.d.).

b. Disappearance.—There were no reports of politically motivated disappearances

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment of civilians by police and military personnel. Members of Parliament, NGOs, UNMIT, and the Office of the Ombudsman received numerous complaints of use of excessive force by personnel of the Joint Command or regular PNTL during the state of emergency. The Office of the Ombudsman eventually recorded 44 such cases, most involved beatings, mistreatment during detention, threats made at gunpoint, and intimidation. As a result one army officer was removed from the field of operations, 14 soldiers were verbally disciplined, and, at year's end, the remaining cases were under investigation.

UNMIT's human rights unit and NGOs received numerous complaints of excessive force and degrading treatment by the Dili Task Force, a rapid reaction PNTL unit created in December 2007. On May 24, Task Force members severely beat four resi-

dents including a woman of Dili's Quintal Boot neighborhood. The case was under investigation by the PNTL's National Investigation Division (NID).

Joint Command forces operating in Ermera during the state of emergency reportedly carried out beatings, intimidation, and unlawful searches and violated villagers' freedom of movement. On March 12, 17 persons complained of mistreatment; and on April 14, 13 persons reportedly were ill treated, two of whom required hospitalization.

F-FDTL personnel deployed in western districts were involved in violent altercations unrelated to their duties. In May a soldier at a wedding party in Letefoho Sub-District, Ermera, opened fire after a woman refused to dance with him. The woman was injured and taken to Dili hospital for treatment. The NID reportedly investigated and sent its findings to the prosecutor general. In a May 11 incident in Lahomea, Bobonaro, F-FDTL soldiers severely beat two merchants. One of the merchants required hospitalization.

In January three PNTL officers were arrested in Suai for having participated in gang-related violence that resulted in 15 persons injured and 20 houses burned.

Delay or refusal by police to investigate allegations of rape or domestic violence was a common problem.

At year's end there were no developments in the March 2007 case in which an armed group wearing F-FDTL uniforms attacked and burned the homes of six families in Dili.

At year's end there were no developments in the March 2007 case when 6 to 10 F-FDTL uniformed persons attacked several homes near the national hospital.

At year's end there were no developments in the March 2007 case when F-FDTL members detained and allegedly beat approximately 10 persons for disorderly conduct.

At year's end there were no developments in the April 2007 case when PNTL officers in Covalima District shot and beat a civilian.

Other abuses included intimidation of IDP camp residents by groups operating both in and outside of the camps and attacks and intimidation of communities or individuals.

Prison and Detention Center Conditions.—There were four government-run prisons, located in Dili, Baucau, and Gleno. Prisoners from the Baucau prison were transferred to Dili's Becora prison pending renovation. Government and local NGO figures listed the number of prisoners in the country as 179. Prison conditions generally met international standards. The F FDTL opened a military prison facility at its headquarters in Dili. A local human rights NGO and government contacts expressed concern that there was no civilian oversight of the military prison.

UNMIT personnel noted allegations of mistreatment of detainees by prison guards during the first 72 hours of imprisonment and a lack of special facilities for the mentally ill who consequently were detained along with other prisoners. Despite some improvements with regard to access to food and water, police station detention cells generally did not comply with international standards and lacked sanitation facilities and bedding.

The Government and international forces permitted prison visits by the International Committee of the Red Cross and independent human rights observers. The ombudsman was able to conduct almost daily detainee monitoring in Dili.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, there were many instances in which these provisions were violated, often because magistrates or judges were unavailable.

Role of the Police and Security Apparatus.—The president is commander-in-chief of the armed forces, but the chief of defense, the F-FDTL's senior military officer, exercised effective day-to-day command. Civilian secretaries of state for public security and defense oversaw the PNTL and F FDTL, respectively. With the formation of the Joint Command, the F-FDTL assumed a role in maintaining public order.

UNMIT continued efforts to reform, restructure, and rebuild the PNTL in the wake of its collapse during the political crisis of 2006. A central element was a "screening" to ensure that each of the approximately 3,000 PNTL officers was checked for integrity and past crimes or misbehavior. Following screening, officers were to go through renewed training and a six-month UNPOL mentoring program. By year's end approximately 2,700 officers had completed the UNPOL program.

Each of the country's 13 districts has a district PNTL commander who normally reports to the PNTL general commander. In spite of improvements due to the UNPOL training, the PNTL as an institution remained poorly equipped and under-trained, subject to numerous credible allegations of abuse of authority, mishandling of firearms, and corruption.

Some police officers did not pass the vetting process and were on suspension pending further investigation. UNMIT conducted human rights training sessions for senior PNTL personnel, and the PNTL received training from bilateral partners.

The PNTL established a Professional Ethics Office (PEO) to enforce discipline and accountability. The F-FDTL Military Discipline Regulations relied on a disciplinary process for alleged human rights violations. However, there was no formal accountability mechanism in place to address misconduct in the military, and lack of capacity hindered the progress of investigations within the police. Government contacts and NGOs reported that cooperation from the police with civilian authorities in serious disciplinary cases was limited.

More than 1,100 ISF personnel from Australia and New Zealand supported the police and security forces.

During the state of emergency, the Joint Command helped provide security at key Dili installations and escorted humanitarian convoys. On some occasions, in violation of clear rules of engagement requiring that the police (international or domestic) be called first in the event of any security threat, the F-FDTL resorted to firing warning shots as an initial response.

Arrest and Detention.—The law requires judicial warrants prior to arrests or searches, except in exceptional circumstances; however, this provision was often violated. The extreme shortage of prosecutors and judges outside of the capital contributed to police inability to obtain required warrants.

Government regulations require a hearing within 72 hours of arrest to review the lawfulness of an arrest or detention and also to provide the right to a trial without undue delay. During these hearings, the judge may also determine whether the suspect should be released because evidence is lacking or the suspect is not considered a flight risk. The countrywide shortage of magistrates meant that police often made decisions without legal authority as to whether persons arrested should be released or detained after 72 hours in custody. This contributed to an atmosphere of lawlessness and impunity. Judges may set terms for conditional release, usually requiring the suspect to report regularly to police.

During the state of emergency, there were at least 11 cases of arrests by the Joint Command or regular PNTL that were not in compliance with legal procedures. There were numerous reports of F-FDTL detaining civilians contrary to rules of engagement, and in at least three cases the F-FDTL removed detainees from PNTL custody. In one case soldiers removed a suspect from UNMIT police custody.

The law provides for access to legal representation at all stages of the proceedings, and provisions exist for providing public defenders to indigent defendants. However, there was an extreme shortage of qualified public defenders, and many indigent defendants relied on lawyers provided by legal aid organizations. A number of defendants who were assigned public defenders reported that they had never seen their lawyer, and there were concerns that some low priority cases were being delayed indefinitely while suspects remained in pretrial detention.

In 2003 the Court of Appeals ruled that the pretrial detention limit of six months and the requirement that such detentions be reviewed every 30 days need not apply in cases involving certain serious crimes; however, the 30-day review deadline was missed in a large number of cases involving less serious crimes, and a majority of the prison population consisted of pretrial detainees.

Amnesty.—In May the president commuted the sentences of and pardoned 94 persons. The pardons and commutations were granted without any formal evaluation of the beneficiaries' conduct in prison or ability to reintegrate into society. Some politicians and NGOs challenged the legality of the president's actions.

e. Denial of Fair Public Trial.—The law provides that judges shall perform their duties "independently and impartially" without "improper influence" and requires public prosecutors to discharge their duties impartially. However, the country's judicial system faced a wide array of challenges including concerns about the impartiality of some judicial organs, a severe shortage of qualified personnel, a complex and multi-sourced legal regime, and the fact that the majority of the population does not speak Portuguese, the language in which the laws were written and the courts operated. Access to justice was notably constrained.

The court system includes four District Courts (Dili, Baucau, Suai, and Oecussi) and a national Court of Appeals in Dili. The Ministry of Justice is responsible for administration of the courts and prisons and also provides defense representation. The Prosecutor General—independent of the Ministry of Justice—is responsible for initiating indictments and prosecutions. Until a supreme court is established, the Court of Appeals remains the country's highest tribunal.

Progress in establishing justice sector institutions and recruiting and training qualified judges, prosecutors, and defense attorneys was slow. By year's end, 13

judges, 13 prosecutors, and 11 public defenders of Timorese nationality were assigned to the country's judicial institutions. However, the system remained heavily dependent on international judges, prosecutors, and public defenders. Private lawyers continued to represent the majority of defendants in the District Courts.

A court operating five days a week was established in Baucau. However, judges, prosecutors, and public defenders assigned to other districts outside Dili did not reside in these areas. Their intermittent presence continued to severely hamper the functioning of the judiciary outside the capital.

Personnel shortages and administrative issues disproportionately affected operations of the Oecussi and Suai District Courts, which operated at irregular intervals throughout the year. The trial process often was hindered by nonattendance of witnesses due to lack of proper notification or lack of transportation. The shortage of qualified prosecutors and technical staff in the office of the prosecutor general hampered its work and resulted in a large case backlog. International prosecutors continued to handle sensitive cases related to the 2006 crisis. At year's end there was a nationwide backlog of approximately 5,400 cases. The length of time for cases to come to trial varied significantly, with some delayed for years and others tried within months of accusations.

Trial Procedures.—The law provides for the right to a fair trial; however, the severe shortages of qualified personnel throughout the system led to some trials that did not fulfill prescribed legal procedures. Trials are before judges. Except in sensitive cases, such as crimes involving sexual assault, trials are public; however, this principle was inconsistently applied. Defendants have the right to be present at trials and to consult with an attorney in a timely manner. Attorneys are provided to indigent defendants. Defendants can confront hostile witnesses and present other witnesses and evidence. Defendants and their attorneys have access to government-held evidence. Defendants enjoy a presumption of innocence and have a right of appeal to higher courts.

The legal regime is complex and was inconsistently applied. Pending development of a complete set of national laws, Indonesian laws and the UN's transitional regulations remained in effect. The constitution stipulates that UN regulations supersede Indonesian laws; however, this was inconsistently applied. Also of concern was confusion regarding how to apply different sources of law, particularly in criminal cases where the Indonesian penal code remained in effect, but procedure was governed by a national criminal procedure code.

The Court of Appeals operated primarily in Portuguese. The UN regulations, many of which remained in force, were available in English, Portuguese, Indonesian, and Tetum (the language most widely spoken in the country). Laws enacted by parliament, intended to supplant Indonesian laws and UN regulations, were published in Portuguese but were seldom available in Tetum. Litigants, witnesses, and criminal defendants often were unable to read the new laws. Trials are required to be conducted in Portuguese and Tetum. However, the quality of translation provided in court varied widely, and translations into Tetum were often incomplete summaries. The prevalence of other local languages compounded this problem in the districts, particularly in Oecussi.

As in previous years, concerns arose over the lack of witness-protection arrangements. In many violent crimes, witnesses were unwilling to testify because of the high potential for retribution against themselves or their families. Court personnel also reported increased concern regarding their own safety.

The 2006 UN Commission of Inquiry (COI) report recommended prosecution of more than 60 individuals for criminal culpability in the April and May 2006 crisis and investigation of more than 60 others for possible involvement in these crimes.

Despite COI recommendations, the Government had not brought charges against the F-FDTL commander or the former minister of defense.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Civil judicial procedures were beset by the same problems encountered by the judicial system as a whole. The ombudsman can sue government agencies/agents for alleged human rights abuses; however, its approach has been to refer findings of abuse to the prosecutor general or the leadership of the PNTL or F-FDTL.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were reports of arbitrary interference with privacy and home. During the state of emergency, there were at least three instances in which the PNTL or Joint Command carried out searches without warrants.

A 2003 land law broadly defines what property belongs to the Government and has been criticized as disregarding many private claims.

Many Dili residents arrived as internal migrants after 1999 and occupied empty houses or built houses on empty lots. The majority of properties in Dili are deemed state property, and in previous years the Government evicted persons from land identified as state property at times with little notice and with no due process.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals generally could criticize the Government without reprisal, and a UN executive order decriminalizes defamation. However, an Indonesian penal code provision that criminalizes defamation also remains in place. At year's end the Ministry of Justice was pressing charges against a journalist under this defamation law.

There were three daily newspapers, three weeklies, and several newspapers that appeared sporadically. All frequently criticized the Government and other political entities editorially.

Television and radio broadcasts were the primary sources for news. However, there was often no reception outside Dili and district capitals, and broadcasts were often irregular due to technical or resource problems. Many persons did not have access to television or radio.

On January 18, PM Gusmao threatened to arrest journalists who publish "erroneous" information.

On February 22, PNTL officers arrested and beat a journalist who was reportedly in violation of curfew; after 11 hours he was released. The state secretary for security publicly apologized for the use of "unjustified force."

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Internet access was extremely limited.

Academic Freedom and Cultural Events.—The Government generally did not restrict academic freedom or cultural events. A 2004 law requires that academic research on Tetum and other indigenous languages be approved by the National Language Institute.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The Government suspended freedom of assembly and the right to demonstrate during the state of emergency. These rights subsequently were restored in full.

The law on assembly and demonstrations establishes guidelines to obtain permits to hold demonstrations and requires police be notified four days in advance of any demonstration or strike. The law also stipulates that demonstrations cannot take place within 100 yards of government buildings or facilities, diplomatic facilities, or political party headquarters. In practice demonstrations were allowed to take place without the requisite advance notification, and the 100-yard regulation was rarely observed. However, in August PNTL officers cited the rule in arresting over 50 students during a demonstration at the national university (within 100 yards of the parliament). The detainees were released after six to 72 hours of detention, and there were no reports of mistreatment.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. An overwhelming majority of the population was Roman Catholic. There were small Protestant and Muslim minorities who were generally well integrated into society.

Societal Abuses and Discrimination.—Outside of the capital, non-Catholic religious groups were at times regarded with suspicion. There were reports that Catholics who converted to other religions were subjected to harassment and abuse by community members.

There was no indigenous Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. During the state of emergency, in addition to curfews and roadblocks that interfered with freedom of movement, persons in the Emera District,

where the remnants of Reinado's followers were believed to be, were obstructed from going to their coffee farms. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Travel to the western enclave of Oecussi required visas and lengthy stops at various Indonesian military, police, immigration, and customs checkpoints.

The law prohibits forced exile, and the Government did not employ it.

Internally Displaced Persons (IDPs).—At year's end approximately 30,000 residents remained displaced from their homes as a result of the 2006 crisis. Between February and April, international donors and the Government ceased monthly food distributions in the camps. The Ministries of Social Solidarity and of Health, with the support of international donors, set up mobile clinics to provide basic health care to residents and provided transportation and logistical support to assist with relocation efforts. In addition the PNTL established security posts in neighborhoods where residents resettled. Around Dili, large IDP camps at the Nicolau Lobato Airport, National Hospital, Dom Bosco, and Dili Port were successfully disbanded. Over 40,000 IDPs left the IDP camps beginning in April and returned to their homes under a government subsidy program which granted families up to \$4,500 (the U.S. dollar is the local currency) to leave the camps voluntarily and rebuild their homes. The absence of laws safeguarding land and property ownership remained a serious long term concern for some IDPs.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government established a system for providing protection to refugees. The Government granted refugee status or asylum in the past; however, there were concerns that the country's regulations governing asylum and refugee status may preclude genuine refugees from proving their eligibility for such status. For example, persons who wish to apply for asylum have only 72 hours to do so after entry into the country. Foreign nationals already present in the country have only 72 hours to initiate the process after the situation in their home country becomes too dangerous for them to return safely. A number of human rights and refugee advocates maintained that this time limit contravened the 1951 convention. These advocates also expressed concern that no written explanation is required when an asylum application is denied. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The president and parliament were elected in generally free and fair national elections in 2007. The Government headed by PM Gusmao is a four-party coalition controlling 37 seats in the 65 seat parliament.

There were 19 women in the parliament. Women held three senior ministerial positions—finance, justice, and social solidarity—one vice-minister position, and one Secretary of State position.

The country's small ethnic minority groups were well integrated into society. The number of members of these groups in parliament and other government positions was uncertain.

Government Corruption and Transparency.—PM Gusmao and other national leaders publicly acknowledged the extent of official corruption. The law provides for criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices. The Ombudsman's Office by law is the institution charged with leading national anticorruption activities and has the authority to refer cases for prosecution. During the year the ombudsman referred 16 cases of government corruption to the Prosecutor General's Office. In August senior officials in the Ministries of Infrastructure and Health were dismissed for their involvement in corrupt practices. Also in August, eight PNTL officials were suspended for having embezzled funds. At year's end this investigation was continuing.

The country does not have financial disclosure laws. PM Gusmao required that all cabinet officials in his government complete financial disclosure documents, but by year's end none had done so.

The law stipulates that all legislation, Supreme Court decisions (when the court is established), and decisions made by government bodies must be published in the official gazette. If not published they are null and void. Regulations also provide for public access to court proceedings and decisions and the national budget and accounts. In practice there were concerns that public access to information was constrained. For example, the official gazette was published only in Portuguese, although by law it is to be published in Tetum as well. Moreover, its irregular publishing schedule and varying cost meant that few journalists, public servants, or others had regular access to it or knew how to access it.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. NGOs also played an active role in assisting and advising in the development of the country. National and international NGOs, in coordination with the ombudsman, monitored human rights issues in IDP camps. The Government generally cooperated with these organizations, but during the year there were instances of security authorities preventing or resisting efforts to monitor human rights compliance.

There were credible reports that, following the February 11 attacks, members of the Joint Command explicitly warned villagers in Ermera against making human rights complaints. In October a human rights monitor investigating a case in Maliana was assaulted by the local PNTL commander. The commander was subsequently replaced and his successor apologized for the incident.

The Office of the Ombudsman for Human Rights and Justice is responsible for the promotion of human rights, anticorruption, and good governance, and the ombudsman has the power to investigate and monitor human rights abuses, corruption, and governance standards and make recommendations to the relevant authorities. The Ombudsman's Office was located in Dili and had limited ability to conduct outreach or other activities in the districts. However, in December it opened its first district field office in Oecussi. The Human Rights Monitoring Network, made up of 10 NGOs, closely cooperated with the ombudsman.

On July 15, President Ramos—Horta and Indonesian President Yudhoyono publicly accepted the bilateral Commission on Truth and Friendship's finding that gross human rights violations had been committed during and after the 1999 independence referendum. The report assigned "institutional responsibility" for such violations to the Indonesian Armed Forces. Presidents Yudhoyono and Ramos—Horta also accepted the report's other findings, conclusions, and recommendations.

Of the 94 beneficiaries of the May 20 Presidential Decree extending pardons or partial commutations of sentences, nine had been convicted of crimes against humanity committed in 1999.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

Women.—Gender-based violence remained a serious concern. Although rape is a crime, failures to investigate or prosecute cases of alleged rape and sexual abuse were common as were long delays. Authorities reported that the backlog of court cases led some communities to address rape accusations through traditional law, which does not always provide justice to victims. An UNMIT report noted that the definition of rape may be too narrow to protect women's rights to personal integrity; spousal rape, for example, under applicable Indonesian law is not a crime.

Key legislation that would address legal gaps or establish clear guidelines to handle gender-based violent crimes had not been adopted by year's end.

Domestic violence against women was a significant problem often exacerbated by the reluctance of authorities to respond aggressively. Cases of domestic violence and sexual crimes generally were handled by the PNTL's Vulnerable Persons Units (VPUs). Women's organizations assessed VPU performance as variable, with some officials actively pursuing cases and others preferring to handle them through mediation or as private family matters. VPU operations were severely constrained by lack of support and resources. UNMIT reported that women increasingly reported abuses to the police in contrast to previous years. The police were particularly slow to pursue cases where the accused occupied a position of power. Police also at times came under pressure from community members to ignore cases of domestic violence or sexual abuse.

Government regulations prohibit persons from organizing prostitution; however, under the Court of Appeals' interpretation of Indonesian laws, prostitution is not illegal. Nonetheless, in past years there were reports of women being arrested for prostitution.

There was no law prohibiting sexual harassment, and sexual harassment was reportedly widespread, particularly within some government ministries and the police.

There were no reports of gender-based employment discrimination; however, women usually deferred to men when job opportunities arose at the village level.

Some customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. Traditional cultural practices such as payment of a bride price and occasionally polyandry also occurred.

The Secretary of State for gender issues in the prime minister's office is responsible for the promotion of gender equality. UNMIT's Gender Affairs Unit also monitored discrimination against women.

Women's organizations offered some assistance to female victims of violence, including: shelters for victims of domestic violence and incest; a safe room at the national hospital for victims of domestic violence and sexual assault; and escorts to judicial proceedings. Women's and human rights monitoring organizations formed a committee to monitor violence against women in the IDP camps and to train camp managers to identify and pursue such cases.

Children.—Although constrained by weak capacity and limited resources, the Government was committed to children's rights and welfare, and fully engaged with international organizations and NGOs working in this area. The constitution stipulates that primary education shall be compulsory and free; however, no legislation had been adopted establishing the minimum level of education to be provided, nor had a system been established to ensure provision of free education. According to UN statistics, approximately 20 percent of primary school-age children nationwide were not enrolled in school; the figures for rural areas were substantially worse than those for urban areas.

In rural areas heavily indebted parents sometimes provided their children as indentured servants as a way to settle the debt. If the child was a girl, the receiving family may also demand any dowry payment normally owed to the girl's parents.

Violence against children and child sexual assault was a significant problem. Some commercial sexual exploitation of minors occurred. The Indonesian penal code, which remains in effect pending the promulgation of a national penal code, is ambiguous regarding statutory rape, specifying only that it is a crime to have intercourse with someone who has not reached the age of consent for marriage. This age is specified as 15 in the Indonesian civil code.

Thousands of children remained at risk due to their continued displacement. The capacity of the state, communities, and families to protect children was seriously challenged. Incidents of child abuse, including sexual abuse, were reported both inside and outside the IDP camps. Underreporting of child abuse was a problem.

Many students living in IDP camps enrolled in schools near their camp. However, camp-based education was not provided at several IDP camps.

Trafficking in Persons.—The Immigration and Asylum Act prohibits trafficking of adults and children, whether for prostitution or for forced labor; however, in recent years there were reports of women and girls trafficked into the country for prostitution. In addition during the year there was increased concern that growing poverty created conditions conducive to domestic trafficking.

A local NGO estimated that more than 100 foreign prostitutes in the capital might be victims of trafficking. Several establishments in the capital were known commercial sex operations and were suspected of being involved in trafficking. Trafficking victims in the country were almost exclusively forced to work in the sex industry. Reports of trafficking for forced labor have not been verified.

While the police conducted raids on brothels and massage parlors in Dili during the year, credible reports indicated that some police and customs officials colluded with such establishments or with those who trafficked foreign women into the country to work in them.

The Government cooperated with various international and NGO programs. The Alola Foundation, an NGO, provided assistance to female victims of trafficking and advised the Government on trafficking-related issues.

During the year the Prosecutor General's Office expanded its antitrafficking education campaign and financially supported other antitrafficking programs with assistance from local and international NGOs. The Government held two workshops for police, military, civil servants, NGOs, and government officials to raise human trafficking awareness and combat widespread ignorance about the trafficking issue.

High-level officials served as keynote speakers at the workshops, and antitrafficking and gender-based violence posters containing emergency contacts for victims were distributed throughout the districts to assist potential victims.

Persons With Disabilities.—Although the constitution protects the rights of persons with disabilities, the Government had not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, in many districts children with disabilities were unable to attend school due to accessibility problems. Training and vocational initiatives did not address the needs of persons with disabilities. During the year some persons with mental disabilities faced discriminatory or degrading treatment due in part to a lack of appropriate treatment resources or lack of referral to existing resources. Mentally ill persons were imprisoned with the general prison population and were denied needed psychiatric care. An office in the Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Some tensions between persons from the eastern districts (Lorosae) and persons from the western districts (Loromonu) continued, although this was greatly diminished from levels witnessed during the April and May 2006 national crisis.

Relations were generally good between the ethnic majority and members of several small ethnic minority groups including ethnic Chinese (who constitute less than 1 percent of the population) and ethnic—Malay Muslims.

Other Societal Abuses and Discrimination.—The law makes no reference to homosexual activity. Gays and lesbians were not highly visible in the country, which was predominantly rural, traditional, and religious. There were no reported instances of discrimination.

There were no reported cases of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The country has a labor code based on the International Labor Organization's standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally were slowed by inexperience, a lack of organizational skills, and the fact that more than 80 percent of the workforce was in the informal sector. In 2004 the Government established official registration procedures for trade unions and employer organizations.

The law provides for the right to strike, but few workers exercised this right during the year. The law on assembly and demonstrations could be used to inhibit strikes but was not used in this way.

The Immigration and Asylum Act prohibits foreigners from participating in the administration of trade unions.

b. The Right to Organize and Bargain Collectively.—While collective bargaining is permitted, workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—Government regulations prohibit forced and compulsory labor, including by children, and such practices were not known to occur.

d. Prohibition of Child Labor and Minimum Age for Employment.—The labor code generally prohibits children under 18 from working; however, there are circumstances under which children between the ages of 15 and 18 can work, and there are exceptional exemptions for children under 15. The minimum age did not apply to family-owned businesses, and many children worked in the agricultural sector. Child labor in the informal sector was a major problem. In practice enforcement of the labor code outside of Dili was limited.

e. Acceptable Conditions of Work.—The labor code does not stipulate a minimum wage; however, employers generally used and employees expected a wage of \$85 per month as a minimum standard. This amount provided a basic standard of living for a worker and family. The labor code provides for a standard workweek of 40 hours, standard benefits such as overtime and leave, and minimum standards of worker health and safety. A National Labor Board and a Labor Relations Board exist, and there are no restrictions on the rights of workers to file complaints and seek redress. Workers have the right to remove themselves from hazardous conditions without

jeopardizing employment; however, it was not clear that they could avail themselves of this right in practice.

TONGA

The Kingdom of Tonga is a constitutional monarchy with a population of approximately 102,000. Political life is dominated by King Siaosi Tupou V, the nobility, and a few prominent commoners. The most recent election for “people’s representative” seats in Parliament, held on April 24, was deemed generally free and fair. There were several nascent political parties. A state of emergency declared following a 2006 riot in the capital of Nuku’alofa remained in effect, but limited in scope to Nuku’alofa. Civilian authorities generally maintained effective control of the security forces.

Citizens lacked the ability to change their government. The Government at times restricted the freedom of the media to cover political topics. Government corruption was a problem, and discrimination against women continued.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these prohibitions in practice.

In remarks made in November opposing the extension of the state of emergency, member of Parliament (MP) Clive Edwards alleged that Tonga Defence Services (TDS) members had beat several persons who were meeting in a private home.

As of year’s end, the Government had not prosecuted or taken disciplinary action against any police or TDS personnel in response to allegations of security force abuse of persons detained following the 2006 riot.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by family members and church representatives. The Tonga Red Cross (TRC) monitored prison conditions through quarterly visits to the main prison.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The security apparatus consists of the TDS and a police force. The minister of defense controls the TDS, which is responsible for external security and under the state of emergency shared domestic security duties with the police.

The minister of police and prisons directs the police force of approximately 470 persons. Incidents of bribe taking and other forms of corruption in the police force reportedly occurred. Reports of corruption and other public complaints are referred to a specific police office that conducts internal investigations and, if necessary, convenes a police tribunal. Entry-level police training included training on corruption, ethics, transparency, and human rights.

Powers under the state of emergency were reauthorized in September and at year’s end were limited to police and military powers to “maintain public order” on the main island of Tongatapu. Somewhat more stringent public order provisions applied to a “proclaimed area” covering parts of Nuku’alofa.

Arrest and Detention.—The law provides for the right to judicial determination of the legality of arrest, and this was observed in practice during the year. Under normal circumstances police have the right to arrest detainees without a warrant, but detainees must be brought before a local magistrate within 24 hours. In most cases magistrates set bail. The law permits unlimited access by counsel and family members to detained persons. Indigent persons could obtain legal assistance from a donor-funded law center.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The highest-ranking judges historically have been foreign nationals. Judges hold office “during good behavior” and otherwise cannot be dismissed during their terms.

The court system consists of the Court of Appeal, the Supreme Court, the police magistrate's court, a general court, and a court of review for the Inland Revenue Department. The king's Privy Council presides over cases relating to disputes regarding titles of nobility and estate boundaries.

The TDS and the police force both have tribunals, which cannot try civilians.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, and defendants have the option to request a seven-member jury. Defendants are presumed innocent, may question witnesses against them, and have access to government-held evidence. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Public defenders are not provided, but a donor-funded law center provides free legal advice and representation in court. Local lawyers occasionally take pro bono cases. Defendants have the right of appeal. The law extends these rights to all citizens.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Any violation of a human right provided for in the law can be addressed in the courts.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, but the Government did not always respect these rights in practice.

In April the Government withdrew a charge of sedition filed against businesswoman 'Ofa Simiki for statements made and actions taken prior to the 2006 riot. At year's end court dates were not set for the trials of five MPs charged in February 2007 with sedition in relation to speeches they made at political rallies just prior to the 2006 riot.

In June the Government filed an application for a contempt of court order against the newspapers Taimi 'o Tonga and Kele'a in connection with articles the papers published relating to deaths resulting from the 2006 riot. The case was still pending at year's end. In July the High Court dismissed sedition charges against broadcast journalist Sangster Saulala, citing insufficient evidence. The charges related to broadcasts by Salala's station in the period leading up to the riot.

Government-controlled media outlets were criticized for exercising self-censorship. An important venue for political campaigning was the Government-owned Tonga Broadcasting Corporation (TBC), which permitted candidates to purchase and air prerecorded television programs outlining their policies and positions. In the run-up to the April 24 parliamentary elections, however, the Government ordered the TBC to remove a series of paid political broadcasts from its schedule and prohibited TBC staff from hosting any election programs. The TBC's board directed that all political programming be reviewed by TBC Board-appointed censors prior to broadcast.

Media access to parliamentary debates was also restricted. On June 3, the speaker of Parliament announced that he would allow only one reporter, from the TBC, into Parliament during debates, and only for one hour. The print media were required to wait for the official minutes, usually published several days after Parliament closed.

While there was little editorializing in the Government-owned media, opposition opinion in the form of letters to the editor, along with government statements and letters, appeared regularly. From time to time, the national media carried comments, including some by prominent citizens, critical of government practices and policies.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure limited access to a certain extent, but there were Internet cafes available in the larger towns in all three of the country's main island groups.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, and the Government generally respected this right in practice. Revised emergency powers regulations, issued on September 5, do not explicitly prohibit public meetings or gatherings.

Trials continued during the year for persons charged with offenses relating to the 2006 riot. By year's end 191 persons had been convicted and 22 acquitted.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. However, the dominant Christian religion shows its influence in a constitutional provision that Sunday is to be “kept holy” and that no business can be conducted “except according to law.” Although an exception was made for bakeries, hotels, resorts, and restaurants that are part of the tourism industry, the Sunday prohibition was otherwise enforced strictly for all businesses, regardless of the business owner's religion.

TBC guidelines require that religious programming on Radio Tonga be confined “within the limits of the mainstream Christian tradition.” Although the TBC allowed the Church of Jesus Christ of Latter-day Saints and the Baha'i Faith to broadcast their programs on TV Tonga and Radio Tonga, it prohibited discussion of their founders and the basic tenets of their faiths. The Government-owned newspaper occasionally carried news articles about Baha'i activities or events, as well as those of other faiths.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known resident Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and prior to the declaration of a state of emergency in 2006, the Government generally respected these rights in practice. Ongoing emergency powers regulations authorized the police and military to restrict free movement in and around a “proclaimed area” of Nuku'alofa, but these restrictions were rarely enforced.

The occasion did not arise during the year for cooperation with the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not prohibit forced exile, but the Government did not employ it in practice.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In principle the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, but no persons were known to have applied for refugee status or temporary protection during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their leaders or system of government. The King and 33 hereditary nobles dominated government. The King appoints the prime minister. He also appoints and presides over the Privy Council (called the cabinet when the King or regent is not presiding), which makes major policy decisions. The council is composed of as many as 14 ministers and two regional governors; it includes nobles and commoners, all serving at the king's pleasure.

The unicameral Parliament consists of the cabinet members, nine nobles elected by their peers, and nine representatives elected by the general population. The King appoints the speaker from among the representatives of the nobles. Cabinet members and nobles often voted as a bloc.

In August 2007 a tripartite committee of cabinet, nobles', and people's representatives issued a report to Parliament recommending major changes to the political system that would result in a sizable majority of people's representatives in Parliament, with Parliament choosing the prime minister from among its members. The prime minister would choose the cabinet, also from among the members of Parliament. Before adjourning in October 2007, Parliament endorsed the committee's

report in general but put off implementation of recommended reforms until 2010. In July Parliament enacted legislation providing for the establishment of a commission to review, recommend, and draft legislation in preparation for parliamentary elections in 2010 under a revised system.

Elections and Political Participation.—Citizens 21 years or older and resident in the country may vote. The April elections for Parliament's nine people's representatives were deemed generally free and fair and resulted in a strong showing for pro-democracy candidates.

Nobles and cabinet members associated with the royal family have traditionally dominated the Parliament and government. For several decades a democracy movement has been building, and since 2005 three proreform political parties have been registered.

The sole popularly elected woman in the 34-member Parliament lost her seat during the April general elections. A woman may become queen, but the constitution forbids a woman to inherit hereditary noble titles or become a chief. There was one female government minister.

A single cabinet minister constituted the only minority participation in government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. The Government generally implemented the law, but officials often engaged in corrupt practices with impunity, and corruption remained a serious problem. In June the Government established an Office of the Anti—Corruption Commissioner empowered to investigate official corruption.

There were some reports of government corruption during the year. The auditor general investigated corruption allegations against the minister for tourism and concluded that the minister had breached public finance management laws. The prime minister did not remove the tourism minister from office. Government preferences appeared to unfairly benefit businesses associated with members of the royal family. In August 2007, during parliamentary debates, it was revealed that royalties due to the Government from a business associated with a member of the royal family had gone unpaid for a number of years. In September the company in question settled all payments due to the Government, and all government agency agreements with the company were terminated.

There is no law requiring financial disclosure for public officials.

The law does not specifically allow for public access to government information, and such access was a problem, especially when the Government deemed the information sensitive.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Government offices include a commission on public relations that investigates and seeks to resolve complaints about the Government, and the Office of the Anti—Corruption Commissioner investigates allegations of corrupt conduct by public officials.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law confirms the special status of members of the royal family and the nobility. While social, cultural, and economic facilities were available to all citizens regardless of race and religion, members of the hereditary nobility had substantial advantages, including control over most land and a generally privileged status.

Women.—Rape is punishable by up to 15 years' imprisonment. The law does not recognize spousal rape. The incidence of rape appeared to be infrequent but increasing, although there were no reliable statistics. Rape cases were investigated by the police and prosecuted under the penal code. There were two prosecutions and convictions for rape during the year.

Domestic violence against women seldom was publicized; however, according to local women's groups, it was very common. Domestic violence can be prosecuted under laws against physical assault, but in practice prosecutions were very rare. The police department has a Domestic Violence Unit. The police received 250 reports of domestic violence through the end of November. Following reports of abuse, victims received counseling from Domestic Violence Unit officers, who also issued both oral and written warnings to perpetrators. Perpetrators were also provided counseling. Police pursued charges against perpetrators if the victim wished to press charges, but many women did not do so due to cultural constraints. The police

worked with the National Centre for Women and Children, an NGO, to provide shelter for abused women. The Free Wesleyan Church operated a hot line for women in trouble and, the Salvation Army provided counseling and rehabilitation programs.

Under a Ministry of Health policy, a woman is not permitted to undergo a tubal ligation at a public hospital without the consent of her husband or, in his absence, her male next of kin.

Prostitution is not illegal, but activities such as soliciting in a public place, procuring, operating a brothel, and trading in women are criminal offenses. There were reports of women and underage girls engaging in commercial sexual activities.

Sexual harassment is not a crime, but physical sexual assault could be prosecuted as indecent assault. Sexual harassment sometimes occurred, but it was not a major problem.

Inheritance laws, especially those concerned with land, discriminate against women. Women can lease land, but inheritance rights pass through the male heirs. Under the inheritance laws, the claim to a father's estate by a male child born out of wedlock takes precedence over the claim of the deceased's widow or daughter. If there are no male relatives, a widow is entitled to remain on her husband's land as long as she does not remarry or engage in sexual intercourse.

The Office of Women within the Ministry of Education, Women, and Culture is responsible for facilitation of development projects for women. During the year the office assisted women's groups in setting up work programs.

Women who rose to positions of leadership often had links with the nobility. Some female commoners held senior leadership positions in business and government, including those of governor of the Reserve Bank and permanent representative to the UN.

The National Centre for Women and Children focused on domestic abuse and improving the economic and social conditions of women. It offered counseling to women in crisis and also operated a safehouse for women and children. Another NGO, Ma'a Fafine Moe Famili ("For Women and Families, Inc."), promoted human rights, focusing on the rights of women and children. Several religiously affiliated women's groups also advocated for women's legal rights.

Children.—The Government was committed to children's rights and welfare, and it provided some funding for children's welfare.

There were some reports of child abuse. There were two convictions for indecent assault of a minor during the year.

Trafficking in Persons.—While the law does not specifically address trafficking in persons, violators could be prosecuted under antislavery statutes. There were no confirmed reports that persons were trafficked to, from, within, or through the country. There were anecdotal reports that some nationals of the People's Republic of China working legally and illegally in the country may have been coerced into prostitution or other forced labor. There were reports that members of foreign fishing crews solicited underage girls for commercial sex.

Persons With Disabilities.—There are no mandated provisions for services for persons with disabilities. The TRC operated a school for children with disabilities and conducted occasional home visits. There were no complaints of discrimination in employment, education, and provision of other government services.

A Ministry of Education pilot program to assimilate children with disabilities into primary schools continued during the year. The queen mother ran a center providing accommodation and meals for adults with disabilities. There were no programs to ensure access to buildings for persons with disabilities. An NGO advocating on behalf of persons with disabilities was very active.

There was no specific government agency with responsibility for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—According to the Ministry of Labor, Commerce, and Industries, ownership and operation of food retail stores in the country has been legally restricted to citizens since 1978. Despite this policy, the retail sector in many towns was increasingly dominated by foreigners, particularly Chinese nationals. The Immigration Department of the Ministry of Foreign Affairs attempted to enforce the restrictions in an effort to curb growing illegal immigration. Although some foreigners left as a result of the policy, others moved to nonrestricted sectors of the economy. There were reports of crime and societal discrimination targeted at members of the Chinese minority.

Other Societal Abuses and Discrimination.—Sodomy is illegal, but there were no reports of prosecutions under this provision. Persons who engaged in openly homosexual behavior faced societal discrimination.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers gained the right to form unions under the 1964 Trade Union Act, but regulations on the formation of unions were never promulgated, and there were no official unions. The Friendly Islands Teachers Association and the Tonga Nurses Association were incorporated under the Incorporated Societies Act; however, they have no formal bargaining rights under the act. The Public Servants Association (PSA) acted as a de facto union representing all government employees.

The Trade Unions Act provides workers with the right to strike, but implementing regulations were never formulated. There have been strikes, but none took place during the year.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining, but there were no implementing regulations.

On January 7, the PSA filed suit against the Government claiming unlawful dismissal of the PSA's Secretary General from her job at the Agriculture Department in 2007. She was fired after she signed letters to the Government on behalf of the PSA asserting breaches by the Government of a memorandum of understanding between the Government and civil servants who had gone on strike in 2005. The case was still pending at year's end.

Labor laws apply in all sectors of the economy, including the two small export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred among citizens. There were anecdotal reports that some foreign workers may have been coerced into prostitution or other forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—Although there is no legislation prohibiting child labor, the practice did not exist in the wage economy. According to the National Centre for Women and Children, some school-age children were working in the informal sector.

e. Acceptable Conditions of Work.—There is no minimum wage law, although there are government guidelines for wage levels. According to the Asian Development Bank, 23 percent of workers in 16 communities surveyed in 2005 earned less than 29 pa'anga (approximately \$13) per person per week, which did not provide a decent standard of living for a worker and family. Government workers received raises in 2006, and their salaries generally were sufficient to provide a decent standard of living for a worker and family.

Labor laws and regulations, enforced by the Ministry of Labor, Commerce, and Industries, limited the workweek to 40 hours. The ministry enforced laws and regulations in the wage sector of the economy, particularly on the main island of Tongatapu, but enforcement in the agricultural sector and on the outer islands was less consistent.

Few industries exposed workers to significant danger, and industrial accidents were rare. The Government seldom addressed industrial safety standards, including the right of workers to remove themselves from dangerous work situations.

TUVALU

Tuvalu is a parliamentary democracy with a population of approximately 11,000. In 2006 citizens elected a 15-member unicameral parliament in generally free and fair elections. There were no formal political parties. Following the elections, a loose coalition of eight members of parliament formed a new government and selected Apisai Ielemia as prime minister. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of addressing individual instances of abuse. However, there were a few areas of concern. Traditional customs and social patterns led to and perpetuated religious and social discrimination, including discrimination against women.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed them.

Local hereditary elders exercise discretionary traditional punishment and disciplinary authority. This includes the right to inflict corporal punishment for infringement of customary rules, which can be at odds with the national law. However, during the year there were no reports of such corporal punishment.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by local church representatives.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police service, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—The law permits arrests without warrants if a police officer witnesses the commission of an unlawful act or has “reasonable suspicion” that an offense is about to be committed. Police estimated that the majority of arrests were of this type. The police may hold a person arrested without a warrant for no more than 24 hours without a hearing before a magistrate. When a court issues an arrest warrant, the maximum permissible detention time before a hearing must be held is stated on the warrant and normally is one to two weeks.

There was a functioning system of bail. Arrested persons generally were promptly informed of the charges against them, although bureaucratic delays sometimes occurred because persons charged with serious offenses to be tried in the High Court must wait for its semiannual meeting. Detainees had prompt access to family members. A people’s lawyer (public defender) was available free of charge for arrested persons and other needed legal advice. Persons on the outer islands did not have ready access to legal services, however, as the people’s lawyer was based on the main island of Funafuti and only infrequently traveled to the outer islands. Non-governmental organizations (NGOs) urged the Government to provide sufficient personnel and financial resources to the Office of the People’s Lawyer to enable it to effectively meet the needs of the public on both Funafuti and the outer islands. The country had no attorneys in private practice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Procedural safeguards are based on British common law. The law provides for a presumption of innocence. Judges conduct trials and render verdicts; there are no juries. Trials are public and defendants have the right to be present. Defendants have the right to be informed of the nature of the offenses with which they are charged, to consult with an attorney in a timely manner, and to have access to an independent public defender. They also have the right to confront witnesses, present evidence, and appeal convictions. During the year the number of backlogged cases awaiting trial on the island of Funafuti decreased significantly, although backlogs remained on some outer islands.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Individuals may bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, but the Government occasionally limited these rights in practice.

Citizens were free to criticize the Government publicly or privately without reprisal, and there were no reports that the Government sought to impede such criticism.

There were no private, independent media. The Government's media department (formerly the public Tuvalu Media Corporation, which was decorporatized and converted into a government department effective January 1) controlled the country's sole radio station.

There was no television broadcast. Those few who could afford it received international satellite television broadcasts. DVDs and videotapes circulated freely and were widely available. Pornography is illegal. International media were allowed to operate freely.

Internet Freedom.—There were no government restrictions on access to the Internet and no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, the relative lack of telecommunications infrastructure, especially beyond the capital island of Funafuti, and relatively high costs restricted public access to and use of the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the High Court has held that traditional village authorities may restrict this right in certain circumstances.

The constitution also states that the laws are to be based on Christian principles. Despite official tolerance, religious homogeneity (more than 90 percent of citizens are members of the Church of Tuvalu, a Congregationalist denomination) and traditional structures of communal life posed practical barriers to the introduction and spread of other religious beliefs.

The Tuvalu Brethren Church reported that at times the Government's Media Department edited church radio programming without church permission and had reduced its radio time allocation.

The constitution provides that no one attending a place of education shall be required to receive religious instruction or participate in other religious activities without his or her consent; however, Jehovah's Witnesses reported that student members of Jehovah's Witnesses at Motufoua Secondary School were being required to attend religious studies and services despite their requests to be excused.

At year's end the Court of Appeal had not met to review the Brethren Church's 2006 appeal of the High Court's 2005 ruling permitting local traditional authorities to restrict the constitutional right to religious freedom in defense of traditional mores.

Societal Abuses and Discrimination.—There was a degree of societal intolerance toward religions other than established Christian denominations, particularly on the outer islands. There was no known Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The occasion did not arise during the year for government cooperation with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution prohibits forced exile, and the Government did not practice it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or

asylum. During the year there were no applications for refugee resettlement, asylum, or protection against expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The 2006 general elections were generally free and fair. An eight-member majority of the newly elected parliament selected Apisai Ielemia as prime minister.

There were no formal political parties; instead, parliament tended to divide between an ad hoc faction with at least the necessary eight votes to form a government and an informal opposition faction.

Participation by women in government and politics was limited, largely due to traditional perceptions of women's role in society. There were no women in the 15-member parliament. One woman served as an acting cabinet minister.

There were no members of minorities in the parliament or the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for some forms of official corruption, such as theft; however, laws against corruption are weak. There was widespread public perception that government transparency and accountability needed further improvement. While the Government enacted a "leadership code" in 2007 that outlines standards of conduct for government officials, it was not implemented. Concerns remained that public funds sometimes were mismanaged and that government officials sometimes benefited unfairly from their positions, particularly in regard to overseas travel and related payments and benefits. During the year the Government continued to ban most overseas travel by officials unless funded from abroad.

The law provides for annual, public ministerial reports, but publication was spotty and often nonexistent. The auditor general's office, responsible for providing government oversight, was underfunded and lacked serious parliamentary support. Public officials were not subject to financial disclosure laws.

There is no law providing for public access to government information. In practice the Government was somewhat cooperative in responding to individual requests for such information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no local NGOs focused entirely on human rights, although there were no known barriers to their establishment. Some human rights advocates, such as the Tuvalu National Council of Women, operated under the auspices of the Tuvalu Association of Nongovernmental Organizations, which was composed primarily of religious organizations. The people's lawyer monitored sentencing, equality before the law, and human rights issues in general. This institution, which at times was critical of the Government, nonetheless was supported by the Government, which frequently sought its advice. The few other local organizations involved in human rights issues generally operated without government restriction, investigating and publishing their findings on human rights cases. However, opportunities to publicize such information locally were severely limited due to the lack of local print and electronic media. Government officials were somewhat cooperative and responsive to local organizations' views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, color, and place of origin, and the Government generally enforced these prohibitions. In 2005 the High Court stated that the omission of gender as a basis of discrimination in the constitution was deliberate, and there is no constitutional protection against gender discrimination.

Women.—Reports of violence against women were rare. However, women's rights observers reported that it was not possible to estimate accurately the incidence of rape and domestic violence, due to a lack of data. Rape is a crime punishable by a minimum sentence of five years' imprisonment, but spousal rape is not included in the legal definition of this offense. There were both arrests and trials for rape-related offenses during the year.

The law does not specifically address domestic violence, and the issue was not a source of broad societal debate. Acts of domestic violence were prosecuted under the

assault provisions of the penal code. The maximum penalty for common assault is six months' imprisonment, and for assault with actual bodily harm, it is five years. Human rights observers criticized the police for seeking to address violence against women using traditional and customary methods of reconciliation rather than criminal prosecution. There were no shelters or hot lines for abused women.

Prostitution is illegal and was not a problem. The law does not specifically prohibit sexual harassment but prohibits indecent behavior, which includes lewd touching. Sexual harassment was not a significant problem.

There remained some areas in which the law contributes to an unequal status for women, such as land inheritance rights and child custody rights.

In practice women held a subordinate societal position, constrained both by law in some areas and by traditional customary practices. Nonetheless, women increasingly held positions in the health and education sectors and were more active politically. In the wage economy, men held most higher-paying positions, while women held the majority of lower-paying clerical and retail positions.

Children.—Government funding for children's welfare was reasonable within the context of its total available resources.

The Government did not compile child abuse statistics, and there were no reported cases of child abuse or child prostitution during the year. However, anecdotal evidence indicated that child abuse occurred. Corporal punishment, in the form of strokes of a cane or paddle, was common in schools.

Trafficking in Persons.—The law does not prohibit all forms of trafficking in persons, but there were no reports that persons were trafficked to, from, through, or within the country. The law specifically prohibits procurement of persons within and across borders for purposes of prostitution.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law does not prohibit discrimination on the basis of physical or mental disability. There were no known reports of discrimination against persons with disabilities in employment, education, or the provision of other state services. However, supplementary state services to address the special needs of persons with disabilities were very limited. There are no mandated accessibility provisions for persons with disabilities. There was no government agency with specific responsibility for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination.—Societal discrimination against persons based on sexual orientation was not common, and there were no reports of such discrimination.

Persons with HIV/AIDS faced some societal discrimination. Local agents of foreign companies that hired seafarers from Tuvalu to work abroad barred persons with HIV/AIDS from employment. The Government and NGOs cooperated to inform the public about HIV/AIDS and to counter discrimination.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association. Workers were free to organize unions and choose their own labor representatives, but most of the population lacked permanent employment and was engaged in subsistence activity.

Public-sector employees, such as civil servants, teachers, and nurses, were members of professional associations that did not have union status. The only registered trade union, the Tuvalu Seamen's Union, had approximately 1,200 members, some 400 of whom worked on foreign merchant vessels.

The law provides for the right to strike, but no strike has ever taken place.

b. The Right to Organize and Bargain Collectively.—The law provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, in practice the few individual private sector employers set their own wage scales. Both the private and public sectors generally used nonconfrontational deliberations to resolve labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children under age 14 from working in the formal labor market. The law also prohibits children under age 15 from industrial employment or work on any ship and stipulates that children under age 18 are not allowed to enter into formal con-

tracts, including work contracts. The Government effectively enforced these prohibitions. Children rarely were employed outside the traditional economy of subsistence farming and fishing.

e. Acceptable Conditions of Work.—The minimum wage, set by the Government, was barely sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The biweekly minimum wage in the public sector was A\$130 (approximately \$90). Private-sector wages were typically somewhat lower than the Government's minimum wage rate.

The Ministry of Labor may specify the days and hours of work for workers in various industries. The law sets the workday at eight hours. However, very few persons worked in the formal economy, which was primarily on the main island; thus, the Government did not have occasion to enforce the law.

The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. The Ministry of Labor is responsible for the enforcement of these regulations, but in practice it provided minimum enforcement. Workers can remove themselves from work situations that endanger health or safety without jeopardy to their jobs; the law also protects legal foreign workers.

VANUATU

Vanuatu is a multiparty parliamentary democracy with a population of approximately 218,000. The head of government, Prime Minister Edward Natapei, governed with a seven-party coalition. The most recent elections, held on September 2, were considered generally free and fair. Civilian authorities generally maintained effective control of the security forces; however, police officials on occasion acted peremptorily or at the direction of senior politicians.

The Government generally respected the human rights of its citizens, but there were problems in some areas. These included poor prison conditions, arrests without warrants, an extremely slow judicial process, government corruption, and violence and discrimination against women.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

There were no developments in the case of the March 2007 mob violence in which three persons were killed and 20 injured in the Blacksands and Anabrou squatter settlements in Port Vila. In October 2007 the Vanuatu Daily Post newspaper reported that the criminal cases regarding the incident were pending in the Supreme Court. During the year the attorney general recalled a public report on the case released by a commission of inquiry. Court hearings were scheduled for February, but at year's end no further information was available.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices, and there were no reports that government officials employed torture; however, there were reports of police abuse of criminal suspects. A report was scheduled for release in December on the conditions of the main jail in Port Vila, where prisoners allegedly leaked information about conditions; however, by year's end no information had been made public.

Prison and Detention Center Conditions.—Conditions at the three prisons in Port Vila improved slightly during the year with foreign donor funding but remained below international standards. Security at all facilities was poor, and there were frequent prisoner escapes. Male inmates were incarcerated in overcrowded facilities. Persons deemed mentally unfit to stand trial were held with the general prison population. Juveniles were held together with adults.

The Government permitted prison visits by independent human rights observers. For the first time, ballot boxes were brought into the prisons for the national elections, and inmates were allowed to cast their votes.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The commissioner of police heads the police force, including a police maritime wing, the paramilitary Vanuatu Mobile

Force, Immigration Department, National Disaster Management Office, and National Fire Service. Police effectiveness was hampered by a lack of resources and involvement in ancillary activities such as search and rescue operations, immigration, and national disaster response. During the year foreign assistance was provided to address some of the problems confronting the force. Actions taken under the assistance projects included recruitment of new officers, establishment of additional police posts on outer islands and in rural areas, and police building repairs and maintenance.

Corruption and impunity were not major problems; however, there were instances of corruption and instances in which police acted without proper authorization at the behest of politicians. On October 7, four police officers suspended in 2007 for their implication in a fraud case returned to full duty pending the return to the country of an Indo-Fijian, who was the prime suspect.

Arrest and Detention.—A warrant issued by a court is required for an arrest; however, police made a small number of arrests without warrants during the year. The constitutional provision that suspects must be informed of the charges against them generally was observed in practice.

A system of bail operated effectively; however, some persons not granted bail spent lengthy periods in pretrial detention due to judicial inefficiency. The ratio of pretrial detainees to the total prison population was relatively high. Judges, prosecutors, and police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. Years could pass before a case was brought to trial. Detainees were allowed prompt access to counsel and family members. A public defender's office provided counsel to indigent defendants.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Magistrates' courts deal with most routine legal matters. Island courts are present at the local level, with limited jurisdiction in civil and criminal matters. The Supreme Court, an intermediate-level court, has unlimited jurisdiction over criminal and civil matters and considers appeals from the magistrates' courts. The Appeals Court is the highest appellate court. Judges cannot be removed without cause.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The judicial system is derived from British common law. Judges conduct trials and render verdicts; there are no juries. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right to counsel, a right to judicial determination of the validity of arrest or detention, a right to question witnesses and access government-held evidence, and a right of appeal. The law extends these rights to all citizens. The public defender's office provides free legal counsel to indigent defendants.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters, including for human rights violations; however, police were reluctant to enforce domestic court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail; however, cost and lack of infrastructure limited public access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

In contrast with 2007, the Government did not prohibit meetings of citizens in public.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided some financial assistance for the construction of churches affiliated with member denominations of the Vanuatu Christian Council, provided grants to church operated schools, and paid teachers' salaries at church operated schools in existence since the country's independence. These benefits were not available to non Christian religious organizations.

Government schools scheduled weekly religious education classes conducted by representatives of Council churches. Students whose parents did not wish them to attend the classes were excused. Non Christian religions were not permitted to give religious instruction in public schools.

Societal Abuses and Discrimination.—There were no reports of societal abuses or discrimination against religious groups, although some churches and individuals objected to missionary activities of nontraditional religious groups. The country's Jewish community was limited to a few expatriates, and there were no reports of anti—Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government had no association with the Office of the UN High Commissioner for Refugees.

The law does not address forced exile, but the Government did not employ it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. In practice the Government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The most recent national parliamentary elections were held in September and were considered generally free and fair. Allegations of bribery and electoral fraud were raised against Foreign Minister Bakoa Kalongga, two other politicians, and a former ambassador to the UN. The allegation against them was that some voters were turned away from polling booths because their names were not on the roll. According to the Vanuatu Daily Post, the chief justice agreed to hear an election petition, but at year's end no date had been set for the hearing.

Political parties could operate without restriction or outside interference.

Traditional attitudes regarding male dominance and customary familial roles hampered women's participation in economic and political life. There were two women in the 52-member parliament. There were no women in the cabinet.

There were no minorities (non—Melanesians) in parliament or in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

There were reports of government corruption during the year. The law provides for the appointment of public servants on the basis of merit; however, in practice political interference at times hampered the effective operation of the civil service.

An Ombudsman Commission report released in July revealed allegations of corruption and fraud in the Vatuman Bay land deal. A new member of parliament (MP) and a former lord mayor of Port Vila were allegedly implicated in the case. At year's end the case was pending further action by the Public Prosecutor's Office.

In 2007 three People's Progressive Party (PPP) MPs and a former senior official in the Ministry of Foreign Affairs were charged with forgery and theft in connection with a large-scale fraud scheme involving electoral development funds. The motion for action stated that the MPs brought disrepute to parliament for fraudulent use of public funds. The three MPs were suspended from parliament for six months.

Public officials are subject to a leadership code of conduct, which includes financial disclosure requirements. The Ombudsman's Office and Auditor General's Office are key government agencies responsible for combating government corruption.

No law provides for public access to government information. In practice governmental response to requests for information from the media was inconsistent.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The president appoints a government ombudsman to a five-year term in consultation with other political leaders. Since its establishment, the Ombudsman's Office has issued a number of reports critical of government institutions and officials. However, it did not have adequate resources or independent power to prosecute, and the results of its investigations may not be used as evidence in court proceedings. Cases reported to the ombudsman and deemed to be valid were referred to the Public Prosecutor's Office for further action.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, place of origin, language, or sex; however, women remained victims of discrimination in the tradition-based society.

Women.—Violence against women, particularly domestic violence, was common, although no accurate statistics existed. Although rape is a crime, with a maximum penalty of life imprisonment, spousal rape is not cited specifically in the law, and police frequently were reluctant to intervene in what were considered domestic matters.

On June 19, parliament passed a Family Protection Act that covers domestic violence, women's rights, children's rights, and family rights. Violators could face prison terms of up to five years or pay a fine of up to 100,000 vatu (approximately \$900) or both. Most cases of violence against women, including rape, went unreported because women, particularly in rural areas, were ignorant of their rights or feared further abuse. There were no government programs to address domestic violence, and media attention to the abuse was limited. Churches and other nongovernmental organizations (NGOs) operated facilities for abused women. NGOs such as the National Council of Women and the Vanuatu Women's Center also played an important role in educating the public about domestic violence but did not have sufficient funding to implement their programs fully.

Prostitution is illegal and was not regarded as a serious problem. However, on March 4, the Vanuatu Daily Post reported that "practices of prostitution" were increasing. The Protection Project noted that the number of young women and girls turning to prostitution as a result of poverty was rising in Port Vila.

Sexual harassment is not illegal and was a problem.

While women have equal rights under the law, they were only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. The majority of women entered into marriage through "bride-price payment," a practice that encouraged men to view women as property. Women also were barred by tradition from land ownership. Many female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women. Women interested in running for public office received encouragement from the Vanuatu Council of Women.

Children.—The Government stressed the importance of children's rights and welfare, but there were significant problems in education. Although there is a free and universal education policy, all children pay school fees, which served as a barrier to education. School attendance is not compulsory. Less than 35 percent of all children advanced beyond elementary school due to a shortage of schools and teachers beyond grade six. Boys tended to receive more education than did girls. Although attendance rates were similar in the early primary grades, fewer girls advanced to the higher grades. A significant portion of the population, perhaps as high as 50 percent, was functionally illiterate.

Child abuse was not believed to be extensive; however, the Government did little to combat the problem. NGOs and law enforcement agencies reported increased complaints of incest and rape of children in recent years, but no statistics were available. Children generally were protected within the traditional extended family system. Members of the extended family played an active role in a child's development. Virtually no children were homeless or abandoned.

The legal age for marriage is 21, although boys between 18 and 21 and girls between 16 and 21 may marry with parental permission. In rural areas and some outer islands, some children married at younger ages.

Trafficking in Persons.—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There is no law specifically prohibiting discrimination against persons with physical or mental disabilities. There is a national policy designed to protect the rights of persons with disabilities, but the Government did not implement it effectively. There were no special programs to assist persons with disabilities and no legislation mandating access to buildings for them. Their protection and care were left to the traditional extended family and NGOs. Due to a high rate of unemployment, few jobs were available for persons with disabilities. Persons with mental illness generally did not receive specialized care; members of their extended families usually attended to them.

National/Racial/Ethnic Minorities.—Most of the population is Melanesian. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally were concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes and cannot be sold, although prime real estate was increasingly leased to others. Within the limits of this system of land tenure, there generally were no reports of discrimination against ethnic minorities; however, only indigenous farmers may legally grow kava, a native herb, for export.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination against homosexuals, nor were there any such reports against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides all workers with the right to organize and join unions, and workers exercised this right in practice. Approximately 15,000 persons participated in the formal economy as wage earners. Combined union membership in the private and public sectors was approximately 1,900. The two existing trade unions, the Vanuatu Teacher's Union and the Vanuatu National Worker's Union, were independent of the Government and grouped under an umbrella organization, the Vanuatu Council of Trade Unions. The high percentage (approximately 70 percent) of the population engaged in subsistence agriculture and fishing precluded extensive union activity. Unions require government permission to affiliate with international labor federations, but the Government has not denied any union such permission.

Workers have the right to strike, and this right was exercised in practice. The law prohibits retaliation for legal strikes. In the case of private-sector employees, complaints of violations are referred to the Department of Labor for conciliation and arbitration. In the public sector, the Public Service Commission handles complaints of violations. Unions are required by law to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers.

b. The Right to Organize and Bargain Collectively.—Unions exercised the right to organize and bargain collectively. They negotiated wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three member arbitration board appointed by the minister of home affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the magistrates' courts. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reached agreement on wages without arbitration.

While the law does not require union recognition, it prohibits antiunion discrimination once a union is recognized. Complaints of antiunion discrimination are referred to the Department of Labor.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children under age 12 from working outside family-owned agricultural production, where many children assisted their parents. The employment of children from 12 to 18 years of age is restricted by occupational category and conditions of labor,

including employment in the shipping industry and nighttime employment. The Department of Labor effectively enforced these laws.

e. Acceptable Conditions of Work.—In October the Department of Labor increased the minimum wage to 26,000 vatu (approximately \$245) per month. The minimum wage did not provide a decent standard of living for an urban worker and family. However, most families were not dependent solely on wages for their livelihood, supplementing their incomes through subsistence farming. Various laws regulated benefits such as sick leave, annual vacations, and other conditions of employment, such as a 44-hour maximum workweek that included at least one 24-hour rest period. The Employment Act provides for a premium of 50 to 75 percent over the normal rate of pay for overtime work.

The Employment Act, enforced by the Department of Labor, includes provisions for safety standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment. However, the safety and health law was inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Department of Labor could not enforce the law fully. Laws on working conditions and safety standards apply equally to foreign workers and citizens.

VIETNAM

The Socialist Republic of Vietnam, with a population of approximately 86 million, is an authoritarian state ruled by the Communist Party of Vietnam (CPV). The most recent National Assembly elections, held in May 2007, were neither free nor fair, since all candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's mass organizations. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained unsatisfactory. Citizens could not change their government, and political opposition movements were prohibited. The Government continued to crack down on dissent, arresting political activists and causing several dissidents to flee the country. Police sometimes abused suspects during arrest, detention, and interrogation. Corruption was a significant problem in the police force, and police officers sometimes acted with impunity. Prison conditions were often severe. Individuals were arbitrarily detained for political activities and denied the right to fair and expeditious trials. The Government continued to limit citizens' privacy rights and tightened controls over the press and freedom of speech, assembly, movement, and association. The Government maintained its prohibition of independent human rights organizations. Violence and discrimination against women remained a concern. Trafficking in persons continued to be a significant problem. Some ethnic minority groups suffered societal discrimination. The Government limited workers' rights and arrested or harassed several labor activists.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there was one confirmed report of a death in police custody.

On May 1, Y Ben Hdok, a Montagnard from Dak Lak, died while in detention in the Buon Ma Thuot provincial police station. Police detained him on April 28 for questioning regarding his suspected involvement in inciting demonstrations. Officials stated that the suspect hanged himself during a break in questioning, but family members said his corpse was bruised. No investigation was carried out, and the family reportedly refused to authorize an autopsy.

There were reports that another Montagnard prisoner died shortly after being released from police custody, although the cause of death could not be verified.

There were no developments related to the 2006 death of Y Ngo Adrong.

b. Disappearance.—The unregistered Unified Buddhist Church of Vietnam reported that monk Thich Tri Khai, whom police arrested from his monastery in Lam Dong Province in April, remained missing at year's end.

According to nongovernmental organization (NGO) and press reports, political activist Tim Sakhorn, sentenced in November 2007 to one year in prison for "sabotaging national unity" and released in July, was residing in An Giang Province under house arrest and constant police surveillance. Le Tri, a Vietnamese citizen

and political activist who disappeared in Cambodia in May 2007, remained missing at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits physical abuse; however, police commonly physically mistreated suspects during arrest or detention.

Incidents of police harassment were reported in the provinces of Dien Bien, Thanh Hoa, Son La, and Thai Binh. Land rights protesters in An Giang Province also reported harassment from local authorities.

There were reports that police harassed or beat ethnic minorities returning from Cambodia to the Central Highlands, although most reports could not be substantiated. Monitors found that most incidents involved land, money, or domestic disputes.

Throughout the year the Government committed activists involuntarily to mental hospitals as a tactic to quell dissent.

Prison and Detention Center Conditions.—Prison conditions could be severe but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, lack of clean drinking water, and poor sanitation nonetheless remained serious problems in many prisons. Prisoners had access to basic health care, with additional medical services available at district— or provincial-level hospitals. However, in many cases officials obstructed family members from providing medication to prisoners. Prisoners generally were required to work but received no wages. Prisoners sometimes were moved to solitary confinement, where they were deprived of reading and writing materials for periods of up to several months. Family members made credible claims that prisoners received better benefits by paying bribes to prison officials.

Family members of several political dissidents reported improved living conditions at Xuan Loc Prison in Dong Nai Province. Foreign diplomats observed Spartan but clean living areas and generally acceptable labor conditions during a June visit to the prison. Family members of one activist who broke his arm in a prison in Kien Giang Province claimed that medical treatment was inadequate, resulting in the partial loss of function in his arm. Family members of Catholic activist Father Nguyen Van Ly claimed that he continued to be denied access to a Bible.

The Government generally did not permit the International Committee of the Red Cross or NGOs to visit prisons, and no such visits occurred during the year. However, authorities allowed foreign diplomats and a religious delegation to make limited prison visits and meet with prisoners. Most other requests by diplomatic observers to visit prisoners were denied.

d. Arbitrary Arrest or Detention.—The criminal code allows the Government to detain persons without charges indefinitely under vague “national security” provisions such as Articles 84, 88, and 258. The Government also arrested and detained indefinitely individuals under other legal provisions. Authorities also subjected several dissidents throughout the country to administrative detention or house arrest.

Role of the Police and Security Apparatus.—Internal security is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military is the primary government agency and provides public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population. While this system has generally become less intrusive, it continued to be used to monitor those suspected of engaging, or likely to engage, in unauthorized political activities. Credible reports suggested that local police forces used “contract thugs” and “citizen brigades” to harass and beat political activists and others, including religious worshippers, perceived as “undesirable” or a “threat” to public security.

Police organizations exist at the provincial, district, and local levels and are subject to the authority of people's committees at each level. The police were generally effective at maintaining political stability and public order, but police capabilities, especially investigative, were generally very low. Police training and resources were inadequate.

Corruption was a significant problem among police at all levels, and police officers sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence. During the year the Government cooperated with several foreign governments to initiate a program for provincial police and prison management to improve the professionalism of security forces.

Arrest and Detention.—The criminal code outlines the process by which individuals are taken into custody and treated until they are brought before a court or

other tribunal for judgment. The Supreme People's Procuracy (the Public Prosecutor's Office) issues arrest warrants, generally at the request of police. However, police may make an arrest without a warrant on the basis of a complaint filed by any person. The Procuracy issues retroactive warrants in such cases. The Procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. In practice the nine-day regulation was often circumvented.

The investigative period typically lasts from three months for less serious offenses (punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment), or 20 months for national security cases. However, at times investigations can be prolonged indefinitely. The criminal code further permits the Procuracy to request additional two month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. Investigators sometimes used physical isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess.

By law detainees are permitted access to lawyers from the time of their detention; however, authorities used bureaucratic delays to deny access to legal counsel. In cases investigated under broad national security laws, authorities often delayed defense lawyers' access to clients until an investigation had ended and the suspect had been formally charged with a crime. In addition a scarcity of trained lawyers and insufficient protection of defendant rights made prompt detainee access to an attorney rare. In practice only persons formally charged with capital crimes were assigned lawyers.

By law attorneys must be informed of and allowed to attend interrogations of their clients. However, a defendant first must request the presence of a lawyer, and it was unclear whether authorities always informed defendants of this privilege. Attorneys also must be given access to case files and be permitted to make copies of documents. Attorneys were sometimes able to exercise these privileges.

Police generally informed families of detainees' whereabouts, but family members were allowed to visit a detainee only with the permission of the investigator, and this permission was not automatically granted. During the investigative period, authorities frequently did not allow detainees access to family members, especially in national security cases. Prior to a formal indictment, detainees also have the right to notify family members. However, a number of detainees suspected of national security violations were held incommunicado. At year's end some persons arrested early in the year had not been seen by family members or a lawyer, nor had they been formally charged with crimes.

There is no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition police or mass organizations can propose that one of five "administrative measures" be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or "humiliating other persons." Chairpersons may also impose terms of "administrative probation," which generally was some form of restriction on movement and travel. Despite the March 2007 repeal of Decree 31, an administrative measure often used to punish perceived political dissidents, authorities continued to punish some individuals using other vaguely worded national security provisions in the criminal code.

Arbitrary detentions, particularly for political activists, remained a problem. The Government used decrees, ordinances, and measures to detain activists for the peaceful expression of opposing political views. During the year authorities arrested several individuals for violating Article 88, which prohibits the "distribution of propaganda against the state." Those charged with violating Article 88 were typically sentenced to terms of up to five years in prison. While several activists received reduced prison sentences after they appealed, others had their original sentences reaffirmed during appeals. In September an Internet blogger was convicted of tax evasion and sentenced to 30 months in prison after writing about corruption and protesting China's actions in the disputed Spratly/Paracel Islands.

In August and September, the Government arrested at least 13 activists, most connected with the political movement Bloc 8406, and briefly detained at least a dozen others. On November 7, land protester and Bloc 8406 member Le Thi Kim Thu was sentenced to 18 months' imprisonment for "disturbing public order." At year's end the remaining activists had not been charged or tried.

Police forcibly entered the homes of a number of prominent dissidents throughout the country, such as Nguyen Khac Toan and Do Nam Hai, and removed personal computers, mobile cellphones, and other material.

There were reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority individuals for communicating with the ethnic minority community abroad during the year.

Peaceful land rights protests in Ho Chi Minh City and Hanoi resulted in the temporary detention, surveillance, and arrest of several organizers, although the Government handled the dispersal of these protests without significant violence. Peaceful protests during the year against Chinese actions in the Spratly/Paracel Islands also resulted in the temporary detention and arrest of several activists for demonstrating without permission. In September authorities arrested four activists and temporarily detained several more, reportedly in an effort to prevent demonstrations and discourage groups from meeting publicly.

In the case of five political activists—two Vietnamese and three foreign citizens—arrested in November 2007, two of the foreigners were released in December 2007. On May 13, the remaining three were tried and convicted on terrorism charges with credit for time served; one Vietnamese was released immediately, the foreigner was deported a few days later, and the other Vietnamese was released in August.

Several of the approximately 30 activists arrested in a government crackdown in 2006–07 were convicted during the year. Others remained under investigation and under administrative detention without being formally charged.

Religious and political activists were subject to varying degrees of informal detention in their residences.

Amnesty.—The central government did not announce a Tet or National Day amnesty. Nevertheless, provincial councils throughout the country conducted both Tet and National Day amnesties of prisoners under their jurisdiction. No high profile prisoners benefited from special release during the year.

e. Denial of Fair Public Trial.—The law provides for the independence of judges and lay assessors; however, in practice the CPV controlled the courts at all levels through its effective control over judicial appointments and other mechanisms. In many cases the CPV determined verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political views. As in past years, the judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. CPV influence was particularly notable in high profile cases and others in which a person was charged with challenging or harming the CPV or the state.

The judiciary consists of the Supreme People's Court (SPC); provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for District Court cases. The SPC, which reports to the National Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes.

There was a shortage of trained lawyers and judges. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad only in countries with communist legal traditions.

There was no independent bar association. In January the prime minister approved a proposal to form a national bar association; however, it had not been created by year's end.

Government training programs to address the problem of inadequately trained judges and other court officials continued during the year.

Courts of first instance at district and provincial levels include judges and lay assessors, but provincial appeals courts and the SPC are composed of judges only. People's councils appoint lay assessors from a pool of candidates suggested by the VFF. Lay assessors are required to have "high moral standards," but legal training is not required, and their role is largely symbolic.

Military tribunals, although funded by the Ministry of Defense, operate under the same rules as other courts. The ministry is represented on judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. Military tribunal judges and assessors are military personnel chosen jointly by the SPC and the ministry but supervised by the SPC. The law gives military courts jurisdiction over all criminal cases involving military entities, including military owned enterprises. The military has the option of using the administrative, economic, or labor courts for civil cases.

Trial Procedures.—The constitution provides that citizens are innocent until proven guilty; however, many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer were generally provided one only in cases with possible sentences of life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross examine witnesses; however, there were cases in which neither defendants nor their lawyers were allowed to have access to government evidence in advance of the trial, cross examine witnesses, or challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings. The SPC continued to publish the proceedings of all cases it reviewed.

There continued to be credible reports that defense lawyers were pressured not to take as clients any religious or democracy activists facing trial.

The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Earlier reforms to the criminal procedures code were intended to move courtroom procedures from an “investigative” system, in which the judge leads the questioning, to an “adversarial” system, in which prosecutors and defense lawyers advocate for their respective sides. The change was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, implementation differed from one province to another.

In May government officials allowed two foreign diplomats to attend the joint trial of three Viet Tan (Vietnam Reform Party) activists, and in December four foreign diplomats were permitted to attend the joint trial of the eight Thai Ha defendants. Other requests by foreign diplomats to attend trials were denied.

Political Prisoners and Detainees.—There were no precise estimates of the number of political prisoners. The Government claimed it held no political prisoners, only lawbreakers. The Government held at least 35 political detainees at year’s end, although some international observers claimed the number ranged into the hundreds.

In April a fresh wave of demonstrations in the Central Highlands resulted in dozens of reported arrests and detentions of individuals suspected of organizing the protests. Local observers reported the demonstrations were prompted by ethnic minority groups protesting local land use policies.

On August 14, authorities arrested land rights activist Le Thi Kim Thu in Hanoi for disturbing the public order by organizing a protest in a public park opposite the Office of the Government. On November 7, she was convicted and sentenced to 18 months in prison. During the year land rights leaders reported that at least a dozen demonstrators from Ho Chi Minh City and surrounding provinces were convicted on charges ranging from “disturbing the public order” to “propagandizing against the State.”

In September and October, Bloc 8406 activists Nguyen Xuan Nghia, Pham Van Troi, Ngo Quynh, Nguyen Van Tuc, Pham Thanh Nghien, Vu Hung, Tran Duc Thach, Nguyen Kim Nhan, Nguyen Van Tinh, Nguyen Thi Cam Hong, Duong Van Nam, and Le Thanh Tung were arrested, reportedly for their efforts to organize public protests, distribute prodemocracy leaflets, protest government land seizures and Chinese government actions, and post banners critical of the Government. At year’s end all were in detention waiting to be formally charged and tried.

On December 8, eight individuals who participated in prayer vigils at the Thai Ha parish in Hanoi were tried jointly at the Dong Da People’s Court in Hanoi and convicted of disturbing public order and destroying public property. Seven of the parishioners were given suspended sentences ranging from 12 to 15 months; of these, four were also sentenced to additional administrative probation ranging from 22 to 24 months. The eighth individual was given a warning. None received additional jail time.

After having been sentenced in 2007 for violating Article 88, several high-profile dissidents remained in prison, including Catholic priest Nguyen Van Ly and human rights attorneys Nguyen Van Dai and Le Thi Cong Nhan. Dai, Nhan, and three members of the People’s Democracy Party were awarded sentence reductions after appeal.

In January writer and journalist Tran Khai Thanh Thuy, detained in April 2007 for violation of Article 88, was tried, sentenced to time served, and released for medical treatment.

Prodemocracy activist Nguyen Ba Dang, arrested in May 2007 for “propagandizing against the state,” reportedly continued to be held in Kinh Chi Camp in Hai Duong City.

In May one of four members of the prolabor United Workers and Farmers Organization (UWFO) arrested and convicted in December 2007 was released after serving his sentence; the other three remained in prison (See Section 6.a.).

In January, after 17 months in detention, Bloc 8406 member Truong Quoc Huy was tried and sentenced to six years in prison for “propagandizing against the state.”

Viet Tan activists Nguyen Quoc Quan, Nguyen The Vu, and Nguyen Quoc Hai, arrested in 2006, were tried and convicted in May under Article 84 for crimes related to terrorism, but they were released after time served.

Several political dissidents affiliated with outlawed political organizations, including Bloc 8406, the People’s Democratic Party, People’s Action Party, Free Vietnam Organization, Democratic Party of Vietnam, UWFO, and others, remained in prison or under house arrest in various locations.

International NGOs estimated that several hundred ethnic minority demonstrators associated with the 2004 Central Highlands protests remained in prison.

Civil Judicial Procedures and Remedies.—There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by “administrative” courts, civil courts, and criminal courts, all of which follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to the same problems of corruption, lack of independence, and inexperience.

By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant is required first to petition the officer accused of committing the violation for permission to refer the complaint to the administrative courts. If a petition is refused, the citizen may refer it to the officer’s superior. If the officer or his superior agrees to allow the complaint to be heard, the matter is taken up by the administrative courts. If the administrative courts agree that the case should be pursued, it is referred either to the civil courts for suits involving physical injury seeking redress of less than 20 percent of health care costs resulting from the alleged abuse, or to the criminal courts for redress of more than 20 percent of such costs. In practice this elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had experience with the system.

Property Restitution.—There were widespread reports of official corruption and a general lack of transparency in the Government’s process of confiscating land and moving citizens to make way for infrastructure projects. By law citizens must be compensated when they are resettled to make way for infrastructure projects, but there were complaints, including from the National Assembly, that compensation was inadequate or delayed. A team established by the Government after land rights protests in 2007 toured several provinces in the south, but few claimants reported resolution to their cases as a result.

In January Catholic parishioners conducted large-scale prayer vigils at the residence of the former papal nuncio in Hanoi, which was confiscated by the Government and the object of an ongoing dispute. After the Government promised to resolve the problem, the prayer vigils ceased. On September 19, city officials announced that they would turn the site into a public park, with the former papal nuncio’s home becoming a library. City officials immediately began demolishing buildings on the site. Large-scale protests followed, with as many as 15,000 Catholic parishioners attending a special Mass and prayer vigil conducted by the archbishop on September 21.

In January, April, August, and September, Catholic parishioners conducted other large-scale prayer vigils over disputed land previously owned by the Thai Ha parish in Hanoi. Eight individuals were arrested in August and September and convicted in December for destroying public property and disturbing public order in connection with their participation in the prayer vigils at Thai Ha. Other religious organizations also protested the use of confiscated Church properties for commercial or government purposes.

Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they had not received proper compensation for land confiscated to develop large-scale state-owned coffee and rubber plantations. Several residents attributed the cause of the April demonstrations in the Central Highlands to ethnic minority frustration and discontent over policies regarding state land use.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. Household registration and block warden systems existed for the surveillance of all citizens, although these systems were generally less intrusive than in the past. Authorities focused particular attention on persons suspected of being involved in unauthorized political or religious activities.

Forced entry into homes is not permitted without orders from the public prosecutor; however, security forces seldom followed these procedures but instead asked permission to enter homes, with an implied threat of repercussions for failure to cooperate. Some individuals refused to cooperate with such “requests.” Police sometimes left when faced with noncompliance, particularly in urban areas.

Government authorities opened and censored targeted persons’ mail; confiscated packages and letters; and monitored telephone conversations, e mail, text messages, and facsimile transmissions. The Government cut the telephone lines and interrupted the cellular telephone and Internet service of a number of political activists and their family members.

Membership in the CPV remained a prerequisite to career advancement for all government and government linked organizations and businesses. However, economic diversification made membership in the CPV and CPV controlled mass organizations less essential to financial and social advancement.

The Government continued to implement a family planning policy that urged families to have no more than two children, but the policy emphasized exhortation and education rather than coercion. The Government can deny promotions and salary increases to public sector employees with more than two children, and some cases of denied promotion or financial penalties were reported, although the policy did not appear to be enforced in a consistent manner. These types of sanctions were becoming increasingly less effective as a larger segment of the population, particularly in urban areas, continued to move into the private sector.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government continued to restrict these freedoms, particularly with respect to speech that criticized individual government leaders, promoted political pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights, religious freedom, or border disputes with China. The line between private and public speech continued to be arbitrary.

Both the constitution and the criminal code include broad national security and antidefamation provisions that the Government used to restrict freedom of speech and of the press. The criminal code defines the crimes of “sabotaging the infrastructure of Socialism,” “sowing divisions between religious and nonreligious people,” and “conducting propaganda against the Socialist Republic of Vietnam” as serious offenses against national security. The criminal code also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the State and social organizations.”

At various times political activists and family members of prisoners were physically prevented from meeting with foreign diplomatic representatives. Tactics included setting up barriers or guards outside their residences or calling them into the local police station for random and repetitive questioning.

The CPV, government, and party controlled mass organizations controlled all print, broadcast, and electronic media. The Government exercised oversight through the Ministry of Information and Communication (MIC) and supplemented its control through pervasive party guidance and national security legislation sufficiently broad to ensure effective self censorship by the domestic media. Beginning in March a government “rectification” campaign led to financial audits of many newspapers and imposed restrictions on the media’s ability to conduct public outreach programs, including charities and scholarships. Those in the media widely interpreted the actions as an effort by authorities to limit further the independence and influence of the media.

Despite the continued growth of Internet blogs, there was a general crackdown on press freedom throughout the year, resulting in the firings of several senior media editors and the arrest of two reporters. These actions dampened what had previously been a trend toward more aggressive investigative reporting.

On May 12, police arrested reporters Nguyen Viet Chien of the daily newspaper Thanh Nien and Nguyen Van Hai of the daily newspaper Tuoi Tre for “abusing power in carrying out their official duties” in connection with their 2006 reports on a major corruption scandal at the Ministry of Transportation’s Project Management Unit Number 18 (PMU—18). The state press and the public voiced strong opposition to the arrests. However, after two days of heavy coverage of the arrest, the Ministry

of Culture and Information directed the media to stop reporting the story. Print and broadcast media obeyed this decision, but some bloggers continued to criticize the arrests. The charges against the journalists later were changed to “abusing democratic freedoms,” and on October 15, the two were tried and convicted. The court sentenced Nguyen Viet Chien to two years in prison and Nguyen Van Hai to a two-year noncustodial “reeducation” sentence.

In July Tuoi Tre and Thanh Nien each replaced a senior editor. The newspapers portrayed the moves as routine, although sources stated that the two editors were demoted for publishing stories on corruption. In August the Government revoked the press cards of seven journalists from state-controlled newspapers for “lack of responsibility” in connection with their reports on the PMU—18 scandal.

On September 19, police briefly detained and beat a foreign correspondent working as the Hanoi bureau chief for the Associated Press and kept his camera for eight weeks after he attempted to photograph a prayer vigil at the former residence of the papal nuncio.

On December 18, the Government issued new regulations prohibiting bloggers from posting material that the Government believes undermines national security or discloses state secrets, incites violence or crimes, or includes inaccurate information harming the reputation of individuals and organizations. The new regulations also require global Internet companies with blogging platforms operating in the country to report to the Government every six months and, if requested, to provide information about individual bloggers.

During the year the Government also continued to restrict press stories critical of China’s actions over disputed islands in the South China Sea and supposed military plans to invade Vietnam. The editor in chief of a major online news outlet fined in December 2007 for a controversial editorial regarding the South China Sea remained in his job, despite warnings that he would be removed.

The law requires journalists to pay monetary damages to individuals or organizations who have their reputations harmed as a result of journalists’ reporting, even if the reports are true. Independent observers noted that the law severely limited investigative reporting. There were press reports on topics that generally were considered sensitive, such as the prosecution on corruption charges of high ranking CPV and government officials, as well as occasional criticism of officials and official associations. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted.

Foreign journalists must be approved by the Foreign Ministry’s press center, and they must be based in Hanoi, with the exception of one correspondent reporting solely on economic issues who lived and maintained an office in Ho Chi Minh City while officially accredited to Hanoi. Foreign journalists are required to renew their visas every three to six months, although the process is routine, and there were no reports of any visa renewals being refused. The number of foreign media employees allowed was limited, and local employees who worked for foreign media also were required to be registered with the Foreign Ministry.

The procedure for foreign media outlets to hire local reporters and photographers and receive approval for their accreditation continued to be cumbersome. The press center nominally monitored journalists’ activities and approved, on a case-by-case basis, requests for interviews, photographs, filming, or travel, which must be submitted at least five days in advance. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although this procedure often was ignored in practice. Foreign journalists noted that they generally did not notify the Government about their travel outside of Hanoi unless it involved a story that the Government would consider sensitive or they were traveling to an area considered sensitive, such as the Central Highlands.

Foreign language editions of some banned books were sold openly by street peddlers and in shops oriented to tourists. Foreign language periodicals were widely available in cities. Occasionally, the Government censored articles.

The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press, but in practice persons throughout the country were able to access foreign programming via home satellite equipment or cable. Cable television, including foreign-origin channels, was widely available to subscribers living in urban areas.

Internet Freedom.—The Government allows access to the Internet through a limited number of Internet service providers (ISPs), all of which were state owned joint stock companies. Internet usage continued to grow throughout the year. According to the MIC, 24 percent of the population had access to the Internet. Blogging continued to increase rapidly. The MIC estimated that there were more than one million bloggers online. In addition a number of prominent print and online news journal-

ists maintained their own professional blogs. In several cases their blogs were considered far more controversial than their mainstream writing. In a few cases, the Government fined or punished these individuals for the content of their blogs.

The Government forbids direct access to the Internet through foreign ISPs, requires domestic ISPs to store information transmitted on the Internet for at least 15 days, and also requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities.

The Government requires firms such as cybercafes to register the personal information of their customers and store records of Internet sites visited by customers. However, many cybercafe owners did not maintain these records. Similarly, it was not clear to what extent major ISPs complied with the many government regulations.

While citizens enjoyed unprecedented increasing access to the Internet, the Government monitored e mail, searched for sensitive key words, regulated Internet content, and blocked many Web sites with political or religious content that authorities deemed "offensive." They claimed that censorship of the Internet was necessary to protect citizens from pornography and other "antisocial" or "bad elements." They also claimed that efforts to limit Internet access by school-age users was intended to keep them from gaming at the expense of their school work.

Officials construed Article 88 of the criminal code, which bans "distributing propaganda against the state," to prohibit individuals from downloading and disseminating documents that the Government deemed offensive.

Authorities continued to detain and imprison dissidents who used the Internet to publish ideas on human rights and political pluralism. In January writer and journalist Tran Khai Thanh Thuy was arrested for violation of Article 88. She was tried, sentenced to time served, and released for medical treatment. In April well-known blogger and head of the Free Journalist's Club Nguyen Hoang Hai (also known as Dieu Cay) was arrested; on September 10, he and his wife were tried and sentenced in Ho Chi Minh City on tax evasion charges. Hai was sentenced to 30 months in prison and a fine of 210 million VND (approximately \$12,730). Hai's wife received the same fine. On December 4, both Hai's and his wife's sentences and fines were upheld upon appeal. The appellate court notified Hai's attorney only nine days prior to the scheduled hearing, not 15 as required by law.

In September local authorities in Hanoi threatened to arrest bloggers or other individuals for e-mailing information overseas regarding Catholic property disputes.

The Government continued to use firewalls to block some Web sites that it deemed politically or culturally inappropriate, including sites affiliated with the Catholic Church, such as Vietcatholic.net and others operated by overseas Vietnamese political groups. The Government appeared to have lifted most of its restrictions on access to the Voice of America Web site, although it continued to block Radio Free Asia (RFA) most of the time. Nevertheless, local press occasionally wrote stories based on RFA broadcasts.

The MIC requires owners of domestic Web sites, including those operated by foreign entities, to register their sites with the Government and submit their planned content and scope to the Government for approval; however, enforcement remained selective.

Intellasia, an online news and investment publication that the Government shut down in August 2007 for posting "distorted and reactionary content," continued to operate from outside the country.

Academic Freedom and Cultural Events.—The Government asserts the right to restrict academic freedom, and authorities sometimes questioned and monitored foreign field researchers. However, the Government continued to permit a more open flow of information, including in the university system, than in previous years. Local librarians increasingly were being trained in professional skills and international standards that supported wider international library and information exchanges and research. Foreign academic professionals temporarily working at universities in the country were allowed to discuss nonpolitical issues widely and freely in classes, but government observers regularly attended classes taught by both foreigners and nationals. Security officials occasionally questioned persons who attended programs on diplomatic premises or used diplomatic research facilities. Nevertheless, requests for materials from foreign research facilities increased. Academic publications usually reflected the views of the CPV and the Government.

The Government controlled art exhibits, music, and other cultural activities; however, it generally allowed artists broader latitude than in past years to choose the themes for their works. The Government also allowed universities more autonomy over international exchanges and cooperation programs.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The right of assembly is restricted by law, and the Government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required by law and regulation to apply for a permit, which local authorities can issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive issues appeared to require permits, and persons routinely gathered in informal groups without government interference. In general the Government did not permit demonstrations that could be seen as having a political purpose. The Government also restricted the right of several unregistered religious groups to gather in worship (See Section 2.c.).

Prior to the April Olympic torch relay in Ho Chi Minh City, several activists reported that authorities called them in for questioning and warned them against organizing demonstrations.

Large-scale prayer vigils occurred in January, April, August, and September at disputed Catholic properties at the former papal nuncio's residence and at the Thai Ha parish in Hanoi. Police arrested eight individuals and harassed other participants in the vigils (See Section 1.e.). Smaller demonstrations by citizens demanding redress for land rights claims frequently took place in Ho Chi Minh City and occasionally in Hanoi. Police monitored these protests but generally did not disrupt them.

Freedom of Association.—The Government severely restricted freedom of association. Opposition political parties were neither permitted nor tolerated. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party controlled mass organizations, usually under the aegis of the CPV's Vietnam Fatherland Front (VFF) group. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.

Officials continued to implement the June 2007 Ordinance on Grassroots Democracy, which allows villagers, with the participation of local VFF representatives, to convene meetings to discuss and propose solutions to local problems and nominate candidates for local leadership. The ordinance also requires commune governments to publicize how they raise and spend funds for local economic development.

Members of Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to face harassment and imprisonment. Its senior members were arrested and jailed in a crackdown beginning in 2007. In September authorities arrested an additional six members of Bloc 8406 for criticizing the Government's response to China and economic policies. Other members faced severe harassment for their peaceful political activities. Bloc 8406 claimed more than 2,000 supporters inside the country, although this number could not be verified. At least 16 members of the group were in detention at year's end.

Several members of another activist group, the People's Democratic Party of Vietnam, and a related group, the UWFO, remained in prison at year's end.

c. Freedom of Religion.—The constitution and government decrees provide for freedom of worship, and improvements made in past years in overall respect for religious freedom continued during the year. The Government persisted in placing restrictions on the organized activities of religious groups; however, in general restrictions were enforced less strictly than in previous years. Overall participation in religious activities continued to grow significantly.

Problems remained in the implementation of the Legal Framework on Religion. The problems occurred primarily at the local level, but in some instances the central government also delayed enforcement.

Religious groups encountered the greatest restrictions when they engaged in activities that the Government perceived as political activism or a challenge to its rule. The Government continued to discourage participation in a banned faction of the Hoa Hao Buddhist Church. The Government also restricted the activities and movement of the leadership of the unrecognized Unified Buddhist Church of Vietnam (UBCV) and maintained that it would not recognize the organization under its existing leadership. The Government remained concerned that some ethnic minority groups active in the Central Highlands were operating a self styled "Dega Church," which reportedly mixes religious practice with political activism and calls for ethnic minority separatism.

The Government maintained a prominent role overseeing recognized religions. By law religious groups must be officially recognized or registered, and the activities and leadership of individual religious congregations must be approved by the appropriate authorities. The law mandates that the Government act in a timely and transparent fashion, but the approval process for registration and recognition of religious organizations was sometimes slow and nontransparent. Nevertheless, new

congregations were registered throughout the country during the year, and a number of new religious denominations were registered at the national level. However, in the northern region and the Northwest Highlands, local authorities had not acted on many registration applications submitted since 2006 by more than 1,000 Protestant congregations among predominantly ethnic minority groups.

Some local authorities continued to demand that recognized religious organizations provide lists of all members of subcongregations as a precondition to registration, although this requirement was not codified specifically in the Legal Framework on Religion. Some registered congregations in the northern region and the Northwest Highlands complained that officials used such lists to keep unlisted members from participating in services or for harassment by local authorities or their agents. Annual activities by congregations also must be registered with authorities, and activities not on the accepted annual calendar require separate government approval.

As in past years, official oversight of religious groups varied widely from locality to locality, often as a result of ignorance of national policy or varying local interpretations of the policy's intent. In general, central level efforts to coordinate proper implementation of the Government's religious framework reduced the frequency and intensity of religious freedom violations. Nevertheless, activities of nonrecognized and unregistered religious groups remained technically illegal, and these groups occasionally experienced harassment. Several "unregistered" religious gatherings were broken up or obstructed in Haiphong and the Northwest Highlands, amid accusations by religious practitioners that local authorities sometimes used "contract thugs" to harass or beat them. In Tra Vinh there were reports of repeated police harassment and beatings by plainclothes "citizen brigades" at several house churches, including the Full Gospel Church. Authorities took no disciplinary action against the offenders. However, the level of harassment declined in comparison with previous years, and the vast majority of unregistered churches and temples were allowed to operate without interference.

The Government actively discouraged contacts between the UBCV, which the Government considered an illegal group, and its foreign supporters, although such contacts continued. Police routinely questioned some persons who held alternative religious or political views, such as UBCV monks and certain Catholic priests. Police continued to restrict the free movement of UBCV monks.

There were few credible allegations of forced renunciations in the Central and Northwest Highlands during the year. Nevertheless, articles in some provincial newspapers encouraged local authorities and ethnic minority groups to favor animist and traditional beliefs and to reject Protestantism.

The vast majority of Buddhists practiced their religion under the Vietnam Buddhist Sangha Executive Council, the officially sanctioned Buddhist governing council, and generally were able to worship freely. The Government continued to harass UBCV members and prevented them from conducting independent charitable activities outside their pagodas.

Senior UBCV leaders remained under heavy police surveillance at their pagodas and reported limited ability to travel within the country. Thich Quang Do and Thich Khong Thanh were able to attend the funeral of the UBCV patriarch in July, although some UBCV monks in the provinces reported that authorities prevented them from traveling. One UBCV monk moved to Ho Chi Minh City from the provinces and resigned from the UBCV leadership because of constant surveillance and harassment by authorities.

The Catholic Church reported that the Government continued to ease restrictions on assignment of new clergy. Unlike in previous years, there were no cases of the Government rejecting Catholic bishops. The Church discussed establishing additional Catholic seminaries with the Government and expanded its pastoral works program. The Church moved towards establishment of an official joint working group with the Vatican to develop principles and a roadmap toward establishing official relations.

A number of Catholic clergy reported a continued easing of government control over activities in certain dioceses outside of Hanoi. In many places local government officials allowed the Catholic Church to conduct religious education classes (outside regular school hours) and charitable activities. The Ho Chi Minh City government continued to facilitate certain charitable activities of the Church in combating HIV/AIDS; however, educational activities and legal permits for some Catholic charities to operate as NGOs remained suspended. In October the Government granted authority for Caritas to reopen an office following a 32-year absence.

Local officials informally discouraged some clergy from traveling domestically, even within their own provinces, especially when travel to ethnic minority areas was involved. The Catholic archbishop of Hanoi was restricted in his official travels

to ethnic minority areas in the north but was allowed to travel there in a private capacity.

Despite some reports of discrimination against Catholic students, authorities denied that the Government has a policy of limiting access to education based on religious belief.

At least 10 Hoa Hao Church followers allegedly involved in a 2005 clash with police remained in prison. Hoa Hao monks and believers following the Government approved Hoa Hao Administrative Council were allowed to practice their faith. Monks and followers who belonged to dissident groups or declined to recognize the authority of the council suffered restrictions.

Religious organizations are not allowed to operate schools independently. Foreign missionaries may not operate openly as religious workers in the country, although many undertook humanitarian or development activities with government approval and met with registered congregations.

The Government generally required religious publishing to be done through a government owned religious publishing house; however, some religious groups were able to copy their own materials or import them, subject to government approval. The Government relaxed restrictions somewhat on the printing and importation of some religious texts, including in some ethnic minority languages. At year's end the Government's Committee for Religious Affairs had not approved publication of a Hmong-language Bible, permission for which was requested more than two years ago, pending approval from the Ministry of Education and Training.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government imposed some limits on freedom of movement for certain individuals. The Government generally cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance. For example, political dissidents Pham Hong Son and Nguyen Khac Toan, amnestied in 2006, and attorney Le Quoc Quan and journalist Nguyen Vu Binh, amnestied in 2007, continued to be subject to administrative detention in the form of official restrictions on their movements. Although occasionally confined to their homes, they were allowed some movement within Hanoi, but their movements and visits from other dissidents were closely monitored. On September 1, while attempting to travel to meet with foreign parliamentarians, Quan was detained at Hanoi's Noi Bai airport. Authorities canceled Quan's passport and informed him that he was not allowed to travel overseas. Son and Toan also were prohibited from traveling overseas. In Ho Chi Minh City, prominent activists Nguyen Dan Que and Do Nam Hai remained under house arrest. Hai was prevented from meeting with foreign diplomats on at least two occasions.

A government restriction regarding travel to certain areas remained in effect. It requires citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of "national strategic storage," and "works of extreme importance for political, economic, cultural, and social purposes."

The 2007 Law on Residence was not broadly implemented, and migration from rural areas to cities continued unabated.

Moving without permission hampered persons seeking legal residence permits, public education, and healthcare benefits. Foreign passport holders must register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the Government appeared to have enforced these requirements more strictly in some districts of the Central and Northern Highlands.

The Government refused to issue passports to a number of well-known dissidents. Provincial governments in the Central Highlands facilitated the passport issuance and travel of ethnic minority individuals traveling legally to the United States on family reunification visas.

Officials occasionally delayed citizens' access to passports to extort bribes. Prospective emigrants rarely encountered difficulties in obtaining a passport.

The law does not provide for forced internal or external exile, and the Government did not use it.

The Government generally permitted citizens who had emigrated abroad to return to visit. However, the Government refused to allow certain activists living abroad to return. Known overseas Vietnamese political activists were denied entrance visas.

By law the Government considers anyone born in the country to be a citizen, even if the person has acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The Government generally encouraged visitation and investment by such persons but sometimes monitored them carefully. During the year the Government liberalized travel restrictions for overseas Vietnamese, adopting a multiple-entry visa program for "qualified" persons, and in November the National Assembly passed legislation allowing for dual citizenship.

The Government continued to honor a tripartite memorandum of understanding signed with the Government of Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third country resettlement.

Local government authorities observed but did not hinder fact finding and monitoring visits by UNHCR and foreign diplomatic mission representatives to the Central Highlands. The UNHCR reported that it was able to meet with returnees in private. Foreign diplomats experienced some resistance from lower level officials in permitting private interviews of returnees. As in previous years, local police officials sometimes were present during foreign diplomat interviews with returnees but left when asked. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia.

The UNHCR reported that the situation in the Central Highlands appeared to be one of integrating ethnic minorities into a national community rather than a refugee-producing situation and that the atmosphere was "relaxed" during their monitoring visits. The UNHCR also reported that conditions for ethnic minorities in the Central Highlands had improved since the 2001 and 2004 crackdowns. It stated that there was "no perceptible evidence of mistreatment" of any of the ethnic minority individuals it monitored in the Central Highlands. The flow of ethnic minorities across the border into Cambodia, high in the early part of the year, essentially stopped in mid-year, possibly because almost all new arrivals were determined by the UNHCR to be economic migrants rather than refugees.

Protection of Refugees.—The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the law does not provide for the granting of asylum or refugee status. The Government has not established a system for providing protection to refugees and did not grant refugee status or asylum. The Government did not provide protection against the expulsion or return of persons where their lives or freedom would be threatened; however, there were no such reported cases during the year.

Stateless Persons.—The country's largest stateless group consisted of approximately 9,500 Cambodian residents who sought refuge in Vietnam in the 1970s and were denied the right to return by the Government of Cambodia, which asserted that no proof existed to confirm that these individuals had ever possessed Cambodian citizenship. Almost all were ethnic Chinese or Vietnamese. The group was initially settled in a number of refugee camps in and around Ho Chi Minh City. When humanitarian assistance in these camps ceased in 1994, an estimated 7,000 refugees left the camps in search of work and opportunities in Ho Chi Minh City and the surrounding area. A further 2,200 remained in four villages in which the camps once operated. Many had children and grandchildren born in Vietnam, but neither the original refugees nor their children enjoyed the same rights as Vietnamese citizens, including the right to own property, comparable access to education, and public medical care. In 2007 the UNHCR and the Governments of Cambodia and Vietnam developed a plan calling for a full survey and Vietnamese naturalization of these stateless individuals. However, implementation of the plan was postponed during the year.

By passing new legislation allowing for dual citizenship, the Government attempted to resolve earlier problems of statelessness by involuntary denationalization of its citizens, such as women who married foreigners. This group typically consisted of women who married Chinese, Korean, or Taiwanese men. Previously the women had to renounce their Vietnamese citizenship to apply for foreign citizenship, but before gaining foreign citizenship, they divorced their husbands and returned to Vietnam without possessing any citizenship or supporting documentation. The UNHCR worked with the Government and the international community to address other aspects of this problem.

The Vietnam Women's Union continued to work with the Government of South Korea to address international marriage brokering and premarriage counseling, including education on immigration and citizenship regulations. The Ministry of For-

sign Affairs pledged to work with immigration authorities to publicize more effectively the methods for such women to regain their lost Vietnamese citizenship, documentation, and residency benefits. However, because the process was costly and cumbersome, such women often remained stateless. Some domestic and international NGOs provided assistance.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them.

Elections and Political Participation.—The most recent elections to select members of the National Assembly were held in May 2007. The elections were neither free nor fair, since all candidates were chosen and vetted by the VFF. Despite the CPV's early announcement that a greater number of "independent" candidates (those not linked to a certain organization or group) would run in the elections, the ratio of independents was only slightly higher than that of the 2002 election. The CPV approved 30 "self-nominated" candidates, who did not have official government backing but were given the opportunity to run for office. There were credible reports that party officials pressured many self-nominated candidates to withdraw or found such candidates "ineligible" to run.

According to the Government, more than 99 percent of the 56 million eligible voters cast ballots in the election, a figure that international observers considered improbably high. Voters were permitted to cast ballots by proxy, and local authorities were charged with ensuring that all eligible voters cast ballots by organizing group voting and that all voters within their jurisdiction were recorded as having voted. This practice was seen as having greatly detracted from the transparency and fairness of the process.

In the 2007 election, CPV leaders—Prime Minister Nguyen Tan Dung, Party Chief Nong Duc Manh, President Nguyen Minh Triet, and National Assembly Chairman Nguyen Phu Trong—retained their seats. CPV candidates took 450 of 493 seats. Only one of the 30 self-nominated candidates won.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and more than 90 percent of its members were party members), continued to take incremental steps to assert itself as a legislative body. The National Assembly publicly criticized socioeconomic policies, the Government's handling of inflation, and the plan to expand Hanoi's governing jurisdiction. Assembly sessions were televised live countrywide. Some deputies also indirectly criticized the CPV's pre-eminent position in society.

All authority and political power is vested in the CPV, and the constitution recognizes the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV Politburo functions as the supreme decision making body in the country, although it technically reports to the CPV Central Committee.

The Government continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one party state was permitted; however, there were instances of unsanctioned letters critical of the Government from private citizens, including some former senior party members, that circulated publicly. The Government continued to crack down on the small opposition political groupings established in 2006, and members of these groups faced arrests and arbitrary detentions.

The law provides the opportunity for equal participation in politics by women and minority groups. There were 127 women in the National Assembly, or 26 percent, a slightly lower percentage than in the previous assembly.

Ethnic minorities held 87 seats, or 18 percent, in the National Assembly, exceeding their proportion of the population, estimated at approximately 13 percent.

Government Corruption and Transparency.—The law provides for criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption continued to be a major problem. The Government persisted in efforts to fight corruption, including publicizing budgets of different levels of government, refining a 2007 Asset Declaration Decree, and continuing to streamline government inspection measures. Cases of government officials accused of corruption sometimes were publicized widely.

The anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In regular Internet chats with high-level government leaders, citizens asked pointed questions about anticorruption efforts. However, the Government continued to consider public

political criticism a crime unless the criticism was controlled by the authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject to arrest. Senior government and party leaders traveled to many provinces, reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.

According to the 2007 decree, government officials must annually report by November 30 the houses, land, precious metals, and “valuable papers” they own; money they hold in overseas and domestic bank accounts; and their taxable income. The decree requires the Government to publicize asset declaration results only if a government employee is found “unusually wealthy” and more investigation or legal proceedings are needed. In addition to senior government and party officials, the decree applies to prosecutors, judges, and those at and above the rank of deputy provincial party chief, deputy provincial party chairperson, deputy faculty head at public hospitals, and deputy battalion chief. Due to a lack of transparency, it was not known how widely the decree was enforced.

While the 2007 trial and conviction of officials involved in the PMU—18 scandal were initially hailed as a positive step, the prosecution and dismissal of journalists and editors who reported the story had a chilling effect on investigative reporting of official corruption.

In April the head of the provincial CPV in Ca Mau Province claimed someone had tried to bribe him with 100 million VND (approximately \$6,060) to receive a government job. Because he refused to identify the individual, in September he was fired as party chief.

In September the MPS began investigating an incident in which a senior official in the Management Board of the East—West Avenue and Water Environment project in Ho Chi Minh City allegedly received a bribe of 90 million yen (\$820,000) from officials of a foreign consulting firm. In November the Ho Chi Minh City People’s Committee temporarily suspended Huynh Ngoc Sy from his dual post as deputy director of the municipal Transport Service and director of the East—West Avenue and Water Environment project for his alleged involvement in the corruption.

The law does not provide for public access to government information, and the Government did not usually grant access for citizens and noncitizens, including foreign media. In accordance with the Law on Promulgation of Legal Normative Documents, the Official Gazette published most legal documents in its daily edition. The Government maintained a Web site in both Vietnamese and English, as did the National Assembly. In addition decisions made by the Supreme People’s Court Council of Judges were accessible through the SPC Web site. Party documents such as politburo decrees were not published in the Gazette.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. The Government did not tolerate attempts by organizations or individuals to comment publicly on its human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of the press and assembly, interference with personal communications, and detention.

The Government generally prohibited private citizens from contacting international human rights organizations, although several activists did so. The Government usually did not permit visits by international NGO human rights monitors; however, it allowed representatives from the press, the UNHCR, foreign governments, and international development and relief NGOs to visit the Central Highlands. The Government criticized almost all public statements on human rights and religious issues by international NGOs and foreign governments.

The Government was willing to discuss human rights problems bilaterally with some foreign governments, and several foreign governments continued official talks with the Government concerning human rights, typically through annual human rights dialogues.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven.

Women.—The law prohibits using or threatening violence, taking advantage of a person who cannot act in self defense, or resorting to trickery to have sexual intercourse with a person against that person’s will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no known instances of prosecution for spousal rape or sexual harassment. Other rape

cases were prosecuted to the full extent of the law. No reliable data were available on the extent of the problem.

The law prescribes punishment ranging from warnings to a maximum of two years' imprisonment for "those who cruelly treat persons dependent on them." The 2007 Law on Domestic Violence Prevention and Control went into effect on July 1. It specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators of domestic violence; however, NGO and victim advocates considered many of the provisions to be weak. While the police and legal system generally remained unequipped to deal with cases of domestic violence, the Government, with the help of international and domestic NGOs, began training police, lawyers, and legal system officials in the 2007 law.

Officials increasingly acknowledged the existence of domestic violence as a significant social concern, and this was discussed more openly in the media. Domestic violence against women was considered common, although there were no firm statistics measuring the extent of the problem. Several domestic and international NGOs worked on the problem. Hot lines for victims of domestic violence operated by domestic NGOs existed in major cities. The Center for Women and Development, supported by the Vietnam Women's Union, also operated a nationwide hot line, although it was not widely advertised in rural areas. While rural areas often lacked the financial resources to provide crisis centers and domestic hot lines, the 2007 law established "reliable residences" allowing women to turn to another family while local authorities and community leaders attempt to confront the abuser and resolve complaints. Government statistics reported that approximately half of all divorces were due in part to domestic violence. The divorce rate continued to rise, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty.

The Government, with the help of international NGOs, supported workshops and seminars aimed at educating women and men about domestic violence and also highlighted the issue through public awareness campaigns. Domestic NGOs were increasingly engaged in women's issues, particularly violence against women and trafficking of women and children. A government-supported national center provided services to victims of trafficking, including a shelter and vocational training. The center was partly supported by foreign foundations and NGOs.

Prostitution is illegal, but enforcement was uneven. Estimates varied widely—the Government reported more than 30,000 prostitutes, but some NGOs estimated that there were up to 300,000 in the country, including those who engaged in prostitution part-time or seasonally. As in past years, some women reportedly were coerced into prostitution, often victimized by false promises of lucrative employment; many more felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. There were fewer reports that parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution. The Women's Union as well as international and domestic NGOs engaged in education and rehabilitation programs to combat these abuses.

While there is no legal discrimination, women continued to face societal discrimination. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage and in the workplace, as well as labor code provisions that call for preferential treatment of women, women did not always receive equal treatment.

The act of sexual harassment is clearly defined; however, its prevention is not specified in legal documents. Ethical regulations for government and other public servants do not mention the problem, although it existed.

Victims of sexual harassment may contact social associations such as the Women's Union to request their involvement. In serious cases victims may sue offenders under Article 121 of the penal code, which deals with "humiliating other persons" and specifies punishments that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years. However, in reality sexual harassment lawsuits were unheard of, and most victims were unwilling to denounce the offenders publicly.

The Women's Union and the National Committee for the Advancement of Women (NCAFW) continued to promote women's rights, including political, economic, and legal equality and protection from spousal abuse. The Women's Union also operated microcredit consumer finance programs and other programs to promote the advancement of women. The NCAFW continued implementing the Government's national strategy on the advancement of women by the end of 2010. Key areas of this strategy focus on placing more women in senior ministry positions and in the National Assembly. The strategy also focuses on increasing literacy rates, access to education, and healthcare.

Children.—International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation.

Education is compulsory, free, and universal through the age of 14; however, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contribution as agricultural laborers was valued.

Anecdotal evidence suggested that child abuse occurred, but there was no information on the extent of such abuse.

Child prostitution, particularly of girls but also of boys, existed in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some minors were forced into prostitution for economic reasons.

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were an estimated 23,000 street children, who were vulnerable to abuse and were sometimes abused or harassed by police. MOLISA managed two centers to provide support for children in needy situations. Youth unions also launched awareness campaigns.

Trafficking in Persons.—The law prohibits trafficking in persons, but trafficking, particularly in women and children for sexual exploitation and men for forced labor overseas, remained a significant problem. Reliable statistics on the number of citizens who were victims of sex related trafficking were not available; however, there was evidence that the number was growing. Documentation of known trafficking cases as well as the level of case adjudications and prosecutions increased, while the Government became more open in identifying and prosecuting trafficking cases and public awareness rose. As the country's economy continued to grow, international and domestic criminal organizations involved in human trafficking sought to take advantage of increased exposure to international markets, expanded use of the Internet, and a growing gap between rich and poor to exploit persons at risk and develop trafficking networks.

The country was a significant source for trafficking in persons. Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Women also were trafficked to Hong Kong, Macau, Thailand, Indonesia, the United Kingdom, Eastern Europe, and the United States. There were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages were victims of trafficking. Women and children also were trafficked within the country, usually from rural to urban areas. Men were trafficked regionally to work in construction, agriculture, fishing, and other commercial enterprises.

There were continued reports of women from Ho Chi Minh City and the Mekong Delta forced into prostitution after marrying overseas, primarily in other Asian countries. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After their arrival women were forced into conditions similar to indentured servitude; some were forced into prostitution.

Children were trafficked for the purpose of prostitution, both within the country and to foreign destinations. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17. Some reports indicated that the ages of girls trafficked to Cambodia typically were lower.

There were multiple arrests of private citizens and government officials for offering payments to birth parents in exchange for relinquishing infant children for adoption, creating fraudulent documents to conceal the child's identity, and trafficking these children to other provinces where they were offered for adoption. In addition there were documented cases in which small children and infants were kidnapped and sold for adoption to persons in Europe, North America, or China. The MPS identified the problem of kidnapping and trafficking in children for purposes of adoption as one of increasing concern, and these cases were highlighted in the media.

There were some documented cases of trafficking in adults for labor. These included men trafficked to Malaysia and Thailand to support construction industry projects and cases of fishermen working in Taiwan. Deceitful and fraudulent overseas labor contracts and recruiting remained problem, although the Government began to take steps to regulate export labor. MOLISA reported that some workers of state-owned labor companies who were recruited and sent abroad suffered conditions akin to involuntary servitude or forced labor. MOLISA reported incidents within the Malaysian construction industry as well as in Thailand (See Section 6.e.).

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. Research by the MPS and the UN Children's Fund indicated that trafficking victims could come from any part of the country but were concentrated in certain northern and southern border provinces, especially the Mekong Delta and central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation. In some cases traffickers paid families several hundred dollars in exchange for allowing their daughters to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income; others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, family members, and employers.

Individual opportunists, informal networks, and some organized groups lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes. Family relatives were often involved in trafficking cases. The Government stated that organized criminal groups were involved in recruitment, transit, and other trafficking related activities.

The law provides for prison sentences of two to 20 years for each offense for persons found guilty of trafficking women, and between three years and life in prison for each offense for persons found guilty of trafficking children. The Government continued to increase efforts to prosecute traffickers. In Tay Ninh Province, police broke up four trafficking rings, arrested 11 suspects, and rescued 15 trafficking victims in a series of raids carried out during the first half of the year. At year's end nine of the 11 suspects were in detention awaiting trial, and two were released due to lack of evidence.

A national steering committee, led by the MPS, coordinated government efforts in the identification and prosecution of trafficking cases and assisted in prevention and training activities. The Criminal Police Department of the MPS, the Ministry of Justice, the Border Guard Command, and the Social Evils Department of MOLISA were the main government agencies involved in combating trafficking, with significant collaboration from the Women's Union. The committee continued to train national and local officials to combat trafficking. The Government produced a comprehensive training manual on the prevention and suppression of human trafficking, drafted with input from international NGOs, that provides an overview of human trafficking, describes assistance available to victims, and explains international and domestic legal documents, laws, and policies on trafficking. Police took an increasingly active role in investigating trafficking during the year, including continued development of the dedicated antitrafficking force. The Government reported no increase in case investigations and prosecutions and attributed this to greater public awareness and knowledge on the part of the traffickers that the Government would arrest and prosecute perpetrators.

The Government continued to implement its 2004-10 National Program of Action on combating trafficking in women and children as well as a new export labor law and directives on recruitment and contracting transparency. MOLISA issued a government circular describing the procedures for receiving and supporting the trafficking victims.

Mass organizations and NGOs operated programs to educate at-risk persons about the potential for trafficking and to reintegrate trafficked women and children into society. During the year programs continued that were designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training as well as to supplement regional and national prevention efforts by targeting at risk populations. Official institutions, including MOLISA and the Department of the Family, and mass organizations, such as the Women's Union and the Youth Union, continued programs aimed at trafficking prevention, public awareness, and victims' protection. Government agencies worked with the International Organization for Migration, Asia Foundation, Pacific Links Foundation, and other international NGOs to provide temporary shelter, medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. Security agencies with border control responsibility received training in investigative techniques to prevent trafficking.

The Government worked with international NGOs to supplement and strengthen law enforcement measures and institutions and cooperated with foreign governments to prevent trafficking. It also cooperated closely with other countries within the frameworks of Interpol, its Asian counterpart, and the Association of Southeast Asian Nations. On March 24, the Government signed an antitrafficking memorandum of understanding with Thailand, resulting in increased cooperation on border security, identification, and prosecution of trafficking cases.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law requires the state to protect the rights and encourage the employment of persons with disabilities. The provision of services to such persons, although limited, improved during the year.

The Ministry of Transportation continued to implement accessibility codes for public transportation facilities and trained transportation agency officials and students on use of the codes.

Construction or major renovation of new government and large public buildings must include access for persons with disabilities. The Ministry of Construction maintained enforcement units in Hanoi, Ho Chi Minh City, Danang, Quang Nam, and Ninh Binh to enforce the barrier-free codes.

The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the Government enforced these provisions unevenly. Firms that have 51 percent of their employees with disabilities can qualify for special government subsidized loans.

The Government respected the political and civil rights of persons with disabilities. Under the election law, ballot boxes may be brought to the homes of individuals unable to go to a polling station.

The Government supported the establishment of organizations aiding persons with disabilities. Such persons were consulted in the development or review of national programs, such as the national poverty reduction program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its ministry members worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The Government operated a small network of rehabilitation centers to provide long term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for those with disabilities.

National/Racial/Ethnic Minorities.—Although the Government officially prohibits discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, ethnic minority communities benefited little from improved economic conditions.

Some members of ethnic minority groups continued to flee to Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries. Government officials monitored certain highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they practiced encouraged ethnic minority separatism.

The Government continued to impose security measures in the Central Highlands in response to concerns over possible ethnic minority separatist activity. There were reports that ethnic minority individuals telephoning the ethnic minority community abroad were a special target of police attention. There were a few reports that ethnic minorities seeking to enter Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions.

The Government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and to expand road access and electrification of rural communities and villages. The Government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven.

The Government maintained a program to conduct classes in some local ethnic minority languages up to the fifth grade. The Government worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The Government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school and middle school levels, and offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children regardless of religion or ethnic group.

The Government broadcast radio and television programs in ethnic minority languages in some areas. The Government also instructed majority ethnic Kinh officials

to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.

The Government granted preferential treatment to domestic and foreign companies that invested in highland areas, which are heavily populated with ethnic minorities. The Government also maintained infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas.

Other Societal Abuses and Discrimination.—Some persons formerly interned in re-education camps on the basis of association with the pre 1975 government continued to report varying levels of official and social discrimination as they and their families sought access to housing, education, and employment, although the overall incidence of such discrimination declined substantially as previously enforced prohibitions eased and the percentage of war veterans in the work force decreased.

There was no evidence of official discrimination against persons with HIV/AIDS, but societal discrimination against such persons existed. There were credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing, although such reports decreased. In a few cases, children of persons with HIV/AIDS were barred from schools, despite its being against the law. With the assistance of foreign donors, the national government and provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS and decrease societal stigma and discrimination, although overall consistency was lacking. Religious charities were sometimes permitted to operate in this area.

A homosexual community existed but was largely underground. There was low public awareness of homosexuality and little evidence of discrimination based on sexual orientation.

Section 6. Worker Rights

a. The Right of Association.—Workers may choose whether or not to join a union and at which level (local, provincial, or national) they wish to participate; however, every union is affiliated with and controlled by the nation's only trade union, the Vietnam General Confederation of Labor (VGCL). The VGCL, an umbrella organization controlled by the CPV, approves and manages a range of subsidiary labor unions organized according to location and industry. Workers are not free to join or form any union independent of the VGCL.

According to VGCL statistics, in August total membership was more than 6.2 million, or an estimated 39 percent of the country's approximately 16 million wage earners. Of the VGCL members, 36.5 percent worked in the public sector, 33.1 percent in state owned enterprises, and 30.4 percent in the private sector. The VGCL claimed that its membership represented 95 percent of public-sector workers and 90 percent of workers in state owned enterprises. Approximately 1.7 million union members worked in the private sector, including in enterprises with foreign investment (more than 700,000 persons).

There are mandatory union dues for union members of 1 percent of salary, and employers must contribute 2 percent of payroll. While these dues are intended to support workers and union activities, there was little transparency in how they were used. The vast majority of the workforce was not unionized and did not pay union dues, as almost 34 million of the 45.3 million total laborers lived in rural areas and engaged in activities such as small scale farming or worked in small companies and the informal private sector.

Union leaders influenced key decisions, such as amending labor legislation, developing social safety nets, and setting health, safety, and minimum wage standards. However, the VGCL asserted that authorities did not always prosecute violations of the law. MOLISA acknowledged shortcomings in its labor inspection system, emphasizing that the country had an insufficient number of labor inspectors. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent against law violations.

In the case of four UWFO members convicted in December 2007 under Article 258 of the penal code, which prohibits "abusing democratic freedoms to infringe upon the interests of the state and the rights of organizations and citizens," Doan Huy Chuong was released on May 13 after serving his sentence; Nguyen Tan Hoanh was also released from prison in May. On February 25, the three-year prison sentence of Nguyen Thi Tuyet was upheld by a court of appeal. Le Van Sy was reportedly released in March 2007; the status of two other UWFO members—Nguyen Toan and Le Ba Triet—was unknown at year's end.

Nguyen Khac Toan, former journalist and founder of the International Labor Union of Vietnam (ILUV), remained under strict surveillance and house arrest. In

August he was prohibited from traveling overseas to seek medical treatment. Police briefly detained him several times throughout the year and seized his computers and other personal equipment. The Government continued to outlaw the ILUV, which Toan created in 2006 to protect workers' rights.

Strikes are illegal if they do not arise from a collective labor dispute or if they concern issues that are outside of labor relations. Before a legal strike can be held, workers must take their claims through a process involving a conciliation council (or a district level labor conciliator where no union is present); if no resolution is obtained, the claims must be submitted to a provincial arbitration council. Unions (or workers' representatives where no union is present) have the right either to appeal decisions of provincial arbitration councils to provincial people's courts or to go on strike. Individual workers may take cases directly to the people's court system, but in most cases they may do so only after conciliation has been attempted and has failed. The amendment also stipulates that workers on strike will not be paid wages while they are not at work.

The labor code prohibits strikes in 54 occupational sectors and businesses that serve the public or that the Government considers essential to the national economy and defense. A decree defines these enterprises as those involved in electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

On January 30, the Government issued a decree on "wildcat" strikes, declaring that individuals participating in strikes declared illegal by a people's court and found to have caused damage to their employer are liable for damages.

Most strikes typically did not follow the authorized conciliation and arbitration process and thus were considered illegal "wildcat" strikes. The number of such strikes increased substantially during the year, with more than 90 percent occurring in Ho Chi Minh City and surrounding provinces. While illegal under the law, the Government tolerated these strikes and took no action against the strikers. The law prohibits retribution against strikers, and there were no reports of retribution. In some cases the Government disciplined employers for the illegal practices that led to strikes, especially with foreign-owned companies.

b. The Right to Organize and Bargain Collectively.—By law the provincial or metropolitan branch of the VGCL is responsible for organizing a union within six months of the establishment of any new enterprise, and management is required to cooperate with the union. In actuality only 85 percent of state owned enterprises, 60 percent of foreign invested enterprises, and 30 percent of private enterprises were unionized.

The labor code requires enterprises to facilitate employee efforts to join a union and prohibits antiunion discrimination on the part of employers against employees who seek to join a union, but enforcement was uneven.

The law provides VGCL affiliated unions the right to bargain collectively on behalf of workers. Collective labor disputes over rights must be routed through a conciliation council and, if the council cannot resolve the issue, to the chairperson of the district level people's committee. Amendments made to the labor law in July divide such disputes into those over rights (compliance with the law) and those over interests (demands beyond what the law provides), setting out different procedures for both. The law stipulates an extensive process of mediation and arbitration that must be followed before a strike may take place.

While the law does not allow for independent unions, a 2007 revision states that the negotiation of disputes can be led and organized by "relevant entities," which may be composed of worker representatives, when the enterprise in question does not have a union. While the law allows for "union activities," especially during emergency situations such as a strike, the VGCL is required to establish an official VGCL union within six months. There was little evidence that leaders or organizations active during this six-month window continued to be active or recognized afterwards.

There are no special laws or exemptions from regular labor laws in export processing zones and industrial zones. There was anecdotal evidence that the Government enforced the laws more actively in the zones than outside them. However, there were credible reports that employers in the zones tended to ignore worker rights and to use short-term contracts to avoid the legal requirement to set up a union.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred.

Prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets, reportedly to purchase items for their personal use.

Amid the export labor industry's rapid growth, media articles and international human rights groups cautioned the Government against building up the industry without also providing robust worker protections. They noted the increasing number of workers who were charged as much as 165 million VND (approximately \$10,000) for the opportunity to work abroad, fees that most workers typically could recover only after one to two years abroad. Reports of bonded labor, related sex trafficking, and the lack of resources available to workers in distress, which implied complicity by some labor brokers licensed by the Government, subsequently emerged. The Government's 2007 decision to regulate labor brokerage fees, in conjunction with the 2006 Export Labor Law, which went into effect in July 2007, were designed to alleviate this situation and to assist and provide recourse to victims of labor-based trafficking. While the justice system continued to be deficient in providing significant recourse to labor trafficking victims, the Government began to take steps against deceptive labor export companies, and in June it revoked the licenses of 16 labor export companies for violating the law.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a problem, particularly in rural areas, where 72 percent of the population resided. The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA. In 2006 MOLISA reported that approximately 30 percent of children between the ages of six and 17 participated in some economic activity, usually on family farms or in family businesses not within the scope of the law.

By law an employer must ensure that workers under 18 do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the law. The law permits children to register at trade training centers, a form of vocational training, from the age of 13. Children may work a maximum of seven hours per day and 42 hours per week and must receive special health care.

In rural areas children worked primarily on family farms and in other agricultural activities and household responsibilities. In some cases they began work as young as age six and were expected to do the work of adults by the time they were 15. Especially during harvest and planting seasons, some parents did not permit children to attend school. In urban areas children worked in family owned small businesses or on the street shining shoes or selling articles such as lottery tickets and newspapers. Migration from rural to urban settings exacerbated the child labor problem, because unauthorized migrants were unable to register their households in urban areas. Consequently, their children could not attend public schools, and families had less access to credit. Officials stated that juveniles in education and nourishment centers, which functioned much as reform schools or juvenile detention centers, were commonly assigned work for "educational purposes."

MOLISA is responsible for enforcing child labor laws and policies. Government officials may fine and, in cases of criminal code violations, prosecute employers who violate child labor laws. While the Government committed insufficient resources to enforce effectively laws providing for children's safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the children from the exploitative situations, and fined the employers.

International donor assistance targeted the problem of child labor. The Government also continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans.

e. Acceptable Conditions of Work.—The law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for unskilled laborers at foreign investment joint ventures and foreign and international organizations was one million VND (approximately \$61) in the urban districts of Hanoi and Ho Chi Minh City; 900,000 VND (\$55) in the suburban districts of Hanoi, Ho Chi Minh City, and several other industrial districts and towns; and 800,000 VND (\$48) elsewhere in the country. The Government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum monthly wage in these cases can be no lower than 800,000 VND (\$48). The official monthly minimum wage for unskilled labor in the state sector was approximately 540,000 VND (\$34). For employees working for national companies, on farms, or in family households, the official minimum wage was approximately 620,000 VND (\$38) in urban areas and 540,000 VND (\$34) for

rural areas. This amount was inadequate to provide a worker and family a decent standard of living, especially with high inflation during the year.

The Government set the workweek for government employees and employees of companies in the state sector at 40 hours, and it encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours but did not make compliance mandatory.

The law sets normal working hours at eight hours per day, with a mandatory 24 hour break each week. Additional hours require overtime pay at one and one half times the regular wage, two times the regular wage for weekdays off, and three times the regular wage for holidays and paid leave days. The law limits compulsory overtime to four hours per week and 200 hours per year but provides for an exception in special cases, where this maximum can be up to 300 overtime hours worked annually, subject to stipulation by the Government after consulting with VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unclear how strictly the Government enforced these provisions.

By law a female employee who is engaged to be married, pregnant, on maternity leave, or caring for a child under one year of age cannot be dismissed unless the enterprise closes. Female employees who are at least seven months' pregnant or are caring for a child under one year of age cannot be compelled to work overtime, at night, or in locations distant from their homes. It was not clear how well the law was enforced.

The law requires the Government to promulgate rules and regulations that ensure worker safety. MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations, but enforcement was inadequate because of low funding and a shortage of trained enforcement personnel. On the job injuries due to poor health and safety conditions in the workplace were a problem. The greatest number of occupational injuries was caused by machinery such as rolling mills and presses.

The law provides that workers may remove themselves from hazardous conditions without risking loss of employment; however, it was unclear how well this stipulation was enforced. MOLISA stated that there were no worker complaints of employers failing to abide by the law.

According to a July survey by MOLISA on working conditions in small- and medium-sized enterprises, up to 80 percent did not meet minimal work safety requirements, 8 percent had working conditions described as considerably poor, and 90 percent used obsolete machines and equipment. Employees typically worked in hazardous working environments—31 percent worked in very hot conditions, 24 percent in excessively noisy conditions, and 17 percent in places with high levels of dust.

EUROPE AND EURASIA

ALBANIA

The Republic of Albania is a parliamentary democracy with a population of approximately 3.6 million. Legislative authority is vested in the unicameral People's Assembly (parliament), which elects both the prime minister and the president. The prime minister heads the Government, while the presidency is a largely ceremonial position with limited executive power. On April 24, the parliament amended the constitutional provision that defines the Albanian electoral system, changing it from a mixed majoritarian-proportional system to a regional-proportional system. On December 29, the parliament passed reforms to the electoral code. The reforms establish the legal framework for the June 2009 general elections. Civilian authorities maintained effective control over the country's security forces.

While the Government generally respected the human rights of its citizens, there were problems in some areas. During the year the Government attempted to assert greater control over independent institutions such as the judiciary, the Office of the Prosecutor General, and the media. The Government interfered in the ongoing investigation into the March 15 Gerdec arms depot explosion. Security forces abused prisoners and detainees and prison and pretrial detention conditions remained poor. Police corruption and impunity continued, as did discrimination against women, children, and minorities. While some progress was made toward combating human trafficking, it remained a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On April 4, Human Rights Watch wrote to the governments of Kosovo and Albania requesting that the governments investigate alleged organ trafficking of civilians from Kosovo to Albania during the 1999 Kosovo conflict. Both governments rejected the allegations. In 2004 allegations first arose that in 1999 traffickers kidnapped civilians from Kosovo and brought them to Albania, where some were killed and their organs sold. At that time, the United Nations Mission in Kosovo and the International Criminal Tribunal for the Former Yugoslavia conducted preliminary investigations into the matter, which resulted in no further action. Albanian authorities stated that they cooperated in that investigation. In July the Council of Europe (COE) appointed a special investigator to report on the allegations. In October Albanian prosecutors met with their Serbian counterparts in Tirana to discuss the issue. They were unable to agree on joint next steps.

Societal killings continued during the year, resulting from vigilante action (including both generational "blood feud" killings and revenge killings), criminal gangs, and organized crime.

Statistics varied on blood feud activity. According to the Interior Ministry, there were four blood feud related killings, out of a total of 85 murders during the year, a decrease from previous years. According to the Ministry of the Interior, this is the lowest number in 18 years. Police restarted investigations in some older cases, and uncovered the perpetrators of 81 murder cases from previous years. Nongovernmental organizations (NGOs) cited higher levels of blood feud activity and numbers of families effectively imprisoned in their homes out of fear of blood feud reprisals. The tradition of blood feuds stems from a traditional code of honor that is followed in only a few isolated communities. In 2007 the parliament amended the criminal code to criminalize blood feuds and make them punishable by a three-year sentence. The Court of Serious Crimes tried blood feud cases. The law punishes premeditated murder, when committed for revenge or a blood feud, with 20 years' or life imprisonment.

b. Disappearance.—There were no reports of politically motivated disappearances.

On May 16, the Tirana Serious Crimes Court resumed the trial of four men accused in the 1995 disappearance of Remzi Hoxha, an ethnic-Albanian Macedonian businessman. Authorities accused the head of the country's General Directorate of Taxes, Arben Sefgjini, who previously served as the head of the National Intelligence Service (SHISH), and three of his former SHISH colleagues, Budion Mece, Avni Kolladashi, and Ilir Kumbaro, of kidnapping and torturing Hoxha and two other Albanian citizens. The trial was ongoing at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such actions; however, the police and prison guards sometimes beat and abused suspects and detainees. The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhuman treatment. According to the AHRG, police more often mistreated suspects at the time of arrest or initial detention. Roma, Balkan Egyptians, and homosexuals were particularly vulnerable to police abuse.

During the year three new penitentiary centers became fully functional. The General Directorate of Prisons began implementing procedures to move elderly and ailing inmates to a special prison in Kruje, with a capacity of an estimated 196 persons. The directorate opened special section for minors in Kavaje with an initial capacity of 80 inmates. These measures followed a March 2007 report by the COE's Committee for the Prevention of Torture that detailed widespread inhuman treatment and physical abuse of prisoners and detainees.

As in past years, the police sometimes used threats, violence, and torture to extract confessions.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards. The Government allowed local and international human rights groups, the media, and others to conduct independent monitoring of prison conditions. In March the parliament amended existing legislation to appoint an ombudsman responsible for implementing the National Mechanism for Torture Prevention.

Following a surprise inspection of a police pretrial detention facility in Vlore on March 3, the AHC harshly criticized the facility for poor conditions. The AHC further found that seven detainees had been in detention for 15 days, well beyond the 4-hour limit for pretrial detention.

In April the ombudsman inspected the Tirana Commissariat 3 detention facilities and found that they were holding a minor together with adult detainees. Further examination concluded that authorities stopped, questioned, and detained the minor without the presence of a lawyer, a social worker, or his parents in clear violation of the provision of the penal procedure code. The ombudsman found similar problems during several inspections within the year in most pretrial detention centers in Tirana and in others across the country.

In June the ombudsman found that the inmates at the prison of Burrel suffered substantial psychological and physical abuse. Following the escape of two inmates, Burrel prison guards began performing regular night-time inspections. The inspections oftentimes involved acts of violence, intimidation, and psychological abuse. Authorities also denied inmates the right to place free telephone calls to the Office of the Ombudsman. In two cases at the Burrel prison, the ombudsman concluded that prison guards used violence and other inhumane measures to degrade and abuse prisoners.

The Ministry of Justice operated all prisons and pretrial detention facilities. During the year the AHC observed a slight improvement in conditions and treatment of prisoners, while problems of overcrowding, bad infrastructure, and unsanitary conditions persisted. In the Vichar prison, north of Tirana, there were reports that minors were housed together with adults.

The Government permitted international human rights observers and domestic human rights monitors to visit both pretrial detention centers and prisons.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, there were some reports that police occasionally arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus.—Local police units reported to the Interior Ministry and were the main force responsible for internal security. The military has a special 90-person commando unit that operates in an antiterrorist role under the defense minister. The law allows the interior minister to request authority over this unit during a domestic crisis. The State Intelligence Service is responsible for both internal and external intelligence gathering and counterintelligence.

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. The Ministry of Interior started a new recruiting system with standardized procedures. In combination with the new system of police ranks, authorities expect this to improve the overall performance of the police.

However, low salaries and widespread corruption throughout society made police corruption difficult to combat. The Government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman.

During the year the Ministry of Interior reported that it dealt with 68 corruption cases and 276 cases of general misdemeanors and abuses by public administration employees. A total of 153 government officials were investigated (including police officers), and 72 were arrested.

During the year the ombudsman received 154 general complaints from citizens against the police mainly on arrest and detention. At year's end 118 complaints had been processed and the ombudsman concluded 26 in favor of the complaining citizen. These included 17 complaints of physical mistreatment. Only one complaint was found valid, and recommendations were issued for disciplinary measure for three police officers of Commissariat 1 in Tirana.

Arrest and Detention.—By law a police officer or prosecutor may order a suspect into custody. The constitution requires that authorities inform detained persons immediately of the charges against them and of their rights, and that police notify the prosecutor immediately after they detain a suspect. Police generally followed these requirements. Within 48 hours of the arrest or detention, a suspect must appear before a judge; however, authorities often did not respect this right. The judge has an additional 48 hours to determine whether the suspect should remain in detention.

A court may order detention in particularly serious cases that could pose a danger to society. Alternatively, authorities may place a suspect under house arrest. A judge may require bail if he believes that the accused may not appear for trial.

Courts must provide legal counsel free of charge for indigent defendants; however, defendants generally did not know of this right, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens; however, for the minority with Internet access, individuals could access virtually all laws online free of charge, and several NGOs provided free legal advice for those in need. During the year the AHC established a clinic to provide free legal advice and advocacy services for the indigent; however NGOs described these free legal services as inadequate, corrupt, and at times lacking in professionalism.

The law requires completion of pretrial investigations within three months for lesser crimes and within 12 months for more serious cases; however, a prosecutor may extend this period by three-month increments in difficult cases. While the law provides that the maximum length of pretrial detention should not exceed two years, lengthy pretrial detention often occurred as a result of delayed investigations, defense mistakes, or the failure of defense counsel to appear.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently.

On December 22, the parliament passed a controversial “lustration” law, which is expected to allow for the dismissal from public office of a wide range of officials who participated in “political processes” while serving in higher-level government positions under the communist regime, including judges, and prosecutors, and law enforcement officers. The vague wording of the law gives the Government wide discretion in determining what “political processes” means, thereby allowing it considerable latitude in determining if an official should be dismissed from duty. International observers, including the OSCE and COE, sharply criticized the law and expressed concern that the law would allow the Government to assert undue political control over the judiciary, undermine due process, and circumvent constitutional protections provided to judges, members of parliament, and prosecutors. Furthermore, the law states that persons subject to the law cannot participate in its judicial examination. This places the court in direct conflict with the executive, as several members of the court were reported to fall within the scope of the law.

The judicial system is composed of District Courts, the serious crimes court, military courts, and appellate courts. There are both a High Court and Constitutional Court. The High Court hears appeals from the appellate courts which hear cases on appeal from the District Courts. The Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government and cases of individuals alleging denial of due process.

The president heads the High Council of Justice, which has authority to appoint, discipline, and dismiss district and appeals court judges. Judges dismissed by the High Council have the right to appeal to the High Court. The High Council includes the Justice Minister, the head of the High Court, nine judges selected by the National Judicial Conference, and three members selected by the parliament.

As in past years, police, prosecutors, and the judiciary continued to blame each other for failures that allowed criminals to avoid imprisonment. In May 2007 the prosecutor general, minister of interior, minister of finance, and the director of SHISH signed a Memorandum of Cooperation to form the Joint Investigative Unit to Fight Economic Crime and Corruption (JIU) to improve investigation and prosecution of public corruption and other financial crimes. The JIU uses a team structure to concentrate capacity and foster communication necessary for effective investigations and prosecutions. Since its inception in 2007, the JIU opened 224 cases and has successfully convicted the deputy minister of transportation and the general secretary of the Ministry of Labor on corruption charges. Other high-profile cases include the arrest of several prominent physicians for accepting bribes to provide medical services, the arrest of a prosecutor for agreeing to bribe a judge for the reduction of a defendant's sentence, and the extensive investigation and arrest of 17 defendants in a wide-ranging ATM fraud scheme.

Due to its success, the JIU now receives direct referrals from citizens. Furthermore, the JIU was recognized on September 23 by Transparency International (TI) in its 2008 Corruption Perception Index where its rank jumped 20 places to 105. The TI report specifically singled out the JIU stating that an official task force created to fight corruption and economic crime has increased the number of officials prosecuted and sentenced for corruption, also building confidence among the public that corruption can be punished in Albania. Due to the success of the JIU, the Government, with funding from the U.S. Millennium Challenge Corporation, is expected to create six regional JIUs.

Trial Procedures.—The constitution and law provide for the right to a speedy trial; however, limited material resources, lack of space, and insufficient and overworked staff prevented the court system from adjudicating cases in a timely fashion. Long case backlogs sometimes resulted in suspects being detained for longer than legal limits. The trial system does not provide for jury trials. Prosecutors and defense lawyers present cases to a judge or panel of judges, depending on the severity of the charges, and defendants have the right to all evidence that prosecutors present to the judges. Defendants, witnesses, and others who do not speak Albanian have a right to interpretation services. Defendants have the right to appeal decisions within 10 days. The law presumes defendants innocent until convicted.

On February 28, the ombudsman recommended that the Ministry of Justice create a reeducation institution for minors under the age of 14. The law mandates an alternative sentence system for juveniles.

During the year the Ministry of Justice continued setting up special court divisions for minors, establishing them at the courts in the main cities of Tirana, Durrës, Shkoder, Vlore, Korce, and Gjirokaster.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedure and Remedies.—The bailiff's office, which is part of the Justice Ministry, ensures that authorities enforce civil judgments. Authorities did not enforce many civil judgments, particularly property settlement cases, because of strong social or political ramifications.

Property Restitution.—The restitution of property confiscated during the communist regime remained a significant problem. The annual ombudsman's report noted that during the year, it examined a total of 223 complaints related to decisions of the courts, many related to property issues. However, the ombudsman determined these requests as beyond its legal jurisdiction. This gap still exists in spite of the ombudsman's repeated requests to the parliament suggesting amendments to the existing Criminal Procedure Code and the Civil Procedure Code to give it the authority to process these cases.

Authorities did not enforce many property settlement cases because of strong social or political ramifications.

According to the director of the Agency for the Return and Compensation of Property, the country budgeted approximately one billion lek in 2007–08 (approximately \$10.3 million) for property compensation. Associations of former landowners estimate that the total cost to compensate owners across the country to be 342 billion lek (approximately \$3.5 billion). Until the end of the year, no funds were disbursed for this purpose.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions. Unlike in previous years, the Government respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and while the Government generally respected these rights, there were reports that the Government and businesses exerted indirect pressure on the media. While the media were active and largely unrestrained, there were serious problems with the use of the media for political purposes. On several occasions during the year, senior officials launched serious verbal attacks against media outlets, accusing them of ties to the mafia and criminal networks. Senior officials accused other journalists who exposed alleged wrongdoing by public officials of having personal financial interests. In spite of questionable political purposes, the investigative role of the media increased. Journalists regularly practiced self-censorship.

In general individuals could criticize the Government publicly or privately without reprisal; while there were no publicized attempts by the Government to stifle criticism by individuals, there were cases of indirect pressure on the media.

Politicization of the media remained a concern. Outlets were divided along political lines and, toward the end of the year, politicization increased with the approaching 2009 parliamentary elections. Publishers and newspaper owners continued to dictate news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. There was little transparency in the financing of the media.

At times political pressure, limited professionalism, and lack of finances constrained the independent print media. Political parties, trade unions, and various groups published their own newspapers or magazines independent of government influence. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets.

According to official data, the country had 64 private television stations and 44 private radio stations, but the actual number was reportedly larger. While stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses.

The public Albanian Radio and Television (RTSH) operated a national television channel and a national radio station. In spite of a slight improvement in the station's performance during the year, RTSH's professionalism was put into question by its biased pro-government coverage and its lack of any form of investigative journalism. The station's performance was also hindered by the lack of modern technology. By law the Government provides 50 percent of the station's budget via a citizens' tax; however, even with this resource, the national broadcaster had limited ability to compete with private stations.

On September 2, the National Council on Radio and Television (NCRT) fined television station News 24 800,000 lek (approximately \$9,300) and twice gave a warning of intent to fine television station Vizion plus for broadcasting an advertisement that violated the legal prohibition on advertising by political groups outside of legally defined campaign periods. The NCRT claimed that a politically oriented NGO, G-99, paid for the advertisement that the Government criticized. The television stations and G-99 asserted that G-99's status as an NGO meant that the election laws did not apply to the advertisement and criticized the NCRT fines as an attempt to stifle criticism of the Government. The AHC advised the NCRT to annul the fine as unfounded based on the law. News 24 took the case to court and it was ongoing at year's end. The NCRT is also accused of strict control over broadcast licensing, issuing only to those entities that favor the Government.

Various forms of media intimidation continued. Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to political and commercial pressures. Many journalists complained that their lack of employment contracts frequently hindered their ability to report objectively.

On March 10, Tom Doshi, a member of parliament, physically assaulted investigative journalist Besar Likmeta during a prearranged meeting. Doshi verbally warned Likmeta, the Albania editor for the online publication Balkan Insight, about investigating Doshi's alleged corruption, then struck the journalist. Likmeta had written a series of articles concerning forged diplomas in the country and subsequently informed the Ministry of Education that Doshi had not earned the university degree listed on the official parliamentary Web site. A witness and fellow member of par-

liament denied the event occurred and later the journalist dropped the charges. Likmeta claimed he dropped the charges due to fear of harm to family members.

On September 3, the Government renewed its demand that Top Channel Television be evicted from a state-owned office building. The station has a 20-year lease contract with the Government for the premises. Top Channel, a leading television station that had been critical of the Government, had appealed a 2006 Council of Ministers resolution to evict it from the office building located in central Tirana; that case was pending at year's end.

On December 11, the Ministry of the Interior issued an order to the Ministry of Economy to break a 20-year lease with the newspaper Tema, a paper that had been critical of the ruling party, on "national security" grounds. The Ministry of Interior claimed that Tema's offices were too close to the building that is expected to produce ID cards for the 2009 election.

The law punishes libel with a prison sentence of up to two years and a fine. During the year there were no libel suits against reporters. Members of the media claimed when the prime minister took office in 2005, he made a verbal order that there will be no libel suits by government officials against reporters that was, in fact, exploited to ignore charges of wrongdoing and corruption by media outlets against the Government and its senior officials. A legal amendment to make libel a civil offense, submitted to the parliament in 2006, had not been addressed by year's end.

On November 7, authorities summoned journalist Lorenc Vangjeli of weekly MAPO for questioning regarding published details of ongoing investigations into the March 15 incident at Gerdec. Authorities accused Vangjeli of releasing information in an ongoing investigation.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet increased during the year, but remained limited, particularly outside major urban areas. An estimated less than 1 percent of the population had regular access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events; however, government control over academic appointments and a culture of corruption in the education system undermined academic freedom. Officials sometimes required bribes from students in order for them to matriculate or to pass examinations.

The minister of education appoints university officials. University rectors claimed that the change from the previous system, where the faculty and student body had elected these officials, permitted government control over the university's management, including interfering with academic appointments.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected this right in practice. The law requires organizers of gatherings in public places to notify police three days in advance; there were no reports that police denied such gatherings arbitrarily.

Unlike in previous years, there were no reports that police mistreated protesters.

Freedom of Association.—The constitution and law provide for the right of association, and the Government generally respected this right; however, the law prohibits the formation of any political party or organization that is nontransparent or secretive. There were no reports that the Government used this provision against any group during the year.

c. Freedom of Religion.—The constitution and law provide for freedom of religion and the Government generally respected this right.

The predominant religious communities, Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic, enjoyed a greater degree of official recognition (for example, national holidays) and social status than some other religious groups. The Government does not require registration or licensing of religious groups.

As in previous years, the Government continued to consider requests from all religious organizations to make restitution for religious properties and objects that the former communist government confiscated or damaged. The Government signed an agreement with several religious communities to facilitate property restitution and was considering these cases at year's end.

Societal Abuses and Discrimination.—There were reportedly fewer than 100 Jews living in the country; there were no known synagogues or community centers functioning in the country, and no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Internal migrants must transfer their civil registration to their new community in order to receive government services, and must prove they are legally domiciled either through property ownership, a property rental agreement, or utility bills. Many persons cannot provide this proof and thus lack access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly Roma and Balkan Egyptians.

During the year work continued on a civil registry, to be followed by issuance of national ID cards and biometric passports.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Under the law, requests for asylum must be made within 10 days of arrival on the country's soil, and the Government must make the decision about granting asylum within 51 days of the initial request. The Government actively cooperates with the UNHCR and the Refugee and Migrants Services Albania (RMSA), which provide assistance to refugees.

The Government provided temporary protection to individuals as refugees under the 1951 convention or the 1967 protocol and provided it to 63 persons during the year.

Together with international organizations, the Government, through the European Union's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened undocumented migrants at all border crossing points. Under the program, an NGO and government team assisted border police in identifying undocumented migrants who were potential victims of trafficking, asylum seekers, or economic migrants.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Elections and Political Participation.—The most recent parliamentary elections were held in 2005. Election observers from the Organization for Security and Cooperation in Europe (OSCE) declared that the elections only partly met international standards. Family and proxy voting continued to be problems. In July 2007 the parliament elected Bamir Topi president in accordance with constitutional guidelines.

Political parties operated without restriction or outside interference.

Overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase female representation. There were nine women in the 140-seat People's Assembly, including the speaker, and two women on the Council of Ministers. Many parties introduced internal party quotas for women; however, post-election re-rankings diminished the effect of these rules.

Several members of the Greek minority served in both the People's Assembly and in the executive branch in ministerial and subministerial positions, including as the minister of labor. No other ethnic minorities were represented in the parliament or on the Council of Ministers.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. Despite several arrests of high-level local and central government officials, corruption remained a major obstacle to meaningful reform and a serious problem.

On December 13, the Supreme Court appointed a five judge panel to review the prosecution's November 27 indictment of Foreign Minister Lulzim Basha for irreg-

ularities in the country's largest public works project, the Durres-Kukes Highway. The parliament lifted Basha's immunity in December 2007. The case was pending at year's end.

On June 16, the parliament lifted the immunity of former minister of defense Fatmir Mediu, who resigned his office on March 17 in connection with the investigation into an explosion at a demilitarization warehouse in Gerdec that resulted in the deaths of 26 persons. The Office of Prosecutor General was investigating the responsibility for the explosion at year's end; some international and Albanian media groups alleged the prime minister's office had tried to hinder that and other investigations.

On October 10, investigators from the Ministry of Justice attempted to seize the case files of suspected money launderer Damir Fazlic, a Bosnian-Serb businessman. On October 11, the Ministry of the Interior stated it would sue two of the prosecutors involved in trying to summon Fazlic for questioning, claiming that the summons was illegal. Fazlic, accused of money laundering in Albania, was summoned by the Prosecutor General's office on October 8 for questioning while on a visit to Albania; however, he managed to leave the country before he could be questioned. Legal experts characterized the Ministry of the Interior's threat to sue prosecutors as blatant attempts to intimidate the Office of the Prosecutor General into dropping the case against Fazlic, who was alleged to have links to high-ranking government officials.

In May after a request for expedited adjudication, a Tirana court concluded the case of six high-level government employees, including the deputy minister of public works, general director of roads, and director of procurement who were arrested in September 2007 for corruption relating to their involvement in a bribery scheme for construction tenders. The court sentenced the men to prison and fined five officials and two businessmen. Almost all were freed within the year as the prison sentences were already exhausted during detention while the trial was ongoing.

Also in May the Tirana court sentenced two senior government officials of the Ministry of Labor, Spartak Gjini and Llambi Tarka, to two and a half years in prison and in addition the owner of the Siret Construction Company, Fiqiri Pali, to one year in prison for an illegal construction tender, and for forcing other companies to withdraw from the competition for reconstruction of the ministry's building. The court also fined the individuals.

During the year the Government's anticorruption task force against organized crime continued to coordinate anticorruption activities. The task force is a coordinating body, headed by the prime minister, which includes several ministers and heads of independent state-owned agencies, such as the public electricity company, and representatives of the police and intelligence organizations.

The law prohibits government ministers and their close family members from owning a company that is directly tied to their official responsibilities. Since its conception in 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) received assets declarations from 8,816 officials. Until November there were 363 new officials that declared their assets for the first time. HIDAA administers the conflict of interest regulations and reported inspection of 3,894 asset declarations for the previous year.

Citizens and noncitizens, including foreign media, have the right to obtain information about the activities of government bodies and persons who exercise official state functions; however, citizens often faced serious problems in obtaining information from public and government institutions.

The law requires public officials to release all information and official documents with the exception of classified documents and state secrets. Most government ministries and agencies posted public information directly on their Web sites. However, businesses and citizens complained of a lack of transparency and the failure to publish regulations or legislation that should be basic public information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated and responded to their views.

The Government cooperated with international organizations, such as the UNHCR and the International Organization for Migration, and did not restrict their access.

The human rights ombudsman has the authority to monitor judicial proceedings and inspect detention and prison facilities, and to initiate cases where a victim is unwilling or unable to come forward. Although the ombudsman lacked the power

to enforce decisions, he acted as a watchdog for human rights violations. The most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes.

In many cases the Government took concrete steps to correct problems in response to the findings of the ombudsman. Cooperation has improved between the Ministry of Interior and the ombudsman including an October conference between both sides, which focused on creating more synergies between the two.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, discrimination against women, Balkan Egyptians, Roma, and homosexuals persisted.

Women.—The criminal code penalizes rape, including spousal rape; however, victims rarely reported spousal abuse nor did officials prosecute spousal rape in practice. The concept of spousal rape was not well established, and often neither authorities nor the public considered it a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is three to 10 years; for rape of an adolescent aged 14–18, the term is five to 15 years and, for rape of a child under 14, seven to 15 years.

Domestic violence against women, including spousal abuse, remained a serious problem. In November 2007 the OSCE noted that “domestic violence was under-reported, under-investigated, under-prosecuted, and under-sentenced” and that officials granted immunity to the overwhelming majority of perpetrators. The Government has a department of equal opportunities at the Ministry of Labor, Social Affairs and Equal Opportunity that covers women’s issues, including domestic violence.

The Government did not fund specific programs to combat domestic violence or assist victims, although non-profit organizations did. Women to Women, a Swedish NGO, reported that there were approximately six domestic violence hot lines that operated throughout the country. The hot lines, serving mainly the northern part of the country received approximately 24 calls per month from women reporting some form of violence. Shtreheza, an NGO that operated two shelters for battered women in Tirana, reported an increase in cases of domestic violence, primarily due to increased awareness of services.

In many communities, particularly those in the northeast, women were subject to societal discrimination as a result of traditional social norms that considered women to be subordinate to men. Reporting on the participation of women in the February 2007 local elections, the OSCE’s Office for Democratic Institutions and Human Rights election observation mission noted that family voting was a problem in 30 percent of the voting centers visited on election day and that the practice raised “serious concern of the disenfranchisement of some women and other family members affected by it.”

In 2006 the parliament, with the assistance of the Women’s Legal Rights Project, enacted an expansion of the law against domestic violence, adding administrative penalties such as protection orders. This law helped raise awareness of the issue and assistance available for victims through the legal system and nonprofit organizations. Implementation of the law is still in the nascent stages, and has been sporadically enforced. The Government reported greater awareness of this issue by the population, and 466 complaints were made by citizens regarding domestic violence. Implementation of the restriction orders started during the year with 340 requests for restrictions and 740 citizens placed under police protection. The Ministry of Interior reported 17 murder cases in families occurred during the year.

The law prohibits prostitution; however, it remained a problem.

The law prohibits sexual harassment; however, officials rarely enforced the law.

The law provides equal rights for men and women under family law, property law, and in the judicial system. In practice cultural traditions often favored men over women.

Neither the law nor practice excluded women from any occupation; however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, the Government and employers did not fully implement this provision.

Children.—Domestic law codifies the Government’s commitment to children’s rights and welfare; however, in practice the Government showed a limited commitment.

In general, parents must register their children in the same community where they registered. However, according to the CHRCA, children born to internal mi-

grants frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school.

The law provides for nine years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice many children left school earlier than the law allowed to work with their families, particularly in rural areas. Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. In 2007 World Vision Albania, which worked primarily in rural areas, reported that rural girls faced additional pressure to leave school because families did not see a value in high school education for girls, and due to security concerns of girls commuting to high school in a larger town. Many families also cited the high cost of school books and uniforms as a reason for not sending girls to school.

According to 2007–08 Ministry of Education figures, secondary school enrollment (ages 15–18) for both boys and girls was 96.7 percent for public schools, while primary school attendance (ages 6–14) was 99.1 percent.

As in previous years, child abuse, including sexual abuse, occasionally occurred, but victims rarely reported it. Trafficking of girls for commercial sexual exploitation was a problem. Children were also trafficked to Greece and Kosovo for begging and other forms of child labor.

As in previous years, some children were unable to leave their homes, including for school, due to fear of reprisal from blood feuds. Figures on the numbers of affected children varied; the latest figures of the Ministry of Interior indicate an estimated 20 children permanently sequestered, while NGOs cite a figure as high as a few hundred. According to the National Reconciliation Committee, nearly 1,000 children were deprived of schooling due to self-imprisonment. As many as 182 children remained endangered by blood feuds involving their families; 86 of these were in particularly dangerous circumstances. Parents generally homeschooled these children. In September the Government began offering home-based schooling to 52 children of the self-imprisoned families in the district of Shkoder.

Child marriage remained a problem in many families in the Romani community and typically occurred when children were 13–14.

Displaced and street children remained a problem, particularly Roma children. Street children begged or did petty work; many migrated to neighboring countries, particularly during the summer. These children were at highest risk of internal trafficking and some became victims.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons and provides penalties for traffickers; however, individuals and organized crime syndicates trafficked persons, particularly women and children, from and within the country.

The country was a source country for trafficking of women and children for the purposes of commercial sexual exploitation and forced labor, although there has been a slow but steady decline in the number of persons trafficked each year. Greece is the main country of destination for trafficked women. Italy, Macedonia, and Kosovo were also destinations, with many victims trafficked onward to Western Europe. Traffickers largely used overland routes or falsified documents to transport their victims by airplane or ferry. Police and shelter representatives continued to report a trend of traffickers moving females from villages and smaller towns to larger cities for forced prostitution in hotels and private homes. During the year NGOs Terre des Hommes (TdH) and Arsis provided assistance to Albanian children who are suspected to be victims of trafficking—486 Albanian children were assisted in Greece and 327 in Albania.

During the year the Government increased its investigations and prosecutions for human trafficking offenses. By year's end police referred 51 new trafficking cases to the General Prosecutor's Office, which investigated 65 persons on trafficking charges. Authorities referred 43 cases to the Serious Crimes Court; the court prosecuted 62, of whom the court convicted 57 of trafficking. The court sentenced four offenders to up to two years' imprisonment; 10 to between two and five years' imprisonment; 26 to between five and 10 years' imprisonment; and 25 to over 10 years' imprisonment.

The Government provided limited services to trafficking victims, operating a shelter near Tirana; however, it has not provided any assistance to the four non-government shelters. On July 23, the Government approved a new National Action Plan through 2008–10 to specify government actions to provide services to victims of trafficking; however, implementation was slow.

The Government made improvements to encourage implementation of its National Referral Mechanism, which partnered the Government with local civil society and

international intergovernmental organizations to provide a holistic approach to combating trafficking in persons, although there continued to be problems. Due to increased police training and a proactive approach towards identification, the number of victims of trafficking that the Government officially identified was slightly higher than the number of victims identified by NGO sources. Although some discrepancies still existed, official identification and referral improved markedly throughout the year. The establishment of a database to manage and track cases contributed to this increase in identification.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities; however, employers, schools, health care providers, and other state services sometimes discriminated against persons with disabilities. The law mandates that builders of new public buildings make them accessible for persons with disabilities, but the Government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

The ombudsman's inspection of mental health institutions showed that the hospitals were understaffed and poorly supplied, with unacceptable hygienic and sanitary conditions and a lack of medical supplies. The ombudsman, who conducted inspections in Elbasan, Shkoder, and Vlore, recommended a major legal, organizational, and budgetary review of the country's mental health care system.

The Government acknowledged that the admission and release of patients from mental health institutions was a problem due to the lack of sufficient financial resources to provide adequate psychiatric evaluations.

The electoral code provides for wheelchair-accessible voting booths and special accommodations for the blind that authorities made available to citizens during the February 2007 elections.

National/Racial/Ethnic Minorities.—There were no reports of police violence against members of minority groups, but there were reports of societal discrimination. As visible minorities, members of the Romani and Balkan Egyptian communities suffered significant societal abuse and discrimination.

The law permits official minority status for national groups and separately for ethnolinguistic groups. The Government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest of these. The law defined Aromanians (Vlachs) and Roma as ethnolinguistic minority groups.

Unlike in previous years, there were no reports of cases of central government displacement of Roma.

The Government did not fund its National Roma Strategy, which sought to improve the livelihood of the community. It did not have a defined strategy for other minority or ethnolinguistic groups.

The ethnic Greek minority pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders cited the Government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; or to include a higher number of ethnic Greeks in public administration.

In September the Government charged Vasil Bollano, the ethnic Greek mayor of Himara, with destruction of government property after he ordered the removal of two million lek (approximately \$23,000) worth of new road signs in the Himara district. Bollano objected to the signs because authorities posted them in Albanian and English but not Greek. The law requires that road signs be posted in Albanian and English only. Bollano was awaiting trial at year's end.

Other Societal Abuses and Discrimination.—The Government has not taken any actions to protect the rights of homosexuals. As in previous years, NGOs claimed that police targeted the homosexual community for abuse.

The Albanian Human Rights Group reported that during the year, police harassed members of the Albanian Gay and Lesbian Association and other known homosexuals.

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to form independent unions and exercised this right in practice; however, the law prohibits members of the military from joining unions. Approximately 20 percent of the workforce belonged to unions.

The law provides that all workers, except civil servants, uniformed military, police, and some court officials, have the right to strike, and workers exercised this right in practice. The law prohibits strikes that courts judge to be political. During the year, the ombudsman received numerous complaints of unlawful dismissals of police officers across the country.

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of civil employment have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. However, labor unions operated from a weak position. In practice unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were hard to enforce.

The law does not prohibit antiunion discrimination; however, there were no reports of such discrimination.

There are no export processing zones.

Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, individuals and organized crime syndicates trafficked women and children for sexual exploitation and labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law sets the minimum age of employment at 14 and regulates the amount and type of labor that children under the age of 18 may perform. Children between the ages of 14 and 16 may work legally in part-time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The law provides for the Ministries of Labor, Social Affairs, and Equal Opportunity to enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspectors generally only investigate the formal labor sector, whereas most child labor occurs in the informal sector. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls.

In January a new legal provision of the Penal Code was approved, which categorizes "exploitation of children for labor or forced services" as a penal crime.

In October the Government and the International Labor Organization, represented by the International Labor Office on the Elimination of Child Labor signed a memorandum of understanding stipulating their cooperation for the upcoming five years.

In December the second phase of the Project "Child Labor Monitoring System in Albania" was launched covering two more regions of the country, Elbasan and Shkoder. The first phase covered the three regions of Tirana, Berat, and Korce and resulted in 315 children that were mainstream back into the educational services and pulled away from the street, agriculture and factory work, or trafficking and illicit activities. The Child Labor Unit at the Ministry of Labor is expected to continue to manage this project and its approved Action Plan.

According to a 2007 CHRCA estimate, 50,000 children under the age of 18 worked either full or part time. The CHRCA reported that the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, or shoeshine boys. Some children worked as many as 16 hours a day. In Tirana and other cities, children, mostly Roma, worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. Children were trafficked for commercial sexual exploitation.

On March 15, a massive explosion killed several illegally employed children at a munitions dump in the town of Gerdec. The explosion killed a total of 26 persons.

Child labor is prohibited, and the Government together with several NGOs and international donors had some specific programs aimed at preventing child labor.

e. Acceptable Conditions of Work.—The Government raised the national minimum wage in July to 17,000 lek (approximately \$186) per month. However, it was not sufficient to provide a decent standard of living for a worker and family. According to INSTAT, the average wage for government workers was 31,850 lek (\$370) per month. The Albanian Institute of Statistics also reported that average monthly wages in the public sector increased 9.1 percent from 2006–07.

The law establishes a 4-hour workweek; however, individual or collective agreements typically set the actual workweek. Many persons worked six days a week. The law requires payment of overtime and rest periods; however, employers did not always observe these provisions in practice. The Government had no standards for a minimum number of rest periods per week, limits on the maximum number of hours worked per week, or the amount of premium pay for overtime and did not prohibit excessive compulsory overtime.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing government occupational health and safety standards and regulations; however, the Ministry generally did not enforce regulations in practice. Workplace conditions were frequently very poor and in some cases dangerous. During the year the media reported a number of job-related deaths, particularly in the construction and mining industries. The chromium mines of Bulqiza continued to be among the most dangerous workplaces in Albania, with at least 16 deaths reported to have happened from April 2007 to the end of the year. During the year, miners at Bulqiza launched a hunger strike in protest of the poor working conditions; the miners suspended the strike to give the Government time to come up with proposals on how to improve work conditions and to pass a special Miners' Status. The Government had not made a proposal by year's end.

The law does not provide workers the right to remove themselves from hazardous situations without jeopardy to their employment.

ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy with a population of approximately 83,000. Two princes—the president of France and the Spanish bishop of Seu d'Urgell—serve with joint authority as heads of state, and a delegate represents each in the country. Free and fair elections were held in 2005 for the 28 seats in the General Council of the Valleys that selects the head of government. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, prolonged pretrial detention and violence against women and children were reported. The Government did not grant refugee status or asylum, but from time to time it has assisted refugees “for humanitarian reasons.” The law does not protect the right of workers to form and join unions or unions' right to bargain collectively and to strike.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control over the national police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police during the year.

Arrest and Detention.—Police may legally detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The law does not provide individuals under arrest immediate access to an attorney, but legislation provides for legal assistance beginning 25 hours after arrest. There is a system of bail.

Lengthy pretrial detention was a problem, and the ombudsman has criticized it. Foreigners represented 75 percent of those arrested and awaiting trial, and their cases accounted for most of the lengthy detention cases, primarily because in most such cases two or even three countries may be involved. Pretrial detainees made up approximately 30 percent of the prison population.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public and defendants can request a jury. Defendants have the right to be present and consult with an attorney in a timely manner. Defendants and attorneys have access to government-held evidence in their cases. An attorney is provided at public expense if needed when a defendant faces serious criminal charges. Defendants have the right to appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The judiciary is independent and impartial in civil matters, and plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. An estimated 34 percent of citizens had broadband Internet connections.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. Under the constitution, the Roman Catholic Church and the state have a special relationship; one of the two constitutionally designated princes of the country is bishop in the Spanish town of La Seu d'Urgell. The Government pays the salaries of Catholic priests and religion teachers, who teach the Roman Catholic religion in the public schools as an optional course outside regular school hours.

Societal Abuses and Discrimination.—There were no reports of anti-Semitic acts against the approximately 100-person Jewish community.

For a more detailed discussion see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government was committed to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit forced exile, and the Government did not employ it.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. However, the Government has, from time to time, cooperated with UNHCR and other organizations in assisting refugees “for humanitarian reasons.” The most recent example was in 2006, when the Government temporarily accepted five Eritrean immigrants who were part of a group saved from a ship adrift in the Mediterranean Sea. In practice, the country provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—General Council elections in 2005 were considered free and fair. Individuals and parties could freely declare their candidacy and stand for election.

There were eight women in the 28-seat General Council and three women in the nine-seat cabinet.

The country is ethnically and linguistically homogeneous; as a consequence, there were no members of minorities in government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, there were no reports of government corruption during the year. Public officials are not subject to financial disclosure laws. The chief of police is responsible for combating corruption.

The law provides for public access to government information, and the Government has permitted access in practice for citizens and non-citizens, including foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no government restrictions on the ability of domestic and international human rights groups to operate in the country, and to investigate and publish their findings on human rights cases. Government officials were generally responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law declare that all persons are equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, or any other personal or social condition; however, the law reserves a few rights and privileges exclusively for citizens.

Women.—The law prohibits rape, including spousal rape; rape is punishable by up to 15 years' imprisonment. Authorities enforced the law effectively.

According to the Ministry of Health, Welfare, and Family, there were 135 reports of physical abuse against women during the year, a small increase from 2007. Authorities reported that approximately 50 persons were prosecuted for violence against women. There is no specific law prohibiting domestic violence, although other laws may be applied in such cases. Victims of domestic violence could request help from the Andorran International Women's Association (AIWA) and the Andorran Women's Association (AWA), but victims rarely filed a complaint with the police for fear of reprisal. The two associations reported that some women complained about the treatment they received from police when they filed a complaint. The Government did not have any shelters, but it had a hot line and provided medical and psychological services to victims of domestic violence. The Government and AIWA placed abused women and their children in the private apartments of people who agreed to provide shelter. Caritas, a religious NGO, worked closely with the Government and AIWA on social issues.

Prostitution is illegal and was not a problem.

The law does not prohibit sexual harassment; however, it was not considered a problem.

The law prohibits discrimination against women privately or professionally; however, the AWA reported that there were some cases of women dismissed from employment due to pregnancy. Observers estimated that women earned 35 percent less than men for comparable work; this gap appeared to be decreasing slowly. A Sociological Research Center report in 2006 indicated that 66 percent of top positions were occupied by men.

Children.—The Government was committed to children's rights and welfare.

Violence against children persisted. According to the Secretariat of State for Social Welfare and Family, 109 minors were treated for various forms of abuse during the year. In January a law criminalizing child pornography was enacted by the Government.

Trafficking in Persons.—The law prohibits trafficking in persons for labor exploitation, and there were no reports that persons were trafficked to, from, or within the country. Slavery or forced labor is punishable by a maximum of 12 years' imprisonment. There is no law that specifically penalizes human trafficking for sexual

exploitation, but such cases could be prosecuted as trafficking for labor exploitation. The Government agencies responsible for dealing with trafficking are the Department of the Interior and the Department of Social Welfare.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government enforced it effectively. Nevertheless, societal discrimination against persons with disabilities existed on a small scale, in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced this provision. An association for persons with disabilities operates in the principality.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

The Government's elected ombudsman advised the Government in 2007 to follow World Health Organization recommendations concerning work and residence permits for immigrants. According to the ombudsman, the Government's denial of permits to persons with certain diseases, including those infected with the HIV virus, could constitute a violation of human rights.

Section 6. Worker Rights

a. The Right of Association.—The constitution recognizes that workers have the right to form associations to defend their economic and social interests, but the country has no specific laws to protect this right. Workers were reluctant to admit to union membership, fearing retaliation by their employers, and unions did not make their membership numbers public. The law allows unions to conduct their activities without interference; however, the Government lacked mechanisms to protect this right in practice. The law does not specifically provide for the right to strike, and no strikes were conducted during the year. However, on May 1 (Labor Day), the Government permitted workers to conduct a peaceful demonstration tied to their demands that the Government approve a law to protect workers' rights.

b. The Right to Organize and Bargain Collectively.—The law does not provide specifically for collective bargaining, and it was not practiced.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law does not prohibit forced and compulsory labor, including by children; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits children under the age of 18 from working, except in limited circumstances when school is not in session. The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

e. Acceptable Conditions of Work.—The national minimum wage of 7.18 euros (approximately \$10.50) per hour and 897.87 euros (\$1,250) per month did not provide a decent standard of living for a worker and family due to the high cost of living. Wages increased at a slower rate than housing and lodging costs. The labor inspection office enforced the minimum wage effectively.

The law limits the standard workweek to five eight-hour days. Workers may work up to three overtime hours per day or 15 hours per week (and 426 hours per year). The law provides for premium pay for overtime. There is a required rest period every day.

The labor inspection service sets occupational health and safety standards and effectively enforced them. During the year the labor inspection service received more than 200 complaints against companies for violating labor regulations, and had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, it does not provide workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment. The number of accidents at work has been rising for a number of years; there were 4,980 accidents reported during the year, compared to 4,626 in 2007.

ARMENIA

Armenia is a constitutional republic with a population of approximately 3.2 million. The constitution provides for an elected president and a unicameral legislature (the National Assembly). The country has a multiparty political system. On February 19, the country held a presidential election that was significantly flawed; problems included favorable treatment of the Government's candidate, instances of ballot stuffing, vote buying, multiple voting, voter intimidation, violence against election commission members and party proxies, and misuse of public resources for electoral ends. On March 1–2, authorities used force to disperse large crowds of demonstrators protesting the conduct and results of the election; clashes between protesters and security forces resulted in the deaths of 10 persons. Authorities imposed a 20-day state of emergency following the violence. On April 9, Serzh Sargsian of the Republican Party of Armenia (RPA) was sworn in as president, replacing Robert Kocharian. Upon taking office, President Sargsian appointed Tigran Sargsian (no relation) prime minister. In the National Assembly, the RPA dominated a four-party majority coalition. Civilian authorities generally maintained effective control of the security forces, although some members of the security forces committed human rights abuses with impunity while under the direction of civilian leadership.

The Government's human rights record deteriorated significantly during the year, with authorities and their agents committing numerous human rights abuses, particularly in connection with the presidential elections and the Government's suppression of demonstrations that followed. Authorities denied citizens the right to change their government freely and citizens were subject to arrest, detention, and imprisonment for their political activities. Authorities used force, at times lethal, to disperse political demonstrations. Authorities used harassment and intrusive application of bureaucratic measures to intimidate and retaliate against government opponents. Police beat pretrial detainees and failed to provide due process in some cases. The National Security Service (NSS) and the national police force acted with impunity for alleged human rights abuses. Authorities engaged in arbitrary arrest and detention.

Prison conditions remained cramped and unhealthy. Authorities imposed arbitrary restrictions on freedom of assembly and the press, particularly through harsh measures imposed during the state of emergency. Journalists continued to practice self-censorship. The Government and laws restricted religious freedom. Violence against women and spousal abuse, trafficking in persons, and discrimination against persons with disabilities and homosexuals was also reported.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were reports alleging that the Government and its agents committed arbitrary and unlawful killings during the year.

In the early morning of March 1, police forcefully cleared a public square in downtown Yerevan of several hundred encamped protesters who were disputing the conduct and results of the February presidential election. After this clearance action, approximately 15,000–20,000 protesters reconvened in another downtown location. Some protesters established barricades, which they reportedly were prepared to defend with improvised weapons. Security forces responded and, after several hours' standoff, cleared many demonstrators from the scene by firing into the air and setting off noise grenades. A number of protesters remained behind their barricades, however, and police equipped with riot gear engaged them directly. The resulting clashes persisted well into the predawn hours of March 2.

The clashes between protesters, looters, and security forces resulted in at least 10 deaths, including eight civilians and two police officers, and dozens of injured persons. By the end of the year, the circumstances of the 10 deaths remained unclear. According to official information, all of the deaths happened in skirmishes occurring a considerable distance from the scene of the primary confrontation. Some of these deaths may have occurred from purposeful arbitrary killing, misuse of crowd control equipment such as tear-gas cartridge guns or some combination of these factors. There were no credible criminal investigations into the actions of any police or security officers in connection with any of these deaths.

Authorities initially denied that security forces shot directly at protesters during the March 1 clashes, but video footage later surfaced which appeared to dispute this claim. In mid-December the Government confirmed that at least one of its snipers was present during the March 1–2 events, while denying that any of the 10 deaths were attributed to the sniper. Government opponents and some human rights activ-

ists alleged that security forces killed protesters and staged lootings to impose the state of emergency late on March 1, giving authorities a legal pretext to stop the protests.

From May to July the president dismissed the chief and deputy chief of the national police, the chief of the State Protection Service, and the chief of the Police Troops (paramilitary riot police). It was unclear if the dismissals were related to their roles in the March 1 violence; none had been prosecuted to that effect by year's end. On June 16, the National Assembly established an ad hoc commission of inquiry to investigate the circumstances of March 1–2. Opposition parties were invited to participate in this commission, but refused to do so, claiming they would have comprised an unacceptable minority among mostly governmental participants. On October 23, a presidential decree established a new fact-finding panel of experts with balanced opposition and governmental representation, and the opposition agreed to join this effort. Both the parliamentary commission and the fact-finding group continued to operate at year's end, and neither had issued public findings. A government human rights defender (ombudsman) issued a report on April 25, which called into question authorities' official version of events. On September 24, Alik Sargsian, the police chief appointed on May 29 to replace the police chief in charge at the time of the March events, contended that all police had acted appropriately during those events.

On December 17, the prosecutor general's office released information containing results of the forensic examination reports of the victims. According to this information, five of the victims died of gunshots, two persons were killed from the impact of tear gas cartridges, one person died from blood loss resulting from an explosion of a tear gas cartridge that hit his leg; one person died from injuries sustained by a unidentified blow to the head; and one person died from a grenade explosion. Official forensic evidence showed that the tear gas cartridges had been shot directly at the deceased, an improper use of the tear gas projectiles, which are designed to be fired indirectly or at the ground.

In a March 20 interview, the outgoing president, Robert Kocharian, stated that some of the deaths were caused because of the use of expired "special means" (apparently in reference to police paramilitary equipment) by security services, implying that some of the deaths were accidental. In a report released March 20 on his March 12–15 special mission to the country, Thomas Hammarberg, the Council of Europe's (COE) commissioner for human rights, quoted the prosecutor general as saying that fragments of tear gas cartridges had penetrated the bodies of some of the victims, suggesting that tear gas ordnance was fired at close range. Local observers also expressed doubt in response to Kocharian's statement.

The incoming president, Serzh Sargsian, justified the use of force in an interview after the March 1 clashes, stating that only looters and those who used arms against security forces were targeted. This claim was contradicted by accounts provided by families of three of the victims, who claimed they were simply passersby uninvolved in the protests.

In an August 27 interview, the father of Samvel Harutiunian, one of the eight civilian victims of March 1 (who died of his wounds on April 11), claimed that his son was arrested, severely beaten, and died due to police brutality. He claimed that he and his wife had seen footage of their son on television on March 2 and 3 that suggested he was being subject to inhuman treatment during his detention. The victim's family also claimed to have discovered traces from either the use of handcuffs or ropes on Harutiunian's feet and wrists, which led them to believe that he had been arrested and subjected to inhuman treatment before his hospitalization.

The Government reported that during the first 11 months of the year, there were 69 deaths registered in the army of which 25 deaths were due to illness, 14 due to car accidents, two due to mishandling of weapons, one due to "violation of the rules of regulations of behavior between military personnel" eight due to accidents, two due to mine explosions, nine killings (including three possibly by enemy forces), and eight suicides. The reports claimed two of the killings and two of the suicides were judged as resulting from violence and military-related hazing.

In June, families of soldiers who died during military service from 2005–08 issued a joint statement accusing authorities of systematically conducting false investigations into the deaths of their sons and destroying or tampering with evidence in order to disguise homicides as accidents, suicides, or the results of sniper attacks.

According to the Helsinki Association, a local human rights non-governmental organization (NGO), on May 10, the body of Narek Galstian, a soldier serving in a military unit near the city of Meghri, was discovered in a gasoline tank. According to authorities, Galstian had tried to steal gas and fallen in, after which the cover closed and he was overcome by fumes. However, according to the family, the cover could only be closed from the outside; in addition, they stated they had discovered

numerous injuries on their son's body, suggesting he was severely beaten and perhaps killed. According to various reports, there was a serious scuffle in the unit the night of Galstian's death, and shouts were heard from the site where the tank was located.

According to the Helsinki Association, soldier Gegham Sergoyan was shot in the head in April 2007 by Lieutenant Henrikh Grigorian, and died shortly thereafter. Grigorian reportedly shot Sergoyan after seeing him without shoes and his uniform hat. Sergoyan's family alleged that authorities obstructed its efforts to be involved in the investigation, as provided by law. Sergoyan's family stated that authorities were trying to mitigate Grigorian's guilt, positing that Grigorian suffered from mental illness or was provoked into shooting their son. According to official information, Grigorian was charged with murder due to hooliganism, and with abuse of power. At year's end Grigorian had not been convicted, and court proceedings were reportedly in progress.

During the year a report surfaced about the death of Eduard Mirzoyan. According to authorities, Igor Atanian, the commander of Mirzoyan's military unit, ordered his soldiers to carry out engineering work within range of Azerbaijani snipers in June 2007, during which Mirzoyan died from a sniper's bullet. Atanian was charged and convicted for abuse of official authority and sentenced to three years of suspended sentence in November 2007. According to Mirzoyan's family, however, the medical examiner's report stated that their son died from a small-caliber gun shot fired at close-range; they disputed Atanian's account and alleged that before he was killed, Mirzoyan had been beaten and tortured.

According to official information, in October 2007 military serviceman Victor Aslanian was charged with abuse of power and false testimony in the July 2007 death of Hovhannes Meltonian in the Koghb military unit in the Tavush region. Officials reported that Meltonian had committed suicide by shooting himself in the neck as a result of continuous humiliation and physical abuse by Aslanian. Meltonian's family disputed the official account, alleging he had been tortured and killed, as suggested by numerous bruises that they found on his body. Aslanian's case was sent to the court on June 9, and was ongoing at year's end.

In May, local media reported that the August 2007 death of Tigran Ohanjanian, a soldier in the Karjaghbuir military unit in Vardenis, was officially attributed to accidental electrocution. According to the media, Ohanjanian's father believed that his son was beaten and then killed by electrocution, or that the killers tried to disguise his death by making it appear to be accidental. The father reportedly took pictures of the body, which had serious injuries and which the forensic expert assigned to the case allegedly refused to record. According to the family's lawyer, the military prosecutor's office tried to conceal the homicide by presenting it as an accident and allegedly refused to consider testimony that the unit commander, Smbat Simonian, had hit Ohanjanian before his death. Ohanjanian's father reportedly received threats following his efforts to investigate his son's death. According to official information, Rustam Asatrian and Karen Tovmasian, two fellow servicemen, were charged with negligence related to the death, and the case was sent to the court on May 30.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. Landmines placed along the 540 mile border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict continued to cause bodily harm. During the first 11 months of the year government sources reported that two military personnel were killed and 19 military personnel injured by landmine explosions. There were no reports of civilian deaths or injuries caused by landmines.

During the year shootings along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. According to official information, three military personnel and two civilians were killed, and 21 military and two civilians were injured, along the line of contact. On June 17 and 18, two civilians who were residents of the village of Chinari in the Tavush region were shot by snipers while working in their fields; they died on June 18.

In contrast with the previous year, there were no high-profile killings by unidentified assailants during the year.

In August 2007, an unknown person shot and killed the chief prosecutor of the Lori region, Albert Ghazarian, while he was on his way home. The investigation was suspended on August 25, and the identity of the killer was not discovered.

There were no developments during the year with regard to the April 2007 attack on Gyumri mayor Vartan Ghukasian and his entourage that resulted in the deaths of three bodyguards and a driver. The investigation was suspended and the identity of the killer was not discovered.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the law prohibits such practices, they were regularly employed by members of the security forces. Witnesses continued to report that police beat citizens during arrest and interrogation while in detention. Human rights nongovernmental organizations (NGOs) reported similar allegations; however, most cases of police mistreatment continued to go unreported because of fear of retribution. Human rights groups continued to report that more than half of the individuals transferred to prisons from police detention facilities alleged torture, abuse, or intimidation while in custody.

Drawing on data collected in 2006, the Partnership for Open Society Initiative, composed of human rights NGOs, reported in June 2007 that the main purpose of torture was to extort confessions. The report maintained that courts generally accepted defendants' confessions as valid evidence, even when it was questionably obtained. The report also noted that approximately 80 percent of criminal defendants recanted testimony given during pretrial investigation, claiming they had confessed under torture or duress. The criminal justice system generally disregarded such claims and conducted little or no investigation, according to the report.

On February 23, masked police officers reportedly used excessive force while arresting the former deputy prosecutor, Gagik Jhangirian and his brother Vardan Jhangirian. Then-president Robert Kocharian had relieved Jhangirian of his duties earlier that day after Jhangirian openly supported opposition presidential candidate Levon Ter-Petrosian. The police stopped their car late in the evening and demanded the passengers leave the vehicle. Vardan Jhangirian, who suffered from spinal tuberculosis that restricted his movement, reportedly was unable to respond quickly to the order, and masked police officers severely beat him. One officer began shooting and struck Vardan Jhangirian as well as two officers. Gagik Jhangirian was also severely beaten. At year's end, Vardan Jhangirian had been released for health reasons and was awaiting the conclusion of his trial on resisting arrest charges, while Gagik Jhangirian was in detention on charges of resisting arrest; by the end of the year, his trial was still in process. The Jhangirians identified police officer Arman Harutyunian as one of their assailants, who was an alleged victim in the resisting arrest case.

Authorities reportedly subjected protesters to physical abuse and inhuman treatment during and after the March 1 events. International and local human rights activists stated that security forces beat detainees at the time of their arrests, as well as on the way to and from police stations or detention facilities. In a March 27 media interview, the human rights defender stated that his staff had visited 90 of the 106 persons officially acknowledged at that time to have been arrested, 12 of whom claimed that security forces and law enforcement officials had tortured or beat them during or after arrest.

On March 21, the Armenia-based Hetq online journal published an account provided by Grizelda Ghazarian and her daughter Gayaneh, who participated in the post-election opposition rallies. They stated that on the evening of March 1, they were brutally beaten along with thirty other civilians as they walked in the vicinity of the French Embassy. At approximately 9pm, as they were walking away from the main gathering of protesters located at Myasnikian Square, they saw police dispersing a small crowd that had been separated from the main gathering. Ghazarian approached one of the officers, who cursed and beat her on the back with a rubber truncheon. Hearing gunfire, the small crowd sought to return to the main gathering or seek shelter nearby, but some were prevented from doing so by police, who chased them down. One officer reportedly dragged Ghazarian's daughter away from a building and threw her onto the street; other officers joined the scene and began kicking the girl. Ghazarian alleged she was severely beaten at the same time. After the beating police dragged the daughter, who was unable to walk, to her mother's side, and an officer shoved them inside a building, reportedly telling them he had just saved their lives.

On March 18, Radio Liberty published the account of Robert Chakhoyan, who was arrested on March 1 and taken to the police headquarters of Yerevan's central Kentron district along with other opposition supporters. Chakhoyan stated he and the others who were arrested with him were beaten inside the police car and at the police station. According to Chakhoyan, police were anxious not to leave traces of violence on his and other detainees' bodies, putting books on their backs, stomachs, and sides before hitting them with truncheons. At the station, Chakhoyan stated he witnessed a badly beaten teenage boy and others in serious condition. After nearly two hours of interrogation, Chakhoyan was transported to the police department in Yerevan's Shengavit district. He was kept there without being charged and released

three days later. Police detained his wife, Naira Chakhoyan, as she searched for her husband on March 2. She was taken to the Kentron police station, where she stated she saw detainees who had been beaten. Naira Chakhoyan alleged that police officers hit and swore at her while she was being detained. She was held until midnight and then released.

On August 1, Christophor Elazian, who was arrested on March 3 and sentenced to four years in prison for participating in mass disorders, released a detailed statement alleging that police and the Special Investigative Service (SIS) had systematically tortured and beat him between March 4 and March 10 in an effort to extract incriminating testimony against him and member of parliament Hakob Hakobian who was also detained. Elazian identified some of the persons who beat him, among them Andranik Mirzoyan, the head of the SIS; Artur Mehrabian, the police chief of Yerevan's Kentron district; Aristakes Yeremian, an SIS investigator; and Hakob Gharakhanian, a prosecutor.

Similar allegations of torture/abuse of detainees arrested around the March events were made in the cases of Vahram Mkhitarian, Gagik Avdalian, Hmaiak Galstian, Davit Arakelian, Mushegh Saghatelian, and many others.

On December 23, the opposition reported that Grigor Voskerchyan, Gevorg Manukyan and Armen Khurshudyan, opposition activists who were in prison pending trial in connection with March 1-2 criminal cases, were beaten in Nubarashen prison. Diplomatic observers corroborated that two of these defendants were slapped across the face several times by police. The ombudsman, who had sent his aides to meet with the detainees, expressed serious concern at the torture allegations. On December 24, President Sargsian ordered the Ministry of Justice to conduct an internal investigation into the allegations.

On April 23 and 25, the opposition-leaning Aravot newspaper published reports according to which Suren Khachatryan, the governor of Syunik region, had beaten and broken the jaw of a 16-year-old-boy in retaliation for an altercation the boy had previously with his son. According to the reports, the boy was hospitalized and his family was afraid to report the altercation to the local police. The Governor refuted the media reports. Prime Minister Tigran Sargsian ordered an investigation of the events, which concluded that the reports were inaccurate. Independent observers criticized the apparently superficial conduct of the investigation, reporting that investigators misidentified the boy and conducted an X-ray examination of the wrong person.

During the year there was slight progress in the investigation of the death of Levon Gulian, who died under suspicious circumstances in police custody in May 2007. On March 12, the SIS, which took over the investigation from the prosecutor general's office in December 2007, closed the criminal case. The SIS claimed that Gulian, an alleged witness to a homicide, fell to his death from a second story police station window while trying to escape. Gulian's family and human rights activists stated that the investigation was neither credible nor transparent. Following an unsuccessful appeal of the SIS decision, on April 8, Gulian's family asked a court to reopen the investigation. On June 6, the judge ruled in favor of the family and ordered the SIS to restart the investigation. The SIS took the case to the Court of Appeals, which upheld the lower court's ruling on July 21. The reopened investigation was still in progress at year's end.

During the year there was no progress in investigating the allegations of torture and abuse reported by Karen Dodoyan and Ashot Ghukasian, witnesses in the August 2007 murder case of former Lori prosecutor Albert Ghazarian. There were also no further developments in the cases of alleged abuse of a detainee at Nubarashen Prison in October 2007 and of Artavazd Simonian in November 2007.

On April 30, COE Commissioner for Human Rights Hammarberg published a report that expressed concern over police mistreatment of persons during detention, which appeared to be widespread and aimed at extracting confessions. Many of the inmates reported being subjected to severe beatings and other mistreatment. Hammarberg cautioned that signed confessions should not be the primary form of evidence in prosecutions, and that the police should look for other material evidence. Hammarberg reported that defense lawyers whom he met stated that defendants were often afraid to testify about police mistreatment during detention out of fear of retribution.

The human rights defender stated to diplomatic representatives in early October that law enforcement agencies were generally slow to respond to his inquiries into alleged torture and inhuman treatment, or that they repeatedly responded to his inquiries with a stock answer that they had investigated the allegations and found them to be baseless.

Customs within the military, the impunity of military commanders and sub-standard living conditions in the armed forces continued to contribute to mistreat-

ment and injuries unrelated to military operations. Although no reliable statistics were available on military hazing, soldiers reported to human rights NGOs that the practice continued. The families of soldiers claimed that corrupt officials controlled military units. Other human rights monitors reported that soldiers were conscripted into army service despite having serious disqualifying health conditions, although according to the Soldiers' Mothers NGO, the number of cases recorded for the year were down 70 percent from 2007, as authorities took measures to curtail these practices. Eighty-five military personnel were convicted of hazing and related violations during the year. In November 2007, the ombudsman appointed a new specialized military adviser on the human rights defender's staff to focus attention on military hazing and human rights abuses within the military.

On June 23, the human rights defender established a working group to investigate two suicide attempts by a military serviceman, "H.H.," on June 9. According to a press release by the human rights defender's office, H.H. had witnessed a rape in his unit but could identify neither the victim nor the assailant. The father of H.H. claimed that his son was subjected to beatings and violence during his service. According to the Helsinki Association H.H. himself was the subject of sexual abuse by his co-servicemen; however the criminal case was dropped after H.H. was released from service.

On August 15, according to the Helsinki Association, Artur Grigorian, a soldier serving in the city of Goris, was taken to a local military hospital with numerous serious head injuries, where he allegedly was withheld medical assistance for 48 hours. Military prosecutors assigned to the case, while Grigorian was still in a coma, alleged that Grigorian's injuries were the result of falling out of his bunk bed. After transfer to the national military hospital and completion of surgery, Grigorian stated that he was beaten by Davit Hayrapetian, his platoon commander. Grigorian was seriously handicapped as a result of the beatings. Hayrapetian was charged with abuse of power. According to Grigorian's family, on December 15 the general jurisdiction court of Syunik region, despite an appeal to move the hearings to a court closer to Yerevan since Grigorian was unable to travel, proceeded with the trial in Grigorian's absence. Hayrapetian was convicted and received the minimum possible sentence of two years' imprisonment.

On September 3, the human rights defender sent a letter to the minister of defense regarding the August 4 incident in which Nairi Vardanian, a soldier in a unit based in Ashtarak, tried to kill himself after Garun Abgarian, the unit commander, publicly beat and humiliated him. Military prosecutors had not taken any action against Abgarian as of year's end. According to official information, Abgarian's actions followed Vardanian leaving his post without permission for over two hours; hence both Abgarian's and Vardanian's actions were deemed prosecutable under charges of abuse of power and refusal to perform one's military duties, respectively. Both men showed remorse for their actions, and a deputy minister of defense had appealed to the investigative body not to prosecute Abgarian. On September 29, the investigative body of the Yerevan garrison elected not to press charges against either Abgarian or Vardanian.

In July 2007, military serviceman Garik Mikayelian tried to kill himself following five months of abuse and harassment by the head of his unit, Artak Gasparian. Gasparian was charged with abuse of authority. On May 21, the case against Gasparian was sent to the court; the verdict was still pending at year's end.

On July 4, the trial of three soldiers accused of murdering two fellow servicemen in 2003, whose sentences were nullified by the Court of Cassation in 2006, resumed. The murder case was based on the confession of Razmik Sargsian, who stated that he was brutally tortured into incriminating himself and his two fellow soldiers. Human rights activists criticized the lack of a credible investigation into the torture allegations, as well as the repeated trial of the three soldiers for the same crime. Prosecutors reported that they made inquiries about the torture allegations during their original investigation of the murders, concluding that the torture allegations were baseless. The three soldiers applied to the European Court of Human Rights (ECHR) in 2004 and 2007, and in October 2007 the ECHR ruled on partial admissibility of the case, which allows the case to be reviewed by the ECHR once all domestic remedies have expired.

On September 4, the Government declared its intent to set up a supervisory body composed of prominent public figures to improve the transparency of police conduct and prevent human rights abuses by security forces, but by the end of year this new body had not yet been formed.

Prison and Detention Center Conditions.—Prison conditions remained poor and threatened inmates' health, although the Civil Society Monitoring Board (CSMB), an organization established by government initiative involving prison monitoring by

NGO personnel, reported continuing improvements to renovate old prisons. Despite this, cells continued to be overcrowded, inmates lacked basic hygiene supplies, and food quality remained poor. The CSMB reported that prisoners were at high risk of contracting tuberculosis, and adolescents held in juvenile facilities rarely received the schooling required by law. The CSMB reported other chronic problems, including denial of visitor privileges, medical neglect, and in some cases, physical abuse.

According to observers, most instances of abuse of prisoners and detainees by law enforcement authorities continued to occur in police stations, rather than in police detention facilities which are subject to human rights monitoring. In its 2006 report, the COE's Committee for the Prevention of Torture (CPT) noted allegations that detainees had spent up to ten days in various police district divisions in Yerevan without mattresses, blankets, and food other than that supplied by relatives. In its December 2007 report, the CPT stated it observed an improvement in police holding areas that had been refurbished, or were in the process of refurbishment in 2006. Mattresses, blankets, and food were supplied to detainees at the facilities that CPT observed. The CPT reported deficiencies, however, in the Vanadzor, Sisian, and Yeghegnadzor police departments, namely small cell space, cold temperatures, and lack of hot water.

From February 27 to March 19, the CSMB visited prisons holding an estimated 100 government opponents detained in connection with March 1–2 events. Drawing on 11 visits and meetings with 60 detainees, the CSMB reported that the cells were overcrowded with more prisoners than beds, and that authorities denied prisoners contact with their families in the first days of detention. Prisoners complained of procedural and other violations at the times of their arrests, beatings, torture, and delayed access to legal representation.

The human rights defender received complaints from those being held in pretrial detention for criminal cases in connection with the March 1 events, who maintained that although they had no prior convictions, they were being held in cells with persons with multiple convictions, in violation of the law.

On March 19, the authorities renovated the pretrial detention center of the Abovian prison for women and juveniles.

On June 24, the minister of justice, Gevorg Danielian, announced the construction of a new prison in Chobankara in the Armavir region; the construction was still in progress at year's end.

Corruption in prisons continued to be a problem, exacerbated by very low salaries for prison administration employees, poor and sometimes dangerous working conditions, and a lack of staff. In certain facilities prisoners bribed officials to obtain single occupancy cells and additional comforts. There were also unverified reports that authorities charged unofficial fees to family members and friends seeking to deliver meals to inmates. In some prisons monitors noted that prisoners had difficulty mailing letters and that some prison officials did not adequately facilitate family visits.

Despite jurisdiction for all prisons officially resting with the Ministry of Justice, the National Security Service (NSS) continued to de facto operate the Yerevan-Kentron prison, located on NSS property; the facility was often used to hold pretrial detainees and sentenced prisoners whose cases were politically sensitive. There were reports that NSS monitored communications of prisoners held in this prison, including their meetings with defense lawyers.

The Government generally permitted local NGOs and international rights groups, including the International Committee of the Red Cross (ICRC), to monitor conditions in prisons. The ICRC was permitted to visit both prisons and pretrial detention centers and did so in accordance with its standard modalities. Authorities generally permitted CSMB personnel to visit prisons without giving advance notice. However, when the CSMB tried to visit prisons on March 4 to monitor the welfare of new detainees after the March 1 clashes, it was denied access. Only after March 7 was the CSMB able to resume their monitoring. A separate Public Monitoring Group continued to monitor police detention facilities.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, in practice authorities continued to arrest and detain criminal suspects without warrants. Authorities detained hundreds of individuals during and after the March 1 clashes on grounds that the arrests were necessary to prevent civil disorder; there were allegations that some of these arrests may have been arbitrary and due to individuals' proximity to the site of the violence or known political affiliations.

Role of the Police and Security Apparatus.—The national police are responsible for internal security, while the National Security Service (NSS) is responsible for national security, intelligence activities, and border control; the heads of both organizations are appointed by the president. The police and the NSS continued to lack

training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported that police and NSS authorities did little to investigate allegations of abuse. As a result, impunity remained a serious problem.

Corruption remained a significant problem in the police force and security forces, but reform efforts continued, mainly in the area of traffic control and criminal investigations. The police continued to implement procedures established in 2006 to curb corruption at roadside checkpoints. A system of paying traffic fines to reduce opportunities for bribes was established in 2007. Bribe-taking appeared to further decrease during the year.

There was no dedicated mechanism for investigating police abuse. By law citizens may sue police in court. The Government reported that during the year police did not receive any complaints lodged by citizens against police for mistreatment of detainees; they reported as well that no policeman was punished for such treatment.

The prosecutor's office launched six criminal investigations into instances of police brutality, of which three were sent to the courts, one was dropped and two were ongoing at year's end.

On September 4, the prosecutor general's office opened a criminal case against the deputy director of Vardashen prison and two accomplices from the prison administration for abuse of power and using violence against an inmate.

The Government reported it conducted 10 internal investigations into misconduct by police officers during the year. All the policemen involved were removed from service. The investigations resulted in four convictions; the review of the remaining cases was ongoing at year's end. The Government reported that based on applications from prosecutors during the first half of the year 28 police officers received administrative penalties (compared to 23 during the entire previous year).

By law detainees may file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations; however, detainees must obtain permission from police or the prosecutor's office to obtain a forensic medical examination needed to substantiate a report of physical abuse. Human rights NGOs continued to report that authorities rarely granted such permission, or granted it days later when signs of abuse were no longer visible.

In 2007, authorities transferred primary responsibility for criminal investigations from the prosecutor general's office to various police agencies in a reform to improve institutional checks and balances in the judicial system. In December 2007 the SIS was created, ostensibly to become an independent body for investigating official crimes. Located in the building of the prosecutor general's office and headed by the former head of the prosecutor's investigative department, Andranik Mirzoyan, it functioned as the de facto investigative body of the prosecutor general's office during the year, reversing the effects and purpose of the 2007 reform.

The SIS opened 25 criminal cases into crimes committed by police officers or their participation on various charges including abuse or exceeding of official authority, taking bribes, forgery and negligence. Of these 25 cases, 10 were sent to trial; the others were either dropped or were ongoing investigation by the end of the year.

On September 23, the NGO Project Harmony joined with the police to open a community justice center in Ijevan. The Ijevan center, along with centers Gyumri, Alaverdi and Vanadzor, offered counseling to first-time juvenile offenders and brought local police into public schools for community outreach.

In March 2007, the national police, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), began a pilot project on community policing designed to facilitate cooperation between police and the public. The project, which was located in Yerevan's Arabkir district, continued during the year. On November 27, the OSCE office in the country and the police signed a memorandum on cooperation and assistance in the areas of democratic policing, community policing, police education in accordance with international standards, and development of skills in maintaining public order.

Arrest and Detention.—Prosecutors and police investigators must obtain a warrant from a judge to detain an arrested suspect in excess of 72 hours. Judges rarely denied police requests for detention warrants. Police at times made arrests without a warrant, which is not required for the arrest of individuals for up to 72 hours, on the pretext that detainees were material witnesses rather than suspects. Such practices were used extensively during the year. The law provides for a bail system; however, in practice, most courts denied requests for bail, ordering instead either continued detention or release of defendants on their own recognizance pending trial. In the latter case, defendants were sometimes required to surrender their passports and to sign statements promising not to leave the country (or in some cases, the city limits).

The law requires police to inform detainees of their right to remain silent, to make a telephone call, and to be represented by an attorney from the moment of arrest, including by public defenders provided in the case of indigent detainees. In practice police did not always abide by the law. They often questioned and pressured detainees to confess prior to indictment and in the absence of counsel. Police sometimes restricted the access of family members and lawyers to detainees. During questioning by investigators, lawyers were sometimes restricted from posing questions. The practice of detaining individuals as "material witnesses" before being designated as suspects resulted in questioning of individuals without the benefit of counsel.

According to the political opposition led by former president and February presidential candidate Levon Ter-Petrossian, thousands of opposition supporters were detained and questioned by police before and after the presidential election. The opposition charged that these detainees, who included campaign officials, election proxies, and ordinary citizens, were detained to deter or prevent political activities supporting the campaign or attendance at opposition rallies.

Hundreds of persons were arrested in Freedom Square and the nearby vicinity in the early morning on March 1, when security forces cleared the square of demonstrators who had been encamped there for 11 days in protest of the election result. According to eyewitness accounts, police continued to arrest persons until noon; opposition candidate Levon Ter-Petrossian was placed under de facto house arrest by security forces during the dispersal operation, and for approximately three weeks thereafter.

In a March 20 report, the COE estimated that more than 400 persons were apprehended and asked to provide testimony relating to the events of March 1. On March 13, the prosecutor general stated that more than 95 persons had been arrested for organizing or participating in demonstrations and mass disturbances of public order. On March 15, the COE's Human Rights Commissioner stated that he had obtained from unofficial sources testimony that an additional 50 persons had been arrested from March 1–15, mostly outside of Yerevan. According to detainees and defense lawyers, most of those arrested had been charged with disturbing public order, illegal possession of arms, incitement to violent acts, and violently resisting police arrest. Defense lawyers reported that a number of arrests preceded the March 1 crackdown on protesters in Freedom Square.

Many of the individuals arrested in connection with the March 1 events were detained on seemingly artificial or politically motivated charges. Authorities justified the arrests as necessary to prevent attempts to initiate mass disorders and usurp power by extraconstitutional means. In the majority of cases, persons were released without charge after several hours' detention.

Many individuals were detained in a similarly brief fashion in the months following the March events, apparently to dissuade opposition supporters from participating in daily "political promenade" protest walks in Yerevan. Several detainees reported that they were subjected to mandatory drug and psychological testing before being released. The detainees reportedly were often photographed and fingerprinted during detention, in violation of police procedure for persons who are not being formally charged.

Local and international human rights groups reported procedural and other violations during the arrest and detention of persons on March 1 and after. During his visits to detention facilities after March 1, the human rights defender also received complaints on procedural violations, restricted access or no access to legal representation.

On March 4, the National Assembly stripped the immunity of four members of parliament (Sasun Mikaelian, Miasnik Malkhasian, Hakob Hakobian and Khachatur Sukiasian) based on charges of incitement to mass disorders and attempts to usurp power extraconstitutionally. Three of the members were taken into custody, while one, businessman Khachatur Sukiasian, eluded authorities. He remained a fugitive at years' end, as did Nikol Pashinian, the editor of opposition newspaper Haykakan Zhamanak and a Ter-Petrossian campaign adviser, who was also charged with incitement of mass disorders and usurpation of power.

Some sources reported that authorities carried out house-by-house searches without warrants in connection with the March 1 events.

The COE human rights commissioner noted there had been delays in the registration of arrests upon arrival in custody as required by law and that access to defense lawyers in some instances was delayed. The COE reported that family members or relatives had often not been informed of a detainee's whereabouts; the Helsinki Association reported that the relatives of detainee Borik Arabachian did not know about his whereabouts for almost one week. The COE human rights commissioner

also noted obtaining information that some of the persons who were apprehended had not been promptly informed of the charges against them.

According to some defense lawyers, authorities pressured some of the activists in the first days of their detention to decline the services of a defense lawyer, or pressured them to accept the services of legal representation procured by the authorities. They also noted that the conditions of confinement were inhumane, with ten persons sharing a cell envisaged for three persons, and inadequate provision of food.

Lengthy pretrial or preventive detention remained a problem. In practice the authorities generally respected the provision of the law stipulating that pretrial detention could not extend beyond 12 months. However, the law does not set any limits for detention of defendants once the case is sent to the court, and there were cases when defendants spent three or more years in detention before a verdict was reached. Although the law requires a well-reasoned decision to justify grounds for an extension of custody, judges routinely prolonged custody on seemingly unclear grounds. Authorities reported that during the year, pretrial detainees constituted on average approximately 714 persons out of a prison population of nearly 3,969.

On July 11, the human rights defender published his observations on the Government's practice of placing persons under detention and on extending the pretrial detention of persons arrested in connection with the March 1 events. The defender found that authorities presented insufficient accounts of alleged crimes to the court, that judges did not substantiate their conclusions that a detainee posed a flight risk as required by law, and that judges failed to consider alternatives to detention, such as release on bond.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, despite structural changes consolidated in the February 2007 judicial code that have resulted in a somewhat greater independence, courts remained regularly subject to political pressure from the executive branch, and judicial corruption was a serious problem. On September 13, the Government removed the controversial chairman of the Court of Cassation, replacing him with a more widely respected figure.

As of January 1, the date when the new judicial code became effective, courts were comprised by courts of common jurisdiction of first instance, specialized courts of first instance (civil and criminal), an administrative court, civil and criminal review courts (courts of appeal), the Court of Cassation, and the Constitutional Court. The review courts are considered as final courts for examination of a case's merits. The Court of Cassation has discretionary review authority as a supreme court. The new judicial code assigned new roles to the Court of Cassation, including the provision of uniform enforcement of the law, its correct interpretation, and support of the development of justice. The Constitutional Court rules on the constitutionality of legislation, provides its opinion on the constitutionality of signed international agreements prior to their ratification by the National Assembly, and rules on election-related questions.

Since 2006 citizens have had the right to appeal to the Constitutional Court. During the year 238 citizens appealed to the Constitutional Court, out of which the court accepted 38 cases for further review.

The Council of Justice recommends candidates for judgeships, who are then appointed by the president, who continued to retain a highly influential role over judicial branch personnel. The council also nominates candidates for the chairmen of courts on all three levels and their chambers, and subjects judges to disciplinary proceedings for misconduct. The president and the National Assembly each appoint two scholars to the council, and the General Assembly of Judges elects the remaining nine members by secret ballot.

In July 2007, the Constitutional Court ruled that sending back criminal cases for additional investigation by pretrial bodies was unconstitutional and voided the relevant provisions of the criminal procedure code. As a result, trials must end either by acquittal or guilty verdicts, effectively ending the practice of holding defendants indefinitely for "additional investigation" when underlying cases are weak. Despite the ruling, the National Assembly subsequently enacted a law in November 2007 allowing a trial judge to suspend a trial and apply to the prosecutor general's office for reconfirmation of the indictment protocol to include new aggravated charges. This statutory authority effectively undermined the presumption of innocence and potentially favored the prosecution in such trials.

Trial Procedures.—The law generally requires that trials be public, but it permits exceptions, including when a trial's secrecy is in the interest of "morals," national security, or for the "protection of the private lives of the participants." Juries are not used. A single judge issues verdicts in courts of first instance (except for cases on crimes punishable by life imprisonment), and panels of judges preside in the

higher courts. Defendants generally have the right, and are generally required, to be present at their trials. They have the right to counsel of their own choosing, and the Government is required to provide them with defense counsel upon request; however, this obligation was frequently not honored in regions outside of Yerevan, where there often were not enough defense lawyers. Defendants also commonly refused free counsel due to the poor quality of the public defenders or the perception that public defenders colluded with prosecutors.

Under the law, defendants may confront witnesses and present evidence, and they and their attorneys may examine the Government's case in advance of the trial. In practice, however, defendants and their attorneys had very little ability to challenge government witnesses, particularly police officers. Under the law, police officers are prohibited from testifying at trial in their capacity as a police officer, unless they are testifying as a witness or victim in the case. Thus, official police reports detailing the evidence found at a crime scene or the confession of a defendant were routinely received as evidence without any in-court testimony from police. Defense lawyers had almost no capacity to challenge the findings of these official reports, which were generally considered by courts to be unimpeachable.

Defendants, prosecutors and the injured party have the right to appeal court rulings. Judges generally granted defendants' requests for additional time to prepare cases. The law provides for the presumption of innocence; in practice, however, this right was frequently violated.

Court statistics released in 2007 indicated that less than 1 percent of court cases resulted in acquittals. However, these statistics did not reflect the many cases that prosecutors dropped, which in effect resembled an acquittal, or cases that were closed due to defendants' medical condition.

There were widespread reports that prosecutors and police used confessions that were obtained through methods that some NGOs characterized as torture and inhuman treatment. Defense lawyers may present evidence of torture to overturn improperly obtained confessions; however, defendants, their attorneys, and NGOs often stated that judges and prosecutors refused to admit such evidence into court proceedings, even when the perpetrator could be identified.

On March 1, authorities opened a single criminal case against persons whom they charged had resorted to violence against representatives of state authorities at the clashes in Freedom Square; who engaged in extraconstitutional actions aimed at the forcible seizure of power; and who organized or directed participation in riots and armed resistance to representatives of the authorities through violence, beatings, arson, destruction and damage of property with arms, explosive substances and mechanisms on March 1–2. As the investigation of this case proceeded, individual cases were split off and prosecuted separately.

According to defense lawyers involved in the March 1 cases, law enforcement bodies failed to state the specific actions that supposedly triggered the specific charges against defendants, or they arbitrarily interpreted certain acts by the defendants to make them fit the charges.

Following a January 27 opposition rally in Talin, Aragatsotsn region, authorities opened a criminal investigation of three opposition supporters, Zhora Sapayan, Mkrtich Sapayan and Hayk Gevorgian, for allegedly assaulting Sargis Karapetian at the rally after Karapetian began shouting against opposition candidate Levon Ter-Petrosian. The investigation initially involved charges of simple battery, a crime that is not punishable by incarceration. According to Hovik Arsenian, lawyer for the three defendants, Karapetian at first described the assault to police as simple battery. Following a public statement by then-president Kocharian that all "hooligans" must be punished, Karapetian told police in a second interview that the defendants had used obscene language, which raised the crime from battery to hooliganism, and police detained the three individuals. At their trial, both the judge and investigators denied requests by the defendants' lawyer to interview other witnesses. On April 15, the court sentenced the three to prison terms of one-and-a-half to two-and-a-half years for group hooliganism.

On February 25, Petros Makeyan, head of the Democratic Motherland Party, Ashot Zakarian, head of the Shirak regional branch of the Yerkrpah Union, a prominent Nagorno-Karabakh war veterans association, and Shota Saghatelian, a member of the opposition Republic Party, were arrested and charged with hindering the process of the presidential election on February 19 when they had registered as election proxies for opposition candidate Levon Ter-Petrosian. During court hearings, at least six out of the ten witnesses in the case retracted testimony given during the pretrial investigation which, they claimed, was extracted under pressure. Two other witnesses never appeared at the hearings. Despite this, on June 13, Zakarian and Makeyan were sentenced to two-and-a-half and three years in prison, respectively. Saghatelian received a suspended sentence of two and a half years.

On February 19, Hovhannes Harutyunyan, member of the opposition Republic Party, was arrested and charged with illegal possession of firearms. The firearms, however, were legally registered and he had permission to carry them. He was then convicted on March 28 to one-and-a-half years in prison for possession of 41 bullets that allegedly were not designed for the firearm that he legally owned. Husik Baghdasarian, another member of the Republic Party, was arrested on February 26, and on March 31 was convicted to three years in prison for illegal possession of 16 bullets.

During the trial of former deputy prosecutor general Gagik Jhangirian and his brother for felony assault against police officials, which many observers considered to be politically motivated by Jhangirian's expressed support for opposition candidate Ter-Petrossian, some shortcomings were noted in the testimony provided by police. In response to the defense's question as to who had given the order to stop the defendant's car, police claimed that they did not know who gave the initial order or any of the names of their commanding officers, and they refused to state the rank of their regular commanding officer.

According to the Helsinki Association, sentences diverged greatly for different defendants charged under the same articles of the criminal code and under the same mitigating circumstances. According to local legal and human rights observers, the courts did not ensure equal rights for the defense and the prosecution. They cited as evidence the courts' continued refusals of defense motions, illicit editing of proceedings records in the criminal court, hindering the activities of journalists who were covering the trials, and general favor toward the prosecution. Diplomatic observers witnessed numerous cases in which convictions were rendered on the basis of highly questionable police evidence and testimony which was persuasively disavowed by the reputed witnesses in open court.

According to local observers, the majority of March 1-related defendants charged for resisting law enforcement and using violence were pressured to plead guilty by the prosecution. When such guilty pleas were entered, the courts regularly held "expedited hearings" which used template wording in the indictments, generally did not entail examination of evidence and resulted in either suspended sentences or fines. Those defendants who did not plead guilty nor agree to expedited hearings—a judicial provision somewhat similar to plea bargaining—were more likely to receive actual prison time.

In June, the Parliamentary Assembly of the Council of Europe (PACE) passed a resolution on the country, criticizing verdicts which were based on a single police officer's testimony without corroborating evidence. In the majority of these trials, the sole witnesses or alleged victims were police officers, whose testimony was often inconsistent. In some cases the same police officers were involved as witnesses in several cases. Observers also singled out cases of intimidation and pressure against witnesses who were not employees of the police.

While addressing the conduct of trials of March 1 cases, Ruben Sahakian, the chairman of the Chamber of Advocates, stated on September 25 that many prosecutors, investigators, and judges involved in these cases were acting in potential violation of the criminal code.

Political Prisoners and Detainees.—Of the hundreds of persons detained around the time of the March 1–2 political violence, approximately 150 were held for a significant period of time, and over 100 were charged with a crime. Most or all of these arrests appeared politically influenced to varying degrees. Some were charged under broadly defined criminal charges of "usurpation of state authority" or "mass disorders." Others were charged with selectively enforced weapons possession charges or with resisting arrest. Authorities denied the presence of political prisoners in the country and maintained that the political opposition planned the postelection violence in an attempt to seize power extraconstitutionally.

No specific information from government authorities was available on how many individuals remained in detention at year's end—whether already convicted, awaiting trial, or in ongoing trials—in connection with the events of March 1–2. Most of these detainees were supporters or members of the political opposition.

According to the political opposition, as of year's end there were approximately 59 persons in custody whom the opposition deemed "political prisoners," including 36 persons detained in connection with the March 1 events and the remainder either held in connection with the presidential elections or serving sentences handed down in previous years.

In April, PACE passed a resolution that criticized the arrest and continuing detention of opposition supporters on seemingly artificial and politically motivated charges. The PACE resolution stated that, "in the absence of adequate judicial control, the arrests and continuing detention of persons on seemingly artificial charges

after contesting the fairness of the presidential elections or their participation in the protests after the elections could only point to the political motivation of such acts.” In a second resolution in June, PACE criticized verdicts “based solely on a single police testimony without corroborating evidence,” and called for the release of all persons who did not personally commit any violent acts or serious offenses.

According to official information, as of December 17, 90 cases against 111 persons had gone to court in connection with the March 1–2 events. Verdicts in 87 cases against 101 persons were in place, leaving in progress three cases against ten persons. All 10 persons whose cases were in progress, remained in custody. Of the 101 persons already tried, 38 persons received suspended sentences, five were fined, 52 were given prison sentences from six months to nine years, five were acquitted and one case was dropped due to an amicable settlement with the defendant. At year’s end charges against three more persons (Hamlet Hovhannisian, Samvel Abovian and Gnel Tovmasian) who undertook not to leave the country were in place, and five more persons (Nikol Pashinian, Khachatur Sukiasian, Virab Manoukian, Hamlet Hovhannisian (different from above), and Sevak Stepanian) were wanted fugitives.

On September 5, approximately six months after their arrests, the SIS sent to court the combined criminal case against seven prominent opposition members whom authorities accused of masterminding the March 1–2 unrest. The case included Alexander Arzumanyan, a former foreign minister who served as Ter-Petrosian’s campaign manager, member of parliament Hakob Hakobian, an opposition demonstrator Shant Harutyunian, and opposition members Grigor Voskerchian and Suren Sirunian, who were charged with mass disorders leading to deaths and usurpation of state authority. In addition to the charges of mass disorders leading to deaths and usurpation of state authority, the charges against the remaining two defendants, members of parliament Myasnik Malkhasian and Sasun Mikaelian, included being an accomplice to violent resistance against representatives of the state for Malkhasian, and possession of illegal weapons and ammunition for Mikaelian. Five more opposition activists, including Nikol Pashinian, editor of a leading opposition daily, and MP Khachatur Sukiasian, a prominent businessman, were wanted under similar charges. The “trial of the seven” -comprising the most prominent defendants- began on December 19 and was ongoing at year’s end. Charges of illegal money laundering against former foreign minister Alexander Arzumanyan (one of the seven defendants), for which he spent four months in prison in 2007, were still pending at year’s end.

The political opposition claimed that there were also a number of opposition supporters arrested for political motives during the year on charges unrelated to the March 1–2 violence. The opposition claimed these persons were prosecuted under trumped-up charges of illegal possession of weapons, participation in mass disorders; hooliganism; abuse and exceeding of official duties; and revealing state secrets. The political opposition and human rights activists also considered as political prisoners those members of the opposition who were arrested during the election period for alleged election violations. The opposition maintained that these persons were arrested for attempting to prevent fraud by government supporters.

On February 22, while the result and outcome of the presidential election were in dispute, Gagik Jhangirian, then a deputy prosecutor general, publicly stated his support for opposition candidate Levon Ter-Petrosian. On February 23, Jhangirian was relieved of his duties by then-president Kocharian, and he and his brother were stopped in their vehicle and arrested later that night. Some observers and opposition supporters contended that the arrests were politically motivated in retaliation for Jhangirian’s support of Ter-Petrosian. Jhangirian was initially charged with treason, illegal weapons possession and felony assault against police officials. The first two charges were eventually dropped. The trial on the remaining charge was ongoing at year’s end.

On March 21, police arrested Anush Ghavalian, a waitress at a restaurant owned by an opposition supporter and parliamentarian Khachatur Sukiasian, on tax evasion charges. According to Ghavalian, her relatives, and her lawyer, authorities were using the charges to try to extract evidence from Ghavalian that would help them prosecute the director of the restaurant, Gevorg Safarian. Safarian was detained in October 2007 in a wide-ranging tax police action against the businesses belonging to the Sukiasian family, immediately after Khachatur Sukiasian publicly supported Ter-Petrosian’s presidential bid. On August 15, another waitress, Karine Mnatsakanian, was arrested on similar grounds. On November 6, the Yerevan criminal court ordered Safarian and Ghavalian released on bail, on grounds of deteriorating health. Safarian’s bail was 3.5 million drams (approximately \$11,475) and Ghavalian’s was 500,000 drams (\$1,640); Mnatsakanian was convicted as an accom-

plice to four months of imprisonment and was released from prison on December 15, having served her full sentence.

On December 10, after serving a full two-year prison sentence, Vardan Malkhasian was released from prison, six months following the June 9 release of Zhirayr Sefilian. Both were leaders of a small hard-line opposition group called the Alliance of Armenian Volunteers who were arrested shortly after the group's establishment on charges of "public calls for the overthrow of the constitutional order by force" and illegal possession of arms.

Arman Babajanian, the editor of the opposition newspaper Yerevan Zhamanak, who was arrested in June 2006 and charged with document forgery and evasion of military service, remained in prison. On July 18, the authorities rejected his petition for release on parole.

Civil Judicial Procedures and Remedies.—First instance courts of common jurisdiction try both minor civil claims and petty criminal cases. Other civil claims (those exceeding 5 million drams (approximately \$16,400), and crimes where the maximum penalty exceeds more than five years in prison, are adjudicated by specialized civil and criminal courts, respectively. Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit on the basis of whether they or their opponents had greater resources with which to influence judges. Citizens also had access to the human rights defender's office as well as to the Constitutional Court, in the latter case to challenge the unconstitutionality of legislation.

There was no progress during the year in the cases of Yerevan residents whose property was razed on eminent domain grounds, despite the Constitutional Court's ruling in 2006 that the 2002 government decision authorizing such demolitions violated the constitution. In June 2007, the European Court of Human Rights (ECHR) initiated a settlement in one such case, Chghlian vs. Armenia, when the authorities agreed to pay 150,000 euros (approximately \$210,000) compensation in exchange for the claimant dropping the ECHR complaint.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications; however, the Government violated these rights in practice.

By law, judges may authorize authorities to wiretap a telephone or intercept correspondence only after being presented with compelling evidence; during the year judges arbitrarily granted permission.

According to the political opposition and local human rights observers, police conducted wide-scale searches in the homes of opposition supporters, election proxies and campaign staff both before and after the February 19 presidential election. These searches were reportedly carried out with procedural violations, intimidation, and threats.

On July 1, opposition presidential candidate Levon Ter-Petrosian released a copy of a directive from the SIS dated March 5 that was addressed to the prosecutor of Vayots Dzor region. SIS chief Andranik Mirzoyan publicly confirmed the authenticity of the document and stated that similar directives were sent to regional prosecutors in Gegharkunik and Aragatsotn, the police, and the NSS. In the directive, Mirzoyan ordered the regional prosecutor of Vayots Dzor to identify and question participants of Ter-Petrosian's rallies, as well as local Ter-Petrosian campaign managers. Subjects of interest to the SIS included any conversations at political rallies about foreign assistance, activists' perceptions about instability being advantageous to foreign agencies or states, and any talk of eliminating Russia's influence in the country. The directive also instructed police to interrogate these individuals about their whereabouts between February 20 and March 2; gather personal information on them; conduct criminal background checks; and collect reports from their neighbors and local authorities about them and their family members. The directive also instructed recipients to retrieve telephone numbers of local Ter-Petrosian campaign officials and obtain court permission to wiretap them; to obtain information on the property owned by rally participants and campaign chiefs; to get copies of their passports; to find out the names of the drivers of the minibuses and taxis who brought persons from Vayots Dzor to Yerevan to participate in opposition rallies; and to find out who accompanied their passengers, who paid their fares, and what they stated about the rallies.

Local human rights organizations called the March 5 directive unconstitutional and politically motivated persecution of government opponents. On July 11, the human rights defender called it illegal, stating that the SIS does not have the right

to give an investigative order to a prosecutor and that the police work that resulted from such and order would be illegal.

According to Artak Zeynalian, a board member of the opposition Republic Party, on July 24, persons presenting themselves as police employees called the cell phones of Ter-Petrosian supporters, various opposition party leaders, and media representatives to verify that the numbers belonged to them. Zeynalian filed a complaint with the police to find and punish the persons behind the calls; police did not respond to the complaint. Zeynalian filed a subsequent complaint with the court to order the police to comply; however, his appeal was rejected.

On September 2, Levon Ter-Petrosian released to journalists a copy of a court ruling that allowed the NSS to wiretap telephone conversations of Alexander Arzumanyan, Ter-Petrosian's campaign manager, and place him under around-the-clock surveillance for a period of two months. Observers criticized the court order as politically-influenced and intrusive on Arzumanyan's right to privacy, as well as an unacceptable interference with the election activities of a presidential candidate. Beginning on September 12, the Dashnak-supported Yerik Media aired, and progovernmental newspapers Hayots Ashkhar and Golos Armenii began publishing, extracts of the wiretapped conversations between Arzumanyan and other persons. Since reportedly only Arzumanyan's lawyers, the SIS, and the prosecutor general's Office had access to the case materials, it was widely believed that sources within the Government gave the transcripts to the newspapers. The wiretap transcripts portrayed conversations between Arzumanyan and his political allies about events, political tactics, and other political figures as well as potentially compromising conversations related to his personal life.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and freedom of the press; however, the Government did not respect these rights in practice. There continued to be incidents of violence, intimidation, and self-censorship in the press throughout the year. There was also progovernment and antiopposition media bias in the run-up to the February 19 presidential election. Following violent clashes between protesters and police on March 1, the Government imposed censorship and suspended freedom of speech and press during a state of emergency that lasted until March 21. The media, and television in particular, continued to lack political diversity. A new amendment to the Law on Television and Radio imposed a two-year moratorium on the issuance of new television broadcasting licenses, further reducing prospects for greater media pluralism.

Most newspapers were privately owned, with the exception of government-sponsored Hayastani Hanrapetutium and its Russian-language version, Respublika Armenii. Except during the March state of emergency, the print media generally expressed a wide variety of views without restriction, but remained influenced by economic or political interest groups or individuals. Authorities continued to make unscheduled tax inspections of independent and opposition media, which local observers viewed as attempts to stifle the press.

Newspaper circulation was very limited, as was the audience for the country's 14 radio stations. Most of the population relied on the country's 42 television stations for news and information. All but one station are privately owned and half were small broadcasters based in the provinces. Only the state-owned Public Television (H1) had nationwide coverage, although three stations were able to cover most of the country, and some stations were able to extend beyond Yerevan. Most stations were owned by progovernment politicians or well-connected businessmen, factors that prompted journalists working for these stations to practice self-censorship. Major broadcast media outlets generally expressed progovernment views and avoided editorial comment or reporting critical of the Government. This was especially the case during the presidential election campaign and the protests and state of emergency that followed the election.

The personnel and property of Azparez Journalists Club (AJC), based in Gyumri, were subject to repeated acts of violence and intimidation. The AJC received threatening phone calls and was targeted for arson January 19 by unknown individuals. AJC chairman Levon Barseghian was detained at a rally on March 2 and held for more than five hours at the police station. On March 21, a fire bomb destroyed the AJC's president's car. Investigations of the arson attempt and the fire bomb were subsequently closed without any suspects.

Prior to the February 19 presidential election, the broadcast media displayed bias in favor of the official candidate, and eventual winner, then-prime minister Serzh Sargsian. OSCE/ODIHR and TEAM Research monitored the election and concluded that the prime minister received preferential treatment in the amount of airtime he was allocated and also in the almost exclusively positive or neutral content of the

coverage. In contrast, Sargsian's electoral opponent, Levon Ter-Petrosian, received far less airtime and was covered in negative or neutral terms. The similar timing and content of the reporting suggested to both monitoring organizations that authorities coordinated some coverage.

Public television station H1 and public radio stations did not impose any restrictions on the content of the legally mandated free time given to each presidential candidate. TEAM Research noted that the Sunday current affairs program 360 Degrees aired on H1 showed a "consistently negative attitude" towards Ter-Petrosian. Despite the diversity of views in the print media, private Kentron Television documented 71 negative references to Ter-Petrosian and no positive clips between January 21 and February 17. Ter-Petrosian received more coverage on H1 than Sargsian but, according to OSCE/ODIHR, the former received negative and "distorted" coverage, while the latter was covered in "overtly positive" terms. Public Radio followed a similar pattern.

Neither the Central Election Commission (CEC) nor the National Commission on Television and Radio (NCTR) fulfilled their statutory obligations to ensure equality and objectivity of media coverage towards candidates. On March 8, the Constitutional Court ruled that the CEC neglected to exert "effective control over preelection promotion" and that the NCTR displayed a "formalistic approach" to complying with the law. As a result, media coverage displayed not only partiality but also, in some cases, "violations of legal and ethical norms." Nevertheless, the court found that no sanctions or remedies were warranted because the candidates were able to present their platforms to voters by other means of preelection promotion.

Some journalists were prevented from covering voting on election day, February 19. There were reports of assaults on reporters and staff, damage to media equipment, and seizure and erasure of film, often in the presence of police officers. During one altercation, an A1 Plus cameraman's camera was damaged and his film was removed near a voting site in Yerevan. In another incident, a Hayk newspaper reporter's tape was erased in the presence of a police officer. In one case, a Haykakan Zhamanak newspaper correspondent was ejected from a polling station, resulting in the chair of the precinct election commission later being fined 300,000 drams (approximately \$1,000).

During the postelection protests, reporters were subjected to widespread harassment and intimidation. On February 27, Radio Liberty reporter Erik Ghazarian was attacked in a downtown police station and his microphone seized. Hayk newspaper correspondent Artak Yeghiazarian was taken to a police station and interrogated about his presence at a political rally. On February 29, and again on March 1, photojournalist Gagik Shamshian was attacked and beaten by several police officers when he attempted to photograph them near a protest in downtown Yerevan. In the second incident, Shamshian's camera was seized and he required medical treatment.

Censorship was imposed and freedom of press and media were severely restricted during the March 1-21 state of emergency. According to the decree enacting the state of emergency, "reports in the mass media on issues concerning the internal situation and of state importance are restricted to official information provided by state entities." The decree resulted in the closing of all opposition media, all Web sites critical of the Government, and several days of broadcasts of Radio Liberty. It did not, however, prevent other print and broadcast media from airing strident criticism and unfounded charges against the political opposition and its leaders. H1 was identified by the country's human rights defender as "a most vivid example of such unacceptable coverage." While the state of emergency decree applied only to Yerevan, there were numerous reports of the severe media restrictions being imposed in many other parts of the country.

In Gyumri, three members of a GALA television crew covering a rally were taken to a police station and held for three hours. Police reportedly attempted to seize the camera of an Aravot correspondent but were thwarted by the crowd. Police also reportedly threatened and insulted a Radio Liberty journalist.

Criminal charges for violence against a law enforcement official were brought against Nikol Pashinian, editor in chief of the proopposition Haykakan Zhamanak, the most widely read daily newspaper in the country. Pashinian, who was one of the opposition figures leading protesters on March 1, went into hiding and remained a fugitive at year's end.

Although opposition newspapers were eventually able to resume publishing on March 21, reporters continued to be harassed and intimidated.

On March 25, police reportedly attempted to seize three journalists covering a protest in the Kotayk region. The crowd helped them escape but one was pursued, captured, forced into a car and taken to the police station where she and her driver were held for an hour.

On May 21, a reporter for Zhamanak Yerevan, covering a protest in the town of Masis, was detained by police, beaten, held for several hours and released after the pictures were deleted from his camera.

On August 1, Haykakan Zhamanak reporter Gagik Hovakimian was detained and held by police for over an hour in the town of Ashtarak after Hovakimian's investigation of whether persons were being prevented from going to Yerevan to participate in an opposition rally.

During the year, a number of journalists were the targets of attacks by unknown assailants. Some observers and human rights groups alleged that the journalists had been targeted for their work.

On August 11, two unknown assailants attacked Haykakan Zhamanak reporter Lusine Barseghyan. Barseghyan, who was briefly hospitalized after the attack, linked the assault to a recent series of articles she had written that scrutinized the alleged illicit activities of influential individuals close to the Government. The assailants were not identified by year's end, and the investigation was ongoing.

On August 18, an unknown assailant attacked the acting chief of Radio Liberty's Yerevan bureau Hrach Melkumian in downtown Yerevan as he was walking home. The unknown assailant approached Melkumian, calling him by name, and proceeded to beat him while cursing the radio and its programming. Melkumian sustained broken teeth and bruises to his head and back. According to local media, the police suspended the case on October 20 because they could not identify the attacker(s).

On November 17, Edik Baghdasarian, an investigative journalist known for his stories exposing government corruption, was the target of a violent attack, which he and many observers believed to be linked to his reporting. Three unknown assailants ambushed and beat Baghdasarian as he was getting into his car near the office of the "Hetq" online magazine. Baghdasarian suffered serious head injuries and was hospitalized for several days. At year's end the investigation was ongoing.

After the lifting of the state of emergency, the State Tax Service (STS) conducted unannounced tax inspections on four independent and opposition media. On March 24, the opposition Chorrord Ishkhanutyun and Zhamanak Yerevan were audited by STS officials. On March 25, the STS notified Haykakan Zhamanak that it would look into its financial records. STS officials also raided the offices of Aravot, asking for the newspaper's tax records dating back to its founding in 1996. Aravot was fined a nominal amount after minor violations were found, as was Chorrord Ishkhanutyun. Haykakan Zhamanak reported its tax inspection ended after it sent a protest letter to the head of the STS.

The GALA regional television station was under pressure simultaneously from tax auditors, broadcast regulators, and municipal authorities. An intrusive tax audit opened in October 2007 resulted in the levying of approximately 26 million drams (approximately \$85,000) in back taxes, fines, and late fees on March 19 after a lengthy court process. Observers widely believed the audit was retribution for GALA's September 2007 broadcast of a speech by Levon Ter-Petrosian that was critical of the Government. After the audit began, GALA also faced difficulty trying to keep or find advertisers. The station's owner alleged that authorities were forcing advertisers to stop doing business with GALA.

A1 Plus television still remained without a broadcasting license or frequency at year's end. The station has unsuccessfully filed 10 applications for a television or radio license after the Government failed to renew its frequency use license in 2002, an action that many considered to be politically motivated. Since 2002, A1 Plus has operated as an Internet news agency, posting its video footage to the Web. During and after the state of emergency, A1 Plus-produced news footage appeared on a variety of international amateur video Web sites. On June 17, the ECHR ruled that authorities had violated Article 10 (freedom of expression) of the European Convention on Human Rights by failing to give a written explanation for refusing a broadcast license to A1 Plus. The ECHR's decision stated that "a procedure which did not require a licensing body to justify its decisions did not provide adequate protection against arbitrary interference by a public authority with the fundamental right to freedom of expression." The ECHR awarded, and the Government paid, 30,000 euros (approximately \$42,000) to A1 Plus' parent company, Meltex, Ltd.

On September 10, with essentially no prior notification or public discussion, the National Assembly amended the Law on Television and Radio to impose a moratorium until July 2010 on the issuance of new television broadcasting licenses. The amendment was passed in an unannounced, evening extraordinary session. The moratorium was enacted shortly before a call for bids on several television frequencies that were due to become available based on expiring licenses. The amendment also gives existing stations the right to extend their licenses to January 2011. Independent media, media analysts, and NGOs viewed the measure as an effort to block issuance of a license to A1 Plus or other applicants more sympathetic to the

political opposition than current license holders. On September 19, the OSCE's representative on freedom of the media sent a letter to President Sargsian warning that the new law "may make Armenia unable to comply" with the ECHR decision in the A1 Plus case.

In October 2007, police filed criminal charges against two editors, Nikol Pashinian of Haykakan Zhamanak and Shogher Matevosian of Chorrord Ishkhanutyun, and a reporter from Chorrord Ishkhanutyun Gohar Vezirian, all of whom had participated in an opposition march in support of Levon Ter-Petrossian that was broken up by riot police. The charges included "hooliganism committed by a group" and "violence against a representative of the authorities." According to one of the editors, these earlier charges were added to charges that authorities subsequently brought against them in connection with the March 1 events.

In December 2007, the office of the opposition newspaper Chorrord Ishkhanutyun suffered an explosion, which its editor in chief linked to its critical coverage of the Government. The prosecutor's office suspended the investigation after approximately one month; the perpetrators were not identified.

In 2006, authorities arrested Zhirayr Sefilian and Vardan Malkhasian, members of the political opposition, allegedly for planning a coup, due to the critical nature of their speeches towards the Government. Sefilian was released on June 9 after serving a one-and-a-half year sentence for illegal arms possession, while Malkhasian was released December 10 after serving a two-year sentence for making "public calls for the overthrow of the constitutional order by force" and illegal arms possession.

Arman Babajanian, the editor of the opposition newspaper Yerevan Zhamanak, remained in prison at year's end on a 2006 conviction for forgery and evasion of military service. While Babajanian pleaded guilty to the charges, his four-year sentence was widely considered harsh for such incidents, and some observers believed that he was the victim of selective prosecution. On July 18, authorities rejected his petition for parole, despite calls by prison officials, the human rights defender, and international and local human rights observers. Babajanian was hospitalized September 4–12 due to a serious health condition reportedly exacerbated by his detention.

Internet Freedom.—In March following the decree of the state of emergency, authorities selectively blocked access to independent or opposition Internet sites known to air critical reports of the authorities. Individuals and groups reported suspected government interception of e-mail or Internet chat conversations, although there was no evidence to confirm that this took place during the year.

Internet cafes were widely available in the cities, although local Internet service provider connections were often extremely slow which limited their effectiveness.

Academic Freedom and Cultural Events.—There were widespread reports of school administrators being dismissed for refusing to support the official candidate in the presidential election. In Gyumri, the regional campaign director for one political party with a candidate in the presidential race, reported that he and over a dozen members of his party had been dismissed from their public sector jobs in the run-up to the election due to their political affiliation. Many of those dismissed had been school directors or administrators in the Shirak region. Similarly, there were widespread reports of school administrators being required to mandate students and teachers to attend rallies for the official candidate. There were reports in the Lori region that school directors and their staffs were being pressured to vote for Serzh Sargsian, who was prime minister at the time. There were reports of teachers and professors throughout the country being fired for their support of the opposition after the March 1–2 events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly; however, authorities severely restricted this right in practice. Prior to the enactment of the state of emergency on March 1, the Law on Conducting Meetings, Assemblies, Rallies and Demonstrations stipulated that groups may peacefully assemble without obtaining a permit, as long as they provided prior notification to the relevant authorities. In the run-up to the February 19 presidential election, political parties generally demonstrated freely. In response to the postelection protests, then-president Kocharian issued a state of emergency decree on March 1 for the city of Yerevan, which imposed a ban on any type of public gathering and was rigorously enforced by police.

On March 17, three days before the end of the state of emergency, authorities amended the law to give broad discretionary powers to authorities to prohibit political rallies and protests. The National Assembly amended the law again on June 11, somewhat relaxing the strict provisions enacted on March 17. In practice, however, authorities continued to severely restrict freedom of assembly through an arbitrary interpretation of the new law and denied approximately 100 opposition appli-

cations to hold rallies at requested venues from March through the end of the year. When denying permission to hold rallies, authorities routinely cited the amended provision of the law that allows them to withhold authorization if law enforcement officials indicate that the event creates potential threats of violence to state security or to public order. However, on several occasions authorities tacitly allowed mass opposition rallies to proceed without interference after having formally refused permission, and granted permission for one opposition rally in Gyumri on June 28 and two in Yerevan on September 15 and October 17.

On February 29, the Helsinki Citizens Assembly (HCA) of Vanadzor held a rally demonstrating against electoral fraud in a Vanadzor park. Individuals reportedly working for Vanadzor's mayor tried to disrupt the rally several times, and then disconnected the electricity being used to power the sound equipment at the site. Arthur Sakunts, the director of HCA Vanadzor, sent a letter to Vanadzor's police to report the case but no further action was taken by year's end.

Early on March 1, authorities used force to end 11 days of continuous, peaceful postelection protests in Yerevan's Freedom Square by government opponents led by opposition presidential candidate Levon Ter-Petrossian. The protests attracted tens of thousands of demonstrators each afternoon, with 300 to 2,000 persons remaining nightly.

On March 1, hundreds of security forces, mainly police and riot personnel, used force to disperse protesters who had spent the night in Freedom Square. According to numerous eyewitness accounts, security forces encircled the protesters and began to beat them with truncheons, use electric stun guns against them, and destroy their tents. When protesters resisted, clashes broke out with security forces. Film footage and eyewitness accounts indicated that police chased protesters a considerable distance from Freedom Square, and that four or five police officers at a time beat individual protesters before taking them into custody. There were also reports that police attacked passersby on nearby streets and assaulted media representatives.

Official government accounts of the clearing of Freedom Square were inconsistent, raising questions about their accuracy. On March 1, police officials stated that they had received information on February 29 that demonstrators were about to be provided large quantities of weapons and that, on March 1, they would use them to instigate mass disorders. The officials claimed that police asked demonstrators to allow them to check for weapons early on March 1, at which point the demonstrators attacked them and police officials decided to disperse the rally. However, a press release posted on the prosecutor general's Web site dated March 1 stated that, consistent with the law concerning unauthorized rallies, police went to Freedom Square to end the rally but, when protestors refused orders to disperse, police proceeded to use force.

Following the dispersal of protesters, police repeatedly broadcast video footage of police officers apparently discovering a cache of hand grenades and other weapons in opposition tents. The authenticity of the video was widely doubted by local observers, many of whom believed the weapons had been planted by police, who then staged the filming of the "discovery." The human rights defender also questioned the official version of events. The opposition consistently denied that it had any weapons at Freedom Square.

According to official information released by the Ministry of Health shortly afterward, 31 persons including six police officers were injured in the March 1–2 dispersal. Following the dispersal, the chief of the Presidential Security Service, Grigori Sargsian, forcibly removed opposition leader Ter-Petrossian from the square and placed him under de facto house arrest at Ter-Petrossian's residence in central Yerevan.

The state of emergency decree issued by then-president Kocharian was approved by the National Assembly late on the evening of March 1 and went into force immediately. The decree included, among other restrictions, a ban on any type of public gatherings, strikes or other actions that could stop or suspend the activities of organizations and limits on the movement of individuals and the means of transportation. The decree officially applied only to Yerevan, however many of its provisions, including the ban on gatherings, were de facto implemented in other regions as well. Authorities insisted that the state of emergency was necessary in order to restore law and order in the capital and the country as a whole.

Following the March 1 events, authorities effectively sealed off Freedom Square using a heavy police and military presence to deter and prevent assembly of opposition protesters there. In June, authorities denied a political opposition request to hold a rally in the square, citing a children's fair that would be taking place at that time. The fair occupied the square for the remainder of the summer. In September authorities began a major construction project to build a parking garage under the

square. Local observers viewed these actions as pretexts to deny political demonstrators access to the square.

On March 4, the Helsinki Citizens Assembly (HCA) in Vanadzor was denied permission to hold rallies in Vanadzor in the period from March 6–8 to discuss the March 1 events. The municipality rejected the application, stating that that the rally would cause unexpected circumstances that could jeopardize the health and life of people. On March 20, the administrative court upheld the decision of the municipality.

On March 18, the campaign office of Levon Ter-Petrossian declared in a statement that opposition activists who had been prohibited from, or detained upon, gathering in public demonstrations were forced by police to sign documents in which they undertook not to attend future rallies or marches.

On March 20, the last day of the state of emergency, then-president Kocharian warned that, according to his instructions, police would “take strict measures” against protesters. Kocharian also stated that authorities would not sanction rallies for some time after the end of the state of emergency. On March 21, the first day after the state of emergency ended, approximately 2,000 protesters attempted to march in downtown Yerevan. The police blocked their procession and used force to stop the march.

After the lifting of the state of emergency, protesters gathered regularly for evening “political promenades” on an avenue adjacent to Freedom Square. For the first several days of promenades, police periodically used force to disperse the assembled crowds and temporarily detained dozens of protesters.

Following the March 12 arrest of opposition supporter MP Sasun Mikaelian, regular protests began in Mikaelian’s home village of Vanatur, including 10 persons who went on hunger strike. On April 7, police used force to disperse the hunger strikers and reportedly took them away to an undisclosed destination in the nearby city of Hrazdan. On April 8, several dozen opposition supporters clashed with police in Hrazdan to demand to know the detained hunger strikers’ whereabouts; approximately 70 Vanatur residents gathered the next morning to demand their release. All of the hunger strikers were subsequently released the next day. According to the opposition, seven of the protesters who pressed for the hunger strikers’ release were each fined 50,000 drams (approximately \$165) for violating the regulations on conducting public events.

On June 20, in his first major public outing after the March 1 events, Levon Ter-Petrossian held an unauthorized rally in downtown Yerevan that authorities had indicated they would prevent. Riot police positioned at the site left the venue as the rally started. The rally proceeded peacefully after accessing electricity for the sound equipment, which reportedly had been cut. On June 28, Ter-Petrossian held an officially sanctioned rally in Gyumri, the first instance of permission granted to him after more than 40 requests, which was monitored but not disrupted by police.

On July 2, a group of alleged supporters of Gagik Beglarian, the prefect of Yerevan’s Kentron district, and Mher Sedrakian, the prefect of the Erebuni district, insulted and beat peaceful protesters who had launched a sit-in on Yerevan’s Northern Avenue to protest the detention and imprisonment of the opposition activists. Police officers, who were present at the scene, did not intervene and reportedly prevented reporters from taking photographs of the incident. Beglarian later denied any responsibility for the clash, claiming the beating had been a provocation orchestrated by the protesters themselves.

On July 10, Yerevan’s municipality banned a rally which Zhirayr Sefilian, an opposition activist released from jail on June 9, had planned to hold on July 17. According to Sefilian, Yerevan’s municipality banned the rally based on police claims that protesters intended to provoke clashes with law-enforcement representatives.

In the morning of August 25, approximately 50 police officers raided Northern Avenue, the scene of an ongoing sit-in by opposition supporters, where they confiscated posters and other materials. The following afternoon, police detained six opposition members at the scene after discovering pro-Ter-Petrossian graffiti painted on the ground. According to one news report, one of the detainees was a minor who was released immediately, while others were taken to the police and released later in the evening. On September 9, police officers used force to disperse opposition supporters gathered on Northern Avenue. Six persons who had declared hunger strikes to urge the release of those they considered to be “political prisoners” were taken to police.

In an October 2 decision citing ongoing construction in the area, the Yerevan municipality banned a rally requested by the opposition to be held on Northern Avenue on October 17. Following an appeal to the administrative court, the court ruled that the rally could be held at an alternative venue, but banned the march afterwards. On October 15, riot police forcibly dispersed approximately 30 young opposition ac-

tivists who were marching in downtown Yerevan to promote the October 17 rally. The ombudsman, who had sent his representatives to the scene, criticized the police actions in a statement issued later that day.

In addition to open air gatherings, the Government also at times restricted citizens' rights to hold closed door meetings. On December 3, a group of local NGOs distributed a statement stating that during the year, civil society groups had repeatedly been denied the right to conduct meetings, discussions, and film screenings on social and political issues. According to the statement it had become common practice for hotels, cinemas, and business centers to refuse rental of space to civil society organizations critical of the Government, current events, or political conditions. The NGOs stated that some hotels had stated that they were instructed by authorities not to rent halls for any event that might be considered political, and that they were instructed to check with designated officials on a case-by-case basis. These claims were corroborated by employees of several hotels.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected it in practice. However, registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law stipulates that citizens have the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

c. Freedom of Religion.—The constitution provides for freedom of religion; however, the law places some restrictions on the religious freedom of adherents of minority religious groups. The Government generally did not enforce existing legal restrictions on religious freedom. The Armenian Apostolic Church is considered the national church and enjoys some privileges not available to other faiths. The law does not mandate registration of NGOs, including religious groups. However, only registered organizations have legal status and may publish more than 1,000 copies of newspapers or magazines, rent meeting places, broadcast programs on television or radio, or officially sponsor visas for foreign visitors, although there is no prohibition on individual members doing so. There were no reports of the Government refusing registration to religious groups.

While the law prohibits "proselytizing" as well as foreign funding for foreign-based churches, neither restriction was enforced in practice.

Although the law provides for alternative service for conscientious objectors, the military services themselves administer the alternative service, and members of Jehovah's Witnesses refused the alternative program for that reason. Since 2005 there have been no applications for alternative service by an Armenian citizen. According to lawyers for Jehovah's Witnesses, by the end of the year, 81 of the group's members were serving prison sentences for evading alternative service. One additional person had received a suspended sentence. Jehovah's Witnesses complained about the length of court-ordered sentences for evasion of alternative service.

On July 28, following mediation by the human rights defender, the military commissar sent a letter to the Jehovah's Witnesses informing them that he had instructed all commissariats to register and to provide passports to all persons who had been prosecuted for evading military service for conscientious reasons and who had served their prison sentences. The letter stated that the Ministry of Defense and the military prosecutor did not object to the registration of these citizens. The Jehovah's Witnesses reported improvement in military commissariats' treatment of Jehovah's Witnesses, especially in the issuance of documents after completion of prison sentences.

Societal Abuses and Discrimination.—Societal attitudes toward most minority religions were ambivalent. Television outlets disparagingly labeled denominations other than the Armenian Church as "sects" in their broadcasting and aired negative programs about them.

According to observers the general population viewed nontraditional religious groups with suspicion and expressed negative attitudes about members of Jehovah's Witnesses because of their proselytizing practices and refusal to serve in the armed forces. Members of Jehovah's Witnesses continued to experience occasional societal discrimination.

Jewish community leaders estimated the community's size at between 500 and 1,000 persons. There is a resident rabbi and one synagogue. There were no reports of anti-Semitic violence or vandalism during the year. In December 2007 Jewish community members discovered a small swastika drawn on the Hebrew side of the Joint Tragedies Memorial.

In the days prior to the February 19 presidential election, an anonymous antiopposition organization distributed a DVD in Yerevan that contained anti-Semitic claims, epithets, and innuendo against presidential candidate Levon Ter-

Petrosian. The allegations cast aspersions on the candidate's Jewish wife and alleged that he was collaborating with the Israeli government and others in a "Zionist plot" to undermine the state. Some of the video was shown on a private television channel that had a national viewing audience.

Throughout the year, progovernment Hayots Ashkharh daily continued to publish negative articles about the Jehovah's Witnesses. The articles presented the group as a sect endangering the security of the state and calling for their expulsion from the country. They also called for tougher punishment for evasion of alternative service by conscientious objectors.

According to a police report, on July 13, a 53-year-old Yerevan resident attacked two Jehovah's Witnesses while they were preaching. According to the Jehovah's Witnesses, on December 19, the attacker, Hayk Elizbarian was found guilty on charges of insulting, threatening, and beating the victim and was fined 150,000 drams (approximately \$490).

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, there were some restrictions in practice. The Government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, internally displaced persons (IDPs), stateless persons, and asylum seekers.

In order to leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas for temporary travel out of the country may be routinely purchased for approximately 1,000 drams (approximately \$3) for each year of validity. Following leadership changes in the police passport and visa agency, exit visas were routinely provided within one day of application. In October, the Government abolished the requirement for emigrants to deregister themselves from the civil registry, which had widely been viewed as an onerous process that was subject to extensive corruption.

Freedom of movement of citizens within the country was restricted by the president's state of emergency decree adopted on March 1. During the year there were numerous reports that citizens residing outside of Yerevan were restricted from attending opposition rallies held in the capital.

The law does not prohibit forced exile, but there were no reports that the Government used it.

Internally Displaced Persons (IDPs).—The Norwegian Refugee Council (NRC) found in a 2005 study (the last year for which figures were available) that 8,399 IDPs resided in the country in 2005.

During the country's war with Azerbaijan over Nagorno-Karabakh, the Government evacuated approximately 65,000 households from the border region, but most have since returned to their homes or settled elsewhere. Of the remaining IDPs, almost two-thirds could not return to their villages, which were surrounded by Azerbaijani territory, and others chose not to return due to socioeconomic hardships or fear of landmines. The Government afforded full citizenship rights to IDPs but did not have programs to help integrate them; however, international organizations supported their adjustment.

On September 25, authorities approved a program to assist in the resettlement of 626 families that were displaced during the Nagorno-Karabakh conflict.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status and asylum during the year; however, many asylum requests remained undecided with applicants complaining of long processing delays, and in some cases discrimination, by the authorities based on their country of origin.

In practice, the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened. The Government also provided temporary protection during the year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

As of November 1, a total of 190 persons applied for asylum and the Government granted temporary asylum to 68 persons and refugee status to one person. Other cases were under review at year's end.

There was an established procedure for granting asylum which included amnesty for the illegal entry of an asylum seeker and access to the territory for individuals seeking asylum. However, some delays and difficulties with refugee processing at

airports and land borders arose due to frequent rotations of inexperienced border officials and little training on asylum procedures.

Due to a lack of institutional capacity, the Government often struggled to integrate asylum seekers into society once they were granted permanent residency status. Temporary housing for refugees and asylum seekers was often inadequate in supply and in poor condition.

During the year the UNHCR implemented an intensive program to train border guards. International organizations asserted that Russian border guards, who operated under an agreement between the country and Russia, usually came into first contact with potential asylum seekers at the country's borders with Turkey and Iran and sometimes at the main international airport in Yerevan and often refused them entry without informing either the Government or the UNHCR. During the year some Russian guards were phased out at the Yerevan airport, but the percentage of Russian border guards remained at approximately 18 percent due to increasing numbers of unstaffed positions normally filled by border guards from the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Although the law provides citizens with the right to change their government peacefully, that right was restricted in practice due to repeated, significant flaws in the conduct of elections at the national and local levels.

Elections and Political Participation.—The conduct of the February 19 presidential election was significantly flawed. Problems included favorable treatment of the Government's candidate, instances of ballot stuffing, vote-buying, multiple voting, voter intimidation, violence against and intimidation of opposition commission members, proxies and reporters, restriction of their civil and political rights, and suspiciously high turnout figures.

On February 24, the Central Election Commission (CEC) declared that Prime Minister Serzh Sargsian won the election with 52.8 percent of the votes. Levon Ter-Petrosian, the second-place candidate, received 21.5 percent of the votes. The remainder of the votes cast went to Artur Baghdasaryan (16.7 percent), Vahan Hovhannisian (6.2 percent), Vazgen Manukian (1.3 percent), Tigran Karapetian (0.6 percent), Artashes Geghamian (0.5 percent), Arman Melikian (0.3 percent) and Aram Harutiunian (0.2 percent).

An international election observation mission with members from OSCE/ODIHR and a number of European parliamentary organizations observed the February 19 election. The final OSCE/ODIHR report on the election stated that, while it "mostly met OSCE commitments and international standards in the preelection period and during voting hours, serious challenges to some commitments did emerge, especially after election day," which displayed "an insufficient regard for standards essential to democratic elections and devalued the overall election process." The lack of accountability and transparency in the vote count and ineffective procedures for registering complaints and appeals were also noted. Deficiencies in implementation of the election code were also a problem. The report noted the blurring of party and government functions in apparent violation of the law. In the preelection campaign period, for example, media bias favored then Prime Minister Sargsian, and numerous local government officials actively campaigned for him, some while performing official duties. There were also accounts of local government employees and public-sector employees being obligated to attend the prime minister's campaign events. Observers also noted implausibly high turnout figures at approximately 100 polling stations.

Prior to, during, and after the election campaign, which began January 21, the opposition reported multiple cases of politically-motivated harassment by authorities.

There were reports of persons being fired from their jobs for their political views or activities before or after the election. The NGO Helsinki Citizens Assembly Vanadzor reported that Arshavir Ghukasian and Armen Hovhannisian, employees of the Lori regional administration, were dismissed from their jobs after the election because of their support for Ter-Petrosian. In the Shirak region, a regional political party head reported that over a dozen members of his party, which had a candidate in the presidential election, were dismissed from their public sector jobs because they refused to support then-Prime Minister Sargsian's campaign. Local government employees and public sector workers were reportedly obliged to attend then-Prime Minister Sargsian's campaign events under the threat of being fired or receiving a cut in pay.

There were also reports of the misuse of government administrative resources by then Prime Minister Sargsian's campaign prior to the election. Authorities in Vanadzor reportedly provided free public transportation, cancelled classes, and sus-

pended the work of other public institutions to ensure high turnout at a February 7 Sargsian campaign rally.

Some opposition activists were assaulted for their campaign activities. Prior to the February 9 rally of Ter-Petrossian, Hovhannes Grigorian, Gevorg Zakarian and Aghvan Hakobian were posting Ter-Petrossian campaign information in downtown Yerevan when they were reportedly assaulted by Melik Gasparian, the Sargsian campaign manager in Yerevan's Nor Nork district.

Parties in the political opposition reported that authorities pressured landlords not to rent them office space during the campaign. There were also reports that advertising companies were under pressure not to rent billboard space to the opposition. There were also numerous instances of campaign material for the then prime minister Sargsian being posted in state-owned buildings, such as mayors' offices, schools, and cultural centers. On January 28, police in the city of Kapan reportedly used force to close Ter-Petrossian's sole campaign office there. The Ter-Petrossian campaign leased the office in December 2007, but its owner decided to end the lease agreement despite being paid two months' rent in advance. Ter-Petrossian's campaign manager in Kapan stated that police ordered him and other campaign volunteers to vacate the office despite the owner's willingness to let them stay there two more days. Police then sealed the office.

Various campaigns reported arson and gunfire attacks on their offices during the month prior to elections. Such incidents were reported in Vanadzor, the Silikian district in Yerevan, Haghtanak village (located within Yerevan's administrative boundaries), in Nor Nork and another Yerevan district. One person was convicted for hooliganism in connection with such an incident.

Some opposition campaign events were disrupted by violence. Three Ter-Petrossian supporters were arrested and charged with "collective hooliganism" for an alleged assault on a heckler at a Ter-Petrossian rally in the town of Talin on January 27, and were sentenced to prison terms of 1.5 to 2.5 years on April 15.

During a Ter-Petrossian rally in the city of Artashat on February 6, a group of government supporters threw stones and scuffled with Ter-Petrossian's supporters, apparently in an attempt to disrupt the rally. The Ter-Petrossian campaign filed a complaint with police, which resulted in two persons being fined 100,000 drams (approximately \$300) each.

During a campaign rally in Freedom Square on February 3, Artur Baghdassarian declared that he had received death threats; he suggested the threats were politically motivated and that authorities were behind them. According to the prosecutor general's office Artur Baghdassarian sent his representative to the police to discuss the statement made at the rally, but failed to provide specific information and details about the alleged threat, thus no state protection was provided to the presidential candidate.

According to the local affiliate of Transparency International, an anticorruption NGO, both Serzh Sargsian and Vahan Hovhannisian spent more money on their presidential campaigns than was allowed by the election code.

On February 7, Levon Ter-Petrossian asked the Constitutional Court to postpone the presidential election by two weeks, citing state television's antagonistic coverage of his election campaign. Ter-Petrossian sought to invoke a provision of the election code in which a presidential election can be postponed if one of the candidates is deemed to be facing "insurmountable obstacles" in getting a message across to voters. During its preelection media monitoring, the final OSCE/ODIHR report noted a clear imbalance in coverage of the candidates, stating that "in contrast to the almost exclusively positive or neutral coverage afforded to Serzh Sargsian, Levon Ter-Petrossian was regularly portrayed in a negative light." On February 11, the Constitutional Court denied the appeal, ruling that the alleged obstacles were not insurmountable. At the same time the court stated that Ter-Petrossian's complaints should be addressed by the National Council for Television and Radio, the Central Election Commission and the administrative courts. Complaints filed with each of these bodies were reportedly refused or dismissed.

In a written statement three hours before the closing of the polls, Artur Baghdassarian's Rule of Law party campaign headquarters stated the voting was taking place in an atmosphere of threats and violence and was characterized by mass ballot stuffing and other irregularities. After the announcement of results, Baghdassarian claimed that he won considerably more votes than were shown by the CEC due to deliberate miscounting of ballots and other violations by election officials on polling day. On February 20, Baghdassarian issued a statement alleging that the election was marred by numerous falsifications, intimidation and violence against election commission members and proxies, as well as numerous cases of ballot-stuffing, distribution of election bribes, open and multiple voting, and falsifications during the count. Leaders of the Armenian Revolutionary Federation-

Dashnaktsutiun party (ARF) also expressed concern that there had been vote fraud, including widespread vote buying, ballot-stuffing, and other violations.

The Ter-Petrosian campaign stated scores of Ter-Petrosian's elections proxies in and around Yerevan were beaten by government supporters after alleging voting irregularities, although independent observers were unable to confirm such a high number of assaulted proxies. Human Rights Watch noted 13 cases of assault on Ter-Petrosian proxies, two opposition members of parliament, and at least two journalists. According to Human Rights Watch, in several incidents the assaults took place in the presence of police and polling station officials, who did not intervene. One of the reported assaults included the alleged kidnapping of a Ter-Petrosian proxy from a polling station in the Yerevan suburb of Abovian. Larisa Tadevosian stated she was driven outside of Abovian and beaten up by three men after making allegations of fraud. She identified one of the assailants as the chief bodyguard of Gagik Tsarukian, a wealthy businessman with close ties to the outgoing President Robert Kocharian. The authorities launched an investigation into the allegations, but dropped the case due to lack of evidence. A similar incident was reported in Yerevan's northern Avan suburb, in which two Ter-Petrosian proxies claimed to have been kidnapped and beaten by a group of men led by Ruben Hayrapetian, a business tycoon and reputed criminal figure with ties to authorities. Vahagn Khachatryan, Ter-Petrosian's campaign manager in Yerevan's Malatia-Sebastia district, stated that numerous assaults and cases of violation fraud committed in the district were orchestrated by MP Samvel Aleksanian, another businessman with alleged ties to authorities.

In one of his postelection reports, alongside the mention of assaults on opposition proxies by progovernment supporters, the human rights defender stated that some Ter-Petrosian proxies assaulted election officials and proxies on election day. For example, in one polling station in the town of Maralik, Ter-Petrosian's Maralik campaign chief and his supporters reportedly severely attacked a proxy representing Serzh Sargsian. Harutun Urutian, the campaign chief claimed he was trying to prevent voting violations when a scuffle broke out. In the harshest election-related punishment meted out to date, a court sentenced Urutian to seven years in prison for impeding the activities of an election commission and for assault. Urutian rejected the charges as politically motivated and appealed the verdict. On May 22, the Court of Appeals upheld the charges but shortened the prison sentence to six years.

In the large majority of cases of alleged violence during the election campaign and on election day, Ter-Petrosian supporters and proxies were almost invariably prosecuted and convicted. Most progovernment supporters and proxies saw similar charges against them either go unpunished or they received milder punishment than Ter-Petrosian's supporters. According to official information, approximately 26 persons had been convicted for violence or violations on election day, and at least two of the cases were considered by appeals courts, which upheld the lower courts ruling. Fourteen of the 26 persons were supporters of Levon Ter-Petrosian; nine of the 14 were convicted to prison terms ranging from one-and-a-half to six years. Out of the five election commission officials convicted for their behavior on election day, two were sentenced to prison.

Approximately 17 percent of the international election mission observers reported significant procedural errors in the vote, mostly after the opening of ballot boxes. In 21 percent of polling stations visited, the number of votes per candidate was not announced and in 10 percent there were inconsistencies in determining valid votes. Other problems included failure of precinct commissions members to showing marked ballots to observers present; placing ballots on the wrong candidate piles; signing protocols before completion of the count; signing blank protocols; indications of ballot box stuffing; and attempts to impede observers. Domestic observers or proxies were not afforded a clear view of the vote count at approximately 10 percent of polling stations visited. In eight polling stations, observers saw deliberate data falsification.

According to the CEC, recount requests were filed in 25 territorial election commissions (TECs) regarding 159 precinct election commission (PEC) results. According to the opposition, TECs rejected 34 requests without sufficient cause. One candidate, Aram Harutiunian (who received just 0.2 percent of the vote), requested 27 recounts, some of which were filed right after midnight on February 20 before other candidates filed requests. Because territorial election commissions generally conducted recounts according to the time a request was filed and by law had just three days to complete recounts, some commissions were occupied with the Harutiunian recounts and unable to conduct some recounts requested by other candidates. Some observers believed that Harutiunian's requests were deliberately orchestrated as a tactic to run out the recount clock before ballots from problematic precincts could be recounted.

The majority of recounts witnessed by international observers showed discrepancies and mistakes in the original count, some significant. Other serious problems occurred during recounts that raised questions about the honesty and political impartiality of precinct and territorial commissions. In Davitashen, Yerevan, territorial commission officials procrastinated in the recounting ballots of polling stations, as key officials absented themselves from the proceedings without reason and other officials insisted nothing could be done without them. After a three hour hiatus in the recount, a group of thugs entered the premises and forced commission members, candidate proxies, journalists, observers from OSCE/ODIHR and diplomatic representatives to leave the building while police officers passively stood by. By the end of the year, no action had been taken against officials who delayed the recount or against police who allowed the illegal disruption of the vote recount. None of the persons who interrupted the recount were identified or arrested.

Despite multiple changes to the election code shortly before the election campaign began, important shortcomings remained. In an overwhelming majority of election commissions, the key leadership positions were held by progovernment appointees, which raised concerns over the independence and impartiality of the administration of elections. There was also no separation between the Government and the ruling party during the presidential election, which resulted in unequal campaign conditions for the nine presidential candidates.

Two appeals were filed against the election results at the Constitutional Court, one by Levon Ter-Petrossian and the other by Tigran Karapetian. On March 8, the court upheld the election results but criticized the National Committee of Television and Radio and the CEC for not taking actions to ensure unbiased media coverage, as prescribed by law. However, the court found that their inaction did not affect the election outcome and ruled that inaccuracies in some precinct election result protocols could not affect the results of the election.

The state of emergency imposed on March 1, among other restrictions, banned “political propaganda” through leaflets or other means without permission from relevant state bodies and temporarily suspended the activity of political parties and other public organizations that could impede the elimination of the circumstances that served as the grounds for declaring the state of emergency.

There were 11 women serving in the 131-seat National Assembly, including one of two deputy speakers, as well as two women appointed to the Government cabinet, and one female governor.

There were no members of ethnic minorities in the National Assembly or government cabinet, nor did any members of ethnic minorities participate in the presidential election.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread on all levels and in all sectors. The World Bank’s Worldwide Governance Indicators reflected that corruption was a serious problem. The public rarely protested corrupt practices, such as routine bribe-paying, and appeared to be aware of the problem’s prevalence.

Financial disclosure laws cover public officials and their family members. However, according to a 2006 report by the Anticorruption Network for Eastern Europe and Central Asia of the Organization for Economic Cooperation and Development, the declaration was a formality, and there are no mechanisms in place to verify the declaration information, which was not fully accessible to the public. While individuals with annual incomes above 8 million drams (approximately \$26,000) as well as state officials, were required to submit income tax declarations beginning April 15, the Government had not established mechanisms to implement the requirement by year’s end.

Government programs to curb corruption were largely inactive during the year. The Governmental Anticorruption Strategy Monitoring Commission (ACSMC) and Anticorruption Council met only sporadically during the year, in apparent violation of its own regulations. In December 2007, the council approved a nine-month timetable for drawing up an anticorruption strategy for 2008–12. By the end of the reporting period, four of the five planned chapters of the strategy had been drafted. Drafts of the four chapters completed to date were widely distributed during the year, and the NGO Freedom of Information Center Armenia posted the completed chapters of the strategy on its website. Public consultations on the strategy were held in three of the country’s 11 regions as well as in Yerevan during the year.

There were some improvements, including a decline in incidents of corruption and increased transparency, in the operations of the police passports and visas department (OVIR) following the removal of its chief on July 7 and the appointment of

a new chief, Norayr Mouradkhanian, on July 9. On June 26, Prime Minister Sargsian called corruption “the number one problem” facing the country and identified the passport service as “one of the most corrupt government agencies.”

According to official statistics, authorities investigated 173 corruption cases during the first 11 months of the year, of which 57 cases against 75 persons (including 57 officials) were sent to the courts. The Special Investigative Service investigated 34 officials under corruption charges, the majority of whom worked in the police forces or the Ministry of Justice. Most of these officials were section heads or low-level officials. The disposition of these cases by the end of the year was unknown.

On September 17, the Audit Chamber of the National Assembly reported that violations and abuses of the state budget amounted to over 1.3 billion drams (approximately \$4.3 million) during the first half of the year, mainly involving construction. The chamber's chair, Ishkhan Zakarian, stressed that damage to state budget should be compensated and the guilty parties punished.

On September 24, the Audit Chamber of the National Assembly announced the results of oversight investigations in the Syunik region. According to the chamber's chair, Syunik's governor and regional government officials under his supervision embezzled 575 million drams (approximately \$1.9 million) in public funds and property. The chamber found that approximately one-third of this amount was misappropriated by officials in the regional administration, who inflated the cost of procurements and failed to properly use government funds earmarked for construction, and that the mayors of towns and villages embezzled even larger sums through similar schemes. The chamber's chair alleged that the mayor of Syunik's capital, Kapan, sold 5,200 square meters of public housing for as little as 3,500 drams (\$12) and stated that he would forward the case to state prosecutors after the chamber completed its inspections in Syunik.

While the law provides for public access to government information, in practice the Government rarely provided such access. By the end of the year, the Government had not yet adopted the legal regulations required by, and supplementary to, the 2003 Freedom of Information Law, on the aspects of collection and provision of information. Officials cited the absence of these regulations when refusing to provide information. NGOs were more successful in gaining access to information through the courts.

On April 10, the NGO Freedom of Information Center published the results of a survey on journalists' access to information which cited access to official information as a serious problem. The survey claimed the biggest obstacle in obtaining official information was the mentality of officials, who viewed the information at their disposal as their private property. Other obstacles included the absence of formal procedures for storing and providing information, as well as the low level of awareness of their rights among journalists.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year independent local religious and human rights organizations and local affiliates of international organizations operated in the country. Government authorities generally did not deny requests to meet with domestic NGO monitors and followed some NGO recommendations, particularly those related to social welfare, education, or involving local matters.

The human rights defender is mandated to protect human rights and fundamental freedoms from abuse by the national, regional, and local governments or their officials. During the first half of the year the human rights defender's office received written complaints from more than 1,662 citizens; the office resolved 48 of these complaints, with 87 persons reportedly receiving redress for their grievances.

On March 3, the human rights defender issued a statement on the March 1 political violence that questioned authorities' use of lethal force against opposition protesters. The statement suggested that clashes between security forces and protesters resulted from the violent dispersal of demonstrators from Freedom Square earlier that day and called on authorities to answer allegations that protesters were attacked without warning and explain why security forces hindered the media from reporting the incident. The defender also criticized state-controlled media for presenting only the official version of events. On March 5, then-president Kocharian criticized the human rights defender's assessment as well as the defender personally, asserting that the defender did not understand what he was talking about. Kocharian also warned the defender that every state official must remember that

they work for the country and “not Strasbourg,” in reference to the seat of the European Court of Human Rights.

On April 25, the human rights defender released a more extensive ad hoc report on postelection developments, in which he again questioned the official version of the March 1 events as well as the legality of the actions taken by then-president Kocharian and law enforcement bodies, and called for an independent investigation into the March 1 events.

In response to the April 25 report, the prosecutor general and the minister of justice rejected the ad hoc report’s assertions, and various officials appeared on television to criticize the human rights defender, blaming him for taking sides and alleging that he had exceeded his mandate by issuing the ad hoc report. On June 5, the National Assembly’s committees on human rights and European integration held hearings on the report, during which the human rights defender criticized the prosecutor general and Justice Minister for misrepresenting the content of the report and for refusing to answer questions about the March 1 unrest.

During the year authorities did not provide access to case materials and results of forensic examinations to the families of the March 1–2 victims. On June 26, authorities recognized those killed as “victims” or “injured parties” and their family members as legal heirs, which legally entitled them to access investigation materials into the deaths, but this access was not granted in practice. An independent May 7–12 inquiry into postelection events conducted by a Paris-based association of Armenian lawyers (AFAJA) suggested that families of these victims were subjected to various pressures by authorities and were allegedly offered financial compensation “to turn the page” and cover the funeral expenses.

On May 21, Tigran Urikhanian, the leader of a marginal political party, assaulted and shot Mikhail Danielian, the head of the NGO Helsinki Association, with an air gun. Danielian sustained light wounds in the attack. Despite numerous witnesses to the incident, authorities had not prosecuted Urikhanian by year’s end. According to the prosecutor general’s office, a criminal case on charges of hooliganism was launched to investigate the argument between Urikhanian and Danielian, however, the status of Danielian and Urikhanian within the criminal case was unclear at year’s end.

On May 28, Arsen Kharatian, a member of the proopposition HIMA youth civic initiative movement that emerged following the disputed presidential election, was attacked and severely beaten by three unknown individuals. Kharatian believed he was targeted for his public activities and political views. After the March 1 events, Kharatian had been detained twice while participating in political promenades; he was released the same day on both occasions. On September 28, the investigation was suspended; the assailants were not identified.

On June 25, two unknown men assaulted 20-year-old Narek Hovakimian, an active member of HIMA. Hovakimian, who was hospitalized with head and stomach injuries told the press that he was convinced the attack was politically motivated. On August 26, the investigation was suspended; the assailants were not identified.

The Government generally cooperated with international NGOs, permitting them to visit prisons and, in the case of the ICRC, all detention centers in the country.

After the May 2007 elections, the new parliament established a Standing Committee on Protection of Human Rights and Public Issues. Human rights NGOs viewed the committee with skepticism due to its unclear mandate and apparent lack of concrete activity.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; in practice, however, there was societal discrimination against women, ethnic and religious minorities, persons with disabilities, and homosexuals.

Women.—Rape is a criminal offense and carries a maximum penalty of 15 years’ imprisonment. There are no explicit laws criminalizing marital rape. During the year authorities launched 20 criminal cases against 15 persons on cases of rape and attempted rape; however, social stigma contributed to the underreporting of those crimes. Authorities convicted 11 out of these 15 individuals for rape or attempted rape; the disposition of the other cases was unclear at year’s end.

There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was widespread. In a May 2007 survey commissioned by the Women’s Rights Center, 66 percent of the respondents acknowledged that family members subjected them to psychological abuse and 39 percent considered themselves victims of either moderate or severe physical abuse. Most cases of domestic violence were not reported to police because victims were afraid of physical harm, were apprehensive that po-

lice would return them to their husbands, or were embarrassed to make family problems public.

In November, Amnesty International issued a report on domestic violence in the country noting that all domestic violence shelters, with the exception of one, have been forced to close due to funding problems. Prior to their closure, the NGO-operated shelters offered refuge and assistance, including psychological and legal counseling to domestic violence victims.

On April 30, the Council of Europe's commissioner for human rights, Thomas Hammarberg, issued a report on the human rights situation in the country based on his visit in 2007. The report noted there was a police unit that specialized in domestic violence, but that police attention to the problem continued to be inadequate. NGOs reported that police officers were reluctant to communicate with female victims. The number of female police officers continued to be insufficient.

Prostitution and sex tourism are legal, but operating a brothel is prohibited and engaging in other forms of pimping are punishable by one to 10 years' imprisonment. According to media reports, there were fewer than 5,000 women involved in prostitution in the country, approximately 1,500 of whom were in Yerevan. Police and other security forces reportedly tolerated prostitution.

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. Sexual harassment appeared to be widespread, especially towards younger women and women who worked in the public sector.

Men and women enjoy equal legal status, although gender and age discrimination were continuing problems in the public and private sectors. Women generally were not afforded the same professional opportunities or wages as men, and often were relegated to more menial or low skill jobs. Authorities asserted that women constituted half of all public servants and received the same pay as men.

Children.—The Government was committed to protecting children's rights and welfare, but it did not allocate sufficient resources to fulfill this commitment.

Observers indicated that parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, thereby potentially depriving them of essential social services and increasing their children's vulnerability.

Many educational facilities were severely underfunded and in poor condition, although major renovation works were initiated with government and foreign funding. Access to education in rural areas remained difficult, and work in the fields during harvest season took precedence over school for many children. Lack of funding to provide heat prompted school officials in many areas to extend winter school breaks by as much as an additional month. Many teachers solicited bribes from parents in return for good or passing grades.

Severe disparities remained in both primary and secondary education in the country between gender, regions, and income. Dropouts after basic education were substantial, especially among poor students. According to the State Statistical Service, 13 percent of children aged 15–16 were not attending school in 2006, the most recent year that statistics were reported.

Attendance rates among children in the Yezidi ethnic minority continued to be lower than average, partially due to economic reasons, a lack of Yezidi teachers and textbooks, and the early removal of teenage girls from schools for marriage. In 2007 new Yezidi language textbooks, as well as Assyrian language texts, were used in ethnic minority schools around the country.

Free basic health care was available to boys and girls through age 18 but often was of poor quality, and officials often required overt or concealed payment for services.

There were reports that girls were trafficked for commercial sexual exploitation.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however there were reports that persons were trafficked to and from the country. There was no credible data as to the real extent of the problem.

The country is a source and transit point for women and girls trafficked primarily for sexual and, to a lesser extent, labor exploitation to the United Arab Emirates and Turkey. There were also reports that men were trafficked to Russia for forced labor in the construction sector. There were reports of trafficking victims from the country registered in West European countries. There was one report of internal trafficking of a minor. The country was also a destination for a group of trafficked persons from other countries that were formerly part of the Soviet Union.

According to the Prosecutor General's Office, during the year at least 40 persons were victims of trafficking. The Prosecutor General's Office also reported that 24 persons were victims of pimping during the year, including 23 exploited within the country and one exploited in Turkey.

Traffickers, using developed networks in source and destination countries, typically recruited victims who were already engaged in prostitution. The majority, but not all, of the identified victims were aware that they would end up in the sex industry in other countries; however, they were unaware of the traffickers' intent or the exploitative circumstances they would face abroad. Once in the destination country, victims were deprived of their travel documents, locked in hotel rooms, and told that they must "repay" their expenses. The initial consent of the victims contributed to authorities' difficulty in identifying cases of trafficking. In most cases, victims left the country with valid documents after which the traffickers provided them with forged documents in a transit country. According to local observers, traffickers occasionally refrained from violence against victims and used more subtle means to exercise control. There were reports that traffickers encouraged victims to become recruiters, promising them that they could keep a percentage of their recruits' earnings.

Women engaged in prostitution, orphans who had outgrown their institutions, homeless or divorced women, and women in difficult financial situations were at greatest risk of being trafficked. There were some reported incidents of physical violence against trafficking victims.

Trafficking in persons is punishable by three to 15 years' imprisonment, depending on the presence of aggravating factors such as the death of the victim or the involvement of a minor. Traffickers are eligible for early release from prison after serving half of their sentences, and in the past such releases have been routinely granted.

According to the prosecutor general's office, courts convicted persons during the year under the trafficking statute and 13 persons under the pimping statute. Experts noted that inconsistent application of the two statutes continued to be a problem during the year.

In July, police uncovered a large group of trafficking victims from Russia who were exploited in local night clubs as exotic dancers. The recruiter, a Russian citizen, and her accomplices were apprehended. The investigation of the case was ongoing at year's end.

The Ministerial Council to Combat Trafficking in Persons, chaired by the deputy prime minister, is responsible for implementing, coordinating, and monitoring the Government's antitrafficking efforts. In December 2007, following extensive discussions with foreign governments and NGOs involved in antitrafficking programs, the Government approved a 2007–09 national action plan to combat trafficking in persons.

The police, the NSS, and the prosecutor's office were responsible for investigation and prosecution of trafficking. The Government actively cooperated with several trafficking destination countries and regularly shared information with them.

Previous allegations of official complicity in trafficking continued to harm the credibility of the Government's antitrafficking efforts. Some observers asserted that agreements between corrupt court officials and traffickers were also common.

By year's end no officials had been prosecuted in connection with the 2006 escape from the country of convicted Uzbek trafficker Anush Zakharyants. An official investigation into the escape had resulted in the dismissal of two senior inspectors of the border oversight department, and the head of the border oversight department, Lieutenant Colonel V. Poghosian, was reprimanded. On December 18, in connection with the escape of Zakharyants, the Government launched a new criminal case into the circumstances of Zakharyants' illegal crossing of the border.

Upon their return to the country, many trafficking victims feared social stigma and discrimination and were reluctant to help locate and prosecute their traffickers. Government officials did not require victims to assist in pursuing traffickers but worked with the ones who were willing to do so. NGOs reported that judges' treatment of victims has improved in recent years.

Several NGOs assisted trafficking victims, many of whom were referred to them by the Government. Two hotlines were also available for trafficking victims. Antitrafficking NGOs operated without financial assistance from the Government and depended on foreign government funding. At the end of the year, however, the Government approved five line items in the national budget directed at combating trafficking in persons, including a trafficking victims' shelter.

On November 20, the Government approved the National Referral Mechanisms (NRM) for use by public officials to help refer trafficking victims for assistance. According to local observers, however, the referral mechanism appeared to place disproportionate focus on helping law enforcement agencies locate and punish traffickers rather than providing assistance to victims. The level of assistance to the victim prescribed in the NRM depends on the level of cooperation with the law-enforcement bodies.

NGOs, international organizations, and the Government conducted trafficking prevention activities, mainly through educational and media programs to raise public awareness of the problem.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings for persons with disabilities, but in practice very few buildings and other facilities were accessible to them.

According to media reports, institutionalized patients often lacked medication and received substandard care. On July 28, *Armenianow.com* published a Helsinki Citizens Assembly Vanadzor survey of patients at the Vanadzor Neurological and Psychiatric Clinic. Patients reported beatings, torture, and abusive narcotic sedation by sanitary personnel and medical staff. Patients complained of deprivation of privileges and insufficient food.

Hospitals, residential care, and other facilities for persons with serious disabilities were substandard. According to official data, as of July 2007 over 90 percent of persons with disabilities who were able to work were unemployed.

On October 7, the National Library opened a special reading hall for persons with visual disabilities. The Government also installed special computer software in the National Library and the Syunik regional library in order to provide internet access to persons with visual disabilities.

The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but did not do so effectively.

Other Societal Abuses and Discrimination.—Persons who were openly gay were exempted from military service, purportedly because of concern that they would be abused by fellow servicemen. However, the legal pretext for the exemption was predicated on a medical finding of gays possessing a mental disorder, which was stamped in their documents and could affect their future. General societal attitudes towards homosexuality remained unfavorable.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Many employers reportedly discriminated against potential employees by age, most commonly requiring that job applicants be between the ages of 18 and 30. After the age of 40, workers, particularly women, had little chance of finding jobs that were appropriate to their education or skills.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except for those serving in the armed services and law enforcement agencies, to form and to join independent unions of their choice without previous authorization or excessive requirements; in practice, however, most workers did not exercise this right. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. The Confederation of Labor Unions (CLU) estimated that, as of February, there were 240,000 members in 24 trade unions, which constituted roughly 20 percent of the workforce. There were additional labor unions that did not belong to the CLU. Labor unions were generally inactive, with the exception of those connected with the mining industry. However, some mining enterprises, including some financed by foreign capital, discouraged employees from joining labor unions with the implied threat of loss of employment.

The law allows unions to conduct their activities without government interference. The law provides for the right to strike, except for members of the armed services and law enforcement agencies, but workers rarely went on strike due to the fear of losing their jobs. The law also prohibits retaliation against strikers, although it sometimes occurred.

b. The Right to Organize and Bargain Collectively.—Although the law provides for collective bargaining, in practice there was only one collective bargaining agreement reported during the year. Factory directors generally set pay scales without consulting employees. As of January, newly established courts of general jurisdiction arbitrated labor disputes.

There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, there were reports that women and

girls were trafficked for commercial sexual exploitation and labor and that men were trafficked for labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16 but children may work from age 14 with parental and labor union permission. The State Labor Inspectorate is responsible for child labor law compliance, but the inspectorate, community councils, unemployment offices, and, as a final board of appeal, the courts, enforced the law unevenly. Children under the age of 18 are prohibited from working overtime or in harmful and dangerous conditions, at night, or on holidays.

According to the Employment Service Agency, some children were involved in family businesses (mainly agriculture) as well as other activities not prohibited by law. Observers also reported seeing children in Yerevan selling flowers, drawings and working in local markets after school hours. On October 30, UNICEF published the results of a nationwide survey on child labor. According to the study less than 5 percent of children between 7 and 18 had paying jobs, not counting those involved in family farms or businesses. The survey also found that almost one third of working children were below the legal working age; that most children worked without legal contracts; that some children were employed in heavy manual work as laborers and loaders.

There was one report of an individual engaging a minor in prostitution within the country during the year. The case was prosecuted as “pimping.”

The State Labor Inspectorate as well as other state agencies are responsible for enforcing child labor laws, but did not always enforce these laws effectively. The inspectorate, however, made little progress toward implementing an inspection regime or the requirements of the labor code, and its work was reportedly undermined by corruption.

e. Acceptable Conditions of Work.—The Government sets the minimum wage by decree. The monthly minimum wage of 25,000 drams (approximately \$81), as fixed by the state budget, did not provide a decent standard of living for a worker and family. Many private sector employees were unable to obtain paid leave and were required to work far more than eight hours a day. According to representatives of some employment agencies, many employers also hired an employee for a “probationary” period of 10–30 days, during which the employee was not paid. Often these employees were subsequently fired, but, because their initial employment was illegal, they were unable to claim payment for the time they worked. Evidence also suggested that some private sector employers underreported the size of their staff to avoid paying taxes.

The law sets the workweek at 40 hours and provides for mandatory vacation of 28 calendar days annually as well as overtime compensation; however, these standards were not effectively enforced. In the mining sector, employers allowed limited sick leave with the presentation of a medical certificate. There were reports that employers fired employees who took extended sick leave.

Workers had the legal right to remove themselves from work situations that endangered health and safety, but they were unlikely to do so because such an action would place their employment at risk. As required by law, the Government has set occupational and health standards. The State Labor Inspectorate is responsible for enforcing occupational health and safety standards, but did not do so effectively.

AUSTRIA

Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and the bicameral Federal Assembly (parliament). The country’s eight million citizens choose their government representatives in periodic, free, and fair multiparty elections. In 2004 voters elected Heinz Fischer of the Social Democratic Party (SPO) to a six-year term as president. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of excessive use of force by police and anti-Semitic incidents, including physical attacks, property damage, threatening letters, telephone calls, and Internet postings. There was some societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered “sects.” Violence against women, child abuse, and trafficking in women and children for prostitution and labor also remained problems.

There were incidents of neo-Nazi and right-wing extremism and xenophobia directed against members of minority groups.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police beat and abused persons.

In 2007 there were 1,108 public complaints against federal police officials, including 504 charges for mistreatment. According to government statistics, authorities ruled 192 to be “justified” or “partly justified,” while the remainder were dismissed. Disciplinary or related measures were taken against 85 officers.

In an August report, the UN Committee for Elimination of Racial Discrimination expressed concern over “reports of police brutality toward persons of African descent or from the Roma minority.”

In August the media reported two individual incidents of suspected police mistreatment. In one case in Vienna, two police officers reportedly beat a 45-year-old Serb sociologist in Vienna. The two officers were suspended from duty the following day and were awaiting trial at year’s end.

In reaction to charges of police mistreatment, the Interior Ministry in June began requiring that all such allegations be reported to the public prosecutor within 24 hours as well as to the ministry’s internal auditing office. The allegations must also be communicated to the ministry’s Human Rights Advisory Council.

Prison and Detention Center Conditions.—Conditions in prisons and detention centers did not always meet international standards. Overcrowding remained a problem in some institutions. A 2006 report by the Human Rights Advisory Council described conditions facing aliens prior to deportation as “questionable from a human rights point of view,” and, at times, “not in conformity with human rights standards.” There were no indications that authorities made changes in response to these criticisms.

Some human rights observers criticized the incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

Nongovernmental organizations (NGOs) monitored prisons on a regular basis.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and information available during the year suggested that the Government generally observed these prohibitions; however, the strict application of slander laws tended to discourage reports of police abuse.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police and army, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Some police violence appeared to be racially motivated. In 2007 the Austrian chapter of Amnesty International (AI) and the UN human rights rapporteur, Manfred Novak, again criticized as too lenient the sentences given to four police officers who were convicted for mistreating a Gambian asylum seeker, Bakary J., in 2006. The officers received sentences of six to eight months in prison. Novak called for introduction of a special torture article into the criminal code to address the problem.

In March 2007 the Vienna police, the country’s largest police organization, installed a human rights coordinator to educate and sensitize police officers to human rights. UN rapporteur Novak called for more police training programs and greater independence of the Human Rights Advisory Council.

NGOs and other groups continued to criticize the police for targeting minorities. Racial sensitivity training for police and other officials continued with NGO assistance. The Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

Arrest and Detention.—In criminal cases the law allows investigative or pretrial detention for up to 48 hours, during which a judge may decide to grant a prosecution request for extended detention. The law specifies the grounds for investigative detention and conditions for bail. The judge is required to evaluate such detention periodically. Maximum duration for investigative detention is two years. There is a

bail system. Police and judicial authorities respected these laws and procedures in practice.

Some human rights and judicial experts criticized the pretrial detention of animal rights activist Manfred Balugh in 2008. Balugh was released from preliminary detention in September after a Vienna appellate court had ruled the duration of the detention was “disproportionate to the charges.” Some law experts called for a review of an article in Austria’s criminal code designed to target collusion of suspected terrorists, but which, according to law experts, has been improperly applied to charges not connected with terrorism.

Similarly, some law experts criticized the long length of the prison sentence of Mona S., the wife of convicted Islamist Mohammed M. In 2007 the couple was sentenced to prison terms of four years (Mohammed M.) and 22 months (Mona S.) for making terrorist threats against the Government and placing a threatening video on the Internet.

Detainees have the right to access a lawyer. While indigent criminal suspects have the right to an attorney, an attorney may, in accordance with the criminal procedure code, be appointed only after a court has decided to remand such suspects into custody, i.e., 96 hours after their apprehension. Following its most recent periodic visit to the country in 2004, the Council of Europe’s Committee for the Prevention of Torture noted that, while some provincial bar associations were trying to organize legal aid to indigent suspects, there were not enough lawyers interested in criminal matters, financial arrangements (to provide legal counsel) were inadequate, and lawyers were not available around the clock. The committee concluded that, “as long as there is no effective system of free legal aid for indigent persons at the stage of police custody, any right of access to a lawyer at that stage will remain, in most cases, purely theoretical.”

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. A system of judicial review provides multiple opportunities for appeal. Trials must be public and conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty. Defendants have the right to be present during trials. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and press, and the Government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with a few restrictions.

The law prohibits public denial, belittlement, approval, or justification of National Socialist genocide or other National Socialist crimes against humanity in a print publication, in broadcast, or in other media. The law prohibits public incitement to hostile acts against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order. It also prohibits incitement, insult, or contempt against these groups if it violates human dignity.

Strict libel laws discouraged reporting of governmental abuse. In 2006 the International Federation of Journalists and its European regional group, the European Federation of Journalists, called on Austrian legislators to review their libel laws after a decision by the European Court of Human Rights (ECHR) overturned defamation judgments brought by officials against the newspaper *Der Standard*. The ECHR’s decision stated that the original court’s finding violated the freedom of expression provisions of the European Convention on Human Rights to which the country is a party.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Indi-

viduals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. According to 2008 data, 71 percent of the population between the ages of 16 and 74 used the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right; however, religious minority groups widely regarded as sects complained about second-class status.

The law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Numerous unrecognized religious groups complained that the law obstructs legitimate claims for recognition and relegates them to second-class status. In July the ECHR decided a 2003 complaint by Jehovah's Witnesses challenging the legality of the requirement that a group must exist for 10 years before it can be recognized by the Government. The ECHR found that this violated the European Human Rights Convention's provisions on freedom of thought, conscience, and religion, on prohibition of discrimination, and on the right to a fair hearing within a reasonable time. This was one of seven cases before the ECHR involving the country and the Jehovah's Witnesses organization.

One of the two parties in the coalition that governed the country, the conservative Austrian People's Party (ÖVP), denied party membership to members of some unrecognized religious groups that it defined as "cults" (e.g., Scientologists), whose view of mankind it believed differs fundamentally from its own, whose opinions were said to be irreconcilable with ÖVP ethical principles, or that the ÖVP considered opposed to basic rights granted by "progressively minded" constitutional states and an open society.

The city of Vienna and the Lower Austrian government funded a counseling center run by a controversial NGO, the Society against Sect and Cult Dangers (GSK), which actively worked against alleged sects and cults. The GSK distributed information to schools and the general public and offered counseling to persons who believed that sects and cults had negatively affected their lives.

The Federal Office of Sect Issues functioned as a counseling center for those who had questions about sects and cults. While the office is legally independent of the Government, the minister for health, family, and youth supervised its director. Some members of the public believed the Office of Sect Issues and similar government offices fostered societal discrimination against unrecognized religious groups.

Societal Abuses and Discrimination.—There was some societal discrimination against members of unrecognized religious groups, particularly those considered to be cults or sects. The majority of these groups had fewer than 100 members. The Church of Scientology and the Unification Church were among the larger unrecognized groups.

Muslims complained about incidents of societal discrimination and verbal harassment, including occasional incidents of discrimination against Muslim women wearing headscarves in public.

There was a public debate on the question of erecting minarets throughout the year. Zoning laws in two provinces, Carinthia and Vorarlberg, were amended to make it more difficult to build minarets that "conflict with the traditional appearance" of towns. There was also significant public opposition to the expansion of a Turkish Muslim center in Vienna.

Following the elections in September, unknown perpetrators sprayed Jewish symbols on 90 Muslim graves in Traun near Linz. Authorities speculated but could not confirm that the perpetrators were right-wing extremists and that the vandalism was related to the elections.

The Jewish community numbered approximately 7,700. The NGO Forum Against Anti-Semitism reported 46 anti-Semitic incidents during the year, including one physical attack, as well as name-calling, graffiti and defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls.

The law prohibits any form of neo-Nazism or anti-Semitism or any activity in the spirit of Nazism. It also prohibits public denial, belittlement, approval, or justification of Nazi crimes, including the Holocaust. The law prohibits public incitement to hostile acts against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order or violates

human dignity. The Government strictly enforced these laws. The Vienna Jewish community's offices and other Jewish community institutions in the country, such as schools and museums, received extra police protection.

School curricula fostered discussion of the Holocaust and the tenets of different religions and advocated religious tolerance. The Education Ministry offered special teacher-training seminars on Holocaust education.

An ombudsman for equality had responsibility for combating workplace discrimination of various kinds, including against religion. In 2007, 64 cases of discrimination based on religion were brought before the Equal Rights Commissioner.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not use it in practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum. It subscribed to a “safe country of transit” policy, which required asylum seekers who transited a country determined to be “safe” to return to that country to seek refugee status. Member states of the European Union (EU) and other signatories to the 1951 convention were considered safe countries of transit.

Since 2006 authorities have given the appellate body for asylum applications, the Independent Federal Asylum Senate, more resources to help address a large backlog of cases and accelerate its proceedings.

A Council of Europe report subsequent to a fact-finding visit to the country in May 2007 by the council's human rights commissioner, Thomas Hammarberg, expressed concern over the treatment of asylum seekers. In particular, the report noted critically the increasing use of predeportation arrest for asylum seekers by authorities and “overall conditions” for asylum seekers. The report further criticized inadequate legal measures to prevent racism and xenophobia.

Immediately following the December 2007 accession to the Schengen area of countries bordering on the east of Austria, there was a surge in the number of asylum seekers. The number of refugees at the reception center south of Vienna increased from 300 to 700. Hundreds of emergency beds were set to accommodate the inflow. Among them were 250 Chechens who came to Austria illegally and were already seeking asylum in Poland; they were identified by the EURODAC fingerprinting/registration system and returned under the Dublin Convention.

In July a new federal asylum court with a sizeable number of additional staff was instituted to replace the Independent Federal Asylum Senate. Rejected asylum seekers no longer have recourse to the Supreme Administrative Court, but when they allege a breach of the European Convention on Human Rights and Individual Freedoms, they can appeal to the Constitutional Court. In June the Constitutional Court upheld the right of authorities to detain asylum seekers when there was evidence to suggest that Austria was not the country responsible for adjudicating their asylum claims under the Dublin Convention.

The problem of drawn-out processing times and frequent appeals was highlighted in September by the highly publicized “saga of Arigona,” concerning a 15-year-old ethnic Albanian from Kosovo who went into hiding and threatened to commit suicide after her father and four siblings, who had been living in Austria and seeking asylum since 2002, were returned to Kosovo in close coordination with the UN.

The Government did not provide temporary protection during the year to any individuals who did not qualify as refugees under the 1951 convention or 1967 protocol.

From 2005 to 2007, following the introduction of stricter detention and removal policies, asylum applications dropped over 50 percent, from 22,461 in 2005 to 11,879 in 2007. The pattern continued during 2008: In the first six months of the year, asylum claims totaled 5,344, down 6.4 percent compared with same period a year earlier. During this period the largest groups of first-time applicants were from Serbia (580), Moldova (540), Russia (477), Nigeria (341), and Turkey (258).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The country held parliamentary elections on September 28; there were no reports of serious abuse or irregularities.

Political parties could operate without restriction or outside interference.

The Federal Assembly consists of the National Council (popularly elected) and the Federal Council (named by the federal states). There were 52 women in the 183-seat National Council and 16 women in the 62-member Federal Council. There were five women in the 14-member Council of Ministers (cabinet).

There appeared to be relatively little representation of ethnic minorities at the national level. Following the September 28 elections, a Muslim woman entered the Federal Assembly for the Green Party.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

In February the former head of the Federal Crime Investigation Office, Herwig Haidinger, publicly accused senior officials of the Ministry of Interior of corrupt practices, including obtaining confidential information on a banking scandal so it could be used for political purposes, ordering police to collect information that could be used to discredit the lawyer defending a prominent Kosovo-born asylum applicant against deportation, misusing public funds at a Vienna sex bar, and asking police to cover up a drunk driving incident. An ad hoc parliamentary investigation panel failed to find conclusive evidence to substantiate or corroborate Haidinger's charges. Haidinger was suspended from duty in November. Meanwhile, Haidinger filed two charges before court, one against his suspension from duty, the other against the OVP (the party heading the interior ministry) for accusations against him in connection with the parliamentary investigation.

There are financial disclosure laws for public officials. The courts are responsible for corruption cases. Parliamentary committees oversee ethics rules for elected officials.

The law provides for full public access to government information, and the Government generally respected this provision in practice. Authorities may only deny access if it would violate substantial data protection rights or would involve national security information. Petitioners could challenge denials before the Administrative Court.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints.

The case of 95-year-old Milivoj Asner, a former police chief in eastern Croatia indicted by Croatian authorities in 2005 for crimes against humanity, continued to develop during the year. Asner, who allegedly was personally responsible for the persecution and deportation of hundreds of thousands of Serbs, Jews, and Roma to concentration camps, lives in Austria. Croatia requested his extradition, but an examination by an Austrian psychiatric expert found Asner not competent to stand trial, and Austrian officials declined the extradition request. In response to Croatian appeals, the prosecutor's office appointed a Swiss expert to reexamine Asner. The expert reportedly declined the appointment, and the court subsequently requested examination by a German expert. Meanwhile, Serbian authorities opened investigations against Asner.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions; however, violence against women, child abuse, trafficking in persons, and racial discrimination continued to be problems.

Women.—Under the law, rape, including spousal rape, is punishable with up to 15 years in prison. The Government generally enforced the law.

Violence against women, including spousal abuse, was a problem. The Women's Ministry estimated that 10 percent of adult women have suffered from violence in

a relationship. However, fewer than 10 percent of abused women filed complaints. By law police may expel abusive family members from family homes for up to three months. In 2007 the courts issued injunctions prohibiting abusive family members from returning home in 6,347 cases.

The Government funded privately operated intervention centers and help lines for victims of domestic abuse. The centers provided for victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services. In the view of most observers, these centers were generally effective in providing shelter for victims of abuse. However, in September 2007 the UN Committee for the Elimination of Discrimination Against Women criticized the Government for insufficient measures to protect women, citing two cases in 2002 and 2003 in which women were killed after they had filed complaints with police. In reaction, Justice Minister Maria Berger announced measures to improve protection of women against violence, including additional training for law enforcement and justice personnel.

Prostitution is legal; however, trafficking, including for the purposes of prostitution, was illegal and was a problem. Laws regulating prostitution require prostitutes to register, undergo periodic health examinations, and pay taxes.

There are laws prohibiting sexual harassment, and the Government generally enforced them. Of the 3,090 cases of discrimination brought to the ombudsman for equal treatment of gender in 2007, 389 involved sexual harassment. The labor court can order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding on the case; the law provides that a victim is entitled to a minimum of 700 euros (\$980) in financial compensation.

Women enjoy the same legal rights as men, and the Federal Equality Commission and the ombudsman for equal treatment of gender oversee laws requiring equal treatment of men and women. However, woman's average earnings were 83 percent of those of men doing the same work. In addition, women were disproportionately represented among those unemployed for extended periods and were more likely than men to hold temporary positions and part-time jobs.

Although labor laws provide for equal treatment of women in the civil service, women remained underrepresented. The law requires the Government to hire women of equivalent qualifications ahead of men in all civil service areas in which fewer than 40 percent of the employees are women, including police. There are no penalties, however, for agencies that fail to attain the 40-percent target.

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. On the basis of the Federal Equality Commission's findings, labor courts may award compensation of up to four months' salary to women who experienced discrimination in promotion because of their gender. The courts may also order compensation for women who were denied a post despite having equal qualifications.

Children.—The law provides for the protection of children's rights, and the Government was committed to children's rights and welfare. All state governments and the federal Ministry for Social Welfare, Generations, and Consumer Protection, have ombudsmen for children and adolescents whose main function is to resolve complaints about violations of children's rights. The ombudsman provides free legal counseling to children, adolescents, and parents on a wide range of problems, including child abuse and domestic violence.

Child abuse remained a problem, and the Government continued its efforts to monitor abuse and prosecute offenders. The Ministry for Social Welfare, Generations, and Consumer Protection estimated that 90 percent of child abuse was committed by close family members or family friends. Law enforcement officials noted a growing readiness to report abuse cases. According to authorities, approximately 20,000 incidents of abuse are reported annually. Trafficking of children remained a problem.

There were occasional cases during the year in which child marriage was suspected, primarily in the Muslim and Romani communities. However, such cases were undocumented. Some male immigrants married underage girls in their home countries and returned to Austria with them.

The law provides up to 10 years in prison for an adult convicted of sexual intercourse with a child under 14. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2006 the Ministry of the Interior reported 1,209 cases of child abuse, most involving intercourse with a minor, while the Ministry of Justice reported 570 convictions. The law provides for criminal punishment for possessing, trading, and private viewing of child pornography. Exchanging pornographic videos of children is illegal. A police campaign against Internet child pornography from the fall of 2006 through August 2007 involved approximately 5,000 suspects in 106

countries. The investigation, under the name “operation penalty,” began following charges filed against a German Internet provider. Austrian suspects included a medical doctor, a soccer coach, and a teacher. In 2007 an official of the Federal Crime Office who was suspected of having downloaded child pornography on his home computer was suspended from office.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, persons were trafficked to, through, from, and within the country. Women were trafficked for commercial sexual exploitation and domestic service, and children were trafficked for begging, stealing, and for commercial sexual exploitation.

Austria was a transit and destination country for women trafficked from Romania, Ukraine, Moldova, the Balkans, and, to a lesser extent, the Czech Republic, Slovakia, Hungary, Belarus, and Africa. Victims were trafficked through the country to Spain, Italy, France, and other EU countries. There were reports that Romani children were trafficked to Austria from Bulgaria and Romania, although the number has decreased substantially since 2006 as a result of government cooperation with Romania and Bulgaria in setting up crisis centers for trafficked children. Women were trafficked into the country primarily for sexual exploitation. Women also were trafficked from Asia and Latin America for domestic labor.

Vienna had the largest number of trafficking cases, although trafficking was a problem in urban centers such as Graz, Linz, Salzburg, and Innsbruck. The NGO Lateinamerikanische Frauen in Oesterreich-Interventionsstelle fuer Betroffene des Frauenhandels (LEFOE-IBF) reported assisting 108 trafficking victims in 2006, down from 151 in 2005.

Traffickers included citizens, who were generally connected with licensed brothels, and foreign nationals, who were involved primarily with unlicensed brothels. Authorities estimated that organized crime groups from Eastern Europe, including Russia, controlled much of the trafficking. Police were also aware of cooperation between domestic and foreign citizens to traffic foreign prostitutes through the country.

Most trafficked women were brought to the country with promises of unskilled jobs, such as nannies or waitresses. Upon arrival they were often coerced into prostitution. According to police, there also were some women who knowingly entered the country to work as prostitutes but were forced into dependency akin to slavery. Most victims were in the country illegally and feared being turned over to authorities and deported. Traffickers usually retained victims’ official documents, including passports, to maintain control over them. Victims reported being subjected to threats and physical violence. A major deterrent to victim cooperation with authorities was fear of retribution, both in Austria and in the victims’ countries of origin.

The law permits the prosecution of traffickers for prostitution by means of deception, coercion, or the use of force, and trafficking for the purposes of slavery. Laws forbidding the exploitation of labor and the exploitation of aliens are also used against traffickers. Trafficking is punishable by up to 10 years in prison. In 2007 there were 81 trafficking cases involving 220 suspects and 87 convictions. Trafficking for slavery is punishable by imprisonment for 10 to 20 years.

The Federal Bureau for Criminal Affairs, a division of the Ministry of the Interior, is responsible for combating trafficking. Contact with authorities in countries of origin facilitated prosecution of suspected traffickers. During the year there were no reports that the Government extradited any persons wanted for trafficking crimes in other countries.

Residence permits were generally issued on humanitarian grounds to trafficking victims. Victims had the possibility of continued residence if they met the criteria for residence permits.

LEFOE-IBF provided secure housing and other support for trafficking victims. The IOM also sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Ministry of the Interior, LEFOE-IBF continued to operate a center in Vienna that provided psychological, legal, and health-related assistance, emergency housing, and German language courses to trafficked women. The federal and local governments funded NGOs that provided assistance in other cities.

The Government worked with international organizations to carry out prevention programs throughout the region. The Government funded research on trafficking and NGOs produced antitrafficking brochures and organized law enforcement workshops and international conferences funded with the help of private donors.

The State Department’s annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law protects persons with physical and mental disabilities from discrimination in housing, education, employment, and access to

health care and other government services. The Government's performance in enforcing these provisions was mixed. There were no reports of societal discrimination against persons with disabilities.

Federal law mandates access to public buildings for persons with physical disabilities; however, many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. However, authorities have performed no involuntary sterilizations in recent years. The law prohibits the sterilization of minors.

The Government funded a wide range of programs for persons with disabilities, including provision of transportation and assistance for integrating school children with disabilities into regular classes and integrating employees with disabilities into the workplace.

National/Racial/Ethnic Minorities.—In 2007 the Ministry of the Interior recorded 240 neo-Nazi, right-wing extremist, and xenophobic incidents directed against members of minority groups. The Government continued to express concern over the activities of extreme right-wing skinhead and neo-Nazi groups, many with links to organizations in other countries.

In 2007 the domestic NGO Zivilcourage und Anti-Rassismus Arbeit recorded 831 cases of alleged racial discrimination. In August the UN Committee on the Elimination of Racial Discrimination released a report listing 20 points of criticism and recommendations to the Government to address discrimination, in particular toward minorities, migrants, and asylum seekers.

Human rights groups reported that Roma faced discrimination in employment and housing. However, the situation of the Romani community, estimated at over 6,200 indigenous and 15–20,000 nonindigenous individuals, significantly improved in recent years according to the head of the Austrian Roma Cultural Association. Government programs, including financing for tutors, have helped school-aged Romani children move out of “special needs” and into mainstream classes. The Government also initiated programs in recent years to document the Romani Holocaust and compensate its victims.

NGOs reported that Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized as being involved in the drug trade and other illegal activities.

The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities. It requires any community where at least 25 percent of the population belongs to one of these groups to provide bilingual town signs, education, media, and access to federal funds earmarked for such minorities. The law affected 148 communities. During the year the Government did not reach a decision on the implementation of a 2001 Constitutional Court ruling on lowering the 25 percent threshold. Full recognition of the Slovene minority remained a problem. For example, the governor of the state of Carinthia refused to implement rulings by higher courts that gave certain rights to the Slovene minority.

The Government continued training programs to combat racism and educate the police in cultural sensitivity. The Ministry of the Interior renewed an agreement with the Anti-Defamation League to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Other Societal Abuses and Discrimination.—There was some societal prejudice against gays and lesbians; however, there were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join independent unions without prior authorization or excessive requirements, and workers exercised this right in practice. No workers were prohibited from joining unions. An estimated 36 percent of the work force was organized into nine national unions belonging to the Austrian Trade Union Federation (OGB).

The law does not explicitly provide a right to strike; however, the right is recognized in practice. The law prohibits retaliation against strikers, and the Government effectively enforced the law.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Ap-

proximately 80 percent of the labor force worked under a collective bargaining agreement. The OGB was exclusively responsible for collective bargaining.

There were no reports of antiunion discrimination or other forms of employer interference in union functions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women were trafficked for sexual exploitation and domestic labor and that children were trafficked for begging and possibly sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace and to prohibit forced or compulsory labor, and the Government generally enforced these laws and policies effectively. The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs is responsible for enforcement.

There were reports of trafficking of children for begging and possibly sexual exploitation.

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial annual minimum wage is 12,000 to 14,000 euros (\$16,800 to \$19,600), and it provided a decent standard of living for a worker and family. An estimated 10,000 to 20,000 workers earned wages below this level.

The law limits standard working hours to eight hours per day and up to 40 hours per week. The standard workday may be extended to 10 hours as long as the weekly maximum is not exceeded. The law requires compulsory time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Authorities effectively enforced these provisions. Foreign workers make up approximately 13 percent of the country's workforce. Standards are equitably enforced across all groups.

The law limits overtime to five hours per week and to 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements can specify higher limits.

The Labor Inspectorate regularly enforced laws that provide for mandatory occupational health and safety standards. Workers could file complaints anonymously with the Labor Inspectorate, which could bring suit against the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the chambers of labor, which filed suits on their behalf. The law gives workers the right to remove themselves from a job without incurring any prejudice to their careers if they fear serious, immediate danger to life and health, and the Government effectively enforced this law.

AZERBAIJAN

Azerbaijan is a republic with a population of approximately 8.2 million and a presidential form of government. Legislative authority is vested in the Milli Majlis (National Assembly). In practice the president dominated the executive, legislative, and judicial branches of government. Ilham Aliyev, the son of former president Heydar Aliyev, was reelected president for a second term in October in a process that did not fully meet international standards for a democratic election. Election shortcomings included serious restrictions on political participation and the media, pressure and restrictions on observers, and flawed vote counting and tabulation processes. Although there were more than 50 political parties, the ruling Yeni Azerbaijan Party continued to dominate the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of the country and seven surrounding Azerbaijani territories. The Government did not exercise any control over developments in those territories. Civilian authorities generally maintained effective control of the security forces. Members of the security forces at national and local levels committed numerous human rights abuses.

The Government's human rights record remained poor and worsened in some areas. The public's right to peacefully change the Government was restricted in the October presidential election. Torture and beating of persons in police and military custody resulted in three deaths, and law enforcement officials acted with impunity. Prison conditions were generally harsh and life threatening. Arbitrary arrest and detention, particularly of individuals considered by the Government to be political

opponents, and lengthy pretrial detention continued. The Government continued to imprison persons for politically motivated reasons. Pervasive corruption, including in the judiciary and law enforcement, continued. Restrictions on freedom of assembly continued, particularly in terms of political organizing, peaceful protests, and religious activity. Restrictions and pressure on the media and restrictions on political participation worsened. The Government imposed restrictions on the activities of some unregistered Muslim and Christian groups. Cases of violence against women were also reported. Trafficking in persons for sexual exploitation and forced labor remained a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any arbitrary or unlawful killings; however, human rights monitors reported that three prisoners died in police or military custody due to alleged abuse and mistreatment.

On January 6, Rashad Haziyevev was found hanged in the restroom of the Kurdamir police station after being arrested for narcotics possession. Witnesses stated that the police had earlier threatened to hang him unless he confessed to his alleged crime.

On August 31, Mahammad Rahimov was found dead outside of a police station in Goranboy district after being held in connection with a domestic violence allegation. There was credible evidence that he died because authorities had beaten him in custody.

On October 21, Zaur Mammadov was found hanged in the restroom of a police station in Lankaran district after being arrested for narcotics possession. Mammadov's mother had been asked for a bribe in exchange for his release; two hours after she refused the bribe, Mammadov was found dead.

The Government reported 59 deaths of military conscripts in 2007, which it attributed to a variety of diseases and injuries, but did not provide a figure for 2008.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. During the year shootings along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. The Ministry of Foreign Affairs did not provide civilian casualty figures along the line of contact for the year.

According to the national agency for mine actions, landmines killed six persons and injured 14 others in 2007. Two of the dead and three of the injured were civilians. A domestic nongovernmental organization (NGO), the Azerbaijan Campaign to Ban Landmines, reported that landmines killed 10 persons and injured 18 others during the year. Five of the dead and eight of the injured were civilians. Figures for 2008 were not available at year's end.

b. Disappearance.—During the year there were no reports of politically motivated disappearances. However, there were reports of disappearances in connection with the conflict in Nagorno-Karabakh.

The International Committee of the Red Cross (ICRC) continued to actively process cases of persons missing in connection with the Nagorno-Karabakh conflict and worked with the Government to develop a consolidated list of missing persons. According to the ICRC, during the year the number of persons confirmed missing increased from 4,416 to 4,478. The ICRC reported that it opened investigations into 95 new missing persons cases during the year. The ICRC signed a framework agreement with the Government on the collection of ante mortem data during the year, and collection was ongoing in the Baku area at year's end. The information, which was gathered from families on both sides of the line of contact as well as in Armenia, was meant to assist state commissions in the identification of human remains. During the year ante mortem data had been collected on 777 persons.

The ICRC continued to pay special attention to prisoners of war and civilian internees (POW/CI) and conducted visits throughout the year to ensure their protection under international humanitarian law. ICRC often provided clothing, toiletries, and other assistance during these visits. The ICRC regularly facilitated the exchange of Red Cross messages between POWs/CIs and their families to reestablish contact and, on several occasions, paid transportation costs for families of missing persons to the ICRC office in Baku. Upon the request of and with full cooperation by the Government, the ICRC facilitated the transfer of two persons and the repatriation of three persons between Armenia and Azerbaijan during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment; however, there were credible reports that security forces beat detainees to extract confessions and military personnel physically abused subordinates. A domestic human rights monitor reported that the number of persons tortured in custody by security forces increased from 63 in 2007 to 80 during the year. Impunity remained a problem.

On October 18, prison guards severely beat Azadliq newspaper correspondent Sakit Zahidov at correctional facility No. 14. Penitentiary officials alleged that Zahidov initiated an incident by refusing a haircut and that the incident was therefore his fault.

On October 20, two sergeants from the Internal Affairs Ministry troops, Vuqar Agayev and Eldaniz Rahimov, were arrested for beating subordinates. The commander and deputy commander of the unit were dismissed, and an investigation into the incident was ongoing at year's end.

According to the Ministry of Internal Affairs, authorities punished 207 officers for human rights abuses and criminally prosecuted six police officers for these violations in 2007. The Government did not provide statistics at year's end.

During the year the Government did not punish Internal Affairs Ministry officials for police abuse, misconduct, or excessive use of force at a peaceful opposition demonstration in 2005, nor was any action expected. Viliyat Eyvazov, one of the senior officers allegedly involved in police abuse and misconduct in the aftermath of the 2003 presidential election, continued to serve as deputy minister of internal affairs following his 2005 promotion.

At year's end the Government had yet to fully implement the 2007 verdict of the European Court of Human Rights (ECHR) regarding the case of Sardar Jalaloglu, who was abused in police custody in 2003. While the Supreme Court overturned Jalaloglu's conviction and he received the 10,000 euros (approximately \$14,000) awarded by the ECHR in compensation, the persons who mistreated Jalaloglu had not been brought to justice as required in the judgment.

Prison and Detention Center Conditions.—Prison conditions remained harsh and life threatening despite continuing prison infrastructure improvements.

Overcrowding, inadequate nutrition, and poor medical care combined to make the spread of infectious diseases a serious problem. Despite recent improvements to prison infrastructure, prisons, which were generally Soviet-era facilities, did not meet international standards. In maximum-security facilities, authorities limited physical exercise for prisoners as well as visits by attorneys and family members. Some pretrial detainees were reportedly held in "separation cells," which were often located in basements to conceal evidence of physical abuse. Food and sleep reportedly were denied in these cells to elicit confessions.

Since the October 2007 appointment of Kazim Abdullayev as the chief of Qobustan jail, prisoners and human rights groups reported numerous human violations. According to these sources, prison officials made death threats to prisoners, stripped them of their clothes, soaked them with cold water, malnourished them, denied them contact with friends and family, denied them medical treatment, handcuffed them in punishment cells for weeks at a time, and routinely beat them. Hamid Suleymanov, investigation department chief of the Penitentiary Services, stated that he found no proof of these violations. Prisoners responded to his assertion with hunger strikes; 15 inmates did so in January. They viewed hunger strikes as their only option to raise awareness of the situation in Qobustan.

The Justice Ministry reported that in April a new, multi-sector prison opened in the Nakhchivan Autonomous Republic. At year's end, new detention facilities were under construction in Lankaran, Shakhi and the Zabrat district of Baku—the latter a women's and juvenile facility—and cost estimates had been completed for new facilities in Ganja and Umbaki. The Government selected plots of land for a planned facility in Kurdamir. The Government renovated 15 prisons and one jail during the year.

Harsh prison conditions resulted in numerous deaths; the Justice Ministry reported that 130 persons died in detention during the year, a 6.6 percent increase from the number of deaths in detention in 2007. According to the ministry, 126 persons in detention died from natural causes, 107 of which occurred at medical facilities, and four persons committed suicide. The Ministry of Internal Affairs did not provide data at year's end but reported two deaths in its facilities in 2007, both suicides. Authorities dismissed four officers and disciplined seven others for negligence in connection with these deaths.

On January 23, Arif Aslanov, former department head at the State Technical Inventory and Property Rights Registration Department, died in custody from kidney

failure while being transported to a hospital for dialysis. A human rights activist held the prosecutor's office responsible for Aslanov's death since the office had refused to release him for regular medical treatment.

Tuberculosis (TB) remained the primary cause of death in prisons; the Ministry of Justice reported that it treated 799 prisoners and detainees for TB. The ICRC positively assessed the Government's pilot program, established in April 2007, which treated 54 prisoners for multidrug-resistant TB (MDR-TB) and placed 745 in category II therapy during the year. According to the ICRC, the prison hospitals' MDR-TB wards were state of the art, well ventilated, and had indirect ultraviolet lights. The ICRC reported that the Government's active and passive efforts were effective in screening inmates for TB. The ICRC reported that 52 inmates died from the disease during the year.

The Government reported that the other major causes of death among prisoners and detainees were: myocardial infarction, cardiovascular collapse, cirrhosis of the liver, acute circulatory diseases, and various cancers.

In 2006, a reconstituted, joint government-human rights community prison-monitoring group resumed functioning. During the year the group developed anonymous feedback forms for prison visits, facilitated the training of prison employees, and advocated for improvements in prison conditions. The Ministries of Internal Affairs and Justice cooperated with many of these efforts, but the group highlighted additional problems that remained, including inadequate medical facilities and staff at prisons, insufficient food and recreational activities for inmates, and incomplete access to detention centers for monitoring group members.

Human rights monitors reported that officials continued to deny family members the right to visit persons who had been detained in connection with an alleged 2005 coup plot and had been subsequently convicted of corruption.

The Government permitted some prison visits by international and local humanitarian and human rights groups, including the ICRC, the Organization for Security and Cooperation in Europe (OSCE), and the Azerbaijan Committee against Torture. The ICRC had unobstructed access to the POWs/CIs who were held in connection with the conflict over Nagorno-Karabakh.

d. Arbitrary Arrest or Detention.—Although the law prohibits arbitrary arrest and detention, the Government generally did not observe these prohibitions in practice, and impunity remained a problem.

Role of the Police and Security Apparatus.—The Ministries of Internal Affairs and National Security are responsible for internal security and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The Ministry of National Security has a separate internal security force.

Law enforcement corruption was a problem. Police often levied spurious, informal fines for traffic and other minor violations and extracted protection money from local residents. In recent years traffic police officers received substantial pay raises to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. High inflation also put pressure on wages. In 2007, the ministry reported that it punished 43 police officers for corruption; it did not provide comparable data for 2008. The Ministry of Justice reported that none of the employees of the penitentiary service were accused of crimes related to corruption during the year.

While security forces were generally able to act with impunity, the Government reported in 2007 that it took action against 207 police officers for human rights violations. The Government reported that it criminally prosecuted six officers, dismissed 55 officers from the Ministry of Internal Affairs police forces, removed 21 officers from their positions, and administratively disciplined two others. The Government did not update this data during the year.

On October 14, several police officers from a unit to combat drug trafficking in Baku were arrested on distribution charges. One kilogram of heroin was seized during the search of their offices.

Arrest and Detention.—The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights and reason for arrest and accorded due process; however, the Government did not respect these provisions in practice. Arbitrary arrest, often on spurious charges of resisting the police, remained a problem throughout the year.

The law allows police to detain and question individuals for 24 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances judges issued ex post facto warrants.

Judges, acting at the instruction of the prosecutor general's office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without providing them access to lawyers.

The law provides for access to a lawyer from the time of detention; in practice access to lawyers was poor, particularly outside of Baku. Although provided for by law, indigent detainees did not have access to lawyers. Authorities often restricted family member visits and withheld information about detainees; days frequently passed before families could obtain any information about detained relatives. There was no formal, functioning bail system; however, individuals were sometimes permitted to vouch for detainees, enabling their conditional release during pretrial investigation. Politically sensitive suspects were at times held incommunicado for several hours or sometimes days while in police custody.

On January 31, police attacked and then detained 14 members of the independent Dalga youth movement near the Puppet Theater in downtown Baku as they hosted a rally to commemorate the birthday of Mammad Amin Rasulzade, the founder of the independent Azerbaijan Democratic Republic (1918–20). While they were detained at police station No. 9 in Sabail district, authorities threatened to have them expelled from their universities for “antisocial” activities. Authorities released them after several hours, and no expulsions were reported.

On May 28, young persons from the Democratic Party of Azerbaijan (DPA) and the Biz Coalition distributed information related to the 90th anniversary of the Azerbaijani Democratic Republic and the Government's failure to erect a monument to the country's founders. Following the event, officers from Baku's Sabail district police department arrested Jamil Hajiyeve, instructor of the DPA steering committee, and Vusal Aliyev, deputy chairman of the youth wing of the DPA. They were released after four hours of detention and questioning at police station No. 9.

On June 15, 30 plainclothes police officers raided a café where patrons were celebrating the birthday of deceased revolutionary Che Guevara. Police detained and later released 20 attendees.

On July 4, police detained members of the Dalga youth movement while they tried to stage a demonstration outside of the OSCE office in Baku. Seven of the group's members were released within a few hours, while three were transferred to a court facility and then released with an oral warning.

Lengthy pretrial detention of up to 18 months was a serious problem. The prosecutor general routinely extended the permitted, initial three-month pretrial detention period in successive increments of several months until the Government completed an investigation.

Amnesty.—On March 18, President Aliyev pardoned 59 prisoners, including alleged political prisoners Asif Huseynov, Etibar Allahverdiyev, Nariman Ismayilov, Rasim Taghiyev, and Gadir Musayev.

On August 26, President Aliyev pardoned 96 prisoners, including alleged political prisoners Rasim Akberov, Aleksandr Umnyashkin, Ismayil Mammedov, Bayram Quliyev, Qabil Quliyev, and Mobil Yolchuyev.

Despite indications that they would be released, several prominent journalists remained in prison at year's end.

e. Denial of Fair Public Trial.—Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary remained corrupt and inefficient.

The executive branch continued to exert a strong influence over the judiciary. The ostensibly independent Judicial Legal Council, which administers the examination for candidates for judges, was largely controlled by the Ministry of Justice. The selection process included lengthy coursework, written and oral examinations, and a final interview. International observers believed that the oral component of the examinations allowed for corruption in the selection process. The examination process resulted in the selection of 102 lower court judges, whom the president swore in on August 7. Supreme Court, Appellate Court, and Constitutional Court judges are nominated by the president and must be approved by the Milli Majlis.

In an effort to address corruption and improper conduct, the Judicial Legal Council developed and established a new code of conduct in 2006–07. In addition the Ministry of Justice depersonalized case assignments during this period so that the president was no longer responsible for assigning judges to particular cases. However, credible reports indicated that judges and prosecutors still took instruction from the presidential administration and the Justice Ministry, particularly in cases of interest to international observers. While judges' salaries steadily increased for several years prior to 2008, there continued to be credible allegations that judges routinely accepted bribes. During the year the Ministry of Justice reported that dis-

ciplinary proceedings were initiated against 22 judges; the president reprimanded 10 judges, reassigned three, and dismissed one.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District courts try the majority of cases. The Court of Grave Crimes acts as the court of first instance in cases in which the accused committed a crime deliberately and in which the punishment would be a prison sentence of more than seven years. Cases are heard by a three-judge panel. The Military Court of Grave Crimes functions similarly for serious crimes committed by members of the military. The Supreme Court may not act as the court of first instance. Either one judge or a three-judge panel presides over first-hearing trials at the District Court or the Court of Grave Crimes, while a panel of three or more judges hears cases at the Court of Appeals. At the Supreme Court, cases are initially heard by a panel of three judges. Their ruling can be further appealed to the Plenum, which is the highest level of the court and consists of a panel of nine judges. All citizens have the right to appeal constitutional matters to the Constitutional Court.

After the country joined the Council of Europe in 2001, citizens gained the right to appeal court decisions on human rights cases to the ECHR within six months of the first Supreme Court ruling on a case. As in previous years, citizens exercised this right frequently during the year.

On July 10, the ECHR delivered judgments on two cases brought against the Government. The court ruled in favor of Vagif Hajibeyli, a politician who had been held from 2000–05 under house arrest while awaiting trial, as the detention violated his right to a fair and timely trial and freedom of movement. It also ruled in favor of Leyli Rahmonova, who was denied access to an apartment that had been awarded to her during a previous judicial proceeding, as this violated her right to private property and to a fair trial. At year's end, neither of these verdicts had been fully implemented by the Government.

Since 2005 the Judicial Legal Council has coordinated efforts with international organizations to train judges on compliance with election law.

Trial Procedures.—The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. According to an OSCE report, released in April, on the organization's 2006–07 trial monitoring project in the country, the Court of Grave Crimes and the Court of Grave Military Offenses were the most restrictive of the right to a public hearing of the courts observed by monitors.

While the law provides for the presumption of innocence in criminal cases, the right to review evidence, the right of defendants to confront witnesses and present evidence at trial, the right to a court-approved attorney for indigent defendants, and the right of appeal for defendants and prosecutors, these provisions were generally not respected in practice.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials; however, the Court of Grave Crimes and Court of Grave Military Offenses severely limited access to the OSCE trial monitors during 2006–07.

According to the OSCE trial monitoring project report, many of the trials observed “fell short of OSCE and other international standards in regard to important rights and safeguards, specifically, the right to effective legal representation, the right to an impartial and independent tribunal, the right to a fair hearing, the right to assistance by an interpreter, and the right to a reasoned judgment.”

Although the constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges reserved the right to remove defense lawyers in civil cases for “good cause.” In criminal proceedings judges may remove defense lawyers because of a conflict of interest or if a defendant requests a change of counsel.

The law limits representation in criminal cases to members of a government-controlled collegium of lawyers (bar association). Since there were only 750 collegium members in a country of 8.2 million, access to licensed legal representation was restricted, particularly outside of Baku. The collegium did not hold a bar examination during the year, which exacerbated the shortage of legal representation. The collegium accepted applications through November for another round of examinations in 2009. According to international monitors, the written portion of the collegium's entrance examination was administered fairly but the oral portion was highly subjective and conducted with varying standards. The collegium reserved the right to remove lawyers from criminal cases and sometimes did so for reasons that observers believed were questionable. As a result, criminal defendants were not fairly or adequately represented, their rights were not protected, and there was a lack of due process of law. According to the OSCE's April report, the collegium's legal services

were “well below the minimum professional standards expected of an independent defense bar.”

The constitution prohibits the use of illegally obtained evidence; however, despite some defendants’ claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence of abuse. Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts most often ended in conviction, as judges generally required only a minimal level of proof and collaborated closely with prosecutors. In the rare instances in which judges determined that the evidence presented was not sufficient to convict a defendant, they could return cases to the prosecutor for additional investigations, effectively giving the prosecutors subsequent chances for convictions.

Aside from the Court of Grave Crimes and the Military Court of Grave Crimes, courts often failed to provide translators. Each court is entitled to contract translators during hearings, and such expenses must be covered by the Ministry of Justice.

There were no verbatim transcripts of judicial proceedings; testimony, oral arguments, and judicial decisions were not recorded. Instead the court officer generally took notes that tended to be sparse and decided what if anything should be included in the notes.

The June-July trial of Sergey Strekhalin, who had been accused of the March 13 stabbing of journalist Agil Khalil, included a number of procedural irregularities. Khalil, who faced political pressure as a reporter, repeatedly denied that Strekhalin was the person that stabbed him. Numerous international observers, including from the OSCE and the European Union (EU), raised concerns about the trial proceedings, and the OSCE representative on the media assessed the trial as “fake.” At several points in the trial, Strekhalin’s attorney appeared uninterested in fully defending his client.

In April 2007, the Court of Grave Crimes convicted Ali Insanov, former minister of health, and 10 other defendants of public corruption and other charges. The court sentenced Insanov to 11 years in prison. According to the OSCE trial monitors, there was “an overwhelming appearance” that Insanov and his codefendants “did not have a fair trial and that the judges were not impartial.”

In October 2007, the Court of Grave Crimes convicted Farhad Aliyev, former minister of economic development, his brother Rafiq, and 17 other defendants on a range of charges related to corruption. The Aliyev brothers received prison sentences of 10 and nine years, respectively. All of the defendants were originally arrested on coup plotting charges and subsequently charged with corruption in 2005. During the trial, court officials often barred international observers and the defendants’ family members from the courtroom. Court officials’ failure to use microphones in the courtroom also hindered monitoring. There were numerous violations of due process during the trial proceedings. The OSCE monitors noted procedural shortcomings and insufficient access to the proceedings in their reporting on this trial during the year. Aliyev’s lawyers alleged that the Government at times denied him access to his doctor and appropriate medical treatment while he was incarcerated. Both Insanov and the Aliyev brothers remained incarcerated following the May 28 rejection of Farhad Aliyev’s appeal to the Supreme Court. The Aliyev brothers’ separate appeals to the ECHR were pending at year’s end.

The country has a military court system with civilian judges. The military court retains original jurisdiction over any case in which crimes related to war or military service are adjudicated.

Political Prisoners and Detainees.—Local NGOs maintained that the Government continued to hold political prisoners, although estimates of the number varied. At year’s end, NGO activists maintained that the Government held between 27 and 57 political prisoners.

As was the case in 2007, the three political prisoners—Elchin Amiraslanov, Safa Poladov, and Arif Kazimov—who had been arrested in connection with the 2003 presidential election and listed in the Council of Europe’s experts report, remained incarcerated.

Some considered the 2005 arrests of individuals on charges of plotting a coup and subsequent convictions on corruption to be politically motivated.

There were no reliable estimates of the number of political detainees. Most political detainees received sentences of between 10 and 15 days in jail, which were often described as “administrative detention” sentences.

The Government generally permitted unrestricted access to alleged political prisoners by international humanitarian organizations such as the ICRC.

Civil Judicial Procedures and Remedies.—The law does not provide for an independent and impartial jury in civil matters. District courts have jurisdiction over civil matters in their first hearing; appeals are addressed by the Court of Appeals and then by the Supreme Court. Citizens have the right to bring lawsuits seeking damages for, or cessation of, human rights violations. As with criminal trials, all citizens have the right to appeal to the ECHR within six months of the first Supreme Court ruling on their case.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications; in practice the Government did not respect these legal prohibitions in practice.

The constitution allows for searches of residences only with a court order or in cases specifically provided by law; however, authorities often conducted searches without warrants. It was widely believed that the Ministries of National Security and Internal Affairs monitored telephone and Internet communications, particularly those of foreigners and prominent political and business figures.

Police continued to intimidate and harass family members of suspected criminals. During the year domestic human rights monitors reported concerns about the lack of due process and respect for the rule of law in a number of cases related to property rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press and specifically prohibits press censorship; however, the Government often did not respect these rights in practice. During the year the Government took actions that limited media independence. The media freedom environment continued to significantly deteriorate during the year.

Although opposition parties continued to publish newspapers, and human rights activists were mostly able to conduct their work without fear of reprisal, the Government penalized persons who criticized government officials or practices in some cases.

On October 30, the parliament held a spontaneous session in which several members publicly chastised prominent Moscow-based writer and film director Rustam Ibragimbekov for statements he had made about the country's leadership in an interview with a Russian media outlet. Ibragimbekov had alleged that the country's elite attained their positions through connections or money. Some observers alleged that the parliamentary session constituted an infringement on freedom of speech. Authorities did not file charges against Ibragimbekov.

A number of journalists who criticized government officials in the course of their work were subjected to harassment, threats, and acts of physical violence that appeared to be connected to their criticism of the Government or public officials. Reporters Without Borders (RWB) reported that independent and opposition journalists were under constant pressure because of their work.

According to prominent journalists, companies and institutions reduced their advertising in opposition media due to direct or indirect recommendations from government representatives. Azerbaijani journalists generally considered Gun Seher an independent newspaper. However, Gun Seher was forced to close in August due to financial problems. According to media experts, both subtle and direct pressure prompted companies to pull their advertising, leading to the newspaper's demise.

A number of opposition and independent media outlets operated during the year. The print media expressed a wide variety of views on government policies, although objective, professional reporting was rare. However, most broadcast media adhered to a pro-government line in their news coverage.

Most print outlets in the country are organs of the ruling party, opposition parties, or are thought to be connected to prominent government officials. There were seven national television stations and 10 regional outlets. There were 11 national radio broadcasters, as well as the BBC, Voice of America, and Radio Free Europe/Radio Liberty, all three of which were banned from FM radio by the Government at year's end. There also were several national state-owned newspapers and numerous newspapers funded by city or district-level officials. Newspaper circulation rates, both government and opposition, were low, not surpassing 5,000 in most cases. Many newspapers were circulated only in the capital.

Some private television stations operated, but independent media monitoring found their programs to be biased in favor of the ruling party. ANS Television, the audience leader, was generally regarded as a source of relatively balanced news coverage prior to its temporary closure by the National Television and Radio Council (NTRC) in 2006. However, most media monitors believed ANS had taken a more cautious, self-censored approach to news coverage since then.

Electronic media were generally more susceptible to pressure due to their reliance on government-provided broadcast licenses. Such outlets were less critical of the Government than opposition and independent print outlets.

On October 31, the NTRC announced that it was considering prohibiting broadcasts of Voice of America, Radio Liberty, and the BBC on national television and FM radio frequencies. The NTRC confirmed this decision on December 30. The NTRC also closed Russian-owned Europa Plus, which played mostly pop music. Without these international broadcasters on national television and FM radio frequencies, the public no longer had access to unbiased news on any widely accessible broadcast media.

There were no restrictions on systems to receive satellite broadcasts by foreign stations, but the NTRC continued to impose a general requirement that local, private television and radio stations not rebroadcast entire news programs of foreign origin.

Harassment, intimidation, and violence against individual journalists continued during the year; the Government did not hold perpetrators accountable. A media monitoring NGO reported that during the year, there were 49 incidents involving verbal or physical assaults on journalists, compared to 41 cases in 2007. Law enforcement agencies began investigations into 11 of these cases, and only one case, that of Agil Khalil, was brought to trial.

Several journalists remained imprisoned during the year on criminal charges ostensibly unrelated to their work. International and local commentators believed that the Government targeted the journalists due to their criticism of government figures and policies.

On January 21, authorities sentenced Mushviq Huseynov, correspondent for the opposition newspaper Bizim Yol, to six years in prison. In July 2007, police arrested Huseynov on charges of accepting a bribe from a Ministry of Labor and Social Protection employee. The exchange was captured on video and broadcast on national television. Huseynov's defense attorneys maintained that the incident was a set-up and declared Huseynov innocent. Some domestic observers considered Huseynov's arrest to be politically motivated, while others believed him to be guilty but to have been selectively targeted. Huseynov reportedly suffered from tuberculosis. Huseynov remained in prison at year's end.

In October 2007, the Baku Court of Grave Crimes sentenced the already jailed editor in chief of Realny Azerbaijan and Gundelik Azerbaijan, Eynulla Fatullayev, to eight-and-a-half years in prison on charges of supporting terrorism, inciting ethnic hatred, and tax evasion. The charges were based on an article that Fatullayev wrote criticizing the Government's policy towards Iran and listing specific locations in the country as potential targets for an Iranian attack. The sentence included Fatullayev's previous libel conviction for an article he allegedly wrote purporting that government forces may have played a role in the 1992 events in Khojali. Fatullayev remained in prison at year's end. International and domestic observers considered his imprisonment politically motivated.

On March 7, authorities sentenced Ganimat Zahid, editor in chief of Azadliq newspaper, to four years' imprisonment. In November 2007 police had arrested Zahid on charges of hooliganism and inflicting minor bodily harm. The charges were a result of a complaint filed by a private citizen, Vusal Hasanov, alleging that Zahid engaged in a physical altercation with him after Hasanov attempted to defend a woman who accused Zahid of insulting her. Zahid maintained that he was innocent and that the incident was a set-up. Zahid remained in jail at year's end. International and domestic observers considered his imprisonment to be politically motivated.

In 2006, the Baku Court of Grave Crimes convicted prominent political satirist Mirza Zahidov (also known as Mirza Sakit or Sakit Zahidov) of drug possession and sentenced him to three years in prison. The Court of Appeals and the Supreme Court upheld the sentence. International and domestic observers considered his imprisonment politically motivated. On October 18, Zahidov was beaten by prison officials for refusing to have his hair cut. The Ministry of Justice stated that the allegation would be investigated and that Zahidov was transferred to another facility. On December 29, a hearing was held on an appeal for Zahidov's early release, for which he was eligible under the law. The appeal was denied, and there were claims of misconduct during the hearing, but trial monitors were not allowed to attend. Zahidov remained in prison at year's end.

During the year at least six journalists reported physical attacks in connection with their professional activity.

A reporter from the opposition paper Azadliq, Agil Khalil, was the victim of numerous attacks during the year, apparently stemming from his journalistic investigations. Khalil claimed he was also the victim of a smear campaign. On February

22, unidentified assailants physically assaulted Khalil during the course of his work. On March 13, Khalil was again attacked, this time stabbed and hospitalized. On May 7, Khalil was attacked by an unidentified person who attempted to push him on the rails in a metro station in Baku; later the same day, two unidentified persons attempted to kidnap him near the Azadlig offices. As of year's end, Khalil had left the country.

Eldaniz Elgun, a well-known television journalist, claimed that he was stabbed in March just after the Agil Khalil stabbing. According to Elgun, three persons assaulted him near a metro station and stabbed him near his heart. He received treatment at his home in order to keep the incident quiet and to avoid the retribution that he said Agil Khalil had experienced. He reported that this attack followed a series of threats and interrogations by the Ministry of National Security over several years.

Emin Huseynov, a reporter who was chair of the Institute for Reporters' Freedom and Safety (IRFS), was hospitalized after being beaten by police on June 14 while covering the police break-up of a public meeting. He later filed suit against the Ministry of Internal Affairs, charging that no legal action had been taken against his attackers. Huseynov lost 50 percent of his hearing as a result of his injuries.

Two journalists from Radio Liberty and one from the Institute for IRSF were attacked by local police and other local residents in Nakhchivan on August 27 while reporting on a story.

There were no developments during the year in the 2007 physical assaults on journalists Uzeyir Jafarov and Suheyra Gambarova or the 2006 assaults on Fikret Huseynli, Bahaddin Haziyevev, and Nijat Huseynov.

There were no developments reported in the 2005 killing of opposition journalist Elmar Huseynov. Media and human rights activists continued to advocate that the Government should further investigate this case.

June amendments to the election code allowed candidates who ran in the presidential election to have free television and radio airtime. Opposition parties and human rights advocates, however, complained that the free airtime was moved from State Television to Public Television, which had lower viewership, and that the timing of the broadcasts made it difficult for working people to watch. The OSCE election observation mission, in its election statement, criticized unbalanced news coverage in the run-up to the election, which heavily covered the activities of government officials, benefiting the incumbent.

Although pro-opposition journalists openly criticized government officials, a combination of intimidation and a desire not to alienate potential advertisers led most independent journalists and editors to practice some degree of self-censorship.

Libel remained a criminal offense, although the number of libel prosecutions decreased significantly during the year. The law allows for large fines and up to three years' imprisonment for persons convicted of libel. In previous years the Government used defamation suits and the threat of exorbitantly high fines for libel to intimidate and harass the media. Fine payments due from previous defamation suits threatened the financial viability of the print media and journalists, although a few days before the presidential election, the Azadlig and Yeni Musavat opposition newspapers learned that payment of their large fines would be suspended for an undetermined period of time. Government reliance on measures that hampered printing and distribution of independent newspapers and magazines remained largely unchanged.

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals who had connections with government officials. The majority of independent and opposition newspapers remained in precarious financial situations; they continued to have problems paying wages, taxes, and periodic court fines. Most relied on political parties or influential sponsors for financing, as the advertising-based business model was weak.

The Government prohibited some state libraries from subscribing to opposition newspapers. The Government also continued to prohibit state businesses from buying advertising in opposition newspapers and pressured private business to do the same. Political commentators said in October that this problem reduced the wages opposition and independent outlets could pay to their journalists, allowing progovernment outlets to poach quality staff. In addition, international media monitoring reports indicated that intimidation by officials of the Ministry of Taxes further limited the independence of the media.

Nakhchivan and Baku-based journalists reported that authorities in the exclave of Nakhchivan continued to block distribution of opposition newspapers.

Internet Freedom.—The Government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agree-

ments with the Ministry of Communications and Information Technologies. Penetration was low, particularly outside the capital city. There was no evidence to support the widely held belief that the Government monitored Internet traffic of foreign businesses and opposition leaders. However, during the year authorities blocked public access in Azerbaijan to two Web sites of an independent NGO, the Election Monitoring Center, although the sites were accessible from abroad. In January 2007 there were credible reports that authorities blocked public Internet access to a Web site containing a petition regarding utility price increases, temporarily arresting the creator of the site, Bakhtiyar Hajiyev.

Domestic observers reported that, on several occasions during the year, the Government temporarily blocked public Internet access to a Web site popular for lampooning the president. There were reportedly greater restrictions on the Internet in Nakhchivan, where residents claimed they were unable to view opposition Web sites. Access to the Internet was limited to urban centers due to lack of infrastructure.

Academic Freedom and Cultural Events.—The Government on occasion restricted academic freedom.

Some domestic observers raised concerns about the Government's selection of participants for state-sponsored study abroad programs. The Government maintained that its selection process was transparent and political affiliation was not a factor.

The opposition Musavat Party continued to report that, since 1993, 37 opposition members had been fired from positions as teachers in state educational institutions. During the presidential election campaign, students at several universities reported pressure from deans to avoid cooperation with an independent NGO monitoring the election. Some students reported being directed by the deans of their faculties to change voter registration from their home districts so that they would have to vote at the university. Others reported that universities required students to attend pro-presidential rallies, providing transportation and threatening students with expulsion if they did not attend. In another case, students were threatened with expulsion from their dormitory if they participated in election monitoring.

There were no reports of government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government severely restricted this right in practice. Although the constitution stipulates that groups may peacefully assemble only with prior notification of relevant government bodies, the Government continued to interpret this provision as a requirement for advance permission from the Baku mayor's office.

On June 26, new amendments to the law on freedom of assembly entered into force. A review of the amended law by international organizations noted that it met most international standards, and numerous international observers called on the Government to implement it fully. However, in practice the Government continued to require all sanctioned rallies to be held at designated locations far removed from the city center, a stipulation most political parties and NGOs found unacceptable. In contrast, the ruling Yeni Azerbaijan Party held a large rally in a central square on the evening of October 15 to celebrate the reelection of the president. Opposition parties had been denied permission to hold a rally in the same square. The five main opposition parties chose not to participate in the presidential election during the year, citing as one objection their inability to assemble freely. The Government denied opposition and some other requests to hold political rallies on multiple occasions and broke up several unsanctioned pickets and demonstrations, often detaining participants for several hours.

On January 31, the Dalga youth movement attempted to hold a rally commemorating the founder of the 1918 Azerbaijani Republic. The rally was broken up by police, who detained 14 participants. On July 4, police also broke up a demonstration by the Dalga youth movement outside the OSCE office in Baku and detained three members for several hours.

On April 25, the opposition Musavat party applied to Baku municipal authorities to hold a rally in one of three locations in central Baku that appeared to be in compliance with the freedom of assembly law. The application was denied, and the party took the case to court. The Court of First Instance and the Baku Appellate Court decided in favor of the Baku authorities. The case was awaiting hearing at the Supreme Court at year's end.

On June 17, July 11, and August 1, police broke up small, unsanctioned pickets held by the Musavat party in central Baku, each time detaining several demonstrators for a few hours. The Baku Municipal authorities denied permission to hold these three events due to the proximity of the pickets to the municipal authority headquarters, which is prohibited under the law. In addition Baku municipal au-

thorities prevented several other planned opposition rallies and protests by denying permit requests and insisting on venues the opposition considered unacceptable due to their distance from central Baku.

In August, authorities allowed young people to hold an unsanctioned rally in central Baku in support of Georgia during the conflict between Georgia and Russia.

The OSCE's final report on its observation of the presidential election stated that Baku officials interpreted the amended freedom of assembly law in a restrictive manner during the preelection period, denying requests by an opposition coalition to hold rallies in the center of the city.

On December 24, Baku police reportedly broke up a demonstration against a constitutional referendum planned for 2009 whose provisions included the elimination of presidential term limits. During the rally in front of the Constitutional Court, police reportedly arrested 10 people on site, of whom three were subsequently detained.

Freedom of Association.—The law provides for freedom of association, although in practice the Government's restriction of this right worsened during the year. A number of provisions allow the Government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the Justice Ministry or the State Committee on Work with Religious Associations (SCWRA). Although the law requires the Government to act on registration applications within 30 days of receipt, vague, cumbersome, and non-transparent registration procedures continued to result in long delays that effectively limited citizens' right to associate.

The Government continued to use a 2003 requirement for all existing NGOs to reregister with the Justice Ministry to delay or deny registration to some previously registered groups, often citing the failure of applicants to follow proper procedures. During the year the ministry registered 246 NGOs. The ministry did not provide information on the total number of NGO applications received or rejected during the year.

In February, the Ministry of Justice registered the Election Monitoring Center (EMC), an independent nonpartisan NGO, after it had rejected its application for several years. On May 14, however, a Baku court ordered the deregistration and dissolution of the organization, based on an appeal from the Ministry of Justice, ostensibly due to alleged technical flaws in the organization's registration application. The verdict was implemented immediately and the usual grace period was not implemented. The EMC maintained that the flaws did not constitute legal grounds for the entire organization to be deregistered and immediately dissolved. The EMC appealed the verdict and filed a separate case against the organization's immediate dissolution. Both cases were rejected by the Baku Appellate Court and, at year's end, were awaiting a hearing at the Supreme Court.

c. Freedom of Religion.—The constitution and law provide for freedom of religion; however, burdensome registration requirements and selective harassment of religious groups marred application of the law. Although the law expressly prohibits the Government from interfering in the religious activities of any individual or group, there are exceptions, including cases where the activity of a religious group threatens public order and stability. Most religious groups met without government interference; however, local authorities monitored religious services, and officials harassed and detained members of Islamic and "nontraditional" religious groups.

There appeared to be a distinction between how the Government treated groups it perceived as "traditional" and "nontraditional." Traditional religious groups included Islamic communities registered with the Government, Jewish groups, the Orthodox Church, and the Catholic Church. Groups perceived as nontraditional included unregistered Islamic groups, Jehovah's Witnesses, and several Protestant communities. In general the traditional groups reported no religious freedom problems, while nontraditional communities frequently complained they were the victims of selective harassment or that the Government arbitrarily created obstacles to their registration.

A number of legal provisions enable the Government to regulate religious groups, particularly a requirement that religious organizations, including individual congregations of a religious group, be registered. Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. The SCWRA and its chairman have broad powers over registration and can both control the publication, import, and distribution of religious literature and suspend the activities of groups violating the law.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era entity that appointed Muslim clerics to mosques, administered Islamic educational institutions, periodically monitored sermons, and organized annual hajj pilgrimages. Some

local Muslim believers criticized the CMB's and the SCWRA's ability to register and regulate their communities.

During the year the SCWRA registered 102 new groups, 101 of which were Islamic and one of which was Jewish, and did not reject applications. There were 529 total registered religious communities in the country, of which 497 were Islamic and 32 were non-Islamic.

Several groups reported that the SCWRA sometimes failed to rule on registration applications in a timely manner, and some groups complained that the SCWRA or local officials made the application process difficult or impossible for nontraditional communities. Unregistered organizations were vulnerable to being declared illegal and closed or subjected to selective harassment by authorities. The SCWRA continued to delay or deny registration to a few Protestant Christian groups.

A variety of unregistered religious groups continued to function, including Muslim groups, members of Jehovah's Witnesses, and some evangelical Christians. SCWRA estimated that there were 160 unregistered groups. However, some unregistered groups-particularly nontraditional religious organizations-were subject to periodic and selective police harassment in the form of disruption of religious services and intimidation. Local law enforcement officials occasionally monitored religious services and reportedly singled out some observant Christians and Muslims for searches on the grounds of security. Local observers claimed that local authorities routinely monitored certain mosques.

Some Muslim representatives criticized the Government for adopting a heavy-handed stance in reaction to the August 17 bombing of the Abu Bakr mosque. After the bombing, authorities closed down the heavily attended mosque. On October 27, the Narimanov District Court ruled that the mosque should be reopened, but it remained closed at year's end. Several trials had not brought the mosque any closer to being re-opened. Authorities also prevented the Abu Bakr congregation from praying outside on the steps of the closed mosque or outside of other Baku mosques. There was a spike in the number of reported detentions and forced beard-shavings in Baku after the bombing.

A number of practicing Muslims asserted that the Government often failed to distinguish between practicing Muslims and extremists. They charged that the Government often adopted a heavy-handed approach to practicing Muslims and, in the process, failed to grant them genuine religious freedom. This approach reportedly included forcibly shaving the beards and finger-printing of Muslims, banning prayers outside mosques, and pressuring certain television stations not to run religious programming. A number of Muslims criticized the CMB for trying to monopolize all Islamic religious practices in the country.

In June, police disrupted two Jehovah's Witnesses services being conducted in private apartments in Baku suburbs. In both cases police detained several participants for several hours before releasing them without charges.

In June, police in Zagatala arrested Baptist pastor Hamid Shabanov for allegedly possessing an illegal weapon. Local Baptists claimed the authorities planted the weapon in Shabanov's residence. International and domestic court monitors reported procedural violations in Shabanov's trial, which was ongoing at year's end. In December the court ordered Shabanov to house arrest, as there was not enough evidence to continue holding him in a detention facility. The court refused to acquit him entirely, however.

The law expressly prohibits religious proselytizing by foreigners, and officials enforced this strictly. In August authorities deported a Russian citizen who was a Jehovah's Witness on grounds of illegal proselytizing. According to the law on religious freedom, citizens are free to share their faith; however, in practice proselytizing of "nontraditional" religions was often discouraged. The Government was concerned about Islamic missionary groups (predominantly Iranian Shi'a and Salafi Sunni) operating in the country and continued to restrict their activities.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, authorities appeared to selectively restrict the import and distribution of religious materials. Obtaining permission to import religious literature remained burdensome and Islamic and Christian groups complained about the lengthy approval process. During the year there were multiple episodes in which police confiscated allegedly radical Islamic literature in several areas of the country. However, the SCWRA also facilitated the importation of some literature, and the process appeared to be improving, albeit in an arbitrary manner.

The law does not restrict the right of women to wear the Muslim headscarf in educational or state facilities. Women are not allowed to wear headscarves in photos for passports and other official identity documents. In practice the Government did not restrain university administrators or employers from selectively pressuring some women not to wear headscarves.

The Government had not developed an alternative service option for fulfilling one's mandatory military service requirement at year's end. The lack of such an option remained a problem for several members of Jehovah's Witnesses, who conscientiously objected to serving in the military.

Societal Abuses and Discrimination.—There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. There was popular prejudice against Muslims who converted to other faiths and hostility toward groups that proselytized, particularly evangelical Christian and other missionary groups.

The Government actively tried to promote religious tolerance. The SCWRA convened leaders of various religious communities on several occasions. During the year the SCWRA organized several seminars, conferences, and regional meetings on religious freedom and tolerance.

There were no reports of anti-Semitic acts against the country's 15,000-member Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, although at times the Government limited freedom of movement, particularly for internally displaced persons (IDPs). The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. However, in 2007 responsibility for all refugee issues, including refugee status determination, was moved from the deputy prime minister to the newly created State Migration Service. International NGOs reported that this new department remained inefficient and did not operate as transparently as the previous one.

The law requires men of draft age to register with military officials before traveling abroad. Some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

The law prohibits forced exile, and the Government did not employ it.

While official government policy allows citizens of ethnic Armenian descent to travel, low-level officials reportedly often requested bribes or harassed ethnic Armenians who applied for passports. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards. Applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes.

Azadlig reporter Agil Khalil reported border guards prevented him from leaving the country on three occasions during the summer, claiming he was on trial and could not legally leave the country. Khalil publicly noted he was not a defendant but a victim in an open case and should therefore be allowed to leave. Authorities eventually permitted Khalil to depart in July.

Since his 2004 conviction for participating in post-election demonstrations in 2003, the Government prevented the imam of the Juma Mosque (shut down by the authorities since 2004), Ilgar Ibrahimoglu, from traveling outside the country, including to several meetings of the UN and the OSCE, where he was to be an official NGO participant.

Since 2006 the Government has prevented the foreign travel of Popular Front Party (PFP) chairman Ali Kerimli by refusing to renew his passport, citing an outstanding civil complaint against him from 1994. The Government had renewed Kerimli's passport on several occasions in the intervening years without objection. Kerimli filed an appeal on the decision, which was initially rejected at all levels of the court system. However, on February 15 the Supreme Court preserved one aspect of Kerimli's case but ruled that it must be refiled as a criminal complaint. Kerimli refiled the case, but did not prevail. Having exhausted his options under the country's legal system, Kerimli was preparing to take the case to the ECHR at year's end.

Internally Displaced Persons (IDPs).—At year's end there were 572,531 UNHCR-registered IDPs in the country. The vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict. The Government reported a total of 686,586 IDPs.

IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called propiska system, a carryover from the

Soviet era, was imposed mainly on persons who were forced from their homes after ethnic Armenian separatists took control of Nagorno-Karabakh and adjacent territories in the western part of Azerbaijan. The Government asserted that registration was needed to keep track of IDPs to provide them with assistance.

The Government reported that, during the year, 60 international and 40 domestic humanitarian organizations, and 15 nonbank credit unions implemented projects independent of the Government related to refugees and IDPs, spending a total of approximately \$30 million. The Government stated that it supplemented this spending with money from the national oil fund to improve living conditions for IDPs and refugees. During the year the Government completed the construction of five new settlements for refugees and IDPs, in which 1,000 families lived.

In 2007, the State IDP and Refugee Committee's estimated expenditures were 150.1 million manat (approximately \$174.5 million). IDPs received monthly food subsidies of approximately nine manat (approximately \$10.50) from the Government.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to some refugees through the refugee status determination department. While the department progressed in many ways, improvement was offset by a series of court rulings on refugee status determinations that rejected all appeals of negative asylum decisions.

In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. During the year, 2,657 persons were recognized by the UNHCR as refugees or asylum seekers. The Government received 134 applications for refugee status, denied 100 applications, and granted refugee status to 11 persons. At year's end, 23 cases remained under consideration. The Government did not provide any notable assistance to government- or UNHCR-recognized refugees or asylum seekers.

The UNHCR considered the Government's forced return to Turkey in October 2007 of a Turkish citizen of Kurdish ethnicity as contrary to the country's obligations under the 1951 UN convention and a clear violation of the principle of nonrefoulement. UNHCR also considered the March 2007 imprisonment of an Iranian citizen for illegal entry as a breach of Article 5 of the 1999 refugee law, which stipulates nonamenability of illegal entry for those seeking asylum.

More than 65 percent of the 2,657 refugees registered and recognized by the UNHCR in the country were Chechens from Russia. The Government does not recognize Chechens as refugees as established under the 1951 convention and it did not accept asylum applications from Chechens. As a result, the UNHCR continued to carry out all protection and assistance functions for Chechens in the country.

Despite UNHCR recognition of many Chechens and Afghans as refugees, the laws on residence, registration, and the status of refugees and IDPs did not apply to Chechens and Afghans. They were required to register with police and were not entitled to residence permits. Chechens were permitted to enter the country visa-free under a bilateral passport system with Russia. However, most Chechens could not afford the associated costs to acquire passports. The UNHCR reported two Chechens were being held in pre-trial detention awaiting extradition to Russia at year's end. After reviewing the cases, the UNHCR dropped its objection to the extradition of one individual. Both cases were awaiting a decision from the ECHR at year's end.

According to the UNHCR, 138 Chechens sought and were granted protection during the year, a 46 percent decrease from the previous year. All refugee children registered with the UNHCR were allowed to attend public schools. However, because Chechens and Afghans do not have legal resident status in the country, they were not permitted access to public medical services. The UNHCR provided basic medical assistance through the support of foreign donors.

During the year, 157 Afghans arrived and registered with the UNHCR, a decrease from previous years. During the year Afghans complained of police visits to their homes, with the implied threat of deportation. There were no reports of forced return of Afghans.

The Government has no legal mechanism to provide temporary protection to individuals who do not qualify as refugees under the 1951 convention and the 1967 protocol. However, the Government accepted the UNHCR identification card issued to Chechens and Afghans.

Stateless Persons.—Citizenship is derived by birth within the country or from one's parents. The law provides for the right to apply for stateless status. However, in practice, many persons could not obtain the documentation required for the application, and therefore remained formally unrecognized.

According to UNHCR statistics, there were 2,078 stateless persons in the country at the end of 2007. The vast majority of these persons were ethnic Azeris from Georgia or Iran. There were also an estimated 10,000 undocumented stateless persons in the country during the year, among them Meskhetian Turks, whose status was not formally recognized and who did not possess a stateless certificate.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully. The Government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, the Milli Majlis's independence was minimal, and it exercised little legislative initiative independent of the executive branch. On December 19, the Milli Majlis approved a proposal calling for a referendum on changing the constitution to remove presidential term limits, among other provisions.

Elections and Political Participation.—The country held a presidential election on October 15. The final report of the OSCE election observation mission stated that the country had made considerable progress toward meeting its OSCE commitments and other international standards, especially regarding some technical aspects of election administration, but found that the election process did not meet all of these commitments. While the OSCE mission reported that the election was carried out in a peaceful manner, it also noted a lack of robust competition and the absence of vibrant political discourse facilitated by the media. The OSCE observation report concluded that the election “did not reflect some of the principles necessary for a meaningful and pluralistic democratic election.”

In May the Milli Majlis adopted amendments to the election code that partially addressed concerns raised previously by the Council of Europe and the OSCE. These included provisions for inking of voters' fingers, transparency of voter lists, and prohibitions on government officials interfering in the election process. The transparency and efficiency of the Central Election Commission was also improved. However, the structure of election commissions at all levels—a longstanding problem—was not made more balanced, and concerns remained over the candidate registration process, rules on media coverage, and complaint and appeals procedures.

The preelection period was marred by continued restrictions on freedom of speech and freedom of assembly for the main opposition parties. The main opposition parties boycotted the election, citing these restrictions and problems with the election code, especially provisions limiting their ability to campaign effectively. The Government's failure to improve respect for freedom of assembly, its continued control of the media and the lack of a clear distinction between the Government and the ruling party in campaign activities prevented a competitive campaign and reduced the citizens' opportunity to make an informed choice in the election.

The Government registered nearly 50,000 domestic and 1,250 international election observers. However, some domestic and international organizations reported problems with the registration process. In particular, the EMC reported that some citizens whom it trained had problems registering as observers in several constituencies. The EMC also reported that 86 EMC-trained observers withdrew from its observation mission following harassment in the days leading up to the election. These developments followed the loss of the EMC's registration as an NGO and the blocking of its Web sites.

According to the OSCE final election report, international observers rated voting procedures overall as “good” or “very good” in 94 percent of polling stations visited. Serious irregularities were witnessed, however, in finger-inking procedures. The counting process was assessed as more problematic, including some instances of manipulation. International observers rated 23 percent of the vote counts observed as “bad” or “very bad.” Constituency election commissions annulled results in eight polling stations due to irregularities, but, in other polling stations where irregularities occurred, the results were not annulled. Observers considered 21 percent of the tabulation processes observed to be “bad” or “very bad,” with some disorderly and nontransparent proceedings.

The Government held national parliamentary elections in 2005. The OSCE's final election observation report concluded that the elections did not meet a number of the country's OSCE commitments and Council of Europe standards for democratic elections. The OSCE concluded that the May 2006 rerun elections in 10 of the country's 125 parliamentary constituencies showed some improvement over the 2005 elections. However, the OSCE noted continuing problems, including in the composition of election commissions, interference by local authorities in the electoral process, the voting, counting, and tabulation processes, and the election grievance process. There were numerous credible reports that local officials interfered with the

campaign process to the benefit of progovernment candidates in the 2005 elections and the 2006 partial rerun elections. The Government generally respected the legal provisions of the election code. Candidates were able to hold numerous town hall meetings with voters, although police disrupted some gatherings.

One opposition member refused to take her seat in protest of fraud in these elections, and the Government had not set a date for a by-election at year's end.

In 2006, authorities held partial municipal elections around the country. The opposition Azadliq bloc, comprised of the PFP, Azerbaijan Democratic Party, and Azerbaijan Liberal Party, boycotted the municipal elections, asserting that the composition of local election commissions made the elections inherently unfair. Some of these municipal elections were reruns of 2004 municipal elections, which election authorities cancelled because of widespread fraud and irregularities.

The ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages such as being given preference for public positions. Opposition party members in the exclave of Nakhchivan reported instances of pressure by local officials to join the ruling party.

During the year, opposition parties played a less active role in politics than in previous years. Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. For example, a prominent opposition politician reported several instances in which local authorities prevented her from meeting with private citizens during regional trips. Regional branch opposition party members reported that local authorities often took actions to prevent routine party activities, such as pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. Party members often had to conceal the purpose of their gatherings and hold them in remote locations. Opposition party members reported that police often dispersed small gatherings at tea houses and detained participants for questioning. Since 2006, opposition parties have had serious difficulties renting office space, with some parties operating out of their leaders' apartments reportedly because landlords were afraid to rent office space to them due to official pressure.

There were 14 women in the 125-seat parliament. Several women held senior government positions, including deputy speaker of parliament, several deputy ministers, and deputy chair of the Central Election Commission. There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in elective offices.

Ethnic minorities, such as the Lezghins, Talysh, and Avars, continued to serve in parliament and in government.

Government Corruption and Transparency.—The law penalizes corruption by outlawing bribery; however, there was widespread public perception of corruption throughout all facets of society, including the civil service, government ministries, and the highest levels of government. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. Criminal cases related to corruption were opened during the year, specifically on bribery charges; however, these cases had little or no impact on the prevalence of bribery and corruption in the country.

In July 2007, the Government adopted its second national strategy for increasing transparency and combating corruption. The strategy established a framework for increasing the accountability of government, cooperating with civil society and systematically monitoring and reporting on the implementation of anticorruption measures. The law on financial disclosure requires officials to report annual income, sources of income, property owned, and financial liabilities. It also prohibits nepotism and limited gifts and direct or indirect financial benefits to public officials or third parties. These provisions had not been implemented at year's end.

The law provides for public access to government information by individuals and organizations; however, the Government often did not provide access. Although government ministries have separate procedures on how to request information, they routinely denied requests, claiming not to possess the information. Individuals have the right to appeal the denials in court; however, the courts generally upheld the decisions of the ministries.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the Government maintained ties with some human rights NGOs and responded to their inquiries, on occasion the Government criticized

and intimidated other human rights NGOs and activists. The Ministry of Justice continued routinely to deny or fail to register some human rights NGOs.

The major local human rights NGOs were the Association for the Protection of Women's Rights, the Bureau of Human Rights and Respect for the Law, the Azerbaijan Foundation of Democracy Development and Human Rights Protection, Azerbaijani Committee against Torture (ACAT), the Institute for Peace and Democracy, the Helsinki Citizens' Assembly, IRFS, and the Human Rights Center of Azerbaijan. Most of the leading NGOs affiliated themselves with one of two independent, umbrella organizations, the Human Rights Federation and the Monitoring Group of Human Rights Organizations.

The Government met with a variety of domestic NGO monitors. The Ministry of Justice participated in a joint political prisoner review committee with several representatives of the human rights community, which indirectly led to the release of a number of alleged political prisoners. The Ministry of Internal Affairs allowed one NGO, ACAT, to have immediate access to police and pretrial detention facilities; during the year the NGO continued to exercise this right without obstruction and reported on its findings.

Several NGOs reported that the Government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. During the year, Akifa Aliyeva of the Helsinki Citizens' Assembly reported repeated harassment by local authorities in connection with her work defending the rights of a Ukrainian prisoner in Ganja.

The registration process for NGOs remained cumbersome and included requirements to register grants from foreign entities. NGO grants from foreign entities are subject to a social security tax of 22 percent on employee salaries, although grants from a few countries with bilateral agreements with the Government were subject to only a two percent tax. NGO activists reported that these provisions inhibited their organizations' activities.

On August 14, the NGO Council announced the first round of grants in a government program, giving over 1.15 million manat (approximately \$1.4 million) to 191 NGOs. While many of these NGOs were considered to be progovernment, some NGOs that were critical of the Government also received grants.

The Government generally permitted visits by UN representatives and other international organizations, such as the ICRC. International NGOs, such as RWB, generally operated without government hindrance.

Citizens may appeal violations committed by the state or by individuals to the ombudswoman for human rights. The ombudswoman may refuse to accept cases of abuse that are over a year old, anonymous complaints, and cases already being handled by the judiciary. Data were not available on the number of complaints received and resolved by the ombudswoman during the year.

The Office of the Ombudsman took the lead in implementing the Government's 2006 human rights action plan. During 2007 the ombudswoman reported that she had established a working group, which included five subcommittees, to focus on the areas identified as priorities in the action plan. As of year's end implementation of the plan was uneven. During the year the ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats and domestic NGOs working on human rights, and submitted an annual report to the Milli Majlis. However, local human rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the Government.

The Milli Majlis and the Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the human rights office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern. The Milli Majlis's human rights body did not operate fully independently of government influence.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights without respect to gender, race, language, disability, or social status, but the Government did not always respect these provisions or effectively enforce them. Violence and discrimination against women, trafficking of persons, and discrimination against ethnic Armenians were problems.

Women.—The Government did not provide data on the number of rapes reported during the year. In 2007, 86 cases of rape were reported to authorities. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame. Rape is illegal and carries a maximum 15-year prison sentence. Violence against women, including domestic violence, continued to be a problem. In rural

areas women had no effective recourse against assaults by their husbands or others. There are no laws on spousal abuse or specific laws on spousal rape.

There were no government-sponsored programs for victims of rape or domestic violence. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance to women. The center also worked on a number of projects funded by international donors to combat gender-based violence and trafficking in persons in the Caucasus region. Representatives of the institute regularly appeared on popular television talk shows to discuss women's issues.

Prostitution is an administrative offense rather than a crime and is punishable by a fine of up to 88 manat (approximately \$102). Pimps and brothel owners may be sentenced to prison for up to six years. Prostitution was a serious problem, particularly in Baku.

The law does not directly prohibit sexual harassment.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and lagging economic development in the country's regions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions.

Children.—The law requires the Government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children.

While education was compulsory, free, and universal until the age of 17, large families in impoverished rural areas sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to beg rather than attend school.

According to the Ministry of Internal Affairs, five cases of rape and 20 cases of sexual abuse of children were reported in 2007. There were reports that children were trafficked for sexual exploitation and begging. During the year, five victims of sex trafficking were under the age of 18.

Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families.

A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school.

Trafficking in Persons.—The criminal code prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country was primarily a source and transit point for women, men, and children trafficked for sexual exploitation and forced labor. Central Asian, Russian, and local women and girls were trafficked from or through the country to the United Arab Emirates, Turkey, Iran, India, and Pakistan for exploitation in the sex industry. Men were trafficked to Russia for forced labor. Although there were no official reports of internal trafficking, domestic monitors reported a growing trend of internal trafficking of women for sexual exploitation, of men for forced labor in the construction industry, and of children for begging. During the year the Government reported it identified 78 trafficking victims, two of which were cases of child trafficking. Traffickers generally targeted women.

Traffickers were either foreigners or ethnic Azerbaijanis who acted in loose concert with international networks. They approached victims directly and indirectly through friends and relatives, usually offering to arrange employment abroad. Traffickers also used deceptive newspaper advertisements offering false work abroad. Traffickers reportedly used forged documents to move victims. They also used fraudulent marriage proposals from men posing as Iranian businessmen to lure women into prostitution in neighboring Iran.

During the year, 61 persons were prosecuted to completion under the law against trafficking in persons. At year's end, 35 trials were ongoing. One person was convicted of document forgery in a trafficking-related case. Most trafficking-related crimes prosecuted during the year carried maximum penalties of between five and 12 years' imprisonment, except for rape and sexual violence, which both carried maximum 15-year prison sentences. There also are specific criminal penalties for enslaving, raping, and forcing children into prostitution.

The deputy minister of internal affairs, a known human rights violator, was the national coordinator for government antitrafficking activities. This constituted an obstacle to maintaining a victim-centered approach to the Government's

antitrafficking efforts, monitoring relevant government bodies' efforts, and dealing with the NGO community. Government bodies involved in antitrafficking included the Ministries of Internal Affairs, Foreign Affairs, Justice, National Security, and Health; the prosecutor general; the state border guard; State Customs Service; and the State Committee on Family, Women's and Children's Issues. The Ministry of Internal Affairs has a separate countertrafficking department. In February the Government opened a national hot line for victims of trafficking. During the year the Government did not receive any requests to assist with extradition or international investigations of trafficking cases.

There was no evidence of official complicity in trafficking, but corruption in some government agencies facilitated trafficking.

The law provides protections for trafficking victims by relieving them from civil, administrative, and criminal responsibility for offenses committed under coercion, intimidation, or other trafficking conditions. However, in practice, victims were subjected to verbal abuse and stigmatization by judges. Victims were often treated as criminals and penalized solely for unlawful acts they committed as a direct result of being trafficked. The law allows the use of pseudonyms to protect the identity of victims and provides for their assistance and shelter. The Government did not systematically screen vulnerable population groups to identify trafficking victims.

There was no standardized mechanism to return trafficked women to their country. According to the IOM, some Azerbaijanis and foreign nationals who were either victims of trafficking or engaged in prostitution were deported to the country, primarily from Turkey. A few trafficking victims deported from Dubai received assistance from Azerbaijani NGOs. However, the Government had no program to assist them.

The lack of a standardized victim referral network remained a problem. The Government referred victims to a government-funded shelter, which provided victims with access to legal, medical, and psychological services. During the year 52 victims received assistance at the shelter. In August, the IOM started a project with the countertrafficking department of the Ministry of Internal Affairs to strengthen management capacity of the shelter and hot line services by training their staff and formulating operational guidelines. A poster publicizing the Government's national hot line developed by the IOM's antitrafficking advisor was printed and distributed to various NGOs, international organizations and government agencies. The Government, while fully funding the hotline, does not operate it directly and has not actively advertised it.

During the year, the Government continued to implement its antitrafficking action plan.

Several NGOs, such as the Institute for Peace and Democracy's Women's Crisis Center and Clean World, and government bodies, such as the State Committee for Women's and Children's Issues, worked on antitrafficking activities. The Ministry of Internal Affairs claimed to have conducted 70 trafficking awareness programs in various parts of the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and access to health care, or the provision of other state services, but discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There are no laws mandating access to public or other buildings for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied; some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

The Ministries of Health and Labor and Social Welfare were responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Some of the approximately 20,000 citizens of Armenian descent living in the country historically complained of discrimination in employment, schooling, housing, the provision of social services, and other areas. Citizens who were ethnically Armenian often concealed their ethnicity by legally changing the ethnic designation in their passports. There were no reports of discrimination against Armenians during the year.

Some groups reported sporadic incidents of discrimination, restrictions on the ability to teach in their native languages, and harassment by local authorities.

These groups included Talysh in the south, Caucasian Lezghins in the north, displaced Meskhetian Turks, and displaced Kurds from the Lachin region controlled by Armenia-supported Nagorno-Karabakh separatists.

On June 24, the Baku Court of Grave Crimes sentenced Novruzali Mammadov to 10 years' imprisonment for high treason. Mammadov, editor in chief of the Talysh Sedo newspaper, had been detained since February 2007, during which time his lawyers alleged he was beaten by security forces. Some local NGOs alleged that his arrest was related to his ethnicity and cultural activities.

Other Societal Abuses and Discrimination.—The Government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

According to the European Region of the International Lesbian and Gay Association's 2007 report, lesbians, gays, bisexuals, and transsexuals in the country were subjected to human rights abuses, discrimination, and social exclusion. The report characterized the community as "vulnerable and exposed to extortion by law enforcement officials," facing problems such as ridicule, forced bribes, abuse, and in some cases rape by law enforcement officials. The report noted that the community lived under a constant fear of being "outed" to family, friends, and colleagues.

There were no reports of societal violence or discriminations against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. The overwhelming majority of labor unions remained tightly linked to the Government, with the exception of the independent journalists' unions.

Uniformed military and police are prohibited from participating in unions, although civilians working in the Ministries of Internal Affairs and Defense were allowed to do so. The law also prohibits managerial staff from joining a union, but managers in government industries often had union dues automatically deducted from their paychecks.

The Azerbaijani Trade Union Confederation (ATUC) had approximately 1.6 million members, representing 28 labor federations in various industrial sectors. Although the ATUC was registered independently, some workers considered it closely aligned with the Government.

The law allows trade unions to conduct their activities without government interference; in practice most unions were not independent. The law provides most workers with the right to strike. Categories of workers prohibited from striking include high-ranking executive and legislative officials, law enforcement officers, court employees, fire fighters, and health, electric power, water supply, telephone, and railway and air traffic control workers. Striking workers who disrupt public transportation can be sentenced up to three years' imprisonment. The law prohibits retribution against strikers such as dismissal or replacement. However, a local NGO claimed workers in the oil industry were largely unaware of their rights and afraid of retribution if they issued complaints.

Labor legislation applied to all workers and enterprises in the country; however, the Government may negotiate bilateral agreements with multinational enterprises that effectively exempt such enterprises from national labor laws. For example, production sharing agreements (PSAs) between the Government and multinational energy enterprises signed in 1994 and subsequent years do not provide for employee participation in a trade union. Some labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under the PSA arrangements were not union members, although there were exceptions. No new labor unions have been formed at these companies since 2005.

Trade unions may legally engage in political activity, but in practice exercise an extremely limited political role.

Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. As a result, unions did not have resources to carry out their activities effectively. Unions had no recourse to investigate the withheld funds.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 65,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining agreements to set wages in state enterprises. In reality unions could not effectively negotiate such wage levels because government-appointed boards ran

major state-owned firms and set wages for all government employees. Collective bargaining agreements were often treated as formalities and not commonly used.

There were no reports of government antiunion discrimination; labor disputes were primarily handled by local courts, which, while not exhibiting antiunion discrimination, were widely considered corrupt. There were reports of antiunion discrimination by foreign companies operating in Baku. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, this behavior was enabled by the absence of union membership rights in the PSAs. Domestic observers reported some acts of discrimination against local workers in multinational companies, such as different wages paid to foreign and local workers for the same jobs, the lack of formal contracts for some local workers, and different standards of housing for foreign and local workers along Baku-Tbilisi-Ceyhan pipeline construction sites. There were reports of oil industry workers being asked to sign blank contracts to be filled in later.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law allow forced or compulsory labor under circumstances of war or in the execution of a court's decision under the supervision of a government agency. Some observers reported that there were infrequent occurrences of forced or compulsory labor, including trafficking in women, men, and children for sexual exploitation, forced labor, and begging. Men and boys were trafficked to Russia for forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health, and there were few complaints of abuses of child labor laws. However, there were reports that children were trafficked for commercial sexual exploitation and begging.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; 14-year-old children may work in family businesses or, with parental consent, at after-school jobs during the day that pose no hazard to their health. Children under 16 may not work more than 24 hours per week; children between 16 and 18 may not work more than 36 hours per week. The law prohibits employing children under 18 in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. However, the unit responsible is considered ineffective.

e. Acceptable Conditions of Work.—On January 1, the Government raised the minimum monthly wage to 60 manat (approximately \$73) per month. The minimum wage was insufficient to provide a decent standard of living for a worker and family and was four manat (five dollars) below the official poverty level of 64 manat (\$78) set by the Government. The Ministry of Taxes, the Ministry of Labor, and the State Social Protection Fund share responsibility for enforcing the minimum wage. However, in practice the minimum wage was not effectively enforced.

The law provides for a 4-hour work week; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. It was not known whether local companies provided the legally required premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. However, most individuals worked in the informal economy, where the Government did not enforce contracts or labor laws.

The law sets health and safety standards; however, government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC monitored compliance with labor and trade regulations, including safety and health conditions.

Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. According to the Oil Workers Rights Defense Council, an NGO dedicated to protecting worker rights in the oil sector, two oil sector workers died in workplace accidents during the year. Both were employees of the state oil company. ATUC recorded a total of five deaths in the whole of the energy sector and 18 deaths in state-owned enterprises. The International Trade Union Confederation reported that the Government's bilateral agreements with multinational corporations, the contents of which were confidential, contributed to labor rights violations. In November 2007 the Oil and Gas Workers' Union of Azerbaijan reached a new contract with the State Oil Company that included greater social protections and health and safety commitments. Workplace accidents were also a problem in other sectors of the economy.

The law provides equal rights to foreign and domestic workers, although local human rights groups, including the Oil Workers Rights Defense Council, maintained that disparities existed, particularly in foreign oil companies, where local workers were more likely to receive lower pay and work without contracts or health care.

BELARUS

According to its constitution, Belarus is a republic. It has a population of 9.7 million, a directly elected president, who is chief of state, and a bicameral parliament, the National Assembly, consisting of the Chamber of Representatives (lower house) and the Council of the Republic (upper house). A prime minister appointed by the president is the nominal head of government. In practice, however, power is concentrated in the presidency. Since his election in 1994 as president, Alexander Lukashenka has consolidated his power over all institutions and undermined the rule of law through authoritarian means, manipulated elections, and arbitrary decrees. Subsequent presidential elections have not been free or fair, and the September 28 parliamentary election failed to meet international standards. While civilian authorities generally maintained effective control of the security forces, their members continued to commit numerous human rights abuses.

The Government's human rights record remained very poor as government authorities continued to commit frequent serious abuses. The right of citizens to change their government was severely restricted. The Government failed to account for past politically motivated disappearances. Prison conditions remained extremely poor, and reports of abuse of prisoners and detainees continued. Arbitrary arrests, detentions, and imprisonment of citizens for political reasons, criticizing officials, or for participating in demonstrations also continued. Some court trials were conducted behind closed doors without the presence of independent observers. The judiciary branch lacked independence and trial outcomes usually were predetermined. The Government further restricted civil liberties, including freedoms of press, speech, assembly, association, and religion. The Government seized published materials from civil society activists and closed or limited the distribution of several independent media outlets. State security services used unreasonable force to disperse peaceful protesters. Corruption continued to be a problem. Nongovernmental organizations (NGOs) and political parties were subjected to harassment, fines, prosecution, and closure. Religious leaders were fined, imprisoned or deported for performing services, and churches were either closed, deregistered, or had their congregations evicted. Trafficking in persons remained a significant problem, although some progress was made to combat it. There was discrimination against Roma, ethnic and sexual minorities, and against use of the Belarusian language. Authorities harassed independent unions and their members, severely limiting the ability of the workers to form and join independent trade unions and to organize and bargain collectively.

There were several noteworthy developments, including release of the last nine internationally recognized political prisoners, allowing for distribution through state-controlled outlets after a three-year ban of two prominent independent newspapers, *Narodnaya Volya* and *Nasha Niva*, and the registering of the civil society NGO "For Freedom."

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports during the year that the Government or its agents committed any arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated or other disappearances during the year.

On April 8, the prosecutor general extended for another three months its nine-year investigation into the 1999 disappearance of former interior minister and opposition leader Yuriy Zakharenko.

There were no developments in the ongoing investigations in the 1999 disappearances of opposition activist Viktor Gonchar and businessman Anatoliy Krasovskiy. In 2006 authorities suspended the investigation into the disappearance and presumed killing in 2000 of journalist Dmitriy Zavadskiy. There was evidence of government involvement in these cases, but authorities continued to deny any involvement in the disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the Belarusian Committee for State Security (BKGB), the Special Purpose Detachment riot police (OMON), and other special forces continued to beat detainees and demonstrators.

Police also beat individuals during arrests and in detention for organizing or participating in demonstrations or other opposition activities.

On January 10 and 21, riot police forcefully broke up demonstrations in Minsk organized by small business owners and activists. At both demonstrations crowds estimated at 1,500 gathered to protest a presidential order that restricted small business hiring practices. More than 45 entrepreneurs and activists were arrested; some were beaten by police while in detention.

On March 25, police used force to disrupt a peaceful “Freedom Day” rally in Minsk to mark the anniversary of the first independent Belarusian republic. More than 1,000 demonstrators took part. Approximately 100 persons were arrested and detained, including several foreign journalists. Independent and foreign broadcast media coverage of the rally showed riot police beating demonstrators.

On September 16, police forcefully dispersed a monthly “solidarity day” gathering in Minsk to mark the 1999 disappearances of opposition figures. Riot police forced some 40 demonstrators out of the central square, beating several.

On September 2, the International Federation of Human Rights (FIDH) in cooperation with the domestic human rights NGO “Vyasna” released a joint report, *Conditions of Detention in Belarus*, based on interviews with more than 30 persons. The report noted “substantial evidence” of the use of torture and mistreatment of suspects during criminal and administrative investigations.

Hazing of new army recruits with beatings and other forms of physical and psychological abuse continued; however, some conditions improved. In July the prosecutor general’s office reported that registered cases of hazing in the armed forces decreased by half, that the crime rate in the army had decreased, and that 47 military officials were facing minor punishment for neglecting safety procedures.

Prison and Detention Center Conditions.—Prison and detention center conditions remained austere and posed threats to life and health despite limited improvements in construction of some new facilities. There were shortages of food, medicine, warm clothing, and bedding. Ventilation in cells and overall sanitation was poor. As a result, tuberculosis, pneumonia, and other communicable diseases were prevalent.

In its September 2 report, FIDH-Vyasna concluded that prison conditions in the country were “extremely unsatisfactory and amount to inhumane treatment.” Those interviewed in preparation of the report included former prisoners and detainees, relatives of prisoners, defense attorneys, NGO members, and a former judge. Despite numerous requests to the Ministries of Interior and Justice, government officials did not meet with FIDH representatives or approve requests to visit detention facilities.

Former prisoners reported that medical check-ups were rare, conducted by underqualified medical personnel, and that examination results were often fabricated. Some former political prisoners reported that they were treated worse than murderers, subjected to psychological abuse, and often had to share a cell with violent criminals. They also reported that authorities neither explained nor protected their legal rights.

Overcrowding in prisons, detention centers, and in work release prisons, also known as khimiya, was a serious problem. Persons sentenced to Khimiya, a form of internal exile, lived in prison barracks and were forced to work under strict conditions. On April 22, seven persons were sentenced to two years of khimiya and two were fined 3.5 million Belarusian rubles (BYR) (approximately \$1,640) for participating in a January 10 demonstration organized by small business owners.

The law permits family and friends to bring detainees food and hygiene products and to mail parcels to prisoners, but in many cases authorities did not respect the law.

According to the Government, there were 30,000 persons in confinement in 2007, as well as nearly 8,000 convicts in alternative correctional facilities and 7,000 persons in pretrial detention. Prisoners who complained about abuse of their rights often faced humiliation, death threats, or other forms of punishment. Some said they were blackmailed. Sources claimed that applications for parole frequently depended on bribing prison personnel. While standard bribes were generally between BYR 430,000 to BYR 646,000 (\$200 to \$300), high-profile prisoners were often asked to pay larger amounts.

During the year there were no reports of independent monitoring of prison conditions by domestic or international human rights groups, independent media, or the International Committee of the Red Cross. However, on occasion, authorities grant-

ed foreign diplomats access to political prisoners and other jailed persons in the presence of prison officials.

d. Arbitrary Arrest or Detention.—The law limits arbitrary detention; however, the Government did not respect these limits in practice. Authorities continued to arrest individuals for political reasons and to use administrative measures to detain political activists before, during, and after protests.

Role of the Police and Security Apparatus.—The Ministry of Interior has authority over the police, but the BKGB and presidential security forces also exercised police functions. The president has the right to subordinate all security bodies to his personal command. Petty corruption among police was widespread. From January to May the number of corruption-related offenses increased by 15.5 percent while bribery cases reportedly rose from 470 to 501. Impunity remained a serious problem. While individuals have the right to report police abuse to the prosecutor, the Government often did not investigate abuses by the security forces or hold perpetrators accountable.

Arrest and Detention.—Police frequently detained and arrested individuals without a warrant. Under the law, police must request permission from a prosecutor to detain persons for longer than three hours. In practice, however, these procedures usually were a formality. Detained persons suspected of a crime may be held for up to 10 days without formal charge and for up to 18 months after charges are filed. Under the law, prosecutors and investigators have the authority to extend detention without consulting a judge. Detainees have the right to petition the legality of their detention; however, in practice, appeals by suspects seeking court review of their detentions were frequently suppressed or ignored.

Police often detained individuals for several hours, ostensibly to confirm their identity. This tactic was frequently used to detain members of the opposition and demonstrators, to prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings.

During the year authorities arbitrarily detained or arrested scores of individuals, including opposition figures and members of the independent media, for reasons that were widely considered to be politically motivated.

On March 27, BKGB officers detained Pavel Levinov, a human rights advocate and lawyer for the Vitebsk-based Belarus Helsinki Committee. On May 23, a Vitebsk court sentenced Levinov in absentia to 10 days in jail and a BYR 700,000 (\$325) fine for disobeying orders and using obscenities.

Between July 7 and 10, authorities detained more than 15 opposition and human rights activists in connection to a July 4 bombing in central Minsk that injured 50 persons. They were released without charge after 10 days. The human rights NGO "Vyasna" criticized the arrests and accused the BKGB of using the incident as a pretext to detain and question activists and intimidate their family members. Interior Ministry officials would not confirm the total number of persons detained or released. Investigations into the bombing continued at year's end.

On July 26, police and BKGB representatives detained and released approximately 50 youth activists for violating environmental laws while they were camping near a lake in the Borisov district. The youths were participating in a three-day camp organized by the European Belarus coalition.

Authorities placed persons under modified house arrest. On May 27, activists Pavel Vinahradaw and Mikhail Subach were sentenced to two years of "restricted freedom" for participating in the January 10 entrepreneurs' protest in Minsk. The third person, a minor named Maksim Dashuk, received an 18-month sentence.

In 2006 authorities detained or arrested approximately 1,000 persons throughout the country for political reasons before and after the March presidential election. Many of those detained or arrested were bringing food and clothing to demonstrators protesting the fraudulent March presidential election in Minsk's October Square.

Amnesty.—During the first five months of the year authorities released more than 2,700 prisoners under provisions of a 2007 amnesty law. Unlike in previous years, there was no new general amnesty.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the Government did not respect judicial independence in practice. Corruption, inefficiency, and political interference were prevalent in the judiciary.

There was evidence that prosecutors and courts convicted individuals on false and politically motivated charges, and that executive and local authorities dictated the outcomes of trials.

The criminal justice system has three tiers: District Courts, regional courts, and the Supreme Court. A Constitutional Court is empowered to adjudicate constitu-

tional issues and to examine the legality of laws; however, in practice it was subservient to the executive branch.

The president appoints six of the 12 members of the Constitutional Court, including the chairman, as well as the chairmen of the Supreme Court and the Supreme Economic Court. He also has the authority to appoint and dismiss all district and military judges. Judges depended on executive branch officials for personal housing.

Prosecutors are organized into offices at the district, regional, and national levels. They answer to and serve at the pleasure of the prosecutor general, who is appointed by the president. Prosecutors are not independent and do not have authority to bring charges against the president or members of his executive staff.

A 2006 report by the UN special rapporteur on Belarus described the authority of prosecutors as “excessive and imbalanced” because they can extend detention without the permission of judges. The report also noted an imbalance of power between the prosecution and the defense. Defense lawyers cannot examine investigation files, be present during investigations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to call some evidence into question because technical expertise was under the control of the prosecutor’s office. According to many defense attorneys, these imbalances of power had intensified at the beginning of the year, especially in relation to politically motivated criminal and administrative cases. There were very few cases in which criminal defendants were found innocent.

By presidential decree all lawyers are subordinate to the Ministry of Justice. Lawyers must be licensed by the ministry, are required to work for the state in regional collegiums, and must renew their licenses every five years. The law prohibits attorneys from private practice. Unlike in previous years, there were no reports during the year that authorities revoked lawyers’ licenses for defending NGOs or opposition political parties.

Trial Procedures.—The law provides for the presumption of innocence; however, in practice defendants frequently had to prove their innocence. The law also provides for public trials; however, trials were occasionally closed and frequently held in judges’ offices. Judges adjudicate all trials; there is no system of trial by jury. However, in the case of grave crimes, a judge adjudicates the trial with the assistance of two civilian advisors.

Defendants have the right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected.

On May 15, Malady Front leaders Artur Finkevich and Zmitser Dashkevich were sentenced in absentia to seven days in jail for their participation in a May Day demonstration. They were notified of their sentences on May 19.

On May 23, Malady Front leader Zmitser Fedaruk was notified that he had been sentenced in absentia two weeks earlier to 10 days in jail and fined BYR 1,050,000 (\$490) for participating in a May Day rally and disobeying police. The notification occurred after the 10-day appeal period had passed.

The law provides for access to legal counsel for detainees and requires that courts appoint lawyers for those who cannot afford one; however, at times these rights were not respected, and some detainees were denied access to a lawyer. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits members of NGOs from representing individuals other than members of their organizations in court.

Courts often allowed information obtained from forced interrogations to be used against defendants.

Defendants have the right to appeal court decisions, and most defendants appealed their criminal convictions. In an appeal, defendants and witnesses seldom appeared before the court and the court usually reviewed the protocol and other documents from a lower court trial. In the vast majority of cases, upper courts upheld the verdicts found in the lower court.

Political Prisoners and Detainees.—During the year authorities released from prison nine internationally recognized political prisoners. However, authorities continued to harass former political prisoners and detainees with short-term detentions and jail sentences.

In January and February, authorities released five political prisoners: Zmitser Dashkevich, Yuriy Leonov, Nikolay Avtukhovich, Artur Finkevich and Andrey Klimov. Dashkevich, a youth leader, served 16 months of an 18-month sentence for heading an unregistered organization. Leonov and Avtukhovich, who headed an independent small business group, were each sentenced in 2006 to three years in prison for alleged illegal activities and tax evasion. Finkevich, a youth activist, served more than two years for writing political graffiti. Klimov, a United Civic

Party member, was jailed in April 2007 for posting an antigovernment article on his party's Web site.

On February 22, political prisoner Alyaksandr Sdzvzhkov was released after serving three months of a three-year sentence. The former editor of the independent weekly newspaper Zhoda was sentenced in January for reprinting controversial Danish cartoons of the Prophet Mohammad in a 2006 issue of the paper.

On August 16, authorities released political prisoner and former presidential candidate Alyaksandr Kazulin. He served more than two years of a five-and-a-half-year sentence. Associates claimed that he did not receive adequate medical attention after he was beaten by police during his March 2006 arrest or following a 53-day hunger strike in 2007 to protest his jailing and the fraudulent 2006 presidential election.

On August 20, youth activist Andrey Kim and entrepreneur Sergey Parsyukevich, the last two political prisoners, were released. Kim was arrested in January and later sentenced to an 18-month jail term for allegedly threatening a police officer during a demonstration. Parsyukevich was jailed in April for allegedly violating new business regulations and attacking a police officer while in jail.

In other cases, authorities refused amnesty to activists who were serving sentences of house arrest based on charges widely considered to be politically motivated.

Civil Judicial Procedures and Remedies.—Individuals can file lawsuits seeking damages for, or cessation of, a human rights violation; however, the civil judiciary is not independent and rarely impartial in such matters.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. Under the law, persons who obstruct BKGB officers in the performance of their duties, including actions that in principle may be illegal, could be penalized or charged with an administrative offense. Such obstruction includes any effort to prevent BKGB officers from entering the premises of a company, establishment, or organization, and refusing to allow BKGB audits or to deny or restrict BKGB access to information systems and databases.

The law requires a warrant for searches; however, the BKGB entered homes, conducted unauthorized searches, and read mail without warrants. The BKGB has authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals.

There were numerous instances in which authorities searched residences and offices for clearly political reasons. For example, on January 12, the BKGB raided the apartment of independent journalist Sergey Podsasonniy and seized computer equipment and a video camera on the pretext of investigating his involvement in the opposition youth group Malady Front.

On June 16, police officers searched the residence of opposition activist Tatyana Vanina in Dzerzhinsk. Officers produced a search warrant dated May 19, which claimed that Vanina illegally produced printed materials.

On August 7, special police and BKGB officers broke down the doors to the Malady Front headquarters in Minsk and arrested seven youth activists. The officers did not produce a search warrant and said they entered the apartment based on an anonymous tip that there was a dead body inside. Former Malady Front leaders, Zmitser Dashkevich and Artur Finkevich, were sentenced to seven days' confinement. A third activist, Pavel Kuryanovich, was sentenced to 15 days in jail.

On November 19, authorities searched the office of the "For Freedom" movement. According to "For Freedom" leader Alyaksandr Milinkevich, court officers inventoried all the property in the apartment because a person involved in a criminal case had lived there 10 years earlier.

The law prohibits authorities from intercepting telephone and other communications without a court order. In practice authorities monitored residences, telephones, and computers. Nearly all opposition political figures reported that authorities monitored their conversations and activities.

The BKGB, the Internal Affairs Ministry, and certain border guard detachments may use wiretaps but must first obtain a prosecutor's permission. However, the lack of independence of the prosecutor's office rendered due process protections meaningless.

The Government owned a controlling share in all but two cellular telephone companies. Ministry of Communications' contracts for telephone service prohibited subscribers from using such services for purposes contrary to state interests and public

order. The ministry has the authority to terminate telephone service of those who breach the law.

There were numerous reports that the Government coerced young persons, university students, and military conscripts to join the pro-Lukashenka state-funded NGO Belarusian Republican Youth Union (BRYU). In addition, the Government employed and encouraged a widespread system of BRYU informants organized into civilian patrol squads, whose supposed purpose was to encourage students to become law-abiding citizens. At the beginning of 2007 there were an estimated 3,633 civilian patrol squads with as many as 43,000 members. Almost 200 "voluntary" squads had been created, with 49 of them policing higher educational institutions, 77 operating at general educational schools, and 66 at vocational training schools.

High school students feared that they would not be allowed to enroll in universities without BRYU membership, and university students reported that proof of BRYU membership was often needed to register for popular courses or to receive a dormitory room. Universities also offered patrol members discounts on tuition. On January 11, Minister of Education Alyaksandr Radzouk stated that membership in the BRYU would be considered in new mandatory recommendations for students who wished to train for professions in foreign affairs, state administration, and journalism.

There were also reports that authorities threatened to punish family members for alleged violations or opposition activities. For example, in June, the wife of Gomel-based United Civic Party leader Vasiliy Polyakov was dismissed from her job as a history teacher. The school's administration stated it would not extend her employment agreement after alleging that she did not follow "state policies." After the July 4 bombing in Minsk, the BKGB questioned Alena Kavalenka, wife of Belarusian Popular Front member Syarhey Kavalenka, and told her she was being watched.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, the Government did not respect these rights in practice and enforced numerous laws to control and censor the media.

Individuals could not criticize the Government publicly without fear of reprisal. Authorities videotaped political meetings, conducted frequent identity checks, and used other forms of intimidation. Wearing masks, displaying unregistered flags, symbols, and placards bearing messages deemed threatening to the Government or public order are also prohibited.

The law also limits free speech by criminalizing actions such as giving information to a foreigner about the political, economic, social, military, or international situation of the country that authorities deem to be false or derogatory.

On August 4, Lukashenka signed a new media law that will allow authorities to further restrict press freedoms. The law, which takes effect in February 2009, subjects online news sources to the same regulations as print and broadcast media, requires re-registration of most existing media, accreditation of journalists, and limits support from foreign organizations at 30 percent. The new law was widely criticized by domestic and international NGOs and press advocates such as the Committee to Protect Journalists, Article IX, the Belarusian Association of Journalists (BAJ), and Civic Belarus.

There were independent newspapers and magazines and Internet news Web sites. However, they operated under repressive media laws and most faced discriminatory publishing and distribution policies.

State-owned media dominated the information field and had the highest circulation and viewership. The state-owned postal system, Belpochta, and the state-owned kiosk system, Belsoyuzpechat, continued to refuse to deliver and sell more than a dozen independent newspapers. In 2007 Belpochta removed three popular Russian newspapers (Kommersant, Moskovskiy Komsomolets, and Nezavisimaya Gazeta) from its subscription list. However, other Russian newspapers, including Izvestiya, were distributed. Media analysts asserted that the newspapers were removed because of reporting critical of Lukashenka's policies.

On November 25, independent newspapers Narodnaya Volya and Nasha Niva signed contracts for distribution through state distribution systems after a three-year government ban. Narodnaya Volya also reached agreement with authorities for the newspaper to be printed at a state-owned press in Minsk. The newspaper previously was printed in Smolensk, Russia due to government harassment. However, while both papers were publicly available, they were still subject to restrictions.

Local authorities frequently warned independent editors and journalists to avoid reporting on certain topics and not to criticize the Government. Authorities also warned businesses not to advertise in newspapers that criticized the Government.

International media continued to operate in the country but not without interference and harassment. Euronews and Russian channels TV Center, NTV, and RTR were generally available, although only through paid cable services in many parts of the country. Their news programs were at times blocked or replaced with local programming. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually along the border.

The Government continued to harass and arrest journalists.

On January 12, the BKGB and police officers detained independent journalists Vladimir Samoilov, Galina Samoilova, and cameraman Valery Buldyk. Police questioned them about their work for the Warsaw-based independent satellite television channel Belsat and confiscated their equipment, alleging that it was stolen property.

On March 27–28, authorities raided private residences and offices of approximately 30 journalists in 12 cities. According to the BAJ, BKGB officers detained 16 journalists and confiscated computers, audio and video equipment, and printed materials. The coordinated crackdown followed the violent police breakup of the peaceful March 25 Freedom Day demonstration in Minsk. The Minsk deputy prosecutor Aleksey Stuk stated that he authorized the searches and seizures because of the journalists' extensive coverage of the demonstration and the violent police action.

Some foreign journalists were prevented from reporting in the country. For example, on May 28, the Ministry of Foreign Affairs informed Aleksey Minchyonok, a journalist with independent Polish radio station Radio Racyja, that he would not be accredited because of "earlier illegal work for foreign media without proper accreditation."

The Government censored the media. Authorities frequently imposed heavy fines on journalists and editors for criticizing the president and his supporters. Many publications were forced to exercise self-censorship. Authorities warned, fined, or jailed members of the media who publicly criticized the Government.

The Government tightly controlled the content of domestic broadcast media. In April 2007 the president stated that control of radio and television stations remained a high priority for the Government and that private stations would not be allowed to operate in the country. He also stated that state publishing houses would never sign contracts with independent media publications that violated media laws.

Only the state-run radio and the state-run television networks ONT, the First National Channel, and Capital Television were allowed to broadcast nationwide. The Government continued to use its virtual monopoly on television and radio broadcasting to disseminate its version of events and to minimize opposing points of view. State television coordinated its propaganda documentaries with the country's security services. For example, the First National Channel frequently aired video footage of meetings between opposition activists and representatives of international organizations and foreign embassies that security service personnel had filmed.

Local independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most were under government pressure to forego reporting on national issues or be censored. Such stations were frequently pressured into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups that meet with foreign diplomats.

Under the law, the Government may close a publication after two warnings in one year for violating a range of restrictions on speech and the press. In addition, regulations give authorities arbitrary power to prohibit or censor reporting. The State Committee on the Press can suspend periodicals or newspapers for three months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs.

On May 16, Minsk city authorities ordered the private cable television service provider Kosmos TV to halt immediately broadcasting of three Russian channels. Two of the three channels aired a prohibited documentary about Lukashenka.

Under the law, libel is a criminal offense. Slandering and insulting the president and public officials carry large fines and prison sentences of up to four years. The libel law makes no distinction between private and public persons concerning defamation of character. A public figure who was criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report.

In October 2007 the independent newspaper Narodnaya Volya and one of its staff journalists were fined BYR 25 million (\$11,600) and BYR two million (\$940) respectively for allegedly defaming the head of the president's ideological office. In December 2007, the Novy Chas newspaper and a staff journalist were ordered to pay BYR 50 million (\$23,200) and BYR one million (\$465), respectively, to a member of the National Assembly for an analytical article about the 'lawmaker's involvement in a

Soviet-era criminal case and a state-controlled writers' union. The newspapers paid the fines and resumed publication.

The Government took numerous other actions during the year to limit the independent press, including limiting access to newsprint and printing presses. Several independent newspapers, including Vitebskiy Kuryer M printed materials in Russia because domestic printing presses (mostly state-owned) refused to print them. Other independent newspapers, such as Solidarnost, disseminated Internet-only versions due to printing and distribution restrictions.

On April 25, police confiscated hundreds of copies of the independent newspaper Vitebskiy Kuryer M from opposition activist and distributor Valery Shchukin upon his arrival from Smolensk, Russia, where the paper was printed. Shchukin was charged with violating newspaper distribution laws. On May 20, an Ushachy District Court fined Polotsk Malady Front members Yekaterina Solovyova and Ales Krutkin BYR 1,050,000 (\$490) each for distributing illegally printed materials. On July 10, police arrested Barys Khamayda for selling independent newspapers in Minsk. An unknown assailant later beat up Khamayda; police charged Khamayda with using obscene language against the assailant and detained him for three days.

In May authorities ordered the Grodno-based independent newspaper Gazeta Slonimskaya to vacate the premises it rented from a state-controlled company by June 1. The newspaper's editor, Viktor Uladashchuk, stated that he could not lease a new office because rental agencies feared government reprisals. At year's end the newspaper journalists continued to work at their homes.

On June 18, the Information Ministry issued a warning to Vitebskiy Kuryer M for violating the law on media by misstating its address and failing to report a change of address. One month earlier, the Supreme Economic Court again denied the newspaper's registration application.

During the year there were numerous examples of the Government confiscating independent and opposition newspapers and seizing leaflets and other materials deemed to have been printed illegally.

Internet Freedom.—The Government restricted access to the Internet, and monitored e-mail and Internet chat rooms. Many individuals and groups could not engage in the peaceful expression of views via the Internet, including by e-mail.

The authorities freely monitor internet traffic. Internet cafe owners are required to maintain records of their customers and submit them to government security services. By law, Beltelekom and other organizations authorized by the Government have the exclusive right to maintain Internet domains.

Approximately 30 percent of the population, particularly in urban areas, had access to the Internet. Access was restricted by relatively high costs and lack of high-speed services. On occasion state providers blocked independent and opposition Web sites during major political events.

On January 10, the Web sites of Radio Liberty, Charter 97, Belarusian Partisan, and the United Civic Party were partially or fully blocked because of their then-on-going coverage of the demonstrations by small business owners in Minsk. Access to the Radio Liberty, Radio Svoboda, and Charter 97 Web sites was again disrupted in April prior to demonstrations marking the anniversary of the Chernobyl disaster.

On August 4, Lukashenka signed into law new regulations that will subject Internet news outlets to the same requirements as print media, including registration. The law, which takes effect in February 2009, will also allow the state to legally block any unregistered Web sites, regardless of their origin.

In response to the Government's interference and Internet restrictions, many opposition groups and independent newspapers switched to Internet domains operated outside the country. According to sources, the few remaining independent media sites with domestic ".by" domains practiced heavy self-censorship.

Academic Freedom and Cultural Events.—There government restricted academic freedom and cultural events. Educational institutions were required to teach an official state ideology that combined reverence for the achievements of the former Soviet Union and the country under the leadership of Lukashenka. Use of the word "academic" was restricted; NGOs are prohibited from including the word "academy" in their titles.

During the year authorities dismissed teachers and researchers on political grounds. For example, Uladzimir Savitski, head master of a Vezha village secondary school, demanded that teachers join the Belaya Rus movement or face dismissal. All but one teacher signed membership applications. Forced registrations of teachers for the Belaya Rus movement also occurred at a kindergarten in the same village, and at a secondary school in Hutsuki.

In March, Pavel Nazdra, an activist with the unregistered Belarusian Christian Democracy party was fired from his job at the Mazyr State Teachers' Training Uni-

versity in Gomel region, allegedly for being absent from work. Nazdra claimed he was fired for his political activities and denied violating his labor contract with the university.

Government-mandated textbooks contained a heavily propagandized version of history and other subjects. All schools, including private institutions, are considered political bodies that must follow state orders and cannot be headed by opposition members. The education minister has the right to appoint and dismiss the heads of private educational institutions.

The Government tasked BRYU, the pro-Lukashenka, state-funded youth organization, with ensuring ideological purity among students. University Students reportedly were pressured to join the BRYU to receive benefits and rooms in dormitories. Local authorities also pressured BRYU members to campaign on behalf of government candidates. In addition, authorities at times pressured students to act as informants for the country's security services.

According to an education ministry directive, educational institutions may expel students who engage in antigovernment or unsanctioned political activity and are to maintain the proper ideological education of students. During the year at least 10 students were expelled for politically motivated reasons, compared with 20 students in 2007 and more than 100 in 2006. However, some school officials continued to cite poor academic performance or absence from classes as reasons for expulsions.

Between January 21 and 22, three student activists—Tatyana Tsishkevich, Pavol Kuryanovich and Zmitser Zhalezchnichenka—were expelled from various higher education institutions. Tsishkevich was initially expelled from the Belarus State University for late payment of fees, but officials later said it was due to “violations against public order and morality.” Kuryanovich was expelled from the Minsk State Radiotechnical College for missing classes because of his 20-day detention for participating in a January 16 protest. Zhalezchnichenka, a member of the opposition Belarusian Popular Front, was expelled from Gomel State University for alleged violations of the institution's internal rules and an eight-day jail sentence he received after his first expulsion from the university in September 2007. In June, Franak Vyachorka, a member of the Belarusian Popular Front, and Ivan Shylo, a Malady Front leader, were dismissed from school for participating in unsanctioned opposition rallies.

The Government also restricted cultural events. During the year the Government continued to force opposition theater groups into venues such as bars and private apartments and to suppress unofficial commemorations of historical events.

In March the Maksim Gorky National Academic Drama Theater did not renew Hanna Salamyanskaya's employment contract, and the Drama Theater of the Belarusian Army dismissed Maryna Yurevich. The two actresses had participated in a tour in the United Kingdom with the Free Theater, a Minsk-based underground theater company.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice.

Only political parties, trade unions, or registered organizations may request permission for a demonstration of more than 1,000 persons. The law criminalizes participation in the activities of unregistered NGOs, training of persons to demonstrate, financing of public demonstrations, or solicitation of foreign assistance “to the detriment” of the country. Violations are punishable by up to three years in prison.

Organizers must apply at least 15 days in advance for permission to conduct a public demonstration, rally, or meeting. Government officials must respond no later than five days prior to the scheduled event. However, authorities generally refused permits to opposition groups or granted permits for demonstrations away from city centers.

For example, activists requested to hold the annual March 25 Freedom Day and April 26 Chernobyl commemoration demonstrations in central Minsk. While protestors were not allowed to assemble at a prominent downtown location, city authorities instead gave permission for a demonstration in a secluded park. Belarusian Communist Party members were also directed to this same remote park to commemorate May Day.

On July 30, Brest city administrators refused to allow human rights activist Roman Kislyak to hold a rally to draw attention to indictments for petty hooliganism against activists.

Authorities used intimidation and threats to discourage persons from participating in demonstrations, openly videotaped participants, and issued heavy fines or jail sentences on participants of unsanctioned demonstrations. Police and other se-

curity officials beat and detained demonstrators during and after unsanctioned, but otherwise, peaceful demonstrations.

Police also used preemptive arrests to stop protests. In some instances the Government encouraged and coordinated with progovernment groups to disrupt opposition demonstrations.

On March 21, four opposition youths in Gomel were arrested for distributing leaflets about demonstrations to take place in Gomel on March 23 and in Minsk on March 25. The youths spent three days in a detention center before being convicted of violating rules on mass demonstrations.

On August 11, Malady Front activist Lyudmila Atakulava was sentenced to 10 days in jail for participating in an unsanctioned demonstration on August 10 outside the Russian Embassy in Minsk. Fifteen youth activists took part in the 15-minute protest; three other protesters were arrested but released without charges.

In March 2006 up to 12,000 persons gathered in and around Minsk's central square during a five-day period to protest the fraudulent outcome of the presidential election. Security forces used force to break up a make-shift encampment and arrested approximately 250 persons. Following the arrests, approximately 7,000 persons again attempted to gather in the square to protest the police violence and to mark Freedom Day. Riot police again used force to prevent demonstrators from entering the square and break up the rally.

Freedom of Association.—The law provides for freedom of association; however, the Government severely restricted it in practice.

The Government enforced laws and registration regulations to restrict the operation of independent associations that might be critical of the Government. All NGOs, political parties, and trade unions must register with the Ministry of Justice. A government commission reviews and approves all registration applications; in practice, its decisions have been based largely on political and ideological compatibility with the Government's authoritarian philosophy.

Registration procedures required applicants to provide the number and names of founders, along with a legal address in a non-residential building. Individuals listed as members are vulnerable to retribution. The Government's refusal to rent office space to unregistered organizations and the expense of renting private space forced most organizations to violate the non-residential address requirement. This allowed authorities to deregister existing organizations and deny their reregistration.

On August 12, the Supreme Court upheld the Ministry of Justice's second decision to deny registration to the Belarusian Christian Democracy Party (BCD), citing technical flaws in the association's registration documents. The group was also denied registration in December 2007 for failing "to explain the meaning of Christian principles and values."

In October 2007 the Supreme Court ruled against the NGO Vyasna's appeal to reverse a justice ministry decision to deny its registration application. The ministry stated that Vyasna did not meet technical requirements of the law on NGO organizations and that its charter was too vague.

Since 1997 authorities have denied Malady Front's registration application six times, including a request during the year to hold a founding conference in a public square in Minsk.

During the year the Ministry of Justice again reported that it continued to issue written warnings to NGOs, political parties, and trade unions and that the courts continued to suspend or deregister NGOs and political parties for "systematic or severe violations of the law." Harassment in the form of inspections by security officials and confiscation of political literature, usually without warrants continued.

c. Freedom of Religion.—The law provides for freedom of religion; however, the Government restricted this right in practice. While the constitution affirms the equality of religions and denominations, it also contains restrictive language, stipulating that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

The Government continued to use restrictive provisions of the 2002 religion law to hinder or prevent activities of groups other than the Belarusian Orthodox Church. In particular, the law restricts the ability of religious organizations to provide religious education, requires governmental approval to import and distribute literature, and prohibits foreigners from leading religious organizations. A concordat and other arrangements with the Government provide the Belarusian Orthodox Church with privileges not enjoyed by other religious groups. The Belarusian Orthodox Church is a branch of the Russian Orthodox Church and the only officially recognized Orthodox denomination in the country.

On January 8, Lukashenka described the Belarusian Orthodox Church as the “main ideologist of our country,” asserting that “we have never separated ourselves from the church.” On April 28, he promised that the Government would help the church “serve the Fatherland and people.” However, despite the BOC’s favored status, the Government on occasion warned church leaders about their “excessive influence.”

All religious matters are regulated by the Office of the Plenipotentiary Representative for Religious and Nationalities Affairs of the Council of Ministers (OPRRNA). Under the law, religious organizations must register either with OPRNA or with local and regional governments. Only groups with 20 or more members may be registered as religious communities. Groups affected by this restriction include the Pentecostal congregation, which has only 13 adult members.

During the year OPRRNA refused to register some nontraditional religious groups, making their meetings illegal. As of January 2007 the OPRRNA reported that 25 religious denominations with 3,103 religious organizations were officially registered.

The office of religious affairs continued to deny registration to what it considered non-traditional faiths, mainly Protestant groups such as the New Life Church and the Belarusian Evangelical Church. Most Christian communities campaigned for amendments to change the 2002 religion law, which restricts their activities and allows criminal prosecution of individuals for their religious beliefs.

However, in contrast with previous years, officials registered several Hare Krishna communities during the year. On December 22, a community official said that six out of seven Hare Krishna communities had obtained registration. The community in Bobruysk remains unregistered, but still operates. It took six years, numerous law suits and fines before the communities were allowed to legally hold services and ceremonies.

On March 2, the Constitutional Court rejected a petition with 50,000 signatures that sought to amend key restrictive provisions of the religion law. The court stated that only the president and government officials can question the constitutionality of laws.

Under the law, residential property can only be used for religious services if it has been officially converted from residential use, which requires all religious organizations to reregister their properties. Authorities continued to reject reregistration requests from many Protestant churches and other nontraditional faiths. As a result, the groups often were forced to meet illegally or in the homes of individual members.

The Government continued to limit the ability of groups to own or use property for religious purposes. A property that is not registered makes religious activity there illegal.

On November 25, the Supreme Economic Court again postponed a hearing on a case brought by the New Life Church against Minsk city officials for seizing the church’s land and property in 2005. A lower economic court had ruled in the city’s favor, ordering the church to sell the property to the city below market value. In September the city had offered the church new land that was four times smaller, which the church declined.

The law allows persons to gather in private homes to pray but requires them to obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. Police interfered with religious meetings in residences several times during the year and sometimes arrested and fined participants.

Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting religious services based on charges of disturbing public order or illegally gathering without prior permission.

On April 28 and again on June 9, Pentecostal pastor Valentin Borovik was charged with leading an unregistered religious organization. He was fined BYR 140,000 (\$65) the first time and BYR 315,000 (\$146) the second time.

The law allows citizens to speak freely about their religious beliefs; however, authorities continued to prevent, interfere with, or punish persons who proselytized for any religious group other than the Belarusian Orthodox Church.

The Government did not permit foreign missionaries to engage in religious activities outside of their host institutions. The law requires one-year, multiple-entry “spiritual activities” visas for foreign missionaries. Observers expressed concern that lack of standardized government guidance on implementing visa laws could affect the ability of missionaries to live and work in the country.

On February 7, the Council of Ministers introduced a directive that outlines the grounds to denying entry to foreign and stateless clergy invited by local religious organizations. The grounds include presenting false data in travel papers, lack of Belarusian or Russian language skills, a conviction of an administrative charge, and

any previous denial of entry by into the country. Foreign religious figures must also submit an increased number of documents that makes the process cumbersome.

According to Syarhey Lukanin, a legal expert for the Minsk-based Protestant New Life Church, the directive will restrict the number of foreign clergy entering the country. He stated that 28 foreign priests were either deported or did not have their visas extended during the last 18 months.

The law also prohibits the establishment of offices by foreign organizations whose activities incite "national, religious, and racial enmity" or could "have negative effects on the physical and mental health of the people."

On December 17, three Polish Catholic priests working in the Hrodna diocese were denied an extension of their permits to engage in religious activities. Authorities claimed the clergymen did not have good grasp of the country's state languages, despite their having worked in the country for many years.

Foreign citizens officially in the country for nonreligious work can be reprimanded or expelled if they participate in religious activities.

The law does not provide for the return of property seized during the Nazi occupation or the Soviet period and restricts the return of property used for cultural or educational purposes.

At year's end authorities still had not followed through on a commitment to find a new location for state archives stored in a former Roman Catholic monastery complex—the Bernadine Monastery—in central Minsk. In March 2007 the Government announced new plans to convert the monastery into a hotel and entertainment center. The plan triggered protests from the catholic community, forcing authorities to suspend it.

Societal Abuses and Discrimination.—There was a generally amicable relationship among religious groups and a widely held ethic of tolerance; however, during the year several religious sites were vandalized and there were reports of occasional anti-Semitic incidents.

On December 19, a District Court banned as "extremist" and "anti-Semitic" 13 religious books and other materials published and distributed by the Minsk-based Christian Initiative Company. In a related development the prosecutor general's office revoked the company's publishing and retail licenses and seized 50,000 booklets, which authorities said incited hatred between Orthodox and Jewish believers.

However, anti-Semitic and Russian ultranationalist newspapers and literature, DVDs, and videotapes imported from Russia continued to be sold in the country.

Jewish groups estimated that between 50,000 and 70,000 persons identify themselves as Jewish. Most Jews in the country were not religiously active.

During the year anti-Semitic incidents continued, and anti-Semitic acts were investigated sporadically. The Government did not promote antibias and tolerance education.

Jewish community and civil society activists continued to express concern over the concept of a "greater Slavic union" that was popular among nationalist organizations, including the neo-Nazi group Russian National Union (RNU), which remained active despite its official dissolution in 2000. The deputy chief of the Internal Affairs Ministry's Juvenile Delinquency Prevention Department, Andrey Solodovnikov, acknowledged there were a few neo-Nazi groups in the country. He maintained that the BKGB monitored the groups and that they were "poorly organized and not popular among young people."

In October 2007 Jewish community members in Bobruysk discovered 15 smashed gravestones in the city's Jewish cemetery. It was the fourth attack on the graveyard since the beginning of the year. Anti-Semitic graffiti appeared near the cemetery and grave fencing was damaged earlier in the year. Other cemeteries in the city were also damaged. Police identified three suspects and sent the case to court, but there were no convictions.

In contrast with 2007 there were no anti-Semitic remarks made in public by the president or other government officials. On October 21, President Lukashenka participated in ceremonies commemorating the 65th anniversary of the destruction of the Minsk Jewish ghetto by the Nazi occupiers. In his remarks, Lukashenka honored the victims and their families, noting that Belarus "took the grief of the Jewish people as its own grief."

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement, including the right to emigrate. However, the Government at times restricted the right of its citizens to foreign travel. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing

protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons of concern.

In January a presidential decree replaced exit stamps with a computerized, government database to verify the validity of passports and to track citizens who travel abroad. According to the Ministry of Internal Affairs, the database contains the names of at least 100,000 persons who are prohibited from foreign travel, including those who possess state secrets, are facing criminal prosecution or civil suits, or have outstanding financial commitments. Opposition politicians and civil society activists criticized the database, saying it restricted freedom of travel. Some persons were informed by letter that their names were in the database; others were informed at border crossings. In some cases opposition activists were either turned away at the border or detained for lengthy searches.

At year's end the names of at least 17 opposition leaders and other activists were in the database, including Anatoly Lebedko, Sergey Skrebets, and youth leaders Zmitser Dashkevich, Zmitser Fedaruk, and Aleksandr Atroshchenkov.

Under a presidential decree, any student who wishes to study abroad must obtain permission from the minister of education. The decree, ostensibly intended to counter trafficking in persons, also requires the Ministry of Interior to track citizens working abroad and travel agencies to report individuals who do not return from abroad as scheduled.

The law also requires persons who travel to areas within 25 kilometers (15 miles) of the border to obtain an entrance pass.

The law does not allow forced exile, but sources assert that security forces threatened opposition leaders with bodily harm or prosecution if they did not leave the country. The law allows internal exile, or *khimiya*, for persons convicted of crimes.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Since 2006 more than 500 students have chosen to continue their studies at foreign universities, mostly in Europe. However, several students reported that their names were on a government list that prohibited their travel abroad to continue their studies.

Internal passports served as primary identity documents and were required for permanent housing, work, and hotel registration. Police continued to harass individuals who lived at a location other than the legal place of residence indicated in their internal passport.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

In practice, the Government provided some protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. There were approximately 800 persons with refugee status and 2,000 asylum seekers in the country. Refugees come mainly from Azerbaijan, Georgia, Tajikistan, Iran, Afghanistan, India, and Pakistan.

While all foreigners have the right to apply for asylum, authorities continued to refuse asylum applications from citizens of the Russian Federation. Immigration authorities and courts asserted that, according to the Belarus-Russian Federation treaties on the union between the countries and on the equal rights of citizens in each country, Russian and Belarusian citizens have equal rights.

Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to the authorities. According to sources, authorities often require asylum seekers to settle in rural areas. Change of residence is possible only with notification to authorities. Registered asylum seekers are issued certificates that serve as identification documents and protect them from expulsion. In accordance with the law, they must also register with local authorities to obtain internal passports.

Stateless Persons.—Under the law, citizenship is derived either by birth within the country's territory or from one's parents. A child of a Belarusian citizen is a Belarusian citizen regardless of place of birth, even if the other parent is not a citizen. Children of stateless or unknown parents are citizens only if born in the country.

According to a June 20 press report citing government statistics, there were approximately 8,000 stateless persons in the country.

Arbitrary detention of and violence against stateless persons generally were not problems. However, according to sources, stateless persons faced discrimination in employment because authorities often required them to settle in rural areas and prohibited them from seeking jobs outside of the regions where they lived. In practice, stateless persons could not to change their region of residence.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides the right for citizens to change their government peacefully; however, the Government denied citizens this right in practice.

Since his election in 1994 to a five-year term as the country's first president, Lukashenka steadily has consolidated power in the executive branch to dominate all branches of government. Flawed referenda in 1996 and 2004 amended the constitution to broaden his powers, extend his term in office, and remove presidential term limits. In March 2006 Lukashenka gained a third term through a fraudulent election.

The September 28 parliamentary election fell significantly short of international standards for democratic elections, according to the final report by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observation mission. Despite the president's stated intent to conduct a free and fair election, authorities seriously challenged constitutionally guaranteed rights of expression, association, and assembly. All of the 110 candidates declared winners were supporters of Lukashenka's policies.

The report also noted some improvements, including cooperation by authorities with OSCE/ODIHR and progress in allowing candidates to conduct meetings and air campaign ads on television. However, overall, the election environment that authorities created did not allow genuine political competition or equal treatment of candidates.

Elections and Political Participation.—Prior to the election, Lukashenka stated his intention to hold transparent elections and said that election campaign laws were in fact being violated to accommodate Western demands for transparency and adherence to democratic standards. For example, election officials stated that they registered candidates despite errors on registration forms. Lukashenka made similar comments after the fraudulent 2006 presidential election, asserting that the results were falsified in favor of his three opponents to appease the West. Official election results gave Lukashenka 83 percent of the vote; however, he claimed that he actually won 93 percent.

Journalists and international election observers characterized the campaign leading up to the September 28 vote as "muted." According to the OSCE/ODIHR report, media coverage did not provide meaningful information for voters to make an informed choice, political parties played a minor role, and restrictions imposed by the authorities did not allow for a vibrant campaign with real competition.

The registration process failed to include all nominated candidates. Many candidates said their registrations were denied due to administrative and technical problems with their applications. Approximately 365 candidates applied to run in the election and 285 were registered. During the campaign, several candidates withdrew; approximately 60 opposition candidates ultimately stood for election.

The OSCE/ODIHR report noted that while voting was well conducted, the integrity of the process was undermined by a flawed vote count. According to election monitors, 48 percent of polling stations observed during the vote count were assessed as "bad or very bad." In addition, despite repeated requests since the OSCE/ODHIR election mission began in mid-August, observers reported that they were prevented or hindered from observing vote counts in 35 percent of cases.

Local human rights advocates, the Belarus Helsinki Commission, and independent observers also criticized the election results and the flawed electoral process. They said major flaws included forced early voting, failure of electoral commissions to inform observers about the number of early voters, and refusal to inform observers about the quantity of ballots available at the polling stations. Domestic observers concluded that ballot counting was not transparent as they were barred from polling stations or prevented from observing the process.

Throughout the campaign, opposition candidates reported inequities such as, government restrictions on access to broadcast media and venues for campaign rallies. There were instances where state-owned printing houses refused to produce opposition leaflets. Supporters of opposition candidates also reported harassment by authorities, including seizure of campaign materials.

Despite a nominal increase in opposition representation, authorities continued to exclude opposition representatives from election commissions at all levels. The Central Election Commission had four opposition members in advisory, non-voting roles. Opposition activists also made up less than 1 percent of commissioners in precinct election commissions.

Political parties continued to receive warnings for minor offenses under a law that allows authorities to suspend parties for six months after one violation and close them after two warnings. The law also prohibits political parties from receiving sup-

port from abroad and requires all political groups and coalitions to register with the Ministry of Justice.

In January the Ministry of Justice filed a liquidation suit against the Belarusian Party of Communists (BPC); however, the party denied that there was a suit and registered 18 candidates for the September 28 legislative elections. In August 2007 the Supreme Court upheld the ministry's six-month suspension of the BPC on grounds that it could not confirm the membership of 200 of the more than 1,500 persons listed as BPC members.

In August 2007, citing alleged inaccuracies in application documents, the Ministry of Justice denied for a second time registration to the Union of Leftist Parties (ULP). In October 2007 the Supreme Court upheld a Ministry of Justice suit to liquidate the Belarusian women's party, Nadzeya, because of alleged irregularities in the party's charter and registration of regional chapters.

There were 35 women in the 110-member Chamber of Representatives and 19 women in the 56-member Council of the Republic. A woman chaired one of Chamber of Representative's 20 committees and there was one woman in the 39-member Council of Ministers.

No high level members of government or the National Assembly openly identified themselves as members of a minority, although several were Polish or members of other ethnic groups.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, reports indicate officials continued to engage in corrupt practices. The World Bank's worldwide governance indicators reflected that corruption was a serious problem in the country.

The lack of transparency between the president's personal funds and official government accounts, and a heavy reliance on off-budget revenues, suggest corruption within the executive branch.

On January 29, a new anticorruption law expanded the list of professions vulnerable to corruption, designated the prosecutor general's office as the coordinator of anticorruption efforts, and prohibited government officials from having foreign bank accounts or engaging in nepotism.

On February 8, Lukashenka ordered the prosecutor general to better coordinate and implement investigations of crime and corruption because they increased social tensions and negatively affected economic development.

On November 13, the president dismissed the prosecutor and deputy prosecutor general in the Minsk region in connection with questionable real estate purchased and ties with corrupt business owners. On November 28, he dismissed four officials from the Ministry of Internal Affairs, including First Deputy Minister Shchurko and Deputy Minister Filistovich, in connection with this case.

Between January and November authorities investigated approximately 2,600 corruption-related offenses mainly by low- and mid-level officials, including 884 bribery cases. On June 4, the head of the State Control Committee, Syarhey Baranowski, said his office began investigating 59 economic crimes against government officials. On December 4, the prosecutor general's office announced that corruption had caused BYR 88 billion worth of damage to the state from January to October, and that 1,470 persons had been charged with corruption.

There were numerous corruption prosecutions. However, prosecution remained selective.

For example, on February 5, the prosecutor general announced that a deputy chairman of the Orsha District Executive Committee was sentenced to eight years in prison for abuse of power and bribery for agreeing to accept BYR 18 million (\$8,370) from a construction company as a kickback.

On March 27, the former chairman of the state-owned petrochemical conglomerate Belnaftakhim, Alyaksandr Barowski, was sentenced to five years in prison for abuse of power. He was arrested in May 2007 on charges of larceny, abuse of power, and disclosing classified information that caused more than BYR 3.5 million (\$1,630) in losses for the state. Barowski was released in December.

The law, government policies, and a presidential decree severely restrict public access to government information. Citizens had some access to certain categories of information on government databases and Web sites; however, much of the information was neither current nor complete.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were several active domestic human rights and NGO groups; however, authorities were often hostile to their efforts, did not cooperate with them, and were not responsive to their views.

Authorities harassed NGOs with frequent inspections and threats of deregistration and monitored their correspondence and telephone conversations. The Government ignored reports issued by human rights NGOs and rarely met with them. State-run media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subject to closure and harassment.

The Government closed, refused to register, and continued to harass NGOs under Article 193 of the criminal code. Under the law, which was adopted in 2005 by presidential decree, organizing or participating in any activity by an unregistered organization is a criminal offense. The law also prohibits persons from acting on behalf of unregistered NGOs. Several domestic and international human rights groups, including Amnesty International, have urged the Government to abolish Article 193 and remove other legal obstacles that hinder the work of NGOs and allow official harassment of civil society and youth activists.

According to the Assembly of Democratic NGOs, more than 300 NGOs were either closed by the Government or forced to disband in the previous four years on a variety of legal and politically motivated pretexts. In 2007 Human Rights Watch stated that only five major human rights groups remained registered in the country.

In contrast with 2007, the Ministry of Justice on December 17 approved the registration of the civil society NGO "For Freedom" led by former presidential candidate Aleksandr Milinkevich. The ministry had previously denied three registration applications, citing as reasons improper payment of registration fees, irregularities in the group's charter, organizing an unapproved open-air rally, and technical flaws in registration documents.

Authorities can close an NGO after issuing only one warning that it violated the law. The most common violations that prompted a warning or closure were failure to obtain a legal address and technical discrepancies in application documents. The law allows authorities to close an NGO for accepting illegal forms of foreign assistance and permits the Ministry of Justice to participate in any NGO activity and review all NGO documents. NGOs also must submit detailed reports annually to the ministry about their activities, office locations, officers, and total number of members.

On April 24, a 2007 presidential order took effect that increased rent 10-fold for most NGOs. Prior to the order, NGOs paid one euro (\$1.40) per square foot for office space, compared to 10 euros (\$7) charged to commercial groups. While some groups, including youth sports groups, charity organizations, and children's arts centers, continued to pay the one euro rate, other NGOs, such as the Belarusian Voluntary Society for Historic and Cultural Heritage Protection, were required to pay the higher rate. Many NGOs stated the higher rent would likely force them to close.

On July 11, a Minsk District Court sentenced United Civic Party youth activists Mikhail Pashkevich and Vitaly Stozharov to 15 days in jail and Kirill Pavlovskiy to 10 days in jail on minor hooliganism charges. Human rights advocates linked the arrests to the July 3 bombing in Minsk.

During the year the BHC, a registered NGO, continued to experience problems with authorities. On February 29 the Supreme Court allowed the Ministry of Justice to withdraw a petition to suspend the BHC's activities. However, the NGO's bank accounts remain blocked and tax arrears have not been cleared. The case dates back to 2006, when authorities seized BHC office equipment as partial payment of a BYR 160 million (\$74,400) fine for back taxes on international funding. More recently, before and after the September 28 legislative elections, financial intelligence services requested income statements and other information from BHC members.

Authorities were reluctant to discuss human rights with international NGOs, whose representatives often had difficulty gaining admission to the country. Authorities repeatedly ignored NGO recommendations on how to improve the human rights situation in the country and their requests to stop harassing the NGO community.

In July 2007 the mandate of the UN special rapporteur on human rights for Belarus expired and was not renewed. The authorities had refused to cooperate with the rapporteur, Adrian Severin, since his appointment in 2004 by repeatedly refusing him entry into the country. In 2006 Severin reported that the human rights situation in the country had deteriorated "to such an extent that the elements usually defining a dictatorship could be seen." According to Severin, civil and political rights were limited, cultural rights were ignored, and economic and other rights were conditional on obedience to authorities.

In December 2007 the UN General Assembly for a second consecutive year adopted a resolution expressing deep concern over the human rights situation in the country, particularly the Government's "persistent" harassment and prosecution of opposition activists and independent NGOs. The resolution also expressed concern

that senior government officials were implicated in the disappearances of opposition figures Yuriy Zakharenko and Viktor Gonchar and businessman Anatoliy Krasovskiy in 1999 and television journalist Dmitriy Zavadskiy in 2000, as well as the Government's failure to hold a free and fair presidential election in 2006.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. In practice, the Government did not always protect these rights. Problems included violence against women and children; trafficking in persons; and discrimination against persons with disabilities, Roma, ethnic minorities, and homosexuals.

Women.—The law criminalizes rape in general, but does not include prohibitions against spousal rape. Rape was a problem. However, most women did not report it due to shame or fear that police would blame the victim. In 2007 the Ministry of Internal Affairs reported 306 cases of rape or sexual assault.

Domestic violence, including spousal abuse against women, was a significant problem. A 2006 Amnesty International report concluded that measures taken by authorities to protect women against domestic violence were insufficient. The criminal code does not contain a separate article dealing with domestic violence.

Women remained reluctant to report domestic violence due to fear of reprisal and social stigma. NGOs operated crisis shelters primarily in Minsk, but they were poorly funded and received only limited support from the Government.

Prostitution is illegal, but is an administrative, rather than a criminal, offense and penalties are light. Officials and human rights observers reported that prostitution was not a significant problem. However, anecdotal evidence indicated that it was growing, particularly in regions outside the main cities. There were prostitution rings in government-owned hotels. According to city police, approximately 500 women in Minsk had police records for prostitution. Svyatlana Brutsкая, leader of a project on HIV/AIDS prevention, put the number of persons in prostitution in Minsk at 3,000. As of September authorities reported 68 violations related to prostitution.

Sexual harassment reportedly was widespread, but no specific laws, other than those against physical assault, address the problem.

The Ministry of Labor and Social Security is responsible for ensuring gender equality, although it cannot issue binding instructions to other government agencies. The law, generally respected in practice, provides for equal treatment of women with regards to property ownership and inheritance, family law, and the judicial system. The law also requires equal wages for equal work, although this provision was not always enforced. There were very few women in the upper ranks of management or government. The Ministry of Statistics and Analysis reported during the year that 64 percent of the unemployed were women.

The law grants women the right to three years of maternity leave with assurance of job availability upon return. However, employers circumvented employment protections by using short-term contracts, then refusing to renew a woman's contract when she becomes pregnant.

Children.—Government authorities were generally committed to children's welfare and health.

Romani children were subject to harassment from non-Romani children and teachers. The majority of Romani youth did not finish secondary school. There was no public school in Minsk for Roma, although there were schools for Jews, Lithuanians, and Poles.

Reports of child abuse were infrequent. However, there were reports that children were trafficked for commercial sexual exploitation and, in one case, labor. In the Minsk region, in the first half of 2007, authorities placed 301 minors in the care of child welfare authorities.

Child marriage was not generally a problem. However, within the Romani community, girls as young as 14 and boys as young as 16 frequently were married with parental consent.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, trafficking remained a serious problem, and the country continued to be both a source and transit country for trafficked persons.

From January through September the Ministry of Internal Affairs registered 298 trafficking-related crimes, including 62 cases of trafficking and 236 other trafficking-related cases, such as prostitution and kidnapping for sexual exploitation. Over the same time period, the ministry also reported 430 trafficking victims, including 296 who were trafficked abroad and 134 who were exploited inside the country. Of the 430 victims, 92 were exploited for labor and the remainder for sexual services.

In 2007 the ministry reported 97 cases of trafficking and 344 other trafficking-related cases. Authorities registered approximately 418 trafficking victims, of whom 378 were trafficked for sexual exploitation (including 22 minors) and 40 for labor exploitation (including one minor). In 2007 trafficking for the purpose of forced labor, particularly of men to Russia, increased significantly.

Women were primarily trafficked to the European Union (particularly Germany, Poland, the Czech Republic, Lithuania, and Cyprus), the Middle East (particularly Israel and the United Arab Emirates), Turkey, Russia, Ukraine, and Japan. Trafficking to Russia presented a particular problem, both because of an open border between the countries and because authorities tended to downplay problems with Russia due to political considerations. Most female victims of trafficking were seeking a way to escape bad economic circumstances or domestic situations. Local NGOs asserted that more government intervention to reduce domestic violence and alcoholism would greatly reduce the number of women seeking employment abroad.

Reports by the Ministry of Internal Affairs indicated that traffickers were usually members of loosely organized crime networks with connections to larger international organized crime rings, brothels, clubs, or bars in destination countries.

Traffickers lured victims through advertisements, via modeling and employment agencies, and by personal approaches through friends and relatives to offer jobs abroad or solicit marriage partners. Traffickers often withheld victims' documents and used physical and emotional abuse, fraud, and coercion to control them. In January 2007 authorities convicted 13 executives of Belarusian modeling agencies of trafficking more than 600 women between 2002 and 2005 for prostitution to France, Turkey, and the United Arab Emirates. The defendants received eight- to 12-year prison sentences, had property confiscated, and were assessed fines of BYR 1.94 billion (\$900,000).

The law criminalizes trafficking for sexual or other exploitation. The property of convicted traffickers may be confiscated. The penalty for trafficking is a minimum of five years' imprisonment with property forfeiture, while the punishment for severe forms of trafficking is a minimum of 12 years' imprisonment.

Presidential decrees have eliminated criminal responsibility for illegal acts committed by victims, defined the status of victims, and mandated measures to provide protection, medical care, and social rehabilitation, but only on the condition that victims cooperated in an investigation and prosecution.

Reports indicated antitrafficking agencies often pressured victims to cooperate in investigations.

The Government's antitrafficking efforts were coordinated by Internal Affairs Ministry's department on Combating Trafficking in Human Persons. However, NGOs were more active in the areas of prevention and rehabilitation. Government sources stated that victims were more likely to trust assistance from NGOs than from government agencies. Antitrafficking NGOs and international organizations complained that the Government provided insufficient and mostly in-kind assistance and failed to provide mandatory funding for victim assistance. NGOs actively participated in training government workers in rehabilitation but were dissatisfied with implementation by regional authorities.

The Ministry of Internal Affairs established the International Academy for Antitrafficking, which graduated its first class of trainees in July 2007. The center was partially funded by the International Organization for Migration (IOM) and training was provided in part by international antitrafficking NGO La Strada.

There continued to be reports that corrupt law enforcement and border officials facilitated trafficking by accepting bribes or by ignoring trafficking. There was no indication that the Government systematically facilitated or condoned trafficking. The State Control Committee investigated allegations of official trafficking-related corruption through the Interagency Commission for Combating Crime, Corruption, and Drug Trafficking.

Victims seldom reported trafficking crimes to police due to social stigma, aversion to dealing with authorities, and a shortage of social services and rehabilitation options. The Ministry of Labor and Social Protection maintained 23 social service centers that could help trafficking victims. To supplement government shelters, the UN Development Program, the IOM, and La Strada also opened rehabilitation shelters for victims and their families.

The Government stated that there were two specialized trafficking crisis centers in the country, as well as 28 NGOs that provided services to trafficking victims. La Strada provided training to many regional victim support centers but expressed dissatisfaction with the follow-up, citing several cases where regional officers displayed skepticism or insensitivity towards victims.

La Strada and the Young Women's Christian Association maintained a women's hot line that provided advice regarding offers of employment or marriage that might be trafficking-related. Since 2001 the hot line has received over 12,000 calls.

In June the head of the Internal Affairs Ministry's Drug Control and Human Trafficking Prevention Department stated that the best way to combat trafficking was through awareness campaigns. The Government distributed information through state institutions, showed antitrafficking commercials on state television, placed materials at local and foreign diplomatic posts, and organized roundtables and seminars for NGOs and government officials.

To deter trafficking, the Government required Internet dating services to reregister and provide information about citizens and foreigners planning to meet in person. Authorities continued to enforce strong measures to discourage and control freedom of movement, which they justified in part as antitrafficking measures.

Persons With Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities in employment, education, access to health care, and other government services.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities. The law mandates that transport, residences, and businesses be accessible to persons with disabilities. However, in practice few public areas were wheelchair accessible. The Republican Association of Disabled Wheelchair Users (RADWU) estimated that more than 75 percent of persons with disabilities were unable to leave their own homes without assistance.

Authorities provided minimal, reportedly ineffectual, benefits for persons with disabilities. For example, persons with disabilities who lived alone were entitled to a 50 percent discount on rent and utilities. Since few residences were accessible, persons with disabilities had to live with friends or family and thus were ineligible for the discount. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was accessible by wheelchair. A government prohibition against workdays longer than seven hours for persons with disabilities made companies reluctant to hire them.

National/Racial/Ethnic Minorities.—Governmental and societal discrimination against the ethnic Polish population and Roma persisted. There were also expressions of societal hostility toward proponents of Belarusian national culture.

Authorities continued to harass the unrecognized Union of Belarusian Poles (UBP), its chairman Anzhelika Borys, and her associates. On March 29, police stopped Borys' car and attempted to search it for illegal printed materials. After this incident, police also searched the organization's office. On April 18, Borys and an associate were filmed driving to the village of Radun and fined BYR 525,000 (\$245) for staying in a restricted border zone without a permit.

Official and societal discrimination continued against the country's 40,000 to 60,000 Roma.

The Romani community continued to experience high unemployment and low levels of education. In 2005 authorities estimated the unemployment rate among Roma at 80 percent. Roma were often denied access to higher education in state-run universities.

The Russian and Belarusian languages have equal legal status; however, in practice Russian was the primary language used by the Government. In September 2007 the Constitutional Court's chief justice acknowledged that discrimination was "not rare," but maintained that such discrimination was usually corrected.

Authorities made concessions to Belarusian language usage, such as changing street signs to Belarusian, but proposals to widen the language's usage were routinely rejected.

Ultrnationalist, ethnically Russian, skinhead groups harassed organizations promoting Belarusian national culture. On March 10, in Vitebsk, Barys Khamayda of the Conservative Christian Party reported that he received an anti-Semitic and threatening letter from the local chapter of the ultrnationalist group Russian National Unity (RNU), an unregistered organization. Authorities refused to open a criminal investigation of the incident and said the letter did not constitute a crime.

Other Societal Abuses and Discrimination.—Homosexuality is not illegal, but discrimination against homosexuals was widespread, and harassment occurred. According to a local gay rights group, government-controlled media discouraged participation in the protests following the 2006 presidential election by saying they were part of a "gay revolution."

On May 28, three youths in Minsk attacked Edvard Tarletski, a journalist and gay rights activist. Tarletski stated that he did not intend to report the attack to

police because they would not do anything about the incident. He also said this attack was the third against him in five years.

Societal discrimination against persons with HIV/AIDS remained a problem and the illness carried a heavy stigma despite greater awareness and increased tolerance towards persons infected with the virus. For example, maternity wards no longer had separate facilities for HIV-infected mothers. However, the UN AIDS office reported that there were still numerous reports of HIV-infected individuals who faced discrimination. In September the Government reported that 9,282 citizens were infected with HIV.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except state security and military personnel, to form and join independent unions; however, in practice the Government did not respect this right. During the year the Government continued efforts to suppress independent unions, stop union activities, and bring all union activity under its control. Its efforts included frequent refusals to extend employment contracts for members of independent unions and refusals to register some unions.

According to Belarusian Congress of Democratic Trade Unions (BCDTU) leader Alyaksandr Yarashuk, no independent unions have been established since President Lukashenka's 1999 decree requiring trade unions to register with the Government.

The law provides for the right to strike; however, tight government control over public demonstrations made it difficult for unions to do so. Management and local authorities also blocked worker attempts to organize strikes on many occasions by declaring them illegal.

The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union, with an estimated four million members; however, that number was likely inflated, since the country's total workforce is approximately four million. The BCDTU, with four constituent unions and approximately eight thousand members, was the largest independent union.

Local authorities for the eight time denied registration to the Mogilyov chapter of the Belarusian Union of Electronic Industry Workers (REP). According to REP, authorities refused to re-register the chapter because the REP office landlord had not agreed to register the office as its legal address due to harassment from officials.

The Government combined administrative measures and a system of contracts with individual workers, mostly from one to five years in length, to discourage membership in independent unions and in regional, national, and international labor organizations.

On April 4, the Supreme Court upheld a lower court's verdict to deny REP activist Anatoliy Askerko reinstatement to his post. Askerko was fired from German factory Prebor after he told his employer he would sign a mandated one-year contract only after exercising his right to discuss some of its provisions.

In August a Gomel court sentenced two persons to five and six years in prison for the June 2007 assault on Aleksandr Berasnev, an employee and REP activist at state agricultural company Belarusnafta Asobina. The assault took place on company property shortly after Berasnev filed a complaint with the Gomel chief inspector about Belarusnafta Asobina's abuse of labor regulations and mistreatment of employees. The court did not reinstate Berasnev to his post, but awarded him BYR 5 million (\$2,320), to be paid by the company, for "moral damages."

In January the Council of Ministers reviewed new trade union legislation that would simplify registration rules and require fewer names and addresses of members for registration. Leaders of both progovernment and independent unions were concerned about the level of control the legislation could give the Government over unions. The council's review was pending at year's end.

On January 9, the Ministry of Justice denied registration to Razam, a trade union of small- and medium-sized businesses, citing absence of the minutes of the union's founding convention, failure to cover registration fees, and insufficient documentation. Razam's leader, Nikolay Kanakh, said that the registration process was "excessively complicated" and insisted that his group had filed correct applications with the ministry.

The Government also targeted union leaders and activists. However, in contrast with previous years, fewer cases of harassment were reported. During the year more than 30 REP members were forced to quit their membership in the union following threats of dismissal.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

Since 2004 the Government has required state employees, who constitute approximately 80 percent of the working population, to sign short-term work contracts. Although such contracts may have terms of up to five years, most expired after one year, which gave the Government the possibility of firing any employee by simply declining to renew their contract. Many members of independent unions, political parties, and civil society groups lost their jobs because of this practice.

On August 11, Brest-based Riona Enterprise Management forced 11 of 12 REP members at the firm to withdraw from the union by threatening to withhold their salaries. The REP had sought to have their working conditions designated as hazardous so they could receive appropriate compensation.

During the year the Polotsk chapter of the BFTU continued to negotiate without success with the Polotsk Steklovolokno fiberglass manufacturer over the company's unwillingness to grant the BFTU the same privileges granted to its rival, the progovernment FTUB.

In contrast, the management of the Baran based Lyos factory has ceased putting pressure on Free Trade Union of Metal Workers members to leave that union and join the FTUB.

There are no special laws or exemptions from regular labor laws in the country's six free economic zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women, men, and children were trafficked for commercial sexual exploitation and forced labor.

During the year the Government approved several “subbotniks,” which required employees of government, state enterprises, and many private businesses to work on Saturday and donate earnings to finance government social projects. Workers who refused to take part were subject to fines and intimidation by employers and authorities.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law forbids the exploitation of children in the workplace, including a prohibition on forced and compulsory labor, and specifies policies for acceptable working conditions. The Government generally implemented these laws in practice.

The minimum age for employment is 16; however, a child as young as 14 may conclude a labor contract with the written consent of one parent or legal guardian. The prosecutor general's office reportedly enforced the law effectively. Minors under 18 were allowed to work in nonhazardous jobs, but were not allowed to work overtime, on weekends, or on government holidays. Work was not to be harmful to the minors' health or hinder their education.

e. Acceptable Conditions of Work.—On November 1, the average national minimum monthly wage was BYR 220,080 (approximately \$102), which did not provide a decent standard of living for a worker and family. From January to September, the average monthly wage was BYR 857,000 (\$398).

The law establishes a standard work week of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic situation, many workers worked considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to lack of demand for the factory's products. The law provides for mandatory overtime and holiday pay and restricts overtime to four hours every two days, with a maximum of 120 hours of overtime each year. According to sources, the Government was believed to effectively enforce these standards.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these standards. Workers at many heavy machinery plants did not wear minimal safety gear. There is a state labor inspectorate, but it lacked authority to enforce employer compliance and often ignored violations.

The Ministry of Labor reported that 120 workplace fatalities occurred from January to July, a 1.6 percent decline compared to the same period in 2007. The ministry reported that workplace accidents were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. Worker intoxication was involved in 32 percent of workplace deaths and 10 percent of injuries. The law does not provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.

BELGIUM

The Kingdom of Belgium, with a population of approximately 10.5 million, is a parliamentary democracy with a constitutional monarch who plays a mainly sym-

bolic role. The country is a federal state with several levels of government: national, regional (Flanders, Wallonia, and Brussels), language community (Flemish, French, and German), provincial, and local. The Council of Ministers (cabinet), led by the prime minister, holds office as long as it retains the confidence of the lower house (Chamber of Representatives) of the bicameral parliament. Federal parliamentary elections held in 2007 and monitored by Organization for Security and Cooperation in Europe observers were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported: overcrowded prisons, lengthy pretrial detention, poor detention conditions prior to expulsion of adults and children whose asylum applications were refused, violence against women, child abuse, trafficking in persons, and racial and ethnic discrimination in the job market.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions met most international standards, but overcrowding remained a problem in a system where approximately 10,000 inmates occupied facilities with a design capacity of 8,422. The Government upgraded some older facilities, but incarcerations outpaced construction. The Justice Ministry began implementing the 2008–12 master plan for building seven additional penitentiaries and upgrading existing infrastructure. Foreign nationals accounted for approximately 40 percent of all inmates, with almost half of those in pretrial detention. The large number of noncitizen inmates prompted the authorities to address cultural problems in the prisons by allowing inmates to practice their religious beliefs, and providing meals that met the dietary requirements of different religions. An independent Central Control Council oversees the prisons.

During the year prison wardens staged several strikes to protest overcrowding and poor working conditions, and on a number of occasions inmates caused disturbances and damage while protesting their living conditions.

The Government permitted visits to prisons and detention centers by members of parliament and independent human rights groups during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The federal police were responsible for internal security and nationwide law and order. Local police operated branches in 196 police districts. An independent oversight committee (Committee P) monitored police activities and compiled an annual report for parliament. In its 2007 annual report, the federal police's own inspection service noted an increase in drug-related criminal acts committed by young police officers.

Committee P and the federal and local police combined received 6,244 complaints about police behavior in 2007. In the previous year, such complaints resulted in 779 disciplinary sanctions against police officers. The complaints concerned discriminatory behavior, brutality, racism, failure to intervene, violations of privacy, and arbitrary detention. The report noted that courts often showed leniency toward police officers appearing as defendants.

Arrest and Detention.—Under the constitution, an individual can be arrested only while committing a crime or by a judge's order carried out within 24 hours. The law provides a person in detention the right to a prompt judicial determination of the legality of his or her detention, and the authorities generally respected this right. Detainees were promptly informed of charges against them. There is a functioning bail system. Between January and October, an estimated 9,600 incarcerated individuals qualified for alternative punishment (i.e., community service), and an additional 700 convicts were electronically monitored outside of prison premises.

The law provides rights to inmates regarding disciplinary matters, correspondence, telephone conversations, and religious practice. Brochures were handed out to inmates informing them about their rights. During the year newly established im-

plementation courts became responsible for handling release issues, penitentiary leave, and electronic monitoring. In 2007 legislation came into force offering better protection to offenders with mental disorders, and the Government implemented plans to treat more of these inmates outside of prisons. The legislation allows authorities to keep inmates imprisoned after completing their sentences if the court determines that their release might endanger the public.

According to 2007 figures, pretrial detainees made up 35 percent of the prison population. The average length of pretrial detention was 90 days.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent and have the right to be present, to counsel (at public expense if necessary), to confront witnesses, to present evidence, and to appeal.

Judges of juvenile courts have a wide range of options for mediation and sentencing of young offenders. Young offenders committing serious crimes can be tried by a regular court for adults, but with youth judges present. Such offenders can be incarcerated in special youth detention centers until the age of 23.

The law authorizes jurisdiction over war crimes and crimes against humanity outside the national territory when the victim or perpetrator is a citizen or legal resident. On May 24, the police arrested Jean-Pierre Bemba, the leader of the Movement for the Liberation of Congo and a former Congolese vice president, following an arrest warrant issued by the International Criminal Court. He was charged with crimes against humanity and war crimes and transferred to The Hague on July 3.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Plaintiffs can seek damages either individually or through specialized organizations for human rights violations under the applicable anti-discrimination legislation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and legal code prohibit such actions, and the Government generally respected these prohibitions in practice. The Commission for the Protection of Private Life monitored privacy-related matters and issued advisory opinions to the relevant authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The maximum sentence for Holocaust denial is one year's imprisonment. In June two individuals were each sentenced to one year's imprisonment and a fine of 24,789 euro (approximately \$34,700), and were stripped of their civil and political rights for 10 years for having over a long period denied the Holocaust in brochures and leaflets.

Individuals could criticize the Government publicly and privately without reprisal, and the Government made no attempts to impede criticism.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In conjunction with the Government, Child Focus, a government-sponsored center for missing and exploited children, developed programs to warn users of Web sites containing illegal content, especially child pornography.

Sixty percent of all households had connections to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right.

The law accorded “recognized” status to six religions and a grouping of nonconfessional philosophical or secular organizations, each of which received financial benefits from the federal and regional governments. The lack of recognized status did not prevent other religious groups from freely practicing their religions, and citizens generally practiced religion without official harassment or impediment.

Scientologists continued to experience a strained relationship with the Government. In September 2007 the Federal Prosecuting Office released an official statement announcing that it had completed its investigation into the case against Church of Scientology members and affiliated nonprofit organizations and was forwarding the file to the Chamber of Indictment, the body responsible for determining if there is sufficient evidence to warrant prosecution. The investigation was examining alleged use of forged documents, embezzlement, and violations of privacy legislation. On April 25, the office announced that the Belgian branch of the church was the subject of a new judicial investigation. The branch was charged with recruiting volunteers under the false pretense of offering work contracts. Decisions in both cases were pending at year’s end.

During the year the Buddhist secretariat began receiving subsidies as a “non-confessional” philosophical community meriting state support.

In 2007 the Center for Information and Advice on Harmful and Sectarian Organizations (CIAOSN), an agency funded by the Justice Ministry that provides non-binding advice to the public and public institutions, received several hundred requests for information about particular groups. The CIAOSN noted significant increases in visits to its Web site and in queries concerning physical welfare and therapeutic organizations.

On June 25, for the first time, a woman wearing a headscarf appeared as a witness in the country’s highest court. (The judicial code stipulates that those attending a court session must be bareheaded.)

In July a Hasselt first instance court judge ruled that a school board had violated the religious freedom of four Sikh pupils when they were ordered to remove their turbans in school.

The police entered two Sikh temples October 18 as part of a trafficking-in-persons investigation and found 49 undocumented persons possibly being trafficked through the country to the United Kingdom or elsewhere in Europe. The United Sikh organization reacted by making vocal complaints in the press about the police force’s alleged lack of respect for a Sikh ceremony during the raid.

Societal Abuses and Discrimination.—The size of the Jewish community is estimated at 40,000–50,000. The Center for Equal Opportunity and the Fight Against Racism (CEOOR) counted 66 anti-Semitic incidents in 2007. During the year there was a noticeable increase in Internet hate messages. In addition, anti-Semitic graffiti on Jewish homes and insults against Jews on the streets were reported.

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust (*See* Section 2.a.).

Anti-Muslim incidents also occurred during the year, but no data were available on their extent.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In 2007 this protection was granted to 279 refugees, the larger part coming from Iraq, Somalia, and Afghanistan. During 2007, 11,115 refugees applied for asylum, the smallest number since 2000. The Immigration Office registered 12,252 applications during the year; 28.3 percent of the vetted applications were accepted. Most accepted refugees came from Russia, Iraq, Guinea, Serbia, and Rwanda. During 2007 legislation came into force allowing the authorities to grant “subsidiary protection” to refugees not qualifying under the 1951 convention or the 1967 protocol who could establish

that upon return to their home country they would face the death penalty, torture, or other inhuman treatment. These refugees are entitled to material aid and have access to the labor market. During the year 352 applicants—most of them from Iraq—qualified for subsidiary protection.

Regularization on the grounds of an unduly long application period, for urgent humanitarian reasons, or on medical grounds was granted to 11,335 applicants in 2007, including 555 minor and 4,326 adult applicants, through May of 2008. Because the Commissariat for Refugees and Stateless Persons shortened the verification process, applicants for refugee status mostly stayed in overcrowded specialized centers rather than opting for housing provided by local authorities. The national centers were managed by FEDASIL, a government agency, and had a total capacity of 15,800. In 2007 a new refugee relief act came into force, under which refugees who spent four months in a collective relief center qualified for independent living and were permitted to leave these collective centers. The new legislation also provides for social, medical, psychological, and legal assistance to refugees.

Recognized refugees could be gainfully employed. If the application was refused, the refugee could still be eligible for material aid.

Unaccompanied minor asylum seekers were assigned to designated specialized centers. Each individual applicant worked directly with a custodian whose task was to assist during the application process. School-age applicants were required to attend school.

Refused asylum seekers were informed in writing and in person of the repatriation scenarios they could choose from. The Government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to return voluntarily to their countries of origin. Unsuccessful applicants who did not leave voluntarily were subject to forced repatriation. In 2007, 8,745 refused asylum seekers were repatriated, including 2,592 under IOM auspices. This represented a sharp decline in numbers compared to 2006, due chiefly to the unwillingness of other countries to accept their return and to the accession of Romania and Bulgaria to the European Union. Non-governmental organizations (NGOs) complained that living conditions at the closed centers for refused asylum seekers were substandard. By year's end the Immigration Ministry began implementing a decision to provide individual housing to refused families with children.

During the year scores of asylum seekers who stayed in the country illegally after their applications were refused took refuge in churches, went on hunger strikes, and climbed tower cranes to draw public attention to their situation. The immigration minister made several statements during the year that all asylum seekers could apply to regularize their status on humanitarian or medical grounds.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections is compulsory. Failure to vote is punishable by a nominal fine.

Elections and Political Participation.—General elections were held in June 2007; they were considered free and fair. Political parties could operate without restriction or outside interference.

The constitution requires the presence of men and women, and the law requires an equal number of male and female candidates on party tickets, in European, federal, regional, provincial, and local elections. Failure to meet the requirement would nullify the elections and render any government created thereby illegal.

In May a fact-finding group of Council of Europe experts visited the country and interviewed the authorities regarding the case of three Francophone mayors of Flemish Brussels suburbs whose nominations were denied by the regional Flemish interior minister on the grounds that they had violated the prevailing language legislation during the 2006 municipal election campaign. Local Francophone politicians argued that the language laws in these municipalities violated the constitutionally protected free use of languages.

There were 56 women in the 150-seat Chamber of Representatives and 29 women in the 71-seat Senate; six of the outgoing 22 federal cabinet ministers and state secretaries were women, and 11 of the 33 regional ministers were female.

There were five members of minorities in the Chamber of Representatives, three in the Senate, and two minority regional ministers.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effec-

tively. Corruption was not a serious problem according to the World Bank's World-wide Governance Indicators. Elected officials and high-level civil servants are required to disclose any regular private employment or public jobs they hold and to provide confidential disclosure of their financial situation.

In June the Charleroi police commander was forced to resign over corruption charges. During 2007, 12 civil servants and 25 private contractors were indicted on active and passive corruption charges in connection with public building contracts, resulting in the appointment of new leadership of the Federal Buildings Department.

With some exceptions, such as material involving national security, the Government provided unrestricted access to government information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these laws; however, violence against women, child abuse, trafficking in persons, and discrimination against minorities were problems.

In 2007 three acts of parliament came into force replacing earlier antiracism and antidiscrimination legislation and bringing the country's legislation in line with prevailing European Union directives. One of the laws identified 18 grounds of possible discrimination subject to legal penalty: age, sexual orientation, civil status, birth, financial situation, religious belief, philosophical orientation, physical condition, disability, physical characteristics, genetic characteristics, social status, nationality, race, color of skin, descent, national origin, and ethnic origin. A separate law updated the 1999 gender discrimination in the workplace act.

Women.—Rape, including spousal rape, is illegal, and the Government prosecuted such cases. In 2007 the federal police registered 2,933 rape cases, compared to 3,045 the previous year. A convicted rapist can be imprisoned for a minimum of 10 years to a maximum of life. The length of sentence is based on the age of the victim, the age difference between the offender and the victim, the relationship between the offender and victim, and the use or absence of violence during the commission of the crime.

Domestic violence against women, including spousal abuse, remained a problem. Reportedly, one in five women had at some time been subjected to domestic violence. In 2007 the federal police reported 16,254 cases of violence between spouses, compared to 15,466 the previous year. Police registered 26,404 acts of violence within the larger family framework. The law defines and criminalizes domestic violence and provides for fines and incarceration. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint; however, there were complaints that the police frequently declined to do this.

An action plan for dealing with domestic violence was in force, and the regional governments formally joined the effort. Police forces and prosecuting magistrates registered all complaints and official actions taken in connection with domestic violence.

A number of government-supported shelters and telephone help lines were available across the country for victims of domestic abuse. In addition to providing shelter, many offered assistance on legal matters, job placement, and psychological counseling to both partners.

The Institute for the Equality of Men and Women announced that it would claim damages in the case of a Pakistani woman slain in an honor killing resulting from a failed arranged marriage.

Prostitution is legal; however, the law prohibits organizing prostitution or assisting immigration for the purpose of prostitution. There were reports that women and girls were trafficked to the country for the purpose of prostitution, and there were a number of arrests and convictions on related charges.

The law prohibits discrimination on the grounds of gender, pregnancy, motherhood, or sex change. It also prohibits sexual intimidation in labor relations and in access to goods, services, social welfare, and health care. Separate legislation prohibits sexual harassment in the workplace, and the Government generally enforced it. A victim of sexual harassment in the workplace can claim damages in a court

of justice. Victims of sexual harassment have the right to sue their harassers and seek financial remedies, but most cases of sexual harassment were resolved less formally.

Women enjoy the same legal rights as men, including rights under family law, property law, in the judicial system, in labor relations, and in social welfare protection. The federal government's Institute for the Equality of Men and Women, which is tasked with promoting gender equality, is authorized to initiate lawsuits if it finds that equality laws have been violated.

During the year the Government started implementing the gender mainstreaming act of 2007. The law obliges the authorities to address gender aspects in planning policy, collecting data, drafting budgets, awarding contracts, and drafting reports.

Economic discrimination against women continued. A survey conducted by several ministerial departments during the year showed that in the public sector the average annual salary for women was 90 percent of that for men for contracted employees; salaries were equal among statutory civil servants. In the private sector, women earned 70 percent of the average male salary among white-collar workers and 79 percent in the blue-collar work force. Discrimination was greatest among older workers and in higher wage categories. Because relatively higher percentages of women were in part-time jobs and in lower wage categories, the actual male-female wage gap was even higher.

Through legislation and decrees, federal and regional authorities sought to increase the presence of women on the boards of public enterprises and government agencies. Data from the European Professional Women's Network indicated that women filled only 5.8 percent of the positions on boards of directors of the country's leading private companies.

Children.—The Government was committed to children's rights and welfare. During the year parliament amended the constitution, giving children the right to voice an opinion in matters of concern to them and to the necessary measures and services for their personal development. The amendment brought the country's fundamental charter into conformity with the UN Convention on the Rights of the Child.

There were reports of child abuse. In 2007 the federal police registered 1,996 cases of child abandonment and abuse, compared with 2,145 in the previous year.

The law provides for the protection of youth against sexual exploitation, abduction, and trafficking, and calls for severe penalties for child pornography and possession of pedophilic materials. The law permits the prosecution of residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children must receive specialized treatment before they can be paroled and must continue counseling and treatment after their release from prison. In 2007 the NGO Child Focus handled 247 sexual abuse cases and continued its Internet-based public awareness campaign called "stopchildporno.be." It received 2,790 reports of child pornography on the Internet and forwarded relevant cases to the specialized units of the federal police.

According to official figures, in 2007 the federal police investigated 375 child pornography cases, and international networks operating in several countries were dismantled with the help of Europol and Eurojust. In several Belgian court cases judges handed down prison sentences for downloading child pornography.

Child Focus reported that it handled 3,555 missing children cases involving 3,739 children in 2007. There were 1,255 cases of runaways; half of the runaways returned home within 48 hours. The center handled 36 cases of abduction by a third person. Also that year, Child Focus handled 451 cases of abduction by parents, involving 623 children; 232 of the cases (331 children) involved children abducted to another country.

During the year Child Focus, in conjunction with the King Baudouin Foundation, produced the first comprehensive study to document the growing number of children contacted via cellular telephone and Internet for sexual purposes and children responding to such requests.

Following a critical report from a European Parliament Commission, the Government announced that unaccompanied minors stopped at the border were no longer being held in closed centers, but in specialized observation and orientation centers. Minors held with their parents had access to individualized education.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, Belgium is a transit country for men, women, and girls trafficked for the purpose of economic and sexual exploitation. According to the CEOOR and domestic NGOs that worked with trafficking victims, women and girls were trafficked primarily from Nigeria, Russia, Albania, Bulgaria, Romania and the People's Republic of China. Some were trafficked through the country to other European countries

such as the United Kingdom. Male victims were trafficked to the country for labor exploitation in restaurants, bars, sweatshops, and construction sites.

The law criminalizes recruiting, transporting, transiting, sheltering, and passing to others the control over persons for the purpose of prostitution, child pornography, exploitation of poverty, economic exploitation, or organ transplant. The law also makes it illegal to force trafficked persons to commit crimes. Persons convicted of violating the antitrafficking law are subject to one to five years' imprisonment and may be fined between 2,750 and 275,000 euro (approximately \$3,850 to \$385,000). Repeat offenses, offenses of an organized nature, and those with aggravated circumstances are subject to higher penalties. If the offender belongs to a criminal organization or if the trafficking results in manslaughter, the punishment is 15 to 20 years' imprisonment and fines ranging from 5,500 to 825,000 euro (\$7,700 to \$1,155,000).

The country's antitrafficking policy is implemented by the Interdepartmental Coordination Unit to Combat Human Trafficking and Smuggling, chaired by the Justice Minister. Its executive board is composed of representatives from the Criminal Policy Department of the Justice Ministry, the CEOOR, the Immigration Office, the federal police, and the State Security and Social Welfare and Employment ministries.

In 2007 prosecutors handled 418 trafficking cases, including 219 economic exploitation and 168 sexual exploitation cases. The federal judicial police handled 196 trafficking files, compared with 184 in 2006. In 2007 the police arrested 342 persons for smuggling and trafficking-related crimes.

The country's legislation is in line with prevailing European Union directives, particularly on awarding residence to trafficking victims who cooperate with the authorities. The prevailing protection system has the force of law and extends to unaccompanied minors and other categories of vulnerable victims.

During the year the Government launched a new action plan for combating trafficking and smuggling. The plan aims at improving data sharing among law enforcement agencies, more effectively combating child pornography, and tracking persons who exploit trafficking victims.

Victims have 45 days to decide whether to assist in the investigation of their traffickers and can qualify for a renewable three-month residency permit or a six-month permit, depending on the status of the judicial investigation. Victims can eventually obtain permanent residence when their traffickers are sentenced. Unaccompanied minors and victims willing to file a complaint can skip the 45-day period and immediately apply for a three-month residency permit.

The Government continued to subsidize three specialized shelters providing assistance to victims of trafficking, and NGOs continued to report excellent cooperation and coordination with law enforcement agencies. The shelters registered 619 victims in 2007. The three centers noted a significant increase in the number of victims of economic exploitation.

Persons With Disabilities.—The law provides for the protection of persons with physical and mental disabilities from discrimination in employment, education, access to health care, and other state services. The CEOOR reported that 30 percent of all complaints concerned discrimination against persons with disabilities. Most of them concerned housing, public transport, public utilities, and access to banks, bars, and restaurants. While the Government has mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible.

National/Racial/Ethnic Minorities.—Immigrant communities complained of discrimination. Members of the Muslim community, estimated at 450,000 and principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and particularly against young men, exceeded that experienced by other immigrant communities. In 2007 the CEOOR, which investigates complaints of discrimination, racism, and hate instigation, handled 2,917 discrimination and racism complaints, a 77 percent increase from the previous year—partially due to greater public awareness of the CEOOR complaint mechanism. Most complaints concerned race and physical handicaps; in contrast with previous years, there was a 12.5 percent increase in complaints about discrimination on religious and philosophical orientation grounds. The CEOOR also noted a significant increase in complaints about racism in the media, in propaganda material, and on the Internet in blogs and e-mails.

Unlike in the previous year, there were no further ethnic clashes between immigrant groups living in Brussels.

The CEOOR also noted discrimination regarding employment, housing, and restaurant access, and an increase of racism on the Internet and in e-mail.

Two percent of all registered complaints resulted in litigation initiated by the CEOOR. Courts convicted a number of defendants for inciting racial hatred, shouting abuse, denying the Holocaust, and using violence against asylum seekers. Judges convicted employers for discriminating on racial and physical grounds in hiring personnel. Landlords were convicted for discriminating against foreigners and persons with disabilities.

Data released by the Justice Ministry showed that only 2 to 5 percent of all racism and discrimination cases handled by the first instance courts in 2007 resulted in indictments or court rulings.

Other Societal Abuses and Discrimination.—Five percent of the complaints registered by the CEOOR concerned discrimination based on sexual orientation.

In its annual report for 2007, the CEOOR noted an increase in discrimination based on health or medical conditions—including against persons with HIV/AIDS, philosophical orientation (a Belgian legal concept referring to religious, spiritual, and philosophical belief or lack thereof), and age.

On July 10, the European Court of Justice ruled that a manufacturer of automatic garage doors had discriminated when he refused to hire a Moroccan applicant under the pretext that his clients would object to having a Moroccan worker in their homes. The case was referred to a labor court for sentencing under the antidiscrimination law.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join independent unions of their choice, and workers exercised this right in practice. Approximately 58 percent of employed workers were members of labor unions. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, and workers exercised this right.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively is recognized, and the Government protected this right. There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. The police and courts used antitrafficking legislation to combat economic exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and policies generally protect children from exploitation in the workplace. The minimum age of employment is 15. Youths between the ages of 15 and 18 can participate in part-time work and study programs and work full-time during school vacations. The Ministry of Employment regulates industries that employ younger workers to ensure that labor laws are followed.

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers 21 years of age was 1,387.5 euro (approximately \$1,940) and increased to 1,440.7 euro (approximately \$2,000) for workers 22 years of age with one year of service. When combined with extensive social benefits, this provided a decent standard of living for a worker and family.

The standard workday is eight hours, and the standard workweek is 38 hours. Departure from these norms can occur under the terms of a collective bargaining agreement, but work time may not exceed 11 hours per day and 50 hours per week. An 1-hour rest period is required between two work periods. Overtime is paid at a time-and-a-half premium Monday through Saturday and at double time on Sundays. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and workers exercised this right in practice. In general, regulations were enforced effectively by the Employment and Labor Relations Federal Public Service.

BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina (BiH) consists of two entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), and Brcko District, with a total population of approximately four million. The Fed-

eration has a Bosniak (Muslim) and Croat (Catholic) majority, while the RS has a Bosnian Serb (Orthodox) majority. As stipulated in the 1995 peace agreement (the Dayton Accords), a state-level constitution provides for a democratic republic with a bicameral parliamentary assembly but assigns many governmental functions to the two entities. The Dayton Accords also provide for the Office of the High Representative (OHR) with the authority to impose legislation and remove officials. The tripartite presidency consists of Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Haris Silajdzic. In 2006, the country held general elections that international observers deemed free and fair. Municipal elections held during the year were similarly evaluated by independent local observers. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor. Although there were improvements in some areas, serious problems remained. There were reports of continued deaths from landmines, police abuses, poor and overcrowded prison conditions, increased harassment and intimidation of journalists and members of civil society, discrimination and violence against women and ethnic and religious minorities, discrimination against persons with disabilities and sexual minorities, obstruction of refugee return, trafficking in persons, and limits on employment rights. At year's end, Ratko Mladic, the war crimes suspect most wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), remained at large.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

Domestic courts and the ICTY continued to adjudicate cases arising from killings during the 1992–95 conflict.

Although the Government supports an array of demining programs, outside observers questioned whether corruption undermined the integrity and safety of demining projects in the country. During the year there were 21 landmine accidents that killed 19 persons and injured 20.

b. Disappearance.—There were no reports of politically motivated disappearances.

An estimated 11,989 persons remained missing from the 1992–95 war. The International Committee of the Red Cross (ICRC) reported that since 1995 it had received 22,411 requests from family members to trace relatives still missing from the war. By year's end a total of 10,422 persons had been accounted for, including 460 located alive. Political leaders often intentionally misrepresented actual numbers related to the number of missing or deceased persons in an effort to buttress claims of victimization of their respective ethnic groups. Such misrepresentation contributed to the country's unstable political environment.

RS leaders, particularly Prime Minister Dodik, hindered the state-level Missing Persons Institute's (MPI) work by attempting to reestablish an RS body with similar responsibilities. Throughout 2007, the staffs of both entity commissions were fully integrated into MPI, and joint exhumation teams took over functions previously split between the entities. MPI is responsible for continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). The institute's goal was to establish a single, central list of all missing persons from the 1992–95 war. However, when the RS formed its Operational Team for the Search for Missing Persons, some ethnic Serb staff from MPI left that institution to work on the RS team. Both international and state-level officials characterized the creation of the RS team as an attempt to disrupt MPI's work by creating a parallel institution at the entity level. Although RS officials denied the assertion, RS operational teams refused MPI personnel access to archives that were transferred to MPI's ownership in accordance with the 2004 Law on Missing Persons. The RS prosecutors did not cooperate in MPI's exhumation and identification process. Since May there were no exhumations or identifications carried out by RS prosecutors.

At year's end excavations coordinated by MPI had resulted in the recovery of 506 bodies and 1,524 sets of partial remains. The majority of mortal remains were recovered from 13 mass graves (seven of them related to the 1995 Srebrenica genocide) in the Podrinje area.

From 2000 through the end the year, the ICMP generated a total of 24,571 DNA matches relevant to 15,066 missing persons, of which 11,935 relate to the country, and collected over 86,759 blood samples from persons related to 28,694 missing individuals, of which 68,763 samples related to 23,168 persons were relevant to the country.

During the year the BiH State Prosecutor's Office and its War Crimes Department continued to investigate the events surrounding the Srebrenica genocide and the fate of individuals missing from those events.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were allegations that police physically mistreated individuals.

On July 2, the country's Helsinki Committee for Human Rights (HCHR) paid a visit to Zenica prison, noting some continuing issues unresolved since the Council of Europe's Committee for the Prevention of Torture (CPT) report on its March 2007 visit to the country's prison and detention facilities. The CPT reported several allegations of physical mistreatment by police, especially during questioning. The CPT recommended that police should immediately remove baseball bats, replica pistols, and metal piping with wrist straps from premises where police may hold or question individuals.

Various state and entity level ministries and state, entity, and cantonal law enforcement agencies responded to preliminary observations of the CPT by the required deadline, laying out a series of measures they had undertaken to address reported concerns. The Federation minister of interior and the police director informed the ministries and police commissioners of each canton of the CPT findings, including a reminder that mistreatment of persons deprived of liberty is illegal and unprofessional and that it will be punished. The cantonal ministries each responded to the Federation government with reports on actions taken to investigate and process cases of mistreatment. In RS, Ministry of Interior authorities responsible for oversight of individual organizational units were ordered to pay special attention to monitoring legality of treatment of persons deprived of liberty, and to undertake sanctions as regulated by the law in order to combat torture and inhuman and degrading treatment.

On July 6, Sanel Jusic reported to Herzegovina-Neretva Canton police in Mostar that four officers assaulted him without cause. According to Jusic, while walking with two foreign citizens, a police car stopped in front of him and four officers got out and assaulted him without requesting identification. The spokesman for the canton police, Lejla Trivun, confirmed that Jusic reported the incident and stated that police forwarded the case to the Internal Control Unit.

Prison and Detention Center Conditions.—Prison standards for hygiene and access to medical care met prisoners' basic needs, but overcrowding and antiquated facilities remained serious problems. Overcrowding, inadequate nutrition, and poor hygiene were chronic problems in police detention facilities, some of which were unsuitable for use. There were no proper facilities for treating mentally ill or special needs prisoners.

There were some reports of allegedly ethnically motivated violence among inmates, particularly the formation of prison gangs based on ethnicity or region of origin. Prison officials are able, to a degree, to isolate those who appear to be the source of threats to others, or those whom others targeted.

There were no specific reports of corruption among prison officials, but authorities presumed such corruption. In some cases, inadequate infrastructure, irregular staffing patterns and placement of prisoners in centers near their support networks facilitated prison escapes. Investigators alleged that corruption was a factor in the successful May 2007 escape of Radovan Stankovic from Foca Prison. At year's end Stankovic remained at large.

The Government responded to the CPT request for information in the 2006 death of one prisoner who died in custody, reportedly of a drug overdose. The autopsy, which was performed in Zagreb, confirmed that the prisoner died of a drug overdose. During its March 2007 visit, the CPT found detention cells at the Foca police station to be "appalling" and requested the cells be taken out of service immediately. The cells were subsequently taken out of service, and renovation was in progress at year's end. The CPT also found a proposed cell area in Visegrad unsuitable and said it should not be brought into use. The area in question was not in use at year's end, at which time authorities were seeking funding for renovation.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Facilities held male inmates aged 16 to 18 with adult male inmates, with male inmates under the age of 16 held separately. Following its March 2007 visit, the CPT delegation noted that the practice of placing juveniles with older inmates in the admission ward of Foca Prison was contrary to the principle of separation of juveniles and adults and "totally unsafe." The correction facility for RS juveniles aged 16 to 18 in the Banja Luka Prison had a 35-bed capacity, well below the space needed. Zenica prison held one 17-year-old in its general prison population. It also held 33 people in a pretrial detention building separated from the rest

of the prison. One woman was among the 33 persons there, though each prisoner was held in a separate cell.

On May 28, the European Court for Human Rights (ECHR) established that the country had violated the European Convention on Human Rights with respect to persons who were held in Zenica correctional facility. The court ordered the country to pay the plaintiffs 18,500 euros (approximately \$26,000) in compensation and recommended that the state provide higher levels of protection in prisons and set up mechanisms for inspections of prisons.

The Government permitted visits by independent human rights observers and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The BiH HCHR visited the Zenica Prison on July 2 to follow-up locally on the March 2007 CPT visit. The HCHR report cited problems with understaffed and overworked staff, serious overcrowding, and aged facilities as the source of serious human rights concerns. Describing penitentiary life, the HCHR noted that fights among prisoners were “everyday features” that often lead to “serious injuries.” They noted a number of recent attacks on prison staff by inmates. The HCHR also noted the presence of illegal drugs among the prisoner population, and expressed concern about a lack of effective control.

The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels; it mainly visited persons under investigation or sentenced for war crime offenses.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The law gives both entity- and state-level governments responsibility for law enforcement, but extends significant overlapping competencies to each entity and to the Brcko District, each of which has its own police force. The European Union Force continued to implement the military aspects of the Dayton Accords and provide a secure environment for implementation of the nonmilitary aspects of the settlement. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counterterrorism efforts, and cooperation with the ICTY. The European Union Police Mission monitored, mentored, inspected, and worked to raise the professional standards of the local police.

The country made some progress on state-level police reform. Authorities postponed local-level police reform until after the completion of constitutional reform. In accordance with the November 2007 Sarajevo Action Plan, the state parliament adopted two police reform laws in April mandating the creation of four new state-level police agencies and three state-level police oversight bodies. By year’s end the seven bodies had not yet been fully formed or staffed. Entities did not meet the target standards of ethnic representation on police forces that their respective constitutions mandated.

The Police Standards Units (PSU) functioned as internal affairs investigative units in each entity’s Ministry of the Interior and in the Brcko District. The presence of these units led to the creation of standardized procedures for processing complaints of police misconduct and for disciplining police. There were continued reports of corruption within the entity and state-level security services. The PSUs discovered crimes including bribery, inflicting serious injury, violating public law and order under the influence, assisting the escape of a prisoner during transport, forgery, and extortion. Authorities dismissed one individual for war crimes charges.

During the first nine months of the year, the RS PSUs investigated 680 conduct-related complaints and determined that 86 were well founded. The unit forwarded recommendations for disciplinary action to prosecutors in 19 cases that they considered major violations. In addition, authorities filed nine felony reports and three misdemeanor reports against 13 RS Interior Ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations, indicating a significant decrease from the previous year. During the year Federation PSUs investigated 375 cases and forwarded 43 complaints to prosecutors for disciplinary action. During the year the Brcko District PSU investigated 52 cases and concluded that five complaints were well founded. The PSU forwarded two cases deemed to be major violations of duty to prosecutors for disciplinary action.

Arrest and Detention.—Police generally arrested persons openly with warrants based on sufficient evidence. Authorities promptly informed detainees of the charges against them, and there was a functioning bail system. The law requires police to bring persons suspected of committing a crime before a prosecutor within 24 hours of detention. The law also authorizes police to detain individuals for up to six hours at the scene of a crime for investigative purposes; this period is included in the 24-

hour detention period allowed prior to being charged. The prosecutor has an additional 24 hours either to determine whether police should release the person or to bring the person before a judge who decides whether they should remain in pretrial custody. The law generally limits pretrial detention to one year. The law allows detainees to request a lawyer of their own choosing, requires authorities to inform detainees of the charges against them after an indictment, and provides the right to a speedy trial. In practice, authorities generally observed these requirements. There were no cases of arbitrary arrest or detention reported during the year.

e. Denial of Fair Public Trial.—The state constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. The State Court is the highest court in the country for certain criminal cases, including war crimes, organized crime, terrorism, economic crime, and corruption. The country also has a State Constitutional Court and State Prosecutor's Office. Each entity has its own supreme court and chief prosecutors' offices. The state-level court system does not exercise judicial supremacy over the individual entity-level court systems. Political parties sometimes influenced the judiciary in politically sensitive cases. Judicial reforms reduced the level of intimidation by organized crime figures and political leaders, but intimidation remained.

In March, RS Prime Minister Dodik threatened to file charges against judges of the Trebinje Municipal Court for "attempted theft." The judges had ruled in favor of a family who sought compensation for their metal processing plant, which Trebinje Municipality confiscated in 1993 on the orders of the RS Ministry of Trade. Dodik's threat prompted OHR to issue a press release warning against intimidation of the judiciary. Branko Peric, then president of the High Judiciary and Prosecutorial Council, characterized Dodik's action as a direct threat to judicial independence.

On September 11, the RS government formally instructed its ministries and agencies not to cooperate with state-level law enforcement and judicial institutions conducting an investigation into alleged corruption involving RS government building contracts. The OHR publicly criticized the RS government's action as "explicit political interference with the independence of the judiciary and in operational policing." The RS government asserted that the State did not have jurisdiction in the matter, and insisted that certain conditions be met before it would comply with the State Prosecutor's Office and State Investigation and Protection Agency (SIPA).

On October 2, Dodik publicly threatened violence should state-level law enforcement officials seek to obtain documents from RS government buildings in the context of the investigation. He accused "part of OHR" of "conducting a personal war against the RS" and "Muslims of Sarajevo" of "abusing their power" with regard to the investigation. Dodik also said, "I want to send them a message that next time they (state-level law enforcement officials) will not be allowed to enter such institutions without resistance by the RS police." On November 13, the State Court issued an order requested by the State Prosecutor allowing SIPA to seize needed documents from RS government buildings.

On November 26, the RS government submitted some of the requested documents to the State Court. The following day, it filed an appeal of the State Court's temporary seizure order with the State Court on the grounds that the court did not have jurisdiction in the matter, but its appeal was later rejected.

Also on November 27, the RS government filed a criminal complaint with the State Prosecutor's Office against Acting Chief Prosecutor Milorad Barasin, the OHR principal deputy high representative, and seven other individuals in connection with the state prosecutor's investigation of possible corruption in the RS. The move was condemned by OHR, which noted that "Milorad Dodik is clearly making use of Republika Srpska institutions and personnel to try to intimidate the international community." The State Prosecutor's Office investigation of RS corruption remained underway at year's end.

The state-level High Judicial and Prosecutorial Council (HJPC) acts independently and regulates many of the most important affairs of the judiciary with clear, transparent criteria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors. In November, the Federation government appointed a judge who was not vetted by the HJPC to the Federation's Constitutional Court. The HJPC and the Office of the High Representative voiced strong concern that this appointment was not in compliance with the law on the HJPC. A resolution of this issue was still pending at year's end.

On December 12, Dodik criticized the work of Muslim judges in the country, saying "...it is unacceptable for the RS that Muslim judges try us and throw out complaints that are legally founded. And we think that it is only because they are Muslims, Bosniaks and that they have a negative orientation towards the RS, and we

see the conspiracy that has been created.” The OHR, the international community, and others widely condemned this statement.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of inefficiency. Despite efforts to streamline court procedures, there was a backlog of nearly two million unresolved cases, with over one-half utility bill cases, and only approximately one-tenth for criminal matters.

Authorities generally respected and implemented Constitutional Court decisions, although often with delays.

Trial Procedures.—Under Federation and RS laws, defendants enjoy a presumption of innocence, trials are public, and the defendant has the right to counsel at public expense, if charged with a crime that is punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than five years due to insufficient court budgets and high attorney fees. The law provides that defendants have the right to confront or question witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their cases, and the right to appeal. The Government observed these rights in practice.

The State Court made significant progress adjudicating organized crime and war crimes cases and expanded the witness protection program. Since its inception, the SIPA Witness Protection Department provided support to more than 350 individuals. During the year the department provided support to 120 individuals.

On April 25, the RS Supreme Court affirmed the November 2007 Bijelina District Court convictions of two individuals in the February 2007 murder of RS HCHR co-founder Dusko Kondor. The killer received a 20-year prison sentence, while his accomplice received a four-year sentence.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. Of the six cases transferred from ICTY to Bosnia and Herzegovina between 2005 and 2006, all but the case against Milorad Trbic had completed first instance trials, and there were final verdicts in two cases. The State Prosecutor's Office opened 49 new war crimes investigations involving 106 suspects and confirmed 22 new indictments involving 29 accused war criminals. This was the first year the State Prosecutor's Office used plea agreements in some cases. During the year the office also unveiled new case selection criteria based on a demographic analysis of all crimes committed nationwide. This tool allows the State Prosecutor's Office to focus on the most egregious war crimes. In December the Council of Ministers adopted a National War Crimes Strategy for war crimes prosecution. The strategy foresees the prosecution of the most serious war crimes by 2016 and all other war crimes by 2024.

The State Prosecutor's Office continued its investigations against RS police officers and other individuals whose names were included in the list of individuals suspected of participating in genocide committed in and around Srebrenica. Authorities stripped these individuals of their travel documents to prevent flight. At year's end one of the 35 police officers named by the commission had been indicted, and investigations against two others were discontinued.

On September 2, the state-level appellate court returned the case of Ranko Vukovic to the first instance panel of the State Court. That panel found Vukovic guilty of crimes against humanity and sentenced him to 12 years in prison February 4. Vukovic remains free while the panel hears his case again, though authorities seized his passport.

On February 22, the court sentenced Idhan Sipic, who pled guilty to charges of war crimes for killing a civilian while he was serving in the wartime Army of the Republic of Bosnia and Herzegovina, to eight years in prison. This was the first war crimes case in which a plea agreement was reached between the State Prosecutor's Office and a defendant.

On February 26, the trial of Ratko Bundalo in a 1992 Kalinovik war crimes case began and was ongoing at year's end. SIPA arrested Bundalo in August 2007 with several others as part of a larger investigation.

On February 28, a panel of the State Court convicted Mitar Rasevic and Savo Todovic on charges of crimes against humanity. Rasevic and Todovic were in charge of the Foca prison camp. The court sentenced Rasevic to eight years and six months in prison and Tadovic to twelve years and six months in prison.

On February 28, a first instance panel of the State Court convicted Veiz Bjelic of war crimes against civilians and prisoners of war and sentenced him to six years in prison. Bjelic, a former guard at Stala prison, pled guilty after reaching a plea agreement with the State Prosecutor's Office. The court accused him of raping a civilian and of allowing members of the Vlasenica Territorial Defense to enter the

prison premises and physically and emotionally abuse Serb prisoners, resulting in the death of a prisoner.

On October 23, the appellate panel sentenced Marko Samardzija to seven years' imprisonment in the retrial of his 2006 conviction for crimes against humanity, including the killing of over 144 Bosniak men and boys from the villages of Brkic and Balagic Brdo in Kljuc Municipality in 1992.

On September 8, the RS Ministry of Justice allowed the head of Foca prison, Aleksandar Cicmil, whom the same ministry suspended after the May 2007 escape of convicted war criminal Radovan Stankovic, to return to work in another capacity. On September 13, the RS Ministry of Justice ordered the suspension of the seven prison guards who were on duty at the time of Stankovic's escape following confirmation of their indictment by a state-level court. Authorities had earlier reinstated the guards to their positions after a July 9 decision by the Trebinje District Court. The OHR, in a press release one year after the escape, characterized the lack of disciplinary action against responsible officials as "an outrage."

The 2006 State Prosecutor's Office investigation into the activities of the former commander of the army's Fifth Corps, General Atif Dudakovic, and other unknown persons shown in a video killing an unknown number of individuals from the Bosnian Serb Army during the war, was ongoing at year's end.

One ICTY indictee wanted for crimes committed in the country, Ratko Mladic, remained at large. On July 18, Serbian police arrested Radovan Karadzic, a fugitive for 13 years, and transferred him to The Hague. Karadzic, along with Mladic, was one of the most wanted ICTY indictees.

Despite local and international efforts to prosecute war crimes, many of the lower-level perpetrators of killings and other abuses remained unpunished. These included those responsible for the approximately 8,000 persons killed in the genocide that took place after the fall of Srebrenica and those responsible for approximately 13,000 to 15,000 other persons who were missing and presumed killed.

In July, the State Court found seven of 11 defendants guilty of genocide in the killing of more than 1,000 Bosniak men and boys at the Kravice Farming Warehouse Cooperative. This was the first time that a domestic court had reached a genocide verdict.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits seeking remedies for human rights violations. On December 4, the parliament completed the process of naming the members of the state-level Office of the Ombudsman. Jasminka Dzumhur (Bosniak), Ivo Bradvica (Croat), and Ljubomir Sandic (Serb), were appointed as ombudsmen with six-year mandates. With the completion of the appointment process, entity ombudsman institutions are required to entirely cease to exist within a month. However, at year's end, the State Ombudsman institution had still not been fully constituted, as the National Assembly of Republika Srpska had not yet adopted the Law on Cessation of Existence of the RS Ombudsman Institution and Transfer of Competencies to State Ombudsman. When the unified State Ombudsman is fully empowered individuals will be able to seek assistance from a single, national human rights ombudsman to hear and provide recommendations on cases of human rights violations. These recommendations, however, will not be binding.

Property Restitution.—The country's four traditional religious communities had extensive claims for restitution of property that the communist government of the former Yugoslavia nationalized after World War II. The State Law on Religious Freedom provides religious communities the right to restitution of expropriated property "in accordance with the law." In the absence of state legislation specifically governing restitution, return of former religious properties continued on an ad hoc basis at the discretion of municipal officials; these officials usually only completed such restitution in favor of the majority group in that particular state.

On August 1, the Mostar city council temporarily returned six buildings to the Serb Orthodox Church that the Government confiscated after World War II.

On August 14, workers began removing the church bells from an Orthodox church in Divic near Zvornik and transferred them to a newly-constructed church in Mladjevac. Serb Orthodox parishioners built the Divic church on the location of a mosque that was destroyed in 1992. The Islamic community and Serb Orthodox Church agreed to the transfer of the church.

Many officials used property restitution cases as a tool of political patronage, rendering religious leaders dependent on politicians to regain property taken from religious communities. Other unresolved restitution claims were politically and legally

complicated. For example, the Serbian Orthodox Church continued to seek the return of the building that housed the University of Sarajevo's Faculty of Economic Sciences. The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community maintained a large number of similar claims in Banja Luka. Interested parties complained of additional and at times politically motivated parliamentary delays in legal reforms to property restitution.

Roma displaced during the war had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities. The lack of documentation also prevented them from applying for reconstruction assistance.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. However, some RS-based journalists complained of telephone tapping and increased government surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government did not always respect press freedom in practice. Laws delegated safeguarding freedom of the press to the cantons in the Federation and to the entity-level authorities in the RS. Defamation laws exist at the entity level, and freedom of information legislation exists at both the entity and state levels.

There are provisions against hate speech in the Federation criminal code, but not in the RS criminal code. The broadcasting code of practice also regulates hate speech by broadcasters. The Communications Regulatory Agency (CRA), charged with implementing the code, did not register any cases of hate speech during the year. However, independent analysts noted that hate speech is reemerging and many media outlets use language, often nationalistic, considered provocative or incendiary on matters related to ethnicity, religion, sexual orientation, and political affiliation. The Press Council received 63 complaints concerning print media, of which 13 complaints were rejected and 10 were accepted. In some cases the Press Council instructed media outlets to publish a refutation or a retraction; mediation or self-regulation resolved 17 cases. Most of the accepted complaints referred to the absence of the right to denial.

Government respect for freedom of speech and the press declined during the year; some prominent individuals who criticized the Government were the target of government reprisals.

Political pressures on state-level media institutions continued. Both Bosnia-Herzegovina Radio Television (BHRT) and the CRA were exposed to frequent political attacks, particularly by RS officials, often alleging a lack of impartiality. In the case of the BHRT, the attacks appeared aimed at undermining the state-level public broadcasters and building support for devolving media competencies from the state to the entity level. Other public broadcasters remained vulnerable to political influence as well. Two public broadcasters, Federation Television (FTV) and Radio Television of Republika Srpska (RTRS), remained the largest television broadcasters in the country. RTRS reported predominantly pro-RS ruling party views.

During the year the Council of Ministers continued to block the independent selection process of a general manager for the CRA for over a year and attempted to influence the selection of a candidate. The selection had not been made by year's end. Press freedom advocates also noted that pressures on the CRA included political challenges to the agency's scope of authority, as well as its financial independence.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country. Dnevni Avaz, whose editorial policy strongly reflected Bosniak interests, remained the largest circulation daily, followed by Banja Luka based daily Nezavisne Novine, a paper reflecting the views of the RS ruling Alliance of Social Democrats party. A number of independent print media outlets continued to encounter financial problems that endangered their operation. The few remaining independent media outlets in the RS continued to report government interference with their operations.

A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country. Radio continued to provide a forum for diverse points of view. In many cases, news programs of independent broadcasters reflected opposition perspectives.

The vast majority of RS media outlets showed a distinct pro-RS government bias. Federation media outlets also exhibited political bias along ethnic lines, with some clearly taking positions in support of specific political parties.

The number of threats against journalists dramatically increased. During the year the Free Media Help Line (a part of the Bosnian Journalists Association) registered 54 cases involving violations of journalists' rights and freedoms and pressure from government and law enforcement officials. There were 17 cases of pressure on and threats to journalists, 13 physical assaults on journalists, and one case of denied access to information.

In some instances, officials subjected media outlets to overt pressure, such as threatening them with loss of advertising or placing limits on their access to official information. Politicians and government officials also pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their own ethnic group. Some RS-based journalists complained of telephone tapping, increased government surveillance, actual or threatened lawsuits, repeated visits from tax authorities and revocation of credit or loans.

On February 26, an RS police officer physically attacked OBN television cameraman Ninoslav Danojlic while intervening during violent protests in Banja Luka following the proclamation of the Kosovo independence. The RS Association of Young Journalists immediately criticized the attack. RS Minister of Interior Stanislav Cadjo and RS Police Director Uros Pena met with the representatives of the RS Association of Young Journalists and publicly apologized for the incident. The police officer involved in the incident also apologized to the cameraman, who accepted his apology. No other disciplinary action was taken.

From December 2007 through August of this year, RS Prime Minister Dodik filed 16 lawsuits against FTV as a private citizen, most of which are against the editor-in-chief of FTV's political program "60 Minutes," Bakir Hadziomerovic, and FTV's Banja Luka correspondent, Slobodan Vaskovic because of Vaskovic's reports on "60 Minutes" accusing Dodik of crime and corruption. On July 14, one of the lawsuits was rejected by the Sarajevo Municipal Court on the grounds that Dodik was a high-ranking public official who should tolerate a higher level of public criticism than private citizens.

On March 5, the CRA rejected Dodik's complaint against FTV and "60 Minutes" alleging unprofessional and biased reporting.

On April 24, Dodik called for the initiation of a bankruptcy and liquidation procedure against BHRT, because, according to Dodik, State spending on the station did not produce any results. The ombudsmen for media, journalist's associations, the Organization for Security and Cooperation in Europe (OSCE), the OHR, and other media freedom advocates criticized this pressure exerted against the independent media outlet. The BHRT continued to be vulnerable to political pressures, largely as a result of the failure to establish a public corporation for managing it as called for in the law that established the BHRT.

In October, a state-level court overturned the September 15 decision by the steering board for BHRT to remove Director-General Mehmed Agovic. The court issued a temporary decision advising that he be returned to work. In the meantime, the steering board appointed an acting general manager. Media freedom advocates expressed concern, claiming that the steering board decision was politically motivated, and noted procedural controversies. The country's ombudsman for human rights stated that the board violated Agovic's human rights and appealed to the BiH Ministry of Transportation and Communication to assess the situation at BHRT. On December 3, the court accepted the appeal of the steering board, returning the case to the starting point, at which point the steering board appointed a new general manager. However, the court issued a subsequent temporary decision December 26 overriding the appointment until the first instance court reached a decision on the legality of the replacement. The case remained unresolved at year's end.

On April 18, Party for Bosnia and Herzegovina (SBIH) delegate in the state parliament Sadik Bahtic physically attacked an FTV crew, preventing them from attending an SBIH press conference in Bihac. Although the television footage showed the incident, Bahtic denied there had been a physical attack, asserting that party officials had not allowed the FTV reporters to attend the conference because of their "ill-will directed towards that region and its development." The Public Broadcasting Service Syndicate and the other journalists present when the incident occurred, as well as the country's HCHR, Centers for Civic Initiatives and 'Front' NGOs, and the Association of Journalists, criticized the attack. SBIH stated Bahtic did not have the right to prevent any journalist from attending the conference and subsequently excluded Bahtic from the presidency body of SBIH, although he remained a party member and delegate in the state parliament.

On June 21, police attacked Vecernji List journalist Frano Matic and attempted to confiscate his camera while he took pictures of riots and the intervention of the special police forces after the Croatia-Turkey soccer match. The police slightly injured the journalist. The Association of Bosnia and Herzegovina Journalists, the As-

sociation of Croat Journalists in Bosnia and Herzegovina, and the ombudsman for media criticized the attack.

On August 24, RTRS journalist Danijela Dodos from Prijedor received an anonymous death threat by telephone. The caller told her to stop her reports and investigations about the sale of property of the Prijedor-based paper factory "Celpak." Dodos reported the threat to Prijedor police, who provided her protection and opened an investigation, which was ongoing at year's end.

On November 18, the head of the Islamic community of BiH, Reis Mustafa Ceric, publicly accused the editor-in-chief of independent daily *Oslobodjenje*, Vildana Selimbegovic, of "Islamophobia" and anti-Islamic behavior. Ceric further stated that media criticisms and "efforts to behead" the leadership of the Islamic community "are nothing but a continuation of a genocidal policy, the aim of which is to wipe BiH Muslims off the face of the earth." The accusations came as part of the reaction by Ceric to an *Oslobodjenje* interview and op-ed that touched on projects undertaken by the Rijaset of the Islamic community of BiH, which criticized Ceric by name. The Islamic community issued a press release highly critical of *Oslobodjenje*, alleging anti-Islamic bias and psychological instability of the editor. The press release provoked very strong reactions from the Association of Bosnia and Herzegovina Journalists and was widely seen as an attempt by Ceric to exert pressure against any members of the media critical of his administration.

On December 4, two hand grenades were thrown at the Hayat television station building in Sarajevo. The BiH Association of Electronic Media expressed concern regarding the attack on a media outlet. The attack was condemned by the Sarajevo Canton Government, BiH Communications Regulatory Agency, as well as many BiH politicians. Results of the Sarajevo Canton Ministry of the Interior investigation were pending at year's end.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunications Union estimates that 27 percent of the population used the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. In Sarajevo, Serbs and Croats complained that Bosniaks received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city. Parochial interests influence the remaining five universities in Bosniak-majority areas.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice.

Freedom of Association.—The law provides for freedom of association, and the Government, with certain exceptions, generally respected this right in practice. A wide range of social, cultural, and political organizations functioned without interference.

The law allows NGOs to register freely at the Ministry of Civil Affairs and Communications and therefore to operate anywhere in the country; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by bureaucratic delays at the state level, chose instead to register their organizations at the entity level in one or both entities. In April the Council of Ministers signed a formal agreement on cooperation with NGOs that defined joint principles and commitments of the Council of Ministers and the nongovernmental sector. The agreement outlined the independence of the nongovernmental sector, its financing, responsibilities, and means for mutual consultation. The agreement also foresaw the creation of a Council for Civil Society to oversee implementation of the agreement, promote consistency within the Council of Ministers department for NGOs, and facilitate communication between the Council of Ministers and the nongovernmental sector.

On February 23, Dragomir Babic, a human rights activist in the RS, sent an anonymous letter to the OHR detailing plans for a campaign by RS officials against Transparency International (TI). Babic came forward as the letter's author following the temporary closure in July of TI's Banja Luka office, and subsequently received anonymous death threats. On May 22, TI published a report accusing RS government officials of corruption in the handling of entity-level privatizations, which ac-

according to TI resulted in a loss of 500 million convertible marks (approximately \$385 million dollars) for the entity budget. Following the report, Prime Minister Dodik began a media campaign against TI, and threatened to file suit against TI in State Court, but had not done so by year's end.

On July 23, an individual threatened Branko Todorovic, the president of the RS HCHR and a prominent human rights defender, and his family by telephone. The threat was one of several that Todorovic reportedly received during the year. Police opened an investigation and provided protection to Todorovic and his family.

c. Freedom of Religion.—The law provides for freedom of religion; however, societal abuses and discrimination based on religious belief restricted the ability of adherents of minority religions to worship as they pleased.

In some cases, entity and local governments and police forces allowed or encouraged an atmosphere in which abuses of religious freedom could take place. As in 2007 minor attacks on religious objects and religious officials occurred frequently, but a systematic obstruction of religious freedom in several high-profile cases remained. The reluctance of police and prosecutors to investigate and prosecute crimes against religious minorities aggressively remained a major obstacle to safeguarding the rights of religious minorities.

The law requires religious communities to register with the Ministry of Justice; any religious group can register if it has at least 300 adult members who are citizens. Local congregations of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) registered, as did congregations of several smaller Christian denominations, including Baptist, evangelical Christian, and Jehovah's Witnesses, although some Baptist communities encountered problems with registration.

The State Law on Religious Freedom guarantees the right of every citizen to religious education. The law calls for an official representative of the various religious communities to teach religious studies in all public and private schools. However, authorities did not always fully implement the law, particularly in segregated school systems or where there was political resistance from nationalist party officials at the municipal level. Schools often offered religious instruction only in the municipality's majority religion. Authorities sometimes pressured parents to consent to religious instruction for their children. In some cases, peers and teachers pressured and discriminated against children who chose not to attend religion classes.

Some minority religious communities alleged discriminatory hiring practices for teachers of religion, with teachers from a religious majority in a given municipality getting salaried positions with benefits, while other religious teachers were paid a lower amount on an hourly basis only.

Societal Abuses and Discrimination.—Individuals reported ethnically motivated religious violence in many municipalities. Perpetrators directed violence at ethnic symbols, clerics, and religious buildings. Civil society representatives noted that political leaders tended to condemn these incidents only in cases where members of their own ethnic group were victims.

On March 30, according to press reports, unknown individuals wrote offensive anti-Muslim graffiti on Mostar's Bulevar buildings. The next day, citizens reported similar graffiti on Bosniak houses in the nearby returnees settlement of Podhum, and that unknown individuals drowned a pig in a local mosque. The Herzegovina-Neretva Canton's Ministry of Interior spokesman said they notified the police about the graffiti.

On June 23, unidentified persons reportedly wrote graffiti including the name of former Serb force commander and accused war criminal Ratko Mladic on the Salihbegoviceva Mosque in Bijeljina, which was under construction.

On August 21, two Serb Orthodox priests from Sase, near Srebrenica, told RS press that Bosniak returnees attacked them. Father Metodije and Father Grigorije stated that the attackers cursed them and blamed them for deaths of Bosniaks. The priests reported the attack to Srebrenica police.

On September 7, unknown persons seriously damaged the Sefer Bey Mosque in Banja Luka. Local press reported broken windows and damage to the wall of the mosque. Authorities suspected that the same persons tore down the fence surrounding the Arnaudija Mosque. An investigation into the incident was ongoing at year's end.

On December 7, the eve of the Islamic Holiday Eid al-Adha (or Kurban Bayram), fire destroyed a mosque in the village of Fazlagica Kula, in Gacko municipality. RS police based in Trebinje conducted an investigation, which concluded that the fire was caused by improper electrical wiring wrapped around wooden rafters. Separately, the country's Islamic Community conducted its own investigation, claiming arson was the cause of the blaze. Other experts noted that the Islamic community's

investigator did not examine key pieces of forensic evidence (including the suspect wiring), and questioned the conclusion of arson. Both Serb and Bosniak politicians expressed regret regarding the fire, and the RS government promised to provide funding for the mosque's renovation. The investigation remained open at year's end.

There were a number of controversial and highly politicized cases involving the illegal construction of religious buildings or monuments on private or government owned land. In these cases the buildings or monuments were built to send a political message to religious minorities about the dominance of the majority group in that area, creating tensions and impeding the process of reconciliation.

There were no reports of anti-Semitic acts against the country's Jewish community, which is estimated to be less than 1,000 people.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration and repatriation, and the Government generally respected these rights; however, some limits remained in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Internally Displaced Persons (IDPs).—The return of persons displaced by the 1991–95 wars remained stagnant during the year, continuing a steady decrease in annual returns. According to the UNHCR, 1,681 persons (of whom 1,564 were minority returnees) returned during the year. Government officials and some NGOs, however, believed that the total number of returns was lower, since the UNHCR determines returns based on property restitution rather than physical presence. According to the Ministry of Human Rights and Refugees, there were an estimated 124,593 registered displaced persons in the country still seeking return to their prewar places of residence.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing official unemployment rates above 40 percent. When jobs were available, minority returnees often complained of discrimination in hiring. In returnee areas throughout the country, the percentage of minorities holding municipal employment was neither representative of current populations, nor consistent with legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the Law on Self Administration.

A hostile return environment remained in some places. During the year observers noted a trend of attacks directed against symbols of minority groups, rather than attacks against individuals. Many returnees cited authorities' failure to apprehend war criminals as a disincentive to return. Many displaced persons created permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

Other factors inhibiting returns included a lack of access to social benefits, including healthcare, education, and pension benefits. A lack of available housing and high municipal administration taxes on documents that were necessary for return, such as birth or land certificates, also affected the number of returns. Minority returnees often faced intimidation, discrimination, obstructionism in their access to education, health care, and pension benefits, and poor infrastructure.

In the RS, the Ministry for Refugees and Displaced Persons provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation. The Federation Ministry for Refugees assisted Croats and Serbs returning to the Federation, and Bosniaks and Croats returning to the RS. Both entity-level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets toward joint projects that the State Commission for Refugees determined.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

During the year, the Government did not grant temporary protection to any persons considered not to qualify as refugees under the 1951 convention and the 1967 protocol.

Asylum seekers with pending claims, regardless of national origin, may remain in asylum centers until their claims are adjudicated, which is normally three months, though in some cases longer. If the decision is negative, the asylum seekers have the right to file a complaint, on which the court is required to render a final decision within two months. During this time an asylum seeker maintains the right to remain in the asylum center. Asylum seekers present in the country have the right to education and legal redress for human rights complaints. However, they do not have the right to employment. If their asylum application is approved, they then are eligible for employment.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully.

Elections and Political Participation.—OSCE observers concluded that the 2006 general elections had been conducted largely in line with international standards but noted problems, including the inability of numerous voters to find their names on voter registers, authorities directing voters to incorrect polling stations because of changes in the registration process, group voting, irregularities in the counting process, and a few cases of voter intimidation. International observers also declared that the 2006 RS special elections to replace RS President Milan Jelic, who died in office, were free and fair.

Authorities conducted the October 5 municipal elections in an orderly manner with local election commissions or independent observers reporting only minor irregularities at polling stations to the state-level Central Election Commission. Turnout was generally lower in larger cities and higher in a few hotly contested rural areas.

On September 29, RS special police units in Doboj arrested the Director of the Center for Social Welfare and 16 SDS activists on suspicion of buying votes ahead of the October 5 elections. The group was released pending trial. The case is currently before the Basic Court in Doboj.

Political parties generally operated without restriction or outside influence. While political parties did not compel individuals to become members, many viewed membership in the leading party of any given area as the surest way of obtaining and retaining jobs in government owned companies and especially positions on steering boards of profitable, public companies including the electric, telecom, and media industries. Nevertheless, the ruling party did not exclude opposition parties from participation in political life. Membership in large, well-funded parties conferred formal advantages, as party members often excluded nonparty members from appointment to many key government positions.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and run for election. Under a 2000 ruling by the country's Constitutional Court, constituent people (Serbs, Croats, and Bosniaks) and "others" must be adequately represented in entity, cantonal, and municipal government institutions. This representation was to be based on the 1991 census until the returns process (as described in Annex Seven of the Dayton Accords) is completed. However, this decision has not been respected in practice. Separate from the three constituent peoples, there were 16 recognized national minority groups.

Nationalist rhetoric dominated political exchanges. Bosniak nationalist politicians called for the abolition of the RS and the removal of Srebrenica from the RS. Serb politicians threatened to call a referendum in the RS to secede from the state, and regularly made statements, often deliberately inaccurate, designed to delegitimize and undermine the state. Croat politicians called for the establishment of a third majority-Croat entity.

The election law requires that at least 30 percent of political party candidates be women. At year's end seven of 57 members of the Parliamentary Assembly were women. There were no women in the nine-member Council of Ministers, although there were two female deputy ministers. At the entity-level, women held three of 22 leadership positions in the Federation and two of 22 leadership positions in the RS.

Minorities remained severely underrepresented in government. There were no members of a minority group in the Parliamentary Assembly and one minority member in the Council of Ministers. Representatives of the Jewish and Romani communities filed lawsuits before the ECHR because of a provision in the constitution that precludes "others" (i.e. those outside the three ethnic constituencies) from becoming president. A Bosniak from Srebrenica also filed a lawsuit at the ECHR because the RS constitution precludes non-Serbs from running for RS president.

Government Corruption and Transparency.—The law provides for criminal penalties for official corruption, however, the Government did not implement the law

effectively, and officials frequently engaged in corrupt actions with impunity. There is no government agency with a mandate to combat government corruption.

While the law prohibits citizens from holding positions of public responsibility if they have pending criminal indictments against them, this prohibition was not always observed in practice.

On June 3, the appellate division of the State Court returned the retrial of Dragan Covic to a cantonal court for processing. The State Court convicted Covic in 2006 of one count of abuse of office and sentenced him to five years in prison in connection with a bribery case involving former president Mato Tadic.

In June, the State Court found Mladen Ivanic, president of the Party for Democratic Progress and a House of Peoples delegate, guilty of misuse of public funds when he was RS prime minister from 2000–02. The court sentenced him to 18 months in prison. An appeal was pending at year's end.

During the year corruption watchdog TI maintained its allegation that Prime Minister Dodik misappropriated public funds and pocketed revenue from the privatization of several formerly state-owned enterprises. Dodik claimed in press interviews that TI was engaging in blackmail and racketeering. TI charged that Dodik's allegations were attempts at retaliation and complained that state-level judicial institutions failed to investigate the case against Dodik.

Candidates for certain public offices, including parliamentarians at the state and entity levels, and members of the Council of Ministers and entity governments, are subject to financial disclosure laws. The Central Election Commission is responsible for ensuring compliance with these laws.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. According to the law, the Government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman's offices. In practice the Government sometimes failed to provide the required explanation for denial of access; however, if citizens appealed to the ombudsman, the courts, or legal aid, the Government generally provided an explanation. Public awareness of the law remained low.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups and NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. For example, the BiH HCHR and the RS HCHR continued to actively report on a wide range of human rights abuses. However, government officials were often inefficient and slow to respond to their recommendations.

The Government cooperated fully with international organizations such as OHR, which has special powers over the Government, as well as other international organizations, such as the ICRC and the OSCE.

Citizens' remedies for human rights violations included filing civil suits or seeking assistance from the Office of the Ombudsman. However, the ombudsman's recommendations were not binding. The law establishes a single state-level ombudsman institution composed of three members representing the country's three constituent groups. Political appointments to the new ombudsman institution were confirmed on December 4, having been significantly delayed by political maneuvering.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, the Government did not enforce the law effectively. Discrimination against minorities, women, sexual minorities, persons with disabilities, and others was pervasive.

Women.—Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to general NGO estimates, one out of every three Bosnian women was a victim of domestic violence. Both the Federation and RS have adopted laws on domestic violence that require police to remove the offender from the family home. Experts estimated that only one in 10 victims of domestic violence reported the crime to police. As of October, the RS domestic violence hotline received 668 reports of domestic violence.

Police received specialized training in handling cases of domestic violence, and there were four hotlines operating in the Federation and the RS that provided as-

sistance and counseling to domestic violence victims. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo, Bihac, Zenica, and Modrica to assist victims of domestic violence.

Prostitution is illegal. The law treats procuring as a major crime, but prostitution and solicitation are misdemeanors punishable by a fine only. Police raids on bars and brothels drove prostitution further underground, and prostitution frequently occurred in private apartments or on an outcall basis. Single mothers, minorities, or other vulnerable women, particularly from economically depressed rural areas, were at higher risk of being recruited for sexual exploitation.

The law prohibits sexual harassment, but it was a serious problem that was poorly understood by the general population. Many women surveyed by NGOs reported experiencing sexual harassment in their workplaces. Pornography in the workplace was common. Victims almost never filed complaints, largely because they did not recognize their experiences as harassment and were not aware of their legal rights.

The law prohibits gender-based discrimination. Women have equal legal status to men in family law and property law, and authorities treated women equally in practice throughout the judicial system. The Government's Agency for Gender Equality worked to inform women of their legal rights. The Federation, RS, and state-level parliaments had committees for gender equality.

Women served as judges, doctors, and professors, although few women held positions of substantial economic or political power. Authorities documented a small but increasing number of gender-related discrimination cases. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government owned enterprises but not always at private businesses. The differential in unemployment rates within the Federation (the only available data) was 23.1 percent for men and 28.3 percent for women. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria, such as age and physical appearance, for female applicants. Women remained underrepresented in law enforcement agencies, although there was continued progress.

Children.—The Governments of both entities were generally committed to the rights and welfare of children; however, social services for children were extremely limited. The Ministry of Human Rights and Refugees had a role in enforcing children's rights. Children with disabilities lacked sufficient medical care and educational opportunities.

According to some estimates, the Government failed to register the births of approximately 6,000 children in the country, most of whom were believed to be Roma. This results in significant obstacles for these children to access government services, in particular social, educational, and health benefits.

While education is free and compulsory through age 15, schools required parents to pay for textbooks, lunches, and transportation, which some families could not afford, causing some children to drop out of school. A lack of reliable monitoring and statistics on enrollment and dropout rates hindered efforts to ensure that school-age children received an education. The law requires children with special needs to attend regular classes, but schools were often unable to accommodate them.

According to the country's Roma Council, less than 35 percent of Romani children attended school regularly. Many Romani children were unable to attend school because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. Authorities provided textbooks, meal allowances, and transportation allowances for Romani children. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children. Authorities failed to provide textbooks that included topics related to Romani culture and history.

Students in minority areas frequently faced a hostile environment. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. Federation cantonal governments and the Ministry of Education in the RS pressured school directors at the primary and secondary level, and several schools were directed by hard-line political figures.

Laws which provided for administrative and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances and recreation facilities sometimes resulted. In some areas of the country, notably Vitez in central Bosnia and Prozor-Rama and Stolac in Herzegovina, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Many schools effectively entrenched seg-

regation and discrimination. In the RS, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the Federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton. Children in primary and secondary schools studied from what some NGOs described as “divergent, ethnically-specific curricula,” including ethnically homogenous classes and books on geography and history that offered alternate explanations of ethnicity, religion, and national borders.

In the Stolac secondary school, the director refused to sign 160 diplomas for Bosniak graduates of the school, claiming the Bosniak section of the school was not administratively part of the school, despite his having signed several previous years’ diplomas for Bosniaks. This action hindered the onward enrollment of the Bosniak students and required intervention at the highest political levels in the country to resolve.

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. While there were no statistics available on the extent of the problem, some NGOs estimated that one in four families experienced some form of domestic violence. Municipal centers for social work were responsible for protecting children’s rights, but often lacked resources and alternative housing for children who ran away from home to escape abuse or those children whom they needed to remove from abusive homes.

Trafficking in children for sexual exploitation and sometimes begging was a problem. Child begging was common among Romani communities; including infants (with adults), and cases in which Romani parents sent children as young as four out to beg on street corners, often begging 10 or more hours per day in all weather conditions.

In certain Romani communities, girls married between the ages of 12 and 14. Apart from efforts to increase Romani participation in education, there were no programs aimed specifically at reducing the incidence of child marriage.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, individuals and organized crime syndicates trafficked women and children for sexual exploitation, and sometimes children and adults, particularly from the Romani community, for begging and labor. There were reports that public officials were involved in trafficking.

The country was primarily a country of origin for women and girls trafficked domestically for sexual exploitation, and, to a lesser extent, a destination and transit point for foreign trafficking. More than half of all documented trafficking victims were minors. Authorities observed a continuing trend of victims primarily being trafficked domestically during the year, far surpassing the number of foreign victims. During the year there were cases of Romani children trafficked to and within the country for forced labor or begging.

During the year trafficking modalities continued to change. Due to effective legal mechanisms and vigorous actions to combat trafficking, the number of identified victims continued to decline, according to NGO and state-level contacts. Trafficking remained underground, often in private apartments, motels, and gas stations. There were no reliable estimates on the number of victims trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the Office of the State Anti-trafficking Coordinator registered 29 new trafficking victims through its referral mechanism.

The majority of women trafficked to the country came from Serbia or other East European countries. While no reliable estimates were available, individuals and organized crime syndicates may have trafficked a number on to Western Europe. Most trafficked women entered the country through Serbia or Montenegro. Those who transited the country generally continued on via Croatia. Authorities also found Bosnian victims in other parts of Europe. During the year four trafficking victims were repatriated to the country through international referral mechanisms. Traffickers came from a variety of backgrounds, including freelance operators and local organized crime networks.

Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault.

Under the law trafficking is a state-level crime that carries a sentence of up to 10 years in prison. During the year, four cases involving trafficking offenses were prosecuted at the state level, and a number at the entity and cantonal level. The Ministry of Security is responsible for coordinating anti-trafficking law enforcement at all levels of government, but it was understaffed and lacked the capacity to comprehensively manage anti-trafficking activities.

The state prosecutor's office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level. The state anti-trafficking coordinator, whose mandate included coordination of victim protection efforts among NGOs, police, and government institutions, as well as law enforcement, reported directly to the Ministry of Security. The chief state prosecutor chaired a nationwide interagency investigative anti-trafficking strike force that included prosecutors, police, and financial investigators.

If screening established that a person was a trafficking victim, authorities did not prosecute that person for immigration or prostitution violations. In most cases, authorities voluntarily repatriated foreign victims. Authorities often deported and occasionally prosecuted for immigration and other violations persons that law enforcement determined were not trafficking victims.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return. To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made.

On May 28, the Center for Public Security in Banja Luka arrested five persons in Banja Luka, Srbac, and Laktasi for trafficking, prostitution, and sexual violence of a juvenile female. The police turned the individuals over to the district prosecutor's office in Banja Luka. The main defendant was charged with the criminal act of human trafficking, while the remaining four were charged with sexual abuse of a minor. A Banja Luka court issued a first instance verdict to the main defendant, sentencing him to 18 months of imprisonment; the second defendant received 12 months, the third and fourth received six months, and the fifth defendant received three months of imprisonment.

In an unrelated case, on June 12, the Banja Luka Center for Public Security arrested four persons for trafficking for prostitution and sexual abuse of a minor. The main defendant in this case is charged with the criminal act of human trafficking, while three remaining defendants were charged for sexual abuse of a minor. The trial was ongoing at year's end.

The trial of the nine individuals that authorities arrested in December 2007 for trafficking three juvenile girls in the RS municipality of Derventa was ongoing at year's end.

During the year authorities distributed an antitrafficking manual to teachers for use in the curriculum of all the country's schools. Authorities also continued their efforts to assist victims by working with local NGOs to support shelters and other services and by conducting extensive training for police, prosecutors, judges, teachers, and social workers.

The country has a set of rules that provide a binding standard of protection for domestic trafficking victims and standard operating procedures for the prevention, identification, protection, and assistance of victims and witnesses who are citizens. In practice, variation in laws related to trafficking victims at different levels of government often caused complications and lack of clarity in the implementation of these rules.

The Government has a formal victim referral mechanism and memoranda of understanding with six NGOs that ran shelters for trafficking victims. NGOs operated safe houses in Sarajevo, Zenica, Mostar, Dobo, Modrica, Bihac, and Bijeljina. At the shelters, victims received medical care, psychological counseling, legal assistance, repatriation assistance, and limited vocational training. Police effectively provided protection for the shelters.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law in both entities prohibits discrimination against persons with disabilities; however, there was discrimination against persons with disabilities in employment, education, access to health care and other state services.

In the Federation, the law mandates that all existing public buildings be retrofitted to provide access to persons with disabilities by November 2007 and that new buildings must also be accessible. This deadline passed without full implementation, and buildings were rarely accessible to persons with disabilities. The RS had comparable laws for public access, and progress on retrofitting older public buildings remained slow.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. Persons with disabilities resulting from service during the 1991–95 wars were given a privileged

status above civilian war victims and persons who were born with disabilities. Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available.

National/Racial/Ethnic Minorities.—Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas.

Attacks on ethnic and religious objects continued during the year. Police conducted investigations and sometimes charged perpetrators of ethnically motivated hate crimes, but often blamed the attacks on radicals, intoxicated or mentally unstable individuals, or rowdy youth without additional investigation. Harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems most often included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults.

Ethnic discrimination in employment and education remained key problems. Employers did not reverse widespread firing of ethnic minorities during and after the war in most cases, and employers often hired members of the local ethnic majority over minorities. Widespread ethnic discrimination in employment and failure on the part of state-level and entity-level officials to prevent such discrimination continued. Many smaller enterprises were sold to politically connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities.

The Roma population, estimated at 40,000 to 80,000, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services were particular problems. The BiH HCHR estimated that only 1 percent of the working-age Romani population was employed and indicated that employers usually downsized Roma first during a reduction in force. Mainstream society often excluded many Roma from public life because they lacked birth certificates, identification cards, or a registered residence, which also prevented them from access to health care, education or registering to vote. Only a small number of adult Roma were officially employed, and Roma lacked social support.

On September 4, the country signed the “Decade of Roma Inclusion 2005–2015,” a regional program meant to generate funding from both the European Union and the national government for the improvement of Romani education, employment, health, and housing. The Government previously adopted and enacted action plans for participation in the “decade” through 2007–08.

Other Societal Abuses and Discrimination.—While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons.

Gays and lesbians who were open about their orientation faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job.

On September 24–26, the Q Association organized the first “Queer Sarajevo Festival” in Bosnia and Herzegovina. Announcement of the festival met with harsh, often discriminatory commentary by Islamic community leaders and some political party leaders. The NGO received numerous threats; press coverage was generally negative and, in some cases, discriminatory. Some organizations and businesses withdrew their support of the festival, reportedly due to intimidation by religious groups. On September 24, the night of the festival’s opening, a group of approximately 50 young men marched past the opening, chanting obscenities and threats against festival participants. Immediately following the opening of the festival, a group of several dozen youths attacked and injured at least eight persons, including two journalists and one police officer.

Government statistics put the number of officially-registered cases of HIV/AIDS in the country at less than 200. The NGO XY-Association for Sexual and Reproductive Health estimated that the actual number of cases was approximately 600, while the UN Program on HIV/AIDS estimated the number at less than 1,000. There was a significant stigma against persons with HIV/AIDS, a general lack of awareness of HIV/AIDS, and extremely limited resources to identify and assist those affected.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers in both entities (except members of the military) to form and join independent unions of their choice, which

are registered in that entity, without previous authorization or excessive requirements, and workers did so in practice. The state-level government has yet to finalize the registration of the Confederation of Independent Trade Unions of Bosnia and Herzegovina, an umbrella organization of entity-level unions at the state level. The problem, which has been ongoing since 2001, lies both with the ineffective state-level government NGO registration system and with the Federation branch of the Confederation Union, which has demanded retroactive registration to recognize its 100-year history, something no other union has received (or requested) when filing for registration.

The law provides for the right to conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed worker organizing and activity. In the prevailing atmosphere of high unemployment, many believed that worker rights violations were considered a lower priority for ministry inspectors, as state officials instead focused on bolstering state revenues by cracking down on unregistered employees and employers that did not pay taxes. Some unions reported that employers threatened employees of private companies with dismissal if they joined a union. There was at least one report of a dismissal of a trade union leader following privatization of his employer.

The law provides for the right to strike, and workers exercised this right in practice. The Law on Strikes, separate from the Labor Law, establishes the regulations related to the right to strike, in both entities. In the Federation, the current Law on Strikes is fairly restrictive, with burdensome requirements the workers must fulfill in order to conduct a strike. The new RS Law on Strikes, adopted November 5 by the RS Parliament, eliminates some bureaucratic hurdles necessary to carry out a strike.

b. The Right to Organize and Bargain Collectively.—The right to bargain collectively is provided by law in the RS and in a general collective agreement in the Federation. However, collective bargaining in both entities did not involve voluntary direct negotiation between a union and individual employers, but rather work agreements between the Government and workers in the public sector. In the Federation, there were no collective bargaining agreements between private employers and unions. In the RS, the general collective bargaining agreement applied to all workers and was negotiated between unions, the Government, and employers. This general agreement applied to private companies, regardless of whether their workers were union members, and generally covered issues of work hours, social contributions and the minimum wage.

In the Federation, the law stipulates that if the court finds that the employer's cancellation of the employment contract is unlawful, the court can order reinstatement of the employee. Since union activity discrimination is unlawful, this would result in reinstatement of the employee.

The law prohibits discrimination by employers against union members and organizers; however, means of protection against retaliation for union activity were not strong and discrimination continued. In practice, the Government does not impose fines on employers who prevent workers from unionizing, a practice that was becoming more prevalent as private sector businesses replace ex-Yugoslav state owned enterprises that had a traditional union culture. Barriers to employees bringing complaints against employers included high unemployment, a backlogged court system, and the large number of unregistered workers in the gray economy.

There are no special laws or exemptions from regular labor laws in the country's four export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that individuals and organized crime syndicates trafficked women and children for commercial sexual exploitation and sometimes for begging and labor. Victims reported working in conditions akin to slavery, with little or no financial support. In some cases, traffickers provided victims with some funds, despite the otherwise-coercive environment victims found themselves in.

d. Prohibition of Child Labor and Minimum Age for Employment.—Entity-level labor laws restrict child labor, and the entity governments implemented these laws in practice. The minimum age for employment of children in the Federation and in the RS is 15 years; minors between the ages of 15 to 18 must provide a valid health certificate in order to work. The law prohibits children from performing hazardous labor. In the Federation, minors are prohibited from "night work," except in exceptional circumstances. Although child labor was not generally a problem, children sometimes assisted their families with farm work and odd jobs.

Trafficking in children for sexual exploitation and sometimes for labor and begging was a problem.

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated solely to child labor inspections. Authorities investigated violations of child labor laws as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found significant violations of child labor laws in the workplace, although they did not conduct reviews of children working on family farms.

e. Acceptable Conditions of Work.—The hourly minimum wage in the Federation was 1.75 convertible marks (approximately \$1.10) and in the RS the monthly minimum wage was 250 convertible marks (\$165); however, neither provided a decent standard of living for a worker and family. In early December the RS National Assembly approved an increase of the minimum wage to 320 convertible marks (\$212) effective January 1, 2009, although this still does not provide an adequate standard of living for a family. In the Federation, the minimum wage was established by a joint commission that included representation of employers, workers, and the Federation government. The commission meets annually to determine the minimum wage, and increased the wage by 12 percent in September.

Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, to avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without access to public health care and unable to officially transfer to another employer. The employer obligation to the Government for large social contributions led to an increase in black market employment, as employers preferred employees that were "off the books" to official salaried employees.

Many employers were behind, sometimes for years, in paying salaries or providing health and pension benefits to employees of public works and institutions.

The legal workweek in both entities is 40 hours; however, seasonal workers may work up to 60 hours per week. The law limits overtime to 10 hours per week in both entities; the Federation has no provision for premium pay, while the RS requires a 30 percent premium. An employee in the RS may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the workday.

Authorities did not adequately enforce regulations related to acceptable work conditions. While entity labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. Since the courts only served as recourse for complaints involving registered workers, the RS labor inspectorate had to submit fines and penalties for court approval; because of court backlogs, this system was not effective, and many workers for practical purposes worked without protections. The RS Law on Health and Safety holds employers responsible for analyzing and improving working conditions.

The law provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not effectively enforced in practice. Worker's rights extended to all official, i.e. registered, workers, including migrant and temporary workers. According to informal estimates, approximately one-quarter of the total work force is unregistered.

BULGARIA

The Republic of Bulgaria is a parliamentary democracy with a population of approximately 7.6 million. Legislative authority is vested in the unicameral National Assembly (Narodno Sabranie). The country is ruled by a coalition government headed by a prime minister. Presidential elections held in 2006 were deemed generally free and fair. Municipal elections held in October 2007 were marred by reports of unprecedented vote buying. While civilian authorities generally maintained effective control of law enforcement organizations, there were some instances in which law enforcement officers acted independently.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Problems included police abuse, including beatings and other mistreatment of pretrial detainees, prison inmates, and members of minorities; harsh conditions in prisons and detention facilities; arbitrary arrest and detention; and impunity. There were increasing limitations on freedom of the press; discrimination against nontraditional religious minorities; and widespread corruption in the executive, legislative, and judicial branches of government. Other problems included violence against women and children, substandard education for

Romani children; harsh conditions in state-run institutions for children; trafficking in persons; discrimination against persons with disabilities; and discrimination against minority groups.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings.

On October 2, following two appeals of earlier decisions, the Sofia military court sentenced former Blagoevgrad head of police Miroslav Pissov to 18 years' imprisonment and former officers Ivo Ivanov, Boris Mehandzhiski, Georgi Kalinkov, and Yanko Grahovski each to 16 years for beating to death Angel Dimitrov while arresting him in 2005.

b. Disappearance.—There were no reports of politically motivated disappearances. During the year there was an increase in ransom kidnappings involving wealthy businessmen and their families. Observers criticized the Government's inability to prevent or solve these cases. On May 22, in one notorious case involving a soccer club manager, the manager's wife was also kidnapped when she went to pay the ransom while under police surveillance. The victims were subsequently released but the perpetrators were not identified.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, police sometimes beat criminal suspects, particularly members of minority groups.

Police can stop and detain persons for 24 hours without formally charging them. Human rights observers noted a continuing decline in the number of cases where police arrested suspects for minor offenses and physically abused them to force confessions. However, there were reports that this practice continued to be more widely used with Romani suspects. Nongovernmental organizations (NGOs) reported complaints of police brutality from Romani victims who were too intimidated to lodge official complaints with authorities.

Human rights groups continued to claim that medical examinations in cases of police abuse were not properly investigated and that offending officers were very rarely punished.

Prison and Detention Center Conditions.—Prison conditions generally did not meet international standards, and the Government did not allocate funds to make significant improvements.

Conditions in some prisons remained harsh and included inadequate toilet facilities and insufficient heating and ventilation. The daily food allowance amounted to approximately 1.80 leva (approximately \$1.30). NGOs received complaints from prisoners about both the quality and quantity of food.

Overcrowding remained a problem. At year's end there were 10,271 prisoners in the country's 13 prisons, a decrease compared to the previous three years, but still estimated by the Ministry of Justice to be three times the system's intended capacity. NGOs received complaints from prisoners about insufficient space and considered this a major factor contributing to brutality among inmates.

Guards' mistreatment of inmates continued to be a problem. There were also increased reports of fights and mistreatment among the inmates themselves. Citing financial constraints, prison authorities acknowledged difficulties diagnosing and treating the increasing numbers of drug dependent inmates and limiting their access to narcotics. According to the Bulgarian Helsinki Committee (BHC) at least three prisoners died in 2007 from overdoses. In 2007 the diagnosis of 27 prisoners with HIV/AIDS posed a new challenge to the prison healthcare system.

During the year the European Court of Human Rights (ECHR) issued decisions finding that the Government had violated the rights of prisoners due to substandard prison conditions. In response to previous rulings, the Government took some measures to improve detention center conditions since 2005. On February 7, the ECHR ruled against the Government in a 1999 case in which Stefan Kostadinov was held for five months in a basement cell for 24 hours a day. Kostadinov had no exposure to natural light and was unable to undertake physical activity. On July 31, the ECHR again ruled against the Government in a 1998 case in which Sofia police held Vasil Petrov in a jail cell overnight, with his hands handcuffed to a pipe above his head. During his detention, police hit Petrov with a truncheon and kicked him.

Prisoners exercised the right to report substandard conditions to the prison administration, the ombudsman and the court system. During the year, prisoners filed more than 500 cases against the state with the local courts, claiming poor condition and denied access to essential rights. According to the prison authorities, prisoners

largely viewed the appeal as way to get out of the prison in order to appear in court. Authorities alleged prisoners often made unjustified complaints, such as to receive massages or personal television sets. In response to the significant increase in the overall number of suits filed by prisoners, the prison administration in Varna made premises available for judges to hear the cases in the prison building.

At year's end there were 952 detainees in the country's 45 pretrial detention centers. Despite some infrastructure improvements in several centers, there were serious problems with sanitation.

Foreign prisoners were held in a separate prison building in Sofia to provide easier access to consular services from diplomatic missions.

The Government generally permitted independent monitoring of prison conditions by independent observers, and visits took place during the year. On December 15–18, the Council of Europe's Committee for the Prevention of Torture conducted an ad hoc visit to review the country's progress on implementing the committee's previous recommendations, focusing on treatment of persons detained by police, the situation of foreign nationals in custody, and conditions of detention in investigation detention facilities and prisons. BHC conducted periodic visits during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, there were reports that police at times ignored these prohibitions.

Role of the Police and Security Apparatus.—The National Intelligence Service and the National Protective Service, which are directly subordinate to the president, continued to operate in the absence of specific legislation that provided judicial, executive and legislative oversight. Other law enforcement and national security bodies launched reforms during the year.

In December 2007 parliament formed the new State Agency for National Security (DANS) by combining a number of security services previously overseen by individual ministries. DANS' primary mandate was counterterrorism and counterintelligence, and it was also responsible for fighting serious organized crime and high-level corruption. During the year media and NGOs criticized DANS for the apparent politicization of high-profile disputes in the agency that led to the dismissal and resignation of several senior civil servants.

In April Interior Minister Rumen Petkov resigned under political pressure after the leak of reports of his late 2006 meeting with organized crime figures, allegedly to broker a peace deal between warring gangs on the eve of the country's January 2007 accession to the European Union (EU). Petkov's resignation prompted the Government to overhaul the ministry, which is responsible for internal law enforcement. Ongoing structural changes, successive scandals, and low salaries significantly challenged the ministry's officers' morale, leading police officers to engage in symbolic protests to show their dissatisfaction.

During the year public confidence in the Interior Ministry remained low and the Center for the Study of Democracy (CSD) reported that almost 50 percent of crimes went unreported due to lack of trust in law enforcement authorities. From 2006 to 2007, the ministry reported a decrease in the number of crimes from 123,000 to 119,000. The CSD's victimization surveys, however, indicated that the actual number of crimes was six times greater than the ministry figures suggested. A 2006 survey reported that police failed to treat one in four persons they stopped with professionalism and respect and that they consistently treated members of ethnic minorities worse than members of the ethnic majority.

Impunity remained a problem. The military court system adjudicated all complaints involving Interior Ministry and military personnel. The Sofia military appellate court is the court of final appeal for cases involving interior ministry personnel. NGOs claimed that military judges were vulnerable to executive branch influence, as the defense minister technically had the power to confirm their appointment as well as to promote and demote them in military rank; however, there were no specific reports of outside pressure during the year. Public debate continued over the need for separate court systems for Interior Ministry and military personnel.

Arrest and Detention.—While the law does not always require warrants for an arrest, police normally obtained them from a prosecutor prior to apprehending an individual. If police release a detainee within 24 hours without being charged, no judicial involvement in the case is required. While investigators and police officers lack the authority to detain an individual for over 24 hours, a prosecutor could authorize detention for up to 72 hours without bringing charges. Prosecutors could not arrest military personnel without the defense minister's approval.

The law provides for bail, and bail was widely used.

Although the law provides for access to legal counsel from the time of detention, lack of timely access to legal counsel remained a problem. Poor knowledge of the

law often resulted in police failure to inform detainees of this right. The law provides state-funded legal aid for low income defendants in criminal cases, but lack of coordination between the police, local bar council, and the national legal aid bureau hindered the program's implementation. Detainees were generally informed promptly of the charges against them; however, they were not always informed of all of their rights under the law.

The Government generally observed the statutory limit of one year for pretrial detention and two years for the most serious crimes. In the event of a conviction, time spent in pretrial detention was credited toward the sentence.

Long delays awaiting trial were common, and investigators and police continued to struggle with a large backlog of outstanding investigations. Tough statutorily mandated time limits to complete investigations often resulted in hasty indictments that were returned by judges for additional investigation.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, political influence, widespread corruption, inefficiency and lack of accountability were problems.

The country's judicial system is governed by an independent 25 member Supreme Judicial Council, which has powers to appoint, discipline, and dismiss judges, prosecutors, and investigators. An inspectorate operates under the council to investigate complaints of judicial misconduct and recommend disciplinary action to the council. Observers noted that these bodies were slow in establishing their authority and addressing the high expectations for implementing internal discipline in the system.

Cases are reviewed through a three-tier court system, which consists of regional courts, District Courts (which act both as trial and appeals courts), appellate courts, and the Supreme Court of Appeals and the Supreme Administrative Court. Administrative courts hear citizens' appeals of actions taken by the central and local government. The Constitutional Court, which is separate from the judiciary, rules on the constitutionality of laws, settles election disputes, and resolves division of powers conflicts among government branches.

Judicial backlogs remained a serious problem, although observers noted some modest improvement in efficiency and in implementation of time standards in selected courts. In March a new civil procedure code took effect which significantly reduced opportunities for continuances, which were quite common under the old regime. Long delays awaiting criminal trial were common, and investigators and police continued to struggle with a large backlog of outstanding investigations. After assuming office in 2006, the Prosecutor General ordered an internal audit of all backlogged cases. Prosecutors continued to implement the audit's recommendations and dismissed criminal charges in over 118,000 cases during the first half of the year because the statute of limitations had expired in those cases.

The courts often acceded to defense counsel requests to delay hearings in order to avoid sentencing, with particularly notorious cases of alleged organized crime bosses excused for reported sudden illness.

Prosecution service reforms initiated in 2006 continued and investigations of eight prosecutors suspected of abuse of office were ongoing. However, observers believed that political influence and widespread corruption impeded efforts to establish a fair, impartial, and efficient judicial system.

Trial Procedures.—The law stipulates that all court hearings be in public unless proceedings could reveal national secrets, endanger public morals, or violate the privacy rights of juvenile defendants; authorities generally respected this provision. Defendants enjoy a presumption of innocence; they have the right to know the charges against them, to free legal representation if they are indigent, and to have ample time to prepare a defense. A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison or if the defendant is a juvenile, a foreigner, a person with mental or physical disabilities, or is tried in absentia. Defendants in criminal proceedings have the right to confront witnesses, to examine evidence, and to present their own witnesses and evidence. The law provides for the right of appeal, which was widely used.

Defendants have the right to be present at trial. Although there are no juries, in cases involving more serious crimes, the judge is joined at the trial by two assessors, or lay judges, who are ordinary citizens chosen to serve as representatives of the public. If a crime entails imprisonment for more than 15 years, two judges and three assessors hear the case. In such circumstances verdicts are determined by majority vote of panel members.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters; however, civil cases were plagued by the same long delays as criminal cases. Allegations of human rights abuses may be filed with courts and also with the Commission for Protection against Discrimination, which may impose sanctions on violators. Reforms initiated in 2006 in the enforcement of court judgments allowed private enforcement agents to collect claims, greatly improving the efficiency of collection.

Property Restitution.—The Jewish community reported continued difficulties recovering properties in cases where such properties were being used by government entities. For example, despite court decisions in its favor, the Jewish community was unable to take possession of a state-run hospital in central Sofia.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these provisions in practice.

In September and October there were media reports that, during an official investigation, DANS may have obtained telephone records and possibly voice recordings of calls by members of parliament and journalists. On October 10, DANS officially admitted that it violated its own internal regulations by monitoring journalists, including possibly obtaining telephone data and voice recordings, while investigating leaks of classified information to the media. According to the DANS chairman, the surveillance of journalists was unjustified and was unrelated to the true purpose of the investigation. The DANS chairman also denied personal responsibility for the transgressions, and stated that the investigation was improperly authorized by subordinates during the chairman's short absence in August. Parliamentarians and the media spoke out forcefully against the apparent abuse of power.

On December 15, parliament passed a law reforming the country's secret surveillance system. In June 2007 the ECHR ruled that secret surveillance was overused and the law did not provide adequate safeguards against the risk of abuse. The court noted the law's failure to provide an independent review of the implementation of surveillance measures or procedures to verify preservation of confidentiality of collected information and its destruction after use. Unless criminal proceedings had been subsequently instituted, the law did not require subjects of surveillance to be informed that their communications were monitored. This rendered subjects of such monitoring unable to seek any redress.

Responding to a letter from the ECHR, municipal authorities in Sofia halted demolition of Roma housing planned for July 11. The letter came in response to a complaint filed by the BHC in 2006 when authorities first began demolishing the housing, alleging that the construction was illegal. The ECHR requested that the authorities provide information about how they plan to relocate the residents, especially children and persons with disabilities.

NGOs reported that in poor, rural areas of the country, local authorities denied government services including employment and scholarships to individuals who lacked proof of membership in local ruling political parties.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and press, and the Government generally respected these rights in practice; however, there were increased reports that individuals with political interests threatened and intimidated journalists. NGOs reported that significant numbers of journalists practiced self-censorship due to pressure by political and business leaders and organized crime on the journalists or their management. Some journalists allegedly accepted payments in return for positive coverage of politicians, prominent businessmen, and organized crime syndicates. International organizations criticized increased political influence over media, pressure from powerful economic interest and attacks against journalists.

Individuals criticized the Government freely without reprisal, and the Government generally did not attempt to impede criticism. In rural areas offering fewer employment opportunities, individuals were more hesitant to criticize local governments.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion. Private television and radio stations provided a variety of news and public interest programming. Although the state-owned media presented opposition views, observers believed that the law was inadequate to protect their programming independence and left these media vulnerable to government pressure. In May 2007 one journalist from the Bulgarian National Radio (BNR) received a dismissal warning for reportedly asking an

inappropriate question to the interior minister. Later in 2007 the new BNR director removed several managers from their positions without explanation.

On April 7, two unidentified men shot Georgi Stoev, tabloid commentator and author of reality-based fiction about the criminal underworld. An investigation into his murder was ongoing at year's end.

On September 5, police arrested Frognews Web site administrator Yorgo Petsas, and DANS officials questioned him for seven hours on suspicion that Frognews was affiliated with the Web site opasnite.net. The latter site, which published critical speculation about the Government, was closed on September 4, reportedly for publishing classified information. On September 23, four men severely beat and critically injured Frognews editor in chief Ognian Stefanov. High-level government officials and international organizations criticized the attack and called for a full investigation. Following the incident, Frognews editors complained of multiple death threats.

On September 7, the Defense Ministry halted printing of the first issue of the weekly newspaper Bulgarian Army, reportedly for technical reasons. The chief editor of the newspaper refuted the ministry's justification and charged that the minister, who was the head of the newspaper's publishing company, objected to some of the newspaper's content.

There were no developments in the investigation of the 2006 explosion in the apartment of Vasil Ivanov, who had described wide-ranging abuses in Sofia's main prison, or the 2006 break-in at the offices of the newspaper Novinar.

Libel is punishable under the law. If the offense is proved, a court may award compensation for moral damages suffered by the claimant. Usually the courts interpreted the law in a manner that favored journalistic expression. Many defamation cases were prompted by reporting about corruption or mismanagement, and the most frequent plaintiffs were government officials or other persons in public positions.

In February 2007 Volen Siderov, leader of the nationalist and racist Attack party, and a group of 50 supporters broke into the offices of the 24 Hours daily and 168 Hours weekly newspapers and threatened employees. The intruders were reportedly angered by press reports about the sources of their party's funding. Authorities initiated an investigation of whether Siderov should be charged with hooliganism; the investigation was ongoing at year's end.

Internet Freedom.—There were no government restrictions on the Internet and no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the National Statistical Institute, Internet use increased to 30.8 percent of the population, although less-developed rural areas did not have the infrastructure to support Internet services.

On January 30, the interior minister and chairman of the State Agency for Information Technologies announced the adoption of a decree allowing the security services to gather electronic data relating to Internet users' activities. The announcement sparked widespread criticism among NGOs and local media, and the NGO Access to Information Program filed a legal challenge. On December 11, the Supreme Administrative Court struck down provisions of the decree, finding that its scope was excessive and failed to set any limitations on the type of data that the security services could access.

Human rights activists strongly criticized the July 2007 police interrogation of a blogger who reprinted a notice of an upcoming civil protest. Police warned that since the protest had not been authorized by municipal authorities, the blogger should not make mention of it.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government generally respected this right in practice. The law requires groups requesting a permit for gatherings to give 4-hours' notice and those wishing to demonstrate to give five-days' notice. Mayors can prohibit, dismiss, or suggest an alternative site for a gathering they regard as posing a threat to public order, security, or traffic.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice. The law prohibits groups that endanger national unity or promote and incite racial, national, ethnic, or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The Government generally respected the rights of

individuals and groups to establish their own political parties or other political organizations.

Political parties based on religious, ethnic, or racial affiliation are illegal. In practice the prohibition did not appear to weaken the role of some ethnic minorities in the political process; a number of parties in reality represented various ethnic minority groups. Citizens' associations may not engage in political activity.

The law requires a political party to have 5,000 members to be registered. The requirement adversely affected Ilinden, a Macedonian activist group. In October 2007 the Supreme Court of Appeals upheld the Sofia city court's decision to reject Ilinden's registration, citing numerous procedural violations in the application, particularly in the collection of members' signatures. The decision effectively precluded further appeals in domestic courts. On October 21, Ilinden formally requested recognition of its earlier registration, relying upon ECHR judgments against the cancellation of its earlier registration. The Sofia City court again rejected the request on December 30, citing irregularities in the group's documentation. During the year, Ilinden members continued to complain of hostile treatment by local authorities, including police questioning members about their affiliation with the group. At year's end the Blagoevgrad District court was reviewing requests for registration as NGOs from two self-identified Macedonian groups.

c. Freedom of Religion.—Although the constitution provides for freedom of religion, the law and the Government restricted this right for some religious groups not registered by the courts. The law designates the Bulgarian Orthodox Church as the "traditional" religion and requires religious groups other than the Bulgarian Orthodox Church to register with the Sofia city court if they wish to operate and be recognized as legal entities or to conduct religious activities outside of their places of worship. As of June there were 96 religious groups registered with the Sofia city court. Human rights organizations criticized the law's preferential treatment of the Bulgarian Orthodox Church and expressed concern that the requirement that groups submit a statement of their beliefs constituted an infringement on freedom of religion.

On April 29, the Supreme Court of Appeals upheld a lower court ruling rejecting the registration of the Ahmadi Muslim community as a religious group. The court held that the group failed to specify its religious beliefs as required by the law. In March 2007 the Blagoevgrad District Court granted a prosecutor's request to close the NGO Ahmadiya on charges that the group was carrying out religious activities, such as proselytizing and holding religious meetings, without proper national registration.

While there were Orthodox chapels or churches in all prisons, prison officials acknowledged difficulties in meeting the special requirements of other believers, particularly Muslims' dietary restrictions and requirements for places to pray.

Some local governments restricted certain forms of proselytizing. On October 8, police issued a warning to a member of Jehovah's Witnesses who was distributing religious literature in Plovdiv. Police referred to a provision of the municipal public order rules which required a municipal permit for carrying out religious activity in public.

Jehovah's Witnesses reported continuing opposition from local authorities in Varna to construction of a place of worship, despite receiving a construction permit in June 2007. Construction was halted pending the outcome of a court challenge by neighbors to the municipality's 2001 rezoning of the Jehovah's Witnesses property. In July 2007 the Sofia City Council published its unanimous decision to support the residents of the Mladost area in opposing the construction of a meeting hall for the Jehovah's Witnesses and urging the Government to legislate stricter control of non-traditional religious groups.

In February the Commission for Protection against Discrimination rejected a discrimination complaint filed by three Muslim students from Devin alleging that their school principal had discouraged them from wearing headscarves in classes even though the school had no uniform requirements. The commission found insufficient evidence to confirm the principal's reported warnings. The case followed an August 2006 decision by the commission to uphold the ban on headscarves imposed by a school in Smolyan that did require school uniforms.

The efforts in court to resolve a leadership dispute within the Muslim community continued to result in charges that court procedures were opaque and politically influenced. On April 21, the Sofia city court registered Mustafa Alish Hadji as chief mufti despite the allegations of judicial corruption and document forgery by Nedim Gendzhev, his longtime rival. The court recognized the outcome of a Muslim conference held on April 19 that reelected Hadji as chief mufti. The conference followed a December 2007 decision of the Supreme Court of Appeals to uphold the annulment

of the conference that previously elected him as illegitimate. The ruling effectively reinforced the denomination's statutes from 1996 and reinstated rival Islamic leader Gendzhev, who initially contested Hadji's election.

Societal Abuses and Discrimination.—There were occasional manifestations of public intolerance of nontraditional religious groups and religious minorities.

During the year the extremist political party, Attack, continued to denigrate the country's Roma, Jews, and Muslims. Attack, which employed racist and discriminatory rhetoric during the 2005 and 2006 electoral campaigns, published anti-Semitic and anti-Muslim material in its newspaper, Web site, and cable television mouthpiece, Skat.

The country's Jewish community numbered approximately 3,500. According to the Jewish organization Shalom, anti-Semitism was not widespread, and Attack's anti-Semitic media statements had limited impact on the overall tradition of tolerance with regard to the Jewish community.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it in practice.

Protection of Refugees.—The constitution and law provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided some protection against the expulsion or return of refugees to countries where their lives or freedoms would be threatened, and the UNHCR reported that the risk of bona fide refugees being turned away were limited. Nonetheless, observers remained concerned about the institutional capacity of the State Agency for Refugees to efficiently process requests and transfer applicants from the border to the shelters. According to lawyers, the practice of sending asylum seekers that enter illegally to the Centre for Temporary Accommodation of Foreigners in Busmantsi, allowed for them to be treated as illegal immigrants facing potential deportation. The law requires that persons seeking refugee status file an application within "a reasonable time" after entering the country.

The State Agency for Refugees reported that following the country's EU accession, the number of applicants increased from 639 (2006) to 975 (2007). However, the total number of asylum seekers remained below the peak in 2002, when asylum seekers numbered 2,888. During the year the Government received 746 applications for asylum; it granted asylum in 27 cases and refused asylum in 381 cases. Most asylum seekers were from Iraq, with substantial numbers from Armenia, the Palestinian territories, and Afghanistan.

During the year, the Government also provided temporary protection, described by the law as "humanitarian status," to 267 persons who may not qualify as refugees under the 1951 convention and 1967 protocol. Observers noted that, in cases where the State Agency for Refugees denied asylum, the procedures for removing asylum seekers were unclear, resulting in prolonged detentions, often far in excess of six months.

On April 23, a group of Iraqi displaced persons rioted at the Busmantsi center for illegal immigrants. After voluntarily withdrawing their asylum applications they learned that their departure would be delayed a week due to procedural problems. Once the Government resolved problems with their transit visas, the group was able to return to Iraq.

UNHCR expressed some concerns about the Government's processing of Iraqi asylum applications. In contrast to previous years, the State Agency for Refugees increased its rejection rate for Iraqi asylum seekers, who resorted to appealing those negative decisions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair

elections held on the basis of universal suffrage; however, 2007 municipal elections were marred by reports of large-scale vote buying.

Elections and Political Participation.—In contrast with the 2006 presidential elections, which were widely regarded as free and fair, the municipal elections held in October 2007 were marred by reports of an unprecedented vote-buying surge. The Center for the Study of Democracy estimated that the money spent buying votes exceeded 200 million leva (approximately \$144 million). Prosecutors initiated more than 10 investigations under the newly amended criminal code, which criminalizes both vote buying and vote selling. Another significant type of violation was the organized busing of voters from Turkey and Macedonia, usually referred to as “election day tourism.” Observers noted that the surge in vote buying was prompted by efforts of business circles and organized crime figures to install local politicians as a way to gain greater access to EU funds.

There were 51 women in the 240 seat National Assembly. A number of women held elective and appointive office at high levels in the Government, including two deputy prime ministers and three ministers. Women held key positions in the National Assembly, including three deputy speakers and the chair of one of the 24 standing committees.

There were 31 members of minority groups in the 240 seat National Assembly, of whom 28 were ethnic Turks, one Roma, and two ethnic Armenians. There were two ethnic Turkish ministers in the cabinet and one Romani deputy minister. While the ethnic Turkish minority was well represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks (ethnic Bulgarians who are Muslims) held elected positions at the local level.

In the October 2007 local elections, approximately 30 municipal mayors of Turkish ethnicity were elected. No Romani mayors were elected, but more than 90 Romani municipal councilors were elected on Romani party tickets. Women’s local council representation increased slightly, from 21 percent in 2003 to 23 percent.

Government Corruption and Transparency.—The law provides criminal penalties for corruption by government officials; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The Government did not aggressively prosecute high-profile organized crime or corruption.

During the year the EU sharply criticized the Government for abuse of EU funds. After a negative June report and the suspension of 486 million euros (approximately \$680 million) in pre-accession aid on July 23, the Government adopted an 80-point plan to address the EU’s concern over the failure to investigate funds mismanagement. On October 20, the Sofia city court began a trial against Mario Nikolov and eight other members of the Nikolov-Stoykov group for document fraud and embezzlement of EU agricultural funds. Lyudmil Stoykov, one of the group’s main partners, was charged separately with money laundering. The Nikolov-Stoykov group, which reportedly sponsored key politicians, was described in a leaked report of the EU fraud investigation unit as a criminal company network.

On October 2, the Sofia military court gave Ivan Ivanov, the former director of the Interior Ministry’s organized crime unit, a one-and-a-half year suspended sentence for abuse of power. Ivanov’s March 17 arrest initiated a series of scandals in the Interior Ministry, ultimately leading to the resignation of Interior Minister Rumen Petkov on April 18. On November 20, the Sofia City court rejected prosecutors’ assertions that Petkov committed a crime in March when he leaked the identity of a DANS agent. A prosecution appeal of the judgment was ongoing at year’s end, and Petkov remained a member of parliament.

The new security agency, DANS, was charged with investigating high-level corruption and organized crime. On September 23, DANS arrested the deputy chair of the State Sports Agency, Ivan Lekov, on charges of fixing soccer matches by manipulating referees. On September 24, DANS arrested the deputy Sofia district governor, Marius Tsakov, while in the act of receiving a bribe from a construction investor. On July 17, in a joint raid with Sofia prosecutor’s office, DANS arrested Varna administrative court chair Anelia Tsvetkova for bribery and confiscated 150,000 leva (approximately \$108,000) from her home; she subsequently resigned. The bribery investigation against Tsvetkova was ongoing at year’s end; however, on September 25, the Sofia city court allowed the return of the confiscated money.

Public officials were subject to financial disclosure laws, but according to the National Audit Office, 174 officials did not fully comply with the requirements and failed to report all of their and their spouses’ assets during the year. According to the law, failure to submit a declaration is punishable by a fine of up to 1,500 leva (approximately \$1,077); it was unclear whether this served as an effective incentive to comply with the law.

The law provides for public access to government information; however, in practice the Government often restricted such access. In 2007 the Supreme Administrative Court reviewed approximately 60 appeals of denials. While the court allowed greater access to government information in almost half of the cases, NGOs reported that court decisions were rarely implemented.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year.

In 2007 the ombudsman received 3,367 complaints of violations of citizens' rights and freedoms, of which 30 percent fell within his jurisdiction. By law the ombudsman receives and reviews complaints filed by individuals of rights or freedoms abridged by government institutions. The ombudsman can request information from state authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, and refer information to the prosecution service. Of the valid complaints received in 2006, 11 percent concerned human rights violations.

The nine-member Commission for Protection against Discrimination has the power to receive and investigate complaints of discrimination, issue rulings, and impose sanctions on violators. Human rights groups remained concerned about its capacity. In 2007 the commission received 649 complaints, compared to 389 in 2006; the majority of complaints concerned labor discrimination.

During the year the ECHR issued over 50 judgments against the country and ordered the Government to pay over 1.7 million leva (approximately \$1.2 million) for violations including denial of fair trial rights, an unreasonably slow judicial process, inadequate prison conditions, mistreatment of detainees and prisoners, and other human rights abuses.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued to occur, particularly against women, sexual minorities, and ethnic minorities. Trafficking in persons continued to be a problem.

The Government raised public awareness and continued to implement administrative provisions of the antidiscrimination law, which provided two options for civil remedies against discrimination through the court system and through the Commission for Protection against Discrimination. The law lists in detail the grounds on which discrimination claims could be filed, and these were widely used during the year.

Women.—The law criminalizes rape, which was underreported due to the stigma that society attached to the victim. Spousal rape is not specifically addressed in the law. It can be prosecuted under the general rape statute but was rarely prosecuted in practice. Sentences for rape range from two to eight years in prison (from three to 10 if the victim is a blood relative). When rape results in serious injury or suicide, sentences range between 10 and 20 years' imprisonment. Authorities generally enforced laws against rape when violations came to their attention, and sentences tended to conform to statutory guidelines. According to NGOs, the social taboo experienced by rape victims discouraged them from reporting the crime and was a far more serious obstacle to prosecution than police reluctance to investigate.

NGOs reported that domestic violence was a serious problem. Although there were no precise statistics on its occurrence, police believed that one of every four women had been a victim.

The law defines domestic violence as any act, or attempt at, physical, psychological, or sexual violence against members of one's family or between cohabitating persons. It empowers the court to deal with offenders by imposing fines, issuing restraining or eviction orders, or requiring special counseling. The courts issued more than 300 restraining orders in 2007.

Although in 2006 the cabinet voted to make 270,000 leva (approximately \$194,000) available to municipalities for establishing shelters for domestic violence victims, none had been built, and the Government did not provide shelter or counseling for women. The NGO Animus Associations Foundation operated a 24-hour hot line for women in crisis and a number of other NGOs provided short-term protection and counseling to victims in 15 crisis centers around the country. Police and social workers referred victims of domestic violence to NGO run shelters.

Prostitution is not specifically addressed in the law and was commonly practiced. In 2007 the Government rejected plans to legalize prostitution and during the year, government officials continued to oppose legalization as a threat to antitrafficking efforts. A variety of activities associated with prostitution, such as pimping, are illegal. Forced prostitution is illegal but remained a serious problem. Poor socioeconomic conditions contributed to a disproportionately higher number of Romani women in organized prostitution.

Sexual harassment is not specifically addressed in the criminal code but is punishable under prohibitions against coercion, which carry a punishment of up to six years in prison. Sexual harassment is also identified as a specific form of discrimination under the antidiscrimination law and the Commission for Protection against Discrimination reported an increasing number of sexual harassment cases, approximately 5 percent of all complaints. However, sexual harassment remained a widespread problem, and the Government did not effectively enforce the law.

The law provides women with the same rights as men; however, women faced some discrimination in hiring and pay. In 2007 the Ministry of Labor and Social Policy reported that women's salaries were 24 percent lower than men's, with some lower-paid sectors, such as education and services, dominated by women. A National Council on Equality between Women and Men, headed by the minister of labor and social policy under the Council of Ministers, was tasked to safeguard the rights of women. Primarily a consultative body, the council is charged with promoting cooperation and coordination among NGOs and government agencies.

Children.—The Government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by inadequate budgets and outmoded social care structures. Problems in state-run institutions for children, including incidents involving exploitation of children, received increased media attention during the year.

Public education is compulsory until the age of 16; however, the Government did not effectively enforce attendance requirements. Public education is free through the 12th grade, but children were required to pay for books after the fourth grade, which was a problem for poor families.

According to a 2006 UN Children's Fund study, 76 percent of students completed high school. The study reported that school dropouts correlated to low household income, parental lack of interest, lack of motivation, and emigration. The number of school dropouts was highest in regions with large Romani populations.

Education for Romani children was generally inferior and nearly 10 percent of Roma never attended school. A 2006 study indicated that 30 percent of Romani students attended completely segregated schools. In 2005 the Sofia regional court found the city guilty of discrimination for failing to provide equal educational opportunities to Romani children, many of whom attended Sofia's three ethnically segregated Romani schools. In 2006 the Sofia city court confirmed the decision and the city's appeal to the Supreme Court of Appeals was pending at year's end.

In January the Government implemented a new policy of "delegated budgets," where schools received a standard funding allowance per student per year of 1,150 leva (approximately \$826), which observers criticized as too low. In March the Amalipe Center, a Romani organization, reported that municipalities decided to close 320 schools, amounting to approximately 15 percent of the country's primary schools, because the smaller schools could not continue to operate with the new budget allowance. Romani activists warned that this change would harm Romani students whose parents would be reluctant to allow them to travel to new schools in other towns. Activists also reported that ethnic Bulgarian parents at schools accepting new Romani students often reacted negatively to the process.

Violence against children was a problem. According to the National Statistical Institute 2,743 children were victims of crimes in 2007, compared to 3,209 children in 2006. Crimes included murder, rape, theft, kidnapping, trafficking, pornography and other forms of abuse. The Government often removed children from abusive homes and prosecuted abusive parents; however, once away from their families, children often fell victim to street violence or violence in specialized institutions.

According to NGOs, living conditions in reform boarding schools for children run by the Ministry of Education and Science remained poor.

Although no official statistics were available, the State Agency for Child Protection reported that child marriage was relatively rare nationwide but was common in Romani communities. The agency also voiced its concern that arranged marriages and traditional Roma bride markets resulted in trafficking in persons.

The National Statistical Institute reported that the number of children registered by police for vagrancy and begging increased from 975 in 2006 to 1,044 in 2007. Such children were primarily involved in begging, prostitution, or car window wash-

ing, and many were believed to be exploited for labor by adults. When apprehended, police place children involved in begging and vagrancy in protective custody in five special shelters; however, children were usually not kept there for more than 24 hours unless remanded to protective custody by the special order of a prosecutor. Many were subsequently sent to state-run institutions for children.

Implementation of child care policies was decentralized and managed by municipal-level Child Protection Departments. The national Ministry of Social and Labor Policy provided budgetary support for child welfare programs, but NGOs remained concerned about the ability of poorer municipalities to effectively manage and administer care. Despite a government policy to develop a mechanism of alternative service providers, such as the recently introduced model of foster care, the country continued to struggle with a Communist-era system of state-run specialized institutions for children.

Human rights monitors sharply criticized the deficiencies in government run institutions such as orphanages, educational reform boarding schools, facilities for children with mental disabilities, and shelters for homeless children. Inadequate budgets, poorly trained or unqualified staff, and insufficient oversight plagued these facilities. Standards of hygiene and access to medical care were poor.

According to the State Agency for Child Protection, there were 145 institutions at the end of 2006. Since 2001 the State Agency for Child Protection reported a 32 percent decrease in the number of children in institutions, which reached 8,457 in mid-2007, the majority of whom were Roma. Watchdog organizations disputed these figures believing the actual number was much higher. Most of the children in state institutions were not actually orphans, but instead placed in homes for reasons including disability, poverty and other family problems.

During the year several incidents received media attention including airing of the controversial film *Baklava*, reportedly showing orphans engaged in sexual acts and drug abuse. In January police opened an investigation of a man in Dupnitsa for possessing nude photos of orphans. In March media and NGOs reported on the accidental poisoning of five children in state care in Plovdiv. In March, an accused pedophile shot and killed a 15-year-old girl at an orphanage in Tran and injured two others before killing himself. Following these incidents the National Social Assistance decided to close the institution, and all but four children had been relocated to other facilities by the end of the year.

The problems facing institutionalized children has received significant international attention since the BBC documentary, *Bulgaria's Abandon Children* was first broadcast in November 2007. The documentary showed the substandard conditions for children with disabilities in a state institution in Mogilino. Following the intense international and local outcry, authorities began taking steps to close the facility in Mogilino and relocate some of the children to a newly built facility. In 2006 a 15 year old girl died of complications from eating garbage after being left unattended.

Trafficking in Persons.—The constitution and law prohibit all forms of trafficking in persons; however, trafficking was a serious problem.

The country remained a point of origin and transit and, to a lesser extent, a destination, for trafficking, with most victims trafficked for sexual exploitation. Victims came from within the country, and from Romania, Moldova, Russia, Ukraine, and Central Asia. The principal destinations of victims trafficked from and through the country were Greece, Turkey, the Czech Republic, Poland, Macedonia, Kosovo, and Western Europe. Almost all victims were women and girls trafficked for sexual exploitation, but some were also young boys. Young women between the ages of 16 and 24 with modest education and weak family ties were most vulnerable. Minorities, particularly Roma, and women engaged in prostitution were also at particular risk.

During the year a court convicted Angel Lubenov and sentenced him to 13 years in prison for running a prostitution ring involving children from the Berkovitsa orphanage in 2006. Following Lubenov's arrest, authorities moved his three victims to other institutions to receive psychological assistance. None of the staffers at the orphanage was dismissed or disciplined.

The trafficking of pregnant women and forcing them to sell their children abroad remained a problem because the women were free to travel and could not be stopped by border police. In December police reported seven investigations of baby selling in Greece.

In larger cities, organized criminal organizations controlled most trafficking for sexual exploitation. In smaller towns, small crime groups and freelance operators were involved.

Traffickers in foreign countries generally recruited their victims through promises of work, while victims of internal trafficking were most often recruited through close friends or acquaintances. Traffickers for sexual exploitation, both within the country and abroad, have shifted to call-girl operations and away from bars, complicating law enforcement efforts. Traffickers typically used genuine rather than forged travel documents for their victims.

The punishment for trafficking in persons includes prison terms of one to eight years in prison and maximum fines of 8,000 leva (approximately \$5,740). Aggravated circumstances increase the maximum penalties to 15 years in prison and 20,000 leva (approximately \$14,400), and the court may confiscate a trafficker's assets. Prosecutors used other laws to prosecute persons for activities associated with trafficking, such as inducement to prostitution.

The National Antitrafficking Commission is the primary antitrafficking coordination and policy-making body. In February the commission established three local commissions in the coastal cities of Burgas and Varna, both destination points of internal trafficking and source of victims trafficked to Germany, the Czech Republic, and Scandinavia, as well as in Sliven, a source region for victims trafficked to the Netherlands and Belgium. In March a local commission opened in Pazardzhik, a source point for trafficking to France and the Netherlands.

In October the commission launched an awareness campaign which included a class session on trafficking in all schools, free screenings of antitrafficking films, and distribution of brochures. In June the commission organized free screenings of an antitrafficking documentary for over 1,000 students. During the year the commission also trained police, border police, social workers, prosecutors, and judges on human trafficking.

Two police units focused specifically on the problem of trafficking. One was within the National Border Police and the other was within the Directorate for Combating Organized Crime. The Government participated in multinational antitrafficking activities and permitted the extradition of citizens for crimes committed abroad, including trafficking. In 2007 authorities convicted 73 traffickers.

Due to successful cooperation with West European counterparts, police reported a decline in the number of children being sent abroad to work as beggars and pickpockets. The Ministry of Labor and Social Policy reported that 90 children were repatriated between January and September, compared to 37 in all of 2007.

Some law enforcement officials, local authorities, and customs officials allegedly facilitated trafficking, although there was no evidence of a pattern of official complicity. Such officials, who were generally low-ranking and poorly paid, accepted bribes to ignore trafficking. On September 12 and October 20, police arrested two municipal councilors from Varna and charged them with human trafficking.

The Government operated six shelters for child victims of violence and trafficking, each of which had the capacity to host 10 children for a period of up to six months. The Government cooperated with NGOs and international organizations in raising awareness and referring victims to services.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Although the constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, the Government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and new public works projects have taken this into account; however, enforcement of this law lagged in existing, unrenovated, buildings. The law promotes the employment of persons with disabilities; however, enforcement was poor and the great majority of persons with disabilities were unemployed.

Conditions in institutions for persons with disabilities were poor. Low salaries prevented hiring and retention of qualified staff and NGOs complained of mistreatment and neglect of patients in these institutions.

Persons with mental and physical disabilities, including very young children, were often segregated from the rest of society, for example, into special schools that lowered the quality of their education. In April the Sofia city court confirmed a lower court ruling against the Ministry of Education for discriminating against children with disabilities. The court ordered the ministry to adopt a program and secure funding for integrated education of children with disabilities in mainstream schools and kindergartens. The Ministry of Labor and Social Policy operated 26 institutions for children and youth with disabilities. A 2006 ministry study reported that the facilities and administration of 25 of the institutions needed to be reformed or restructured.

tured; the study recommended that one of them close. NGOs complained that the recommendations were not implemented, and conditions in these institutions remained poor.

National/Racial/Ethnic Minorities.—Societal discrimination against Roma and other minority groups remained a problem, occasionally resulting in incidents of violence between members of different ethnic groups.

Although Roma were officially estimated to make up 4.6 percent of the population, their actual share was estimated to be between 6 and 7 percent. According to a 2002 Council of Europe report, there were 600,000 to 800,000 Roma in the country. According to a 2001 census, ethnic Turks made up 9 percent of the population. Ethnic Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent, whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population.

Workplace discrimination against minorities, especially Roma, continued to be a problem. The unemployment rate among Roma was nearly 65 percent, reaching 80 percent in some regions. In a 2006 case, the Sofia city court found a company liable when one of its employees advised Angel Assenov not to apply for a position, since he was a Rom and would not be hired.

The generally unfavorable attitudes towards Roma, coupled with their poor education level, made Roma less able to access the job market. Many observers noted that the quality of education offered to Romani children was inferior to that afforded to most other students.

Popular prejudice against Roma continued to play a significant role in society and was often shared by law enforcement personnel. There were continuing reports that police harassed, arbitrarily arrested, and used violence against Roma; however, NGOs reported that police were generally more cautious in applying force than in previous years. Human rights groups contended that magistrates sometimes failed to pursue crimes committed against minorities.

In August 2007 approximately 200 Roma rioted in the Sofia district of Krasna Poliana after rumors circulated that they were about to be attacked by a group of skinheads. Witnesses claimed the riot was retaliation for a clash the previous evening, when a group of young men described as skinheads allegedly attacked three Romani teenagers, one of whom was severely beaten. Four ethnic Bulgarians were charged with hooliganism after the incident; police arrested three and released one on bail. Police also detained four Roma charged them with hooliganism.

In August 2007 a group of four teenagers beat to death Asparuh Atanasov, a 17-year-old Rom, reportedly because they were angry that he was in the center of the town. Police detained four suspects and the prosecution against them was ongoing at year's end.

Many Roma lived in substandard housing and lacked legal registration for their places of residences. Local authorities encountered difficulties in allocating resources and finding construction sites for new homes.

NGOs reported that Roma encountered difficulties applying for social benefits and suffered from inadequate access to health care. On June 2, the Sofia city court found that the Sveta Sofia maternity clinic refused medical treatment for a Romani woman because of her ethnicity. The court awarded the plaintiff 50 leva (approximately \$38) in damages.

During the year human rights organizations continued to file complaints under the antidiscrimination law. In April the Blagoevgrad District Court upheld a lower court judgment against a restaurant for refusing service to Roma in 2004, while serving non-Romani clients.

Inciting racial or national enmity, hatred, or discrimination is a crime punishable by up to three years' imprisonment, and plaintiffs may also file civil claims directly with the court for damages inflicted by discriminatory statements.

In May the Sofia court of appeals upheld a judgment against Attack party leader Volen Siderov for discriminatory statements against ethnic Turks, Roma, Jews, and other groups. Six of eight cases in a complaint against Siderov remained under review by the Sofia regional court. The complaint originated with a coalition of 60 NGOs, who charged that Siderov harassed and discriminated against persons from ethnic, religious, and sexual minorities. In the two cases that were decided, both from 2006, the court in one case found that Siderov had incited discrimination on the basis of ethnicity but found in the other that his statements did not discriminate on the basis of sexual orientation. Following an appeal, the Sofia court of appeals upheld the ethnic discrimination judgment in May.

In 2007 BHC and the UNHCR expressed concern over reports of violent, racially motivated incidents against visible minorities. In January 2007 and May 2007, four persons, two from Nigeria and two from Sudan, were attacked with knives. On Octo-

ber 31, the Sofia city court sentenced Alexander Ginchev to five years in prison for the January 2007 attack against a Nigerian soccer player.

Other Societal Abuses and Discrimination.—The law prohibits discrimination on the basis of sexual orientation, but the Government did not effectively enforce this prohibition. Reports of violence against sexual minorities were rare, but societal discrimination, particularly discrimination in employment, although less common than in previous years, remained a problem. The gay-rights organization Gemini reported that individuals continued to be reluctant to pursue legal remedies for discrimination due to the stigma of being openly identified as gay.

On June 28, police arrested approximately 60 nationalist protestors attempting to disrupt the country's first gay pride parade. Approximately 100 participants marched under tight security protection, and at least one protester threw a Molotov cocktail. The head of the Christian Orthodox Church and the Muslim chief mufti condemned the march, calling it immoral and referring to homosexuality as a disease.

According to the Bulgarian Foundation for Aiding HIV/AIDS Patients, several HIV-positive patients were denied appropriate medical treatment. The Government reported that during 2007, 45 percent of new HIV patients contracted the disease through heterosexual contact, 33 percent were intravenous drug users, and 18 percent were men having sex with men. Patients reported hiding the fact that they were HIV positive in order to receive medical care.

Section 6. Worker Rights

a. The Right of Association.—The constitution and law provide for the right of all workers to form or join independent trade unions of their choice, and workers exercised this right in practice. No reliable statistics existed on the extent of unionization of the workforce, but experts noted that membership in unions continued to decrease as employees question their ability to effectively represent them.

The law allows unions to conduct their activities without interference, and the Government generally protected this right in practice. The law also provides for the right to strike; however, key public sector employees (primarily military and law enforcement personnel) were subject to a blanket prohibition against striking. These employees were able to take the Government to court as a means of ensuring due process in protecting their rights. Although the law prohibits the police from effectively striking, police held symbolic protests on December 13 and December 20 against low wages and poor working conditions.

b. The Right to Organize and Bargain Collectively.—The law provides a legal structure for collective bargaining, which was practiced nationally, but not always adhered to at the local level. Labor unions alleged that many employers failed to bargain in good faith or to adhere to agreements that were concluded.

The law prohibits antiunion discrimination and includes a provision for a six month salary payment as compensation for illegal dismissal.

There were reports that some employees faced harassment and discrimination for their labor activism; due to weaknesses in the judiciary, activists had difficulty seeking recourse in such instances. Although less frequent than in previous years, there were credible reports that some private employers also forced newly employed workers to sign declarations that they would not establish or join trade unions. There were reports of employers deducting dues from workers' salaries and not passing them on to the unions.

There are no special laws or exemptions from regular labor laws in the country's six free trade zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Children were sometimes forced to work due to economic conditions or because of pressure from family members or criminal organizations. Women and children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, including a prohibition on forced or compulsory labor and policies regarding acceptable working conditions. The Government was somewhat effective at implementing these laws and policies in practice.

The law sets the minimum age for employment at 16 years and the minimum age for dangerous work at 18 years; employers and the Ministry of Labor and Social Policy are responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (particularly small, family-owned shops, textile factories, restaurants, construction, and periodical sales) and by organized crime (notably for

commercial sexual exploitation and the distribution of narcotics). Besides trafficking for commercial sexual exploitation, the worst forms of child labor included heavy physical labor and health hazards on family tobacco farms, particularly among the ethnic Turkish minority. In 2007 the Ministry of Labor and Social Policy's general labor inspectorate reported 127 cases of unlicensed, underage workers. All of these reports were related to children working without a permit in the service industry. From January to June the inspectorate found 25 such violations.

The Government continued programs to eliminate the worst forms of child labor using educational campaigns about the effects of child labor and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor. According to the labor inspectorate, recent welfare payments to families whose children regularly attend schools contributed to a drop in the number of unregistered child workers. The opportunity for students at vocation school to gain work permits as well as increased travel opportunities with the country's accession to the EU also contributed to the decline in child labor.

Acceptable Conditions of Work.—During the year the Government approved and implemented an increase in the national minimum wage to 220 leva (approximately \$158) per month. While this wage did not provide a decent standard of living for a worker and family, many workers were paid more under the table to avoid taxes.

The law provides for a standard workweek of 40 hours with at least one 24 hour rest period per week. The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. Premium pay for work in excess of 40 hours per week was supposed to be negotiated between employers and employees. The law stipulates that premium pay for overtime could not be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. The law prohibits overtime for children under age 18, pregnant women, and women with children up to age six. Enforcement generally was effective in the state sector but was weaker in the private sector.

A national labor safety program, with standards established by law, gives employees the right to healthy and nonhazardous working conditions. The Ministry of Labor and Social Policy is responsible for enforcement and was generally effective. After particularly disturbing reports of unhealthy conditions in private factories, including the 2006 death of two seamstresses in a Dupnitsa shoe factory, the Government improved oversight.

The law gives employees the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment; however, refusal to work in such situations could result in the loss of employment.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a population of 4.4 million. Legislative authority is vested in the unicameral Sabor (parliament). The President serves as head of state and commander of the armed forces, cooperating in formulation and execution of foreign policy; he also nominates the prime minister, who leads the Government. Domestic and international observers stated that the November 2007 parliamentary elections were in accord with international standards.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The judicial system suffered from a case backlog, although courts somewhat reduced the number of unresolved cases awaiting trial. Intimidation of some witnesses in domestic war crimes trials remained a problem. The Government made little progress in restituting property nationalized by the Yugoslav communist regime to non-Roman Catholic religious groups. Societal violence and discrimination against ethnic minorities, particularly Serbs and Roma, remained a problem. Violence and discrimination against women continued. Trafficking in persons, violence and discrimination against homosexuals, and discrimination against persons with HIV/AIDS were also reported.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

During the year one mine removal expert and one civilian were killed, and one mine removal experts and two civilians were severely injured.

b. Disappearance.—There were no reports of politically motivated disappearances. In September the Government reported that 1,940 persons remained missing from the 1991–95 military conflict, including an estimated 873 ethnic Serbs. During the year the Government investigated 36 possible mass and individual gravesites, resulting in the exhumation of seven persons. The Government identified the remains of 44 persons found earlier.

In order to resolve more effectively cases of unidentified remains, the Government organized drives in 28 cities throughout the country to collect blood samples from the families of persons missing from the war. The Government collected 658 samples and submitted them to a DNA database. To date the Government has exhumed 4,410 bodies and identified 3,498 missing persons.

The Government handled all exhumations and identifications, while the International Criminal Tribunal for the former Yugoslavia (ICTY) monitored only the sites related to cases it investigated. The International Commission on Missing Persons assisted in the identification of remains.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention centers continued to suffer from overcrowding and a shortage of capacity.

In June the Ministry of Justice established a committee to propose recommendations for the improvement of prison conditions. According to the ombudsman, although overcrowding and a lack of recreational opportunities were problems, the prisons treated prisoners humanely. There were no reported cases of discrimination against ethnic minorities in prisons. During the year the European Court for Human Rights (ECHR) ruled in favor of a prisoner who sued for lack of adequate medical care in Lepoglava prison. The ECHR levied damages amounting to 2,000 euros (\$2,800).

In November the media reported that corruption in the prisons allowed some prisoners to receive extra privileges including those proscribed by law, such as access to drugs. In the wake of these reports, the minister of justice announced widespread changes to the prison system. The changes began in November when the countries' wardens were temporarily rotated to a different prison to evaluate and report on the condition of the prison to which they were transferred. This led to the firing of one warden for failure to protect female employees from sexual harassment.

The Government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC).

On October 9, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its May 2007 visit of the country's prison and detention facilities. The CPT found that, while the country's authorities generally respected detainees' rights, some detainees complained that police and prison guards beat them while in custody. In addition the report said that in some cases, prosecutors and police undermined an accused person's right to an attorney by calling an individual in for an "informative talk" (without the presence of counsel) that sometimes lasted several hours and frequently led to an indictment.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The intelligence service is under the authority of the prime minister and president. The national police have primary responsibility for national security; in times of disorder, the prime minister and the president may call upon the military to provide security. An independent oversight board monitors intelligence service performance.

On October 6, the prime minister replaced the interior and Justice Ministers and the head of the national police, pledging to crack down on organized crime. The prime minister made the announcement after a gunman killed the daughter of a prominent lawyer in downtown Zagreb. On October 23, a car bomb killed Ivo Pukanic, a publisher and co-owner of the NCL Media Group, and his colleague in downtown Zagreb. Police arrested five suspects connected with the second killing, while several wanted persons remained at large; at year's end police had not yet identified the persons who ordered the killings.

During October the Government unveiled new antimafia measures that to boost cooperation among authorities responsible for security. By November the National Security Council (NSC) had approved to the Government's package of antimafia laws/measures, which contain significant legislative and institutional changes. The changes include the establishment of a National Office for the Suppression of Organized Crime and Corruption within the Ministry of Interior in line with the Govern-

ment's strategy for the fight against corruption and organized crime, and at year's end, the office was partially staffed. Reforms within the police resulted in the replacement or reassignment of 75 percent of police managers with a focus for the appointments based on professional background and expertise rather than political connections. The police reported very good cooperation with the Bosnian and Serbian law enforcement officials regarding investigations into the high-profile killings in Zagreb.

Arrest and Detention.—Police obtained arrest warrants by presenting probable cause to an investigative magistrate; however, police can make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. The police have 24 hours to justify an arrest to a magistrate.

Police must provide those arrested with access to an attorney of their choice within 24 hours of arrest. The magistrate appoints an attorney to represent an indigent detainee if the case involves long-term sentences. The Government generally enforced this right in practice. The investigative judge must decide whether to extend a detention for further investigation within 48 hours of an arrest. Investigative detention generally lasted up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. The law allows six months' pretrial detention, but a court can extend it to 12 months in certain cases, primarily war crimes and organized crime cases, at the state prosecutor's request. The courts may release detainees on their own recognizance pending further proceedings, although most criminal suspects were held in custody pending trial. The option of posting bail after an indictment is available, but detainees did not commonly exercise the right. Detention centers also allowed visits by family members.

On June 29, the Split County Court convicted U.S. citizen Mitar Arambasic for war crimes against civilians and prisoners in a retrial of his 1997 in-absentia conviction on the same charges. The court upheld the original in-absentia judgment as well as the original 20-year sentence.

On October 24, the Sisak County Court acquitted U.S. citizen Zeljko Vrljanovic of being a member of a Serbian army reconnaissance group that in 1993 murdered a local Croatian army officer, his wife, and their two children. The court convicted a second defendant, Branislav Miscevic, and sentenced him to the maximum penalty of 20 years in prison.

Amnesty.—The law provides for amnesty except in cases of war crimes. In practice, when investigations failed to substantiate original charges of war crimes, courts convicted the defendants on reduced charges, thereby facilitating amnesty. This practice resolved the case for the court without further investigation and allows the defendant to go free, but it disregarded the future repercussions that a criminal record could have on potentially innocent defendants, particularly with regard to employment.

During the year, the Organization for Security and Cooperation in Europe (OSCE) reported one amnesty case, that of Dusan Maslovar, whom the Government extradited from Greece based on a war crimes investigation. After extradition the Government reclassified the investigation as armed rebellion, applied amnesty, and released him from detention.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary. The judiciary continued to suffer from a heavy backlog of cases. The Ministry of Justice reported that as of September 30, 941,827 cases remained unresolved before courts.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The Constitutional Court determines the constitutionality of laws, governmental acts, and elections. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council appoints, disciplines, and, if necessary, removes judges. The parliament appoints the chief state prosecutor, who appoints chief state attorneys at the county and municipal level; the State Prosecutorial Council, a disciplinary body appointed by the parliament, appoints and disciplines deputy prosecutors.

Trial Procedures.—The constitution and law provide for the right to a public trial, and an independent judiciary generally enforced this right. The legal system uses panels of judges, which in some cases include lay judges, rather than juries, to hear cases. Defendants have the right to counsel, to be present at trial, to confront or question witnesses against them, and to present witnesses and evidence on their behalf. Defendants have access to evidence relevant to their cases and enjoy the presumption of innocence right to appeal.

OSCE observers reported that several problems existed with the country's institutions for determining war crimes accountability, although they continued to take steps conducive to achieving an equitable system. There were indications both of "over-" and "under-prosecution." Although there were Croats on trial for war crimes, Serbs constituted the majority of the accused persons. Several indictments and/or trials of Croats accused of war crimes occurred during the year. In addition, on October 9, the Office of the Chief State Prosecutor issued instructions to all offices on war crimes to ensure uniform practices regardless of national origin of the suspect.

During the year, the OSCE reported that the Supreme Court reversed trial court verdicts and remanded for retrial approximately 40 percent of individual appeals. The OSCE monitored 33 cases at the Supreme Court involving appeals of trial court verdicts for 58 individuals (41 ethnic Serbs, 15 ethnic Croats, one ethnic Bosniak, and one ethnic Albanian). Of these the court ruled on 19 individual appeals. The longest pending appeals tended to be state appeals of acquittals and appeals in which less than the minimum sentence had been imposed. At year's end, several undecided appeals had been pending up to four years. The OSCE reported that in appeals where less than the minimum sentence had been imposed, many of the defendants were imprisoned for almost the entire sentence before the Supreme Court review.

The OSCE reported that almost half of defendants on trial during the year for war crimes were in absentia. For example, in the Vukovar County Court, an in-absentia trial was ongoing against one Serb, with two other trials ongoing partially in absentia, with 23 out of 25 Serbs accused not present. In the Sisak County Court, one trial involving two Serbs was partially in absentia (one Serb was present), while another trial in the Osijek County Court was ongoing against three Serbs, one of whom was not present.

On May 15, the chief state prosecutors from Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, and Serbia together with the ICTY chief prosecutor met to discuss enhancing intergovernmental cooperation for the purpose of ensuring individual accountability for war crimes and coordinating efforts on the regional level to bridge the existing impunity gap. The conference was the second one organized under the auspices of the Croatian chief state prosecutor. The main issues covered at the conference were the creation of respective case inventories, data sharing procedures, exchange of best practices, and development of various prosecutorial tools.

During the year, the chief state prosecutor reported excellent cooperation with other countries in the region, especially Serbia and Montenegro.

A 2007 UN Development Program (UNDP) survey on support to victims and witnesses of crimes found that the country's regulations remained inadequate, particularly with regard to the provision of free legal aid, payment of compensation for damages, and protection of witnesses and their privacy. The Ministries of Justice and Interior have separate units to support and protect witnesses and victims. During the year the UNDP office in Zagreb, together with the Ministry of Justice and presidents of four courts, hired eight professionals who were responsible for providing support to witness and victims, not only to the persons who testify in war crimes trials but also to witnesses who testify in complex criminal cases. In the first three months of the pilot program, the offices assisted more than 100 persons.

On November 4, the trial began again in Zagreb of the country's highest-ranking politician ever charged with war crimes, parliamentarian Branimir Glavas, and five codefendants for the murder of ethnic Serbs in Osijek in the early 1990s.

OSCE trial monitors reported that, although trial testimony was confidential, the public indictment as well as publication of statements from the judicial investigation by the media and on Glavas' Web site made the basic content of the trial widely known. In September the court ordered the restart of the trial because a recess in the case had lasted more than two months, which is impermissible under the law. The trial was ongoing at year's end.

On July 7, the Osijek County Court convicted Antun Gudelj, former Osijek police officer, of murdering the chief of the Osijek police, Josip-Reihl-Kir, and two local officials and attempted murder of a fourth. The conviction was a retrial of an in-absentia conviction after authorities extradited Gudelj from Australia. The court sentenced Gudelj to 20 years' imprisonment.

Vukovar County Court indicted five former Croatian soldiers for the 1992 murder of the Olujic family, whose members were ethnic Serbs, in the village of Cerna. The court sentenced five Croats to imprisonment for periods ranging from seven to 20 years. At year's end an appeal was pending at the Supreme Court.

On April 18, the Vukovar County Court restarted for the third time the trial that began in 2005 against 22 Serbs and Ruthenians, 17 of whom were not present, charged with genocide for participation as part of Serb paramilitary forces in the

killing, severe injury, and forced resettlement of Ruthenians and other non-Serbs from the village of Miklusevci (near Vukovar) in late 1991 and 1992. On January 17, the Vukovar State Prosecutor dropped charges against two accused who had been at the trial as well as on an in-absentia defendant, on the grounds that the charges against them did not rise to the level of genocide. On January 11, the Vukovar County Court for the first time appointed an attorney to represent each of the accused. Previously, although the court considered the defendants coperpetrators, a single attorney represented all six.

During the year state prosecutors continued to review all open war crimes cases, eliminating unsubstantiated charges. On October 9, the chief state prosecutor issued written mandatory instructions regulating the application of the Basic Criminal Code and the Criminal Procedure Code, and the criteria for criminal prosecution of war crimes cases. The document lays out prosecution standards for war crimes cases and review mechanisms for in-absentia war crimes cases. The prosecutor sent the instruction to respective county state attorney offices throughout the country.

Since constitutions of most South East European countries involved in the 1991–95 conflict prohibit extradition of their citizens, the chief state prosecutor has signed agreements with counterparts in Montenegro and Serbia to enable the transfer of evidence in such cases, thereby allowing suspects to be tried where they lived rather than where the crime was committed. During the year the Chief State Prosecutor's Office worked with counterparts in Serbia and Montenegro to transfer investigative materials and evidence needed for prosecution of persons suspected of war crimes by Croatia. During the year these agreements resulted in charges being filed against eight defendants in Montenegro and more than 10 indictments in Serbia, with one conviction.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There was an independent and impartial judiciary in civil matters, although continuing case backlogs raised concerns about judicial effectiveness and efficiency.

Property Restitution.—During the year the Government worked towards completion of its program to return occupied private properties to their rightful owners; however, the property law implicitly favors ethnic Croats over ethnic Serbs by giving precedence to the right of temporary occupants, who were mainly ethnic Croats, to that of original owners, predominantly ethnic Serbs who lost possession during the 1990s. In 11 cases, owners could not repossess their homes and were waiting for completion of administrative procedures. At the same time, 34 owners of agricultural land with unclear title could not take possession of their plots, mostly in the Zadar hinterland. During the year the Government took steps to speed up the process. In June it provided a detailed plan to offer compensation to current users for the investments made on the land over the years, a potential subject of lengthy lawsuits.

Restitution of property seized during World War II and the Communist era remained an issue.

The law on restitution and compensation of property taken during the time of the Yugoslav Communist government permits the restitution of property only to individuals who were citizens at the time the parliament passed the law. As a result the law does not apply to persons who had property expropriated but left the country and became citizens of other countries. Many claimants have since acquired Croatian citizenship but still cannot file claims.

Restitution of communal property remained a problem for all major religious groups except the Islamic Community.

g. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law generally provide for freedom of speech and the press; however, some government influence over the media continued, and there were reports of increasing pressure from commercial interests.

The law provides for no less than six months' and no more than five years' imprisonment for hate speech. Hate speech committed over the Internet is punishable by six months' to three years' imprisonment.

A wide range of private newspapers and magazines were published without government interference. Media ownership was not fully transparent in spite of the

media law, making it possible for political or other interests to conceal their influence on media outlets.

The law regulates the national television (HTV) and radio (HRT) network separately from other electronic media. Independent television and radio stations operated in the country, and two of the four national television channels were private.

Local governments partly or fully owned approximately 70 percent of the local media, making local broadcast media particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on the financial support of local authorities. On August 10, newspapers reported that the Social Democratic Party (SDP), the largest opposition party, complained to the Electronic Media Council that the ruling party, the Croatian Democratic Union (HDZ), controlled the majority of local television stations. In May a group of respected journalists sent a letter to the European Union warning that individuals close to the HDZ were taking over a large number of local radio stations in order to influence local elections scheduled for the spring of 2009. The journalists requested that the Ministry of Culture, which is responsible for media legislation and the Electronic Media Agency, urgently review these media outlets' ownership structures, program activities, and financial management.

On World Press Freedom Day in May, the Croatian Journalists Association (CJA) pointed out that the concentration of ownership and the power of big advertisers increasingly jeopardized freedom of the media. The CJA also warned that "pressures on certain media owned by the state and local authorities continue, but the economic pressures on the owners, and through them, indirectly, on journalists, have become more prominent."

On January 3, police returned equipment, including computers, compact discs and some of the documents they had seized from free-lance journalist Zeljko Peratovic. Police arrested Peratovic in October 2007 and released him the day after his arrest. According to Peratovic, the police erased material from his computers and refused to return between 2,500 and 3,000 pages of documents.

In February the local press reported that Nebojsa Magdic, a Radio Ogulin journalist, had his salary reduced by 20 percent for January because he criticized the minister of science, education, and sports and a member of parliament. The town of Ogulin owned 75 percent of Radio Ogulin, according to Rijeka-based Novi List.

War crime topics remained a sensitive issue for media, and journalists faced pressure because of their reporting on them. On February 12, journalist Drago Hedl received a death threat letter. Hedl has investigated war crimes committed against civilians in the eastern city of Osijek in 1991. Several other individuals involved in the trial received the same letter. The CJA requested police protection for Hedl.

The police arrested a suspect in the May 25 attack on Filip Brala, a photo-journalist for Zadarski List and Zagreb-based national daily newspaper 24 Sata, who was attacked while filming a soccer game in Gorica. Police also detained a suspect in the May 20 attack on on Danijela Banko, Zadar-based Narodni List journalist. She sustained severe bruises and required hospitalization. The CJA warned that this attack was just "one in a series of increasing attacks on journalists" in the country.

On June 2, two unidentified men beat investigative journalist Dusan Miljus with baseball bats in a parking lot near his house in Zagreb. Authorities hospitalized Miljus with a concussion, a broken arm, and facial injuries. Miljus covered organized crime and corruption for Zagreb-based national daily newspaper Jutarnji List and had reported on many sensitive topics over the preceding year, including investigations into alleged illegal arms production and trafficking in the country. Prime Minister Sanader stated that the Government would take every measure possible to bring to justice those responsible for the attack on Miljus. President Mesic also criticized the assault, adding that he considered it an attack not only on investigative journalism, but on freedom of media in general.

On July 9, one of Miljus' relatives received a telephone call threatening to harm members of Miljus' family if he did not stop his investigative journalism. The unknown male caller also clearly indicated that he had information about Miljus' family members. The Secretary General of the South East Europe Media Organization (SEEMO) stated that he was "alarmed about these new threats and the police's continued failure to track the assailants responsible for the June attack on Miljus." At year's end the investigation was ongoing, and Miljus was under 24-hour police protection.

On June 9, police presented Makarska Kronika, a local Makarska-based weekly, with a Split County Court search warrant requesting information on the identity of the person who posted a commentary on the weekly's Internet portal with information about alleged criminal activities involving construction businesses and local

authorities. Makarska Kronika refused to identify the person. The CJA criticized the operation, accusing police of pressuring the newspaper.

On October 29, police arrested and charged individuals suspected of being involved in the October 23 killing of Ivo Pukanic, a publisher and co-owner of the NCL Media Group in Zagreb, and Niko Franjic, the marketing director of the weekly newspaper Nacional, which NCL published. At year's end, police were investigating the killings.

On November 27, Drago Hedl, "Jutarnji list" commentator and journalist, received a text message threatening to "massacre" him. On November 20, Hrvoje Appelt, a journalist for Globus, found a device that looked like a bomb under his car. Appelt had recently published articles about smuggling activities in the country. According to press reports, both Appelt and Hedl received police protection after the threats. The CJA condemned both threats and requested the police to find the perpetrators as soon as possible and protect journalists. On December 4, police reported that a police officer, Krunoslav Fehir, was responsible for the message sent to Hedl. Fehir is a key witness in a war crimes trial, and his lawyer claimed that Fehir wanted to bring attention to himself. Authorities charged Fehir, suspended him from his duties, and initiated a disciplinary procedure against him.

Libel is a criminal offense; in recent years there were no reports of politically motivated libel cases. However, a large number of libel cases from previous years remained unresolved due to judicial backlogs. Courts may fine, but not imprison, persons convicted of slander and libel.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. In general individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and used by citizens throughout the country.

On November 28, police questioned a man from Dubrovnik and searched his home and computer under suspicion that he posted a photomontage of Prime Minister Sanader in Nazi uniform on the social networking site Facebook. Fascist propaganda and Nazi symbols are banned under the law. No charges were brought in the case.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—*Freedom of Assembly.*—The constitution and law provide for freedom of assembly, and the Government generally respected this right in practice. The law prohibits political protests in Zagreb's St. Mark's Square, adjacent to the parliament and government offices. In December police briefly detained a young man posting fliers for an antigovernment protest in Zagreb. A similar incident for the same protest was reported in Zadar. Police incorrectly believed the protest did not have the correct permits. The organizers of the protest used Internet social networking sites. Police later apologized for the detention, and the officers involved were reprimanded. The protest occurred without incident a few days later.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice; however, the law grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While authorities applied the law equally to all organizations, the law itself is restrictive and controlling. For example, the law provides that organizations may not register if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The law also permits the Government to influence the appointment of an organization's management body.

c. Freedom of Religion.—The constitution and law provide for freedom of conscience and religion and free public profession of religious conviction, and the Government generally respected these rights in practice. There is no official state religion; however, the Roman Catholic Church has a historic and close relationship with the state that other religious groups did not share.

In May the Government offered a joint agreement, similar to agreements it has with other religious communities in the country, to the Coordinating Committee of Jewish Communities in Croatia (CCJC) and the more recently formed Jewish religious community, Bet Israel. The CCJC declined the offer insisting on an independent agreement. The CCJC also objected to government funding for the communities, asserting that the smaller Bet Israel received funding disproportionate to its size. On October 24, Bet Israel signed the agreement with the Government.

The law requires a group to have at least 500 members and to have been registered as an association for five years to register as a religious community. Registered communities have legal personality and enjoy tax and other benefits. However, all religious groups in the country prior to the 2003 passage of the law were in the process of registering without having to meet such conditions. By year's end a total of 43 religious communities registered, and 12 additional communities were awaiting registration. The Croatian Helsinki Committee and several smaller religious groups, who were registered but were not able to sign an agreement with the state, criticized the criteria for signing such agreements and alleged that authorities applied them inconsistently.

The Government required schools to provide religious training, although attendance was optional. Because 85 percent of the population is Roman Catholic, the Catholic catechism was the predominant religious teaching in public schools. Schools that met the quota of seven students per class of a minority faith allowed separate religion classes to be held for the students. Serbian Orthodox Church (SPC) officials continued to report that many schoolchildren and their parents, particularly in cities where Serbian Orthodox believers do not live in compact communities, remained reluctant to identify themselves as Serb Orthodox to avoid being singled out. However, church officials also reported that the situation had improved, with an increase of students attending such classes in areas with a Serb majority, such as Knin and Donji Lapac.

The Government made little progress restituting property nationalized during the World War II era to most major religious communities, although Roman Catholic Church officials reported in June that the Government was willing to settle the outstanding claims. The Government made progress in restoring property to the Catholic Church, including the return of the King Tomislav army barracks. The SPC, the second largest claimant of property after the Catholic Church, reported that the Government had not restituted any property during the year. On November 10, the SPC issued a press release protesting the sale and demolition of the Zagreb Cinema building. There was no progress returning nationalized property to the CCJC in Zagreb. In 2006 the prime minister announced partial government funding for the reconstruction of the synagogue in Zagreb, which was destroyed during World War II. The CCJC refused the Government's plans, disputing some of its conditions, including participation of Bet Israel in the project.

Societal Abuses and Discrimination.—Societal violence and physical abuse of religious minorities were problems.

The SPC in Dalmatia and its hinterlands continued to report sporadic attacks on its property and clergy.

On March 21, an Orthodox Church from the Eparchy of Dalmatia reported that unidentified persons broke into the Benkovac parish yard and smashed a car windshield. The attack occurred days after an article in the local paper that blamed the priest residing there for erasing the country's coat of arms from his license plates. The police investigated but did not find the persons responsible.

Serbian Orthodox clergy in Dalmatia and ethnic Serb leaders continued to remark that the positive overtures of the central government stood in contrast to that of local authorities, law enforcement, and judiciary, which continued to discriminate against Serbs. For example, Serbian Orthodox clergy who arrived from Serbia, Bosnia and Herzegovina, and Montenegro faced bureaucratic obstacles in obtaining longer-term residency permits that entitled holders to benefits such as health care and pensions. Authorities required the priests to renew their status at relatively short intervals that interrupted their stay, preventing them from accumulating the years of residency needed for a more permanent status. In January a new Law on Foreigners entered into force that limits the stay of foreigners to six months, followed by six months outside the country. The law did not list foreign clergy among categories of citizens exempt from this limitation.

The Jewish community has approximately 2,000 members. There were acts with anti-Semitic overtones reported during the year. For example, local NGOs and the police spotted fans who brandished pro-Nazi Ustasha symbols and chanted offensive slogans at the concert of the controversial ultranationalist singer Thompson in Zagreb at the end May. The Zagreb city government, which cosponsored the concert, subsequently criticized the display of Ustasha iconography at the event. In July the misdemeanor court in Zagreb fined a young man 1,600 kunas (\$308) for wearing a hat with the Ustasha symbol at the concert. In June the media reported that an estimated 12 high school graduates from Makarska published their pictures with swastikas in their yearbook. The students publicly apologized, and prosecutors did not find grounds to take legal action. Alluding to that case and the presence of youth at the Thompson concert, the president of the Coordination of Jewish Commu-

nities, Ognjen Kraus, in August wrote a letter to the minister of education, criticizing the school system and recent school reforms for failing to educate the young about the Holocaust and the nature of the Ustasha regime. The prime minister and senior government officials also criticized displays of Ustasha symbols as “misguided” and damaging to the country’s national interests.

On July 20, the former commander of the World War II Ustasha-run concentration camp Jasenovac, Dinko Sakic, died in a prison hospital while serving a 20-year sentence and was reportedly buried in his Ustasha uniform in Zagreb. The president of the Simon Wiesenthal Center, Efraim Zuroff, wrote President Stipe Mesic in August to protest that the priest presiding over the burial praised Sakic as model for all Croatians. The President’s Office responded that it “expected responsible institutions to take the necessary steps to prevent Dinko Sakic’s funeral from damaging the country’s reputation or inflicting long-term damaging effects on a disoriented young population.” State prosecutors investigated the case but did not find sufficient evidence to press charges, since any display of the uniform had been in private.

In August an individual placed a plaque dedicated to the Black Legion Ustasha commander Jure Francetic close to the Holy Trinity church in Slunj. Citizens immediately notified police, who removed the plaque, but filed no charges against the person.

On September 21, local authorities in Pakovo Selo near Drnis removed a monument dedicated to a local platoon that fought in the 1991–95 war. The monument was in the shape of the letter “U” and resembled an Ustasha symbol; local residents claimed the resemblance was not intentional.

In April the county prosecutor in Pozega decided that there were no grounds to bring charges in the February 2007 case of production of sugar packets with Hitler’s image, because the prosecutor could not establish that the factory owner had the intention to spread hatred.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Refugees returning to the country as citizens of another former Yugoslav republic rather than as Croatian citizens encountered obstacles obtaining permanent residency status. The law permitted former habitual residents who returned and applied by June 2005 to be reinstated to their prewar status as habitual residents without further requirements and could subsequently apply for citizenship. However, the Government did not consistently apply this provision. This caused uncertainty and delayed integration of returnees. On January 1, the Law on Foreigners, which includes a clause that exempts refugees from rigid citizenship requirements under the previous law, entered into force.

The Government took steps to recognize or “convalidate” legal and administrative documents issued by entities not under the country’s control during the 1991–95 conflict. In May and June, the Government issued a rulebook and a decree allowing citizens to apply for recognition of work experience leading to accessing pensions. The regulations effectively annulled the 1999 deadline for submission of such applications. International observers reported that the Government initiated implementation of the new procedure, and the UNHCR registered 9,200 new applications for convalidation. A total of 616 of these were resolved positively, while 794 were resolved negatively. International observers noted that some administrative bodies continued to interpret the law in a restrictive fashion despite the Government’s instruction.

By September the UNHCR registered a cumulative total of 143,632 refugee returns to the country, including 951 persons returning up to that point in the year. The UNHCR noted that refugees continued return at an average level of 2,000 persons a year. According to a 2007 UNCHR study, 53 percent of returns were sustainable, and the remainder were either one-time or “commuter” returns. International organizations listed the poor state of the regional economy, which resulted in lack of employment and slow access to permanent housing for former tenants of socially owned apartments, as the main obstacles to return. To address these problems, the Government began implementing a 60 million euro (\$85 million) social and economic

recovery project jointly funded by the Government and the World Bank. The project is aimed at revitalizing the economy of disadvantaged areas affected by the war and promoting interethnic social cohesion. Public hostility toward returning ethnic Serb refugees diminished in most parts of the country but was still pronounced in the Zadar and Sibenik hinterland region in Dalmatia.

Repossession of Serb houses was almost complete, and reconstruction of Serb houses continued. As of September authorities had finished repairing damage to 300 out of 400 properties that were eligible for repair under the Government protocol for looted properties. There were cases of persons attempting to use the courts to recover alleged investments they had made while illegally occupying property, and 21 such cases were pending in the courts. Although the Government adopted a process in 2006 to resolve the cases out of court with investors, it remained reluctant to offer settlements to investors before the cases reached court.

The Government slowly continued the program to resolve the claims of persons, mainly ethnic Serbs, who held tenancy rights in socially owned apartments prior to the war but who lost these rights during or just after the war. Individuals submitted 13,397 claims for government-provided housing under the program, 4,559 of which were in urban areas. According to the UNHCR, from 1995 through the end of October, the Government had allocated 5,557 housing units, mainly in war-affected areas. The Ministry of Regional Development, Forestry, and Water Management delivered approximately 97 percent of its 2007 target of 1,400 housing units; by October it had delivered approximately 823 of the targeted 1,400 housing units for the year.

Internally Displaced Persons (IDPs).—Authorities took an inconsistent and non-uniform approach to minority IDPs, hampering their return. There remained a significant number of IDPs, although not all were under the Government's direct care. As of May, 2,687 IDPs had registered with the Government; of this number, 1,638 were ethnic Serbs.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

Protection of Refugees.—The law generally provides for the granting of asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. In January a new law on asylum came into force that observers believed was in line with asylum provisions of the UN refugee convention. Persons seeking protection generally considered the country a country of transit for asylum seekers, and a significant number of asylum seekers left the country before courts had reached decisions on their claims.

During the year 105 persons applied for asylum; of these, the Government granted two persons subsidiary protection (protection granted to an applicant whose situation is not covered by the 1951 UN Geneva Convention on the Status of Refugees), rejected 10 persons, and dismissed the claims of 50 persons, while nine persons appealed. There were 43 cases pending decisions. In May and June, the Government granted refugee status to an applicant from Afghanistan and to an ethnic Kurd from Turkey. These were only the second and third instances since the country's independence that refugee status was granted to an applicant from outside the former Yugoslavia. There is a reception center for asylum seekers in Kutina, near Zagreb.

In May the Government introduced a new appeals body, which replaced the previous government appeals commission. Observers believed that the new Commission for Asylum is an improvement over the previous commission because it enjoys a higher level of autonomy and includes representatives from civil society and academia. The new commission is scheduled to conduct substantive reviews of cases of asylum seekers whom it initially rejected. The UNHCR closely followed cases of individuals whom the Government deported or whom authorities returned to their country of origin.

There were no reports of persons requesting temporary protection during the year.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage.

Elections and Political Participation.—On January 12, coalition negotiations following the November 2007 parliamentary elections produced a government led by the Croatian Democratic Union (HDZ), with the Croatian Peasant Party, Inde-

pendent Democratic Party of Serbs (SDSS), and the Croatian Social Liberal Party represented in the new cabinet. While no significant irregularities were reported, the local NGO Citizens Organized to Monitor Elections (GONG) estimated that registrations of approximately 20 percent of voters abroad (mainly in Bosnia-Herzegovina) were outdated on election day.

Political parties could operate without restriction or outside interference.

There were 32 women in the 153-seat parliament. There were four women in the 18-seat cabinet, including two deputy prime ministers and the minister of justice. There were six women among the 13 Constitutional Court justices, including the president of the court, and 18 women among the 39 Supreme Court justices.

There were 10 members of minorities in the parliament, eight of whom were elected under special arrangements guaranteeing seats to minority representatives. The law requires that ethnic minorities have representation in local government bodies if the census showed that a minority group constituted at least 5 percent of the local population. While authorities generally implemented this provision, the Government did not take updated voter lists into account in calculating the number of elected minority representatives, as required by law. Use of the voters' lists could have resulted in greater minority representation due to the return of refugees since the 2001 census.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the laws effectively. The Government's Office for the Prevention of Corruption and Organized Crime (USKOK) continued to improve its capacity and authority to manage criminal investigations since a revised law on USKOK took effect in August 2007. The law expanded USKOK's jurisdiction, making it responsible for prosecuting acts involving the abuse of power or position by a government official.

Corruption remained a serious issue, with a nexus of institutions, primarily in health care, university faculties, and the judiciary, and businesspeople often at the center of corruption cases. Corruption cases in the country involved nearly all segments of society, economy, and government, but a legal framework for fighting corruption was in place. The number of cases prosecuted by USKOK increased substantially in comparison with previous years. During the year USKOK concluded several cases against high profile civil servants, university professors, students, judges, and other professionals. On August 26, the county court in Rijeka sentenced surgeon Ognjen Simic to nine years in prison in a landmark trial for taking bribes between 1998 and 2006 from 18 patients who needed urgent heart surgery. The sentence was the most severe in a corruption trial to date; Simic fled the country and was reportedly a fugitive in Bosnia and Herzegovina, where he also holds citizenship and cannot be extradited under Bosnian law.

During the year authorities indicted 10 persons, including three vice-presidents of the Croatian Privatization Fund, on charges of corruption, bribe taking and giving, and abuse of authority, after the completion of a USKOK investigation. Another vice-president of the fund was under investigation in the operation, known as "Maestro." The trial for two of the defendants began on November 5, and the trial for eight other defendants began on November 10. Both trials were ongoing at year's end.

The law requires public officials to declare their assets. Most government officials complied, although there were questions as to thoroughness and effectiveness of the system and imprecision as to the types of assets covered.

The law provides the right of public access to government information; however, NGOs complained that the Government did not implement the law efficiently or effectively. The NGO GONG published results of a survey in September showing that 78 government institutions did not answer in a timely fashion, or at all, to more than 50 percent of 168 requests for information addressed to them. According to GONG, 17 of 31 government sessions in the first six months of the year were partly closed to the public, and in five cases their agendas were not published on the Government's official Web site.

During the year, USKOK ended its 2005 investigation of possible large-scale illegal sales of refugee Serb houses to the Government's Agency for Refugee Property (APN) without conclusive results. On May 14, an administrative court in Zagreb ruled that the APN did not have to allow Serb owners access to APN documents, including purchase and sales contracts that could potentially reveal illegal transactions. On October 28, the State Attorney's Office decided not to appeal this decision before the Supreme Court. An NGO representing Serb owners was preparing a lawsuit to be filed before the ECHR at the year's end.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The office for Cooperation with NGOs and other government ministries and offices was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. The Human Rights Center received both UN and government funds during the year. The Office for Human Rights was the primary government body responsible for developing, coordinating, and implementing the Government's human rights policies. While the office did not have authority to investigate alleged human rights abuses directly, it cooperated effectively with NGOs and the international community to conduct awareness campaigns to promote gender equality and women's rights, encourage general tolerance, and prevent trafficking in persons. The office also served as a liaison body between governmental offices and citizens who reported different violations and complaints. The office awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation of other government agencies.

During the year the Office of the Chief State Prosecutor prosecuted war crimes committed by ethnic Croats, including several high profile cases, and continued its cooperation with the ICTY. On June 4, however, an ICTY prosecutor complained that some key documents requested for use in ongoing ICTY trials had yet to be handed over by the Government.

The county court in Zagreb reached a verdict in the case of two former army generals, Rahim Ademi and Mirko Norac, whose trial was the first case to be formally transferred to Croatia by the ICTY for an in-country trial. On May 30, the court acquitted Ademi and sentenced Norac to seven years in prison for failing to prevent and punish the perpetrators of atrocities committed against Serb prisoners during a 1993 military operation. On September 26, the state prosecutors appealed Ademi's acquittal and the length of Norac's sentence, as well as his acquittal of some charges.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, age, race, disability, language, or social status; however, discrimination against women, ethnic Serbs, and Roma continued.

Women.—Rape, including spousal rape, is a crime punishable by one to 10 years' imprisonment; however, according to NGOs many women did not report rape or spousal rape. The law provides longer sentences for sexual violence against persons with disabilities. In rape cases under aggravated circumstances that result in death or pregnancy or if the victim is a minor, sentences may be between three and 15 years. Due to social pressure and stigmatization, rape and sexual violence were underreported. Some NGOs that specialized in curbing sexual violence remained concerned that there appeared to be no uniform application of rape kits or a uniform gynecological protocol for the treatment of rape victims. The availability of victim assistance services, such as rape crisis centers, varied widely from community to community.

In the first 11 months of the year, 75 rapes and 20 attempted rapes were reported to police. NGO officials estimated that for every reported rape, there were three unreported; on average 100 to 140 cases of sexual violence and rape occur annually. Other leading women's NGOs estimated that the number of unreported rapes was much higher. The NGO Women's Room stated that women frequently did not report rape and spousal rape because they lacked information about available legal protections, felt ashamed, feared reprisal, or, in case of spousal rape, were concerned over the economic consequences. Victims were often reluctant to report rape, particularly spousal rape, because it was difficult to prove in court and because medical staff, police, and judiciary were not trained to treat victims. Women's NGOs asserted that sentences for spousal rape tended to be lenient.

Violence against women, including spousal abuse, continued to be a problem. The law provides that persons other than the victim, including the police, may initiate a domestic violence case, which is treated as a misdemeanor. Penalties range from fines of 1,000 to 10,000 kunas (\$193 to \$1,930) or up to 60 days in prison. Under the criminal law, perpetrators can face up to three years in prison for the same acts. Police officials tended to classify domestic violence against women as misdemeanors, resulting in minimal sentences. Minimum sentences were particularly common in cases of rape. Police officers in most urban areas were trained to handle family vio-

lence and to provide quick intervention, secure victims' safety, and remove perpetrators from families; in rural areas police officers were generally less trained in handling family violence cases.

Support for victims of violence was limited. In general private donations financed most services, but the Government took some steps to address the rising number of domestic violence cases. The Ombudswoman for Gender Equality stated that women reported that abuse more frequently and that her office received more complaints of domestic violence in the first six months of the year (800) than it did in all of 2007 (600).

NGOs and local governments operated 15 shelters, but, according to the ombudsman, only five were permanent. On November 25, the Government signed contracts with county, city, and civil organizations to cofinance shelters and counseling centers for victims of domestic violence. The Government planned to allocate 1.64 million kunas (\$308,000) for shelters and counseling centers in 2009. Hot lines, counseling, and legal assistance were available to victims of domestic violence.

Prostitution is illegal but widespread and generally punishable by fines. Women's organizations claimed that prostitutes faced abuse, stigmatization, and public humiliation. There were reports that women were trafficked for commercial sexual exploitation.

The law prohibits sexual harassment in the workplace; however, it remained a problem. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The ombudsman for gender equality and unions reported that his office worked on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

Women generally held lower paying positions in the work force. On January 23, the Zagreb Institute of Economics presented a study that showed that employers paid women on average 21 percent less than men of equal age, work experience, and education. The study also found that 25 percent of employed women held a university degree as opposed to 16 percent of employed men. In October 2007 the Office for Gender Equality published a survey on discrimination indicating that two thirds of women experienced some form of discrimination while looking for employment. Violations during the job interviews ranged from questions about their marital status to plans for pregnancy and comments on their physical appearance.

The Government cooperated with NGOs to promote gender equality; however, NGOs remained concerned that the Government lacked transparency in the allocation of funds for their programs and in sharing information about new procedures. While the NGOs participated in drafting legislation promoting gender equality, they believed that their impact on the ultimate result was limited.

The Office for Gender Equality is responsible for implementing the Gender Equality Law and formulating the Government's gender policy; the ombudsman for gender equality monitored implementation of the law, including the submission of mandatory action plans for state institutions and public companies. On July 15, a new act on Gender Equality came into effect. The new law includes quotas to secure increased political representation of women. According to the law, women must comprise at least 40 percent of the voting list for each political party by the third round of elections on local and national levels as well as for the European parliament. During the year only 10 percent of the members of local representational bodies were female. Political parties, state bodies, local authorities, employers, and the media can be fined for violating the new law. However, local NGOs claimed that the fines were too small to be a deterrent and that the Government rarely enforced previous laws with quotas.

Children.—The Government was generally committed to the rights and welfare of children.

During the year the Government took steps to improve the right of national minorities to education in their own languages. On May 16, the Ministry of Science, Education, and Sports published state education standards that defined in greater detail the terms for organizing minority education and provides a greater level of legal security to minorities than those put forth in the Constitutional Law on National Minorities. In June the ministry established a separate department for minorities.

While education is free and mandatory through grade eight, Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. The number of Romani children enrolled in preschool education for the 2008–09 school year rose to 595 from 509 in 2007. Countrywide statistics for primary schools were not available, but the Ministry of Science, Education, and Sports reported that in the region of Medjimurje, the region with the largest concentration of Roma population, the number of new Romani pu-

pils increased to 1,421 from 1,360 in the past year. Statistics for another three counties with a high Roma population showed an average 10 percent increase. The Ministry of Education ascribed the increase to incentives from the Government's Decade for Roma action plan, which included a 500 kunas (\$96) monthly scholarship for high school students and a 1,000 kunas (\$200) monthly scholarship for university students. The Government distributed 265 scholarships to high school Romani students, 110 more than in the previous school year. International organizations and local NGOs reported that school authorities continued to provide segregated, lower quality classes for Romani students in the northern part of the country. On July 17, the ECHR rejected a complaint by the parents of 15 Romani children that the creation of separate classes for Romani students in several elementary schools in the northwestern county of Medimurje was discriminatory. The court found that the schools did not set the children apart simply for being Roma but that the schools separated them only until their language improved to the point where they could join a regular classroom.

Child abuse, including sexual abuse, was a problem. During the year police received reports of the following incidents involving children and minors: 57 reports of sexual abuse of minors, 157 reports of lewd behavior involving a child or a minor, 42 reports of abusing children for pornography, and five of pimping children. Information about verdicts related for similar acts committed during the year was not available at year's end.

The office of the Ombudsperson for Children reported 609 new complaints of individual violations of children's rights through August. The office has seen yearly increases in the number of reports due in part to the greater visibility and presence of the ombudsman.

On June 15, the Ministry of Family, War Veterans, and Intergenerational Solidarity launched a campaign in cooperation with the Council of Europe to prevent corporal punishment. The campaign targets families, schools, children's homes and penitentiaries.

The country has no official statistics on child marriages, however, social welfare services believed this to be a problem in the Romani community. Common law marriages at the age of 16 and above were customary, many times prompted by pregnancies. These marriages were in some cases made official when partners reached adulthood.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, the country was a source, destination, and transit country for trafficked women and children.

The country is mainly a transit country for women and girls trafficked from countries in Eastern Europe and the Balkans to other parts of Europe for prostitution and labor exploitation. The country was also a source and destination country for trafficked women. In December the Government reported that seven trafficking victims were identified during the year; three victims were Croatians, three were Bosnians, and one was Serbian. Four of the victims were men trafficked for purposes of labor exploitation, one was a woman also trafficked for purposes of labor exploitation, while three of the victims were women trafficked for sexual exploitation. The Government reported that the victims cooperated with police investigations and NGOs.

Recent trends indicated that 20- to 30-year-old women were most at risk of being trafficked. Anecdotal information indicated that transnational and domestic organized crime groups were responsible for trafficking. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

The law defines trafficking in persons as a crime separate from slavery and provides penalties between one and 10 years' imprisonment for traffickers. The minimum penalty for trafficking crimes committed against a minor is five years' imprisonment. If a criminal organization committed the crime and it resulted in death, the penalty is five years' to life imprisonment. The law provides criminal sanctions of three months' to three years' imprisonment for using the services of trafficked persons.

As of October, the Ministry of Interior had arrested and instituted criminal proceedings against 10 persons. The Government reported two final trafficking convictions against three persons in which the court sentenced the defendants to prison terms ranging from one year to 18 months. The Government also issued three indictments against seven persons during the year.

The Government has a national committee for the suppression of trafficking in persons and a national coordinator for trafficking issues, who is also the head of the Government's human rights office. Agencies responsible for the suppression of trafficking included the Ministries of Foreign Affairs Justice, Interior, Health, Social

Care, and Education, and the Office of the State Prosecutor. Police participated in international investigations through the Southeastern European Cooperative Initiative (SECI) regional center in Bucharest. Police continued to cooperate with both short- and long-term advisors from Germany and Austria. In addition, police had an active role in the Mirage working group from the SECI regional center and reported strong cooperation with Europol and Interpol in combating trafficking in persons.

There were no specific reports that government officials were involved in trafficking.

During the year the Government did not deport or punish victims of trafficking and cooperated with NGOs and with the International Organization for Migration (IOM) mission to offer all necessary assistance to victims. While the law criminalizes international prostitution and unauthorized border crossings, it exempts trafficking victims from prosecution. Similarly, the law allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in the country, but it exempts trafficking victims from deportation.

The Government has a legal framework to provide for victim assistance, and there were support services available for trafficking victims. The Government continued to finance shelters for adult and minor trafficking victims. The Croatian Red Cross, in cooperation with the Government, operated four reception shelters for victims. The Government offered assistance to all victims. The Government provided services jointly with local NGOs and the IOM. During the year the Government cofunded a one million euro (\$1.4 million) Community Assistance for Reconstruction, Development, and Stabilization program with the EU that provided education on trafficking in persons to 314 persons, including social workers, health care workers, police officials, and government lawyers.

The Law on Foreigners regulates the status of foreign victims of trafficking. The law defines methods of identification and the scope of assistance and the respective bodies that are responsible for offering victim assistance. The law establishes a "reflection period" for adult victims of 30 days and for minor victims of 90 days. The law specifies different forms of assistance that should be offered to foreign victims, including safe accommodation, financial support, education and training, and assistance with regard to work. The law also provides for temporary residence permits, initially from six months to one year, which the Government can extend based on a subsequent needs assessment.

The Government continued to broadcast public awareness campaigns produced during the previous years and continued to support an NGO hot line, alternative shelters, and two traditional shelters. Government information campaigns targeted children and adults as potential victims, while another targeted potential clients of those who were trafficked.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

The Government maintained 10 counseling centers that offered assistance to persons with disabilities and their families. During the year the Government also opened a separate department for persons with disabilities at the employment agency, aimed at increasing employment rates. A total of 1,267 persons with disabilities were employed during the year, while the number of unemployed was 5,703. This was a slight decrease from previous years. Employment bureau analysts ascribed this decrease to slowdowns in the global and national economies during the year.

On June 9, the parliament appointed the first ombudsman for persons with disabilities. The new ombudsman established an office in Zagreb in September and continued to staff it in October.

During the year parliamentarian Vesna Skulic continued to criticize the lack of transparency in the management of the Government's fund for professional rehabilitation and employment and the lack of progress in employing persons with disabilities outside Zagreb. The practice of placing personal assistants with persons with grave disabilities remained a pilot project, but it doubled the number of beneficiaries to 300.

The number of persons with mental disabilities in institutions did not decrease, despite some efforts to develop community-based alternatives. The law provides that unemployed parents of disabled children are granted 2,200 kunas (\$424) monthly compensation. The law also provides compensation to foster care families.

The law mandates access to buildings for persons with disabilities; however, the Government did not always enforce this provision, and the law did not mandate that facilities be retrofitted. As a result, access to public facilities for persons with disabilities remained limited.

National/Racial/Ethnic Minorities.—While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma.

Incidents including looting, physical threats, verbal abuse, and spraying graffiti on Serb property continued in the Dalmatian hinterland and in the central part of the country. International organizations reported that the frequency and gravity of violent incidents against ethnic Serbs diminished in most of the country with the exception of the Zadar and Sibenik hinterland, where they remained unchanged.

On March 26, a group of eight young men threw stones at and verbally abused the local Serb population in the village of Bukovic in the Benkovac area. They threatened one of the villagers with a knife and demanded money. They smashed windows in homes and burned the haystack of another villager. The police identified all eight perpetrators, and charged them with “violent behavior” and “disruption of the inviolability of the home” as criminal acts.

In May the media widely reported on an incident in Vukovar involving 30 Croatian soccer fans who attacked a group of supporters of a Serbian soccer team. The attackers disrupted a meeting and threw bottles and stones at the Serbian team fans. The attackers injured six persons, including two policemen sent to secure the site and one 12-year-old girl, whom authorities later hospitalized with head wounds. Police arrested two attackers.

Verbal provocations against ethnic Serbs were reported in the central and southern parts of the country. For example, in May a Croat from the village of Svracica near Glina verbally abused an ethnic Serb from the village of Dragotin while he waited at a bus stop. The attacker said that the victim “needed a bullet in his head” and tried to tear his shirt. The police investigated and reported the incident, but there was no information on whether legal action was taken against the culprit.

Local NGOs and the police spotted fans who brandished pro-Nazi Ustasha symbols and chanted offensive slogans such as “Kill the Serb” at the concert of the controversial ultranationalist singer Thompson in Zagreb at the end of May. The Zagreb city government, which cosponsored the concert, subsequently criticized the display of Ustasha iconography at the event. The Misdemeanor Court in Zagreb in July fined a young man 1,600 kunas (\$308) for wearing a hat with the Ustasha symbol at the concert.

On January 20, offensive graffiti including “Serbs should hang” and “Kill the Serb” appeared on the wall of a house owned by ethnic Serbs in Pakostane, near Zadar, and vandals sprayed a letter “U” (for Ustasha) on their car. The police investigated and continued to patrol the house for several days after the incident but did not find the perpetrators. Similar messages appeared on the wall of a newly reconstructed house of a Serb family in Bastajski Brdjani near Pakrac in the central part of the country. The house was uninhabited.

In May authorities transferred the July 2007 case of two young men arrested for verbally and physically abusing two Serb returnees and attempting to burn their house with them inside, from the county court to the municipal court in Pozega, where prosecutors requalified the act from attempted murder to inflicting grave injuries. The trial was ongoing in September, but no hearings had taken place since May.

Authorities made no further progress in identifying suspects in the September 2007 bombing of a Serbian-owned vehicle.

Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing. Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination. Local authorities sometimes refused to hire qualified Serbs even when no Croats applied for a position.

Six years after the parliament passed the Constitutional Law on National Minorities (CLNM), authorities had not implemented its provision on proportional minority employment in the public sector in areas where a minority constitutes at least 15 percent of the population. Ethnic Serbs, the largest minority, were most affected by the slow implementation of the law.

In August the SDF reported that there was continued discrimination against ethnic minorities seeking employment in civil services, administration, and justice. A SDF survey conducted between April and August showed that the number of Serbs employed in local administration and public services remained at levels similar to their last survey in 2006. For example, in Glina, in the central part of the country,

Serbs made up 29 percent of the population, but only 2 percent of the Serbs were employed in the local civil services and administration. In Knin, a city that is 21 percent Serb, only 6 percent of Serbs were employed by the state. Survey results differed only in eastern Slavonia. In Vukovar Serbs made up 33 percent of the population but constituted 36 percent of those employed in the local civil service and administration. In September SDSS officials complained that the adoption of an action plan for the implementation of the CLNM lacked clear and precise measures. Of approximately 21,200 civil servants employed at the national level in 2007, approximately 3 percent were ethnic minorities, while minorities made up 7.5 percent of the population. Members of minorities accounted for almost 4,000, or 6 percent, of civil servants at the county level in 2007. The State National Minority Council received 41.5 million kunas (\$8 million) for minority associations' cultural programs during the year, a 15 percent increase from 2007.

The law provides that minority participation is to be taken into account when appointing judges in regions where minorities constitute a significant percentage of the population. According to an OSCE report from 2007, members of minorities made up approximately 4 percent of the country's judges, with Serbs comprising only 2.5 percent. The report noted that minorities needed to invoke their minority status during the recruitment process in order to benefit from this provision of the law.

In November the SDSS listed eight cases of ethnic Serbs who applied for positions of judges at administrative, commercial, and municipal courts and two who applied as trainees at municipal courts. According to the SDSS, the courts rejected the applicants despite their qualifications. Despite the lack of minority judges in the country, the positions were either cancelled or filled by other applicants.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 9,463 persons declared themselves to be Roma in the 2001 census, officials and NGOs estimated that the Romani population was between 30,000 and 40,000.

Roma faced many obstacles, including language, lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Many Romani women in particular had only limited Croatian language skills. Romani NGOs estimated in 2007 that 25 percent of Roma did not have citizenship documents and thus could not obtain social benefits, employment, voting rights, and property restitution. According to the Council of Europe, only 6.5 percent had permanent jobs, while the Ministry of Social Welfare estimated that 20,000 to 30,000 Roma were receiving some form of social assistance. A 2006 UNDP report on social exclusion estimated that, while Roma constituted less than 1 percent of the population, they accounted for 13.6 percent of the recipients of social assistance. On a national level, the Government worked to increase the employment rate of Roma by providing two years' worth of salary payments to employers who hired Romani workers. On October 12, the Government reported that government spending to improve the life of Roma in the country increased six fold from 2005 to 2008. Spending increased from 2.7 million kunas (\$520,000) to 17 million kuna (\$3.3 million) a year. During the year the Government cofunded a European Commission program with 167,000 euros (\$244,000) to reconstruct infrastructure in the Medjimurje region, where Roma constitute 6 percent of the population. The Government and the EU also signed a 3.2 million euro (\$4.5 million) agreement for the construction of infrastructure in another three municipalities in the same region.

On occasion ethnic Croats were targets of interethnic violence. In February ethnic Serb high school students vandalized a student's home in Borovo, near Vukovar. The vandals destroyed 20 glass windows and the entryway door. They also threatened the Croatian student, insulted the late president, Franjo Tudjman, and chanted "this is Serbia." Police identified and arrested several minors. Deputy Prime Minister Slobodan Uzelac, an ethnic Serb, criticized the violence. A month later an estimated 500 soccer fans from Zagreb and elsewhere in the country arrived in Vukovar on buses and marched through the town, chanting offensive slogans in retaliation. The chants included "kill the Serbs" and "Croatian mother, we shall slaughter Serbs." A heavy police presence prevented any acts of physical violence.

On September 25, the International Federation of Football Associations (FIFA) fined the Croatian Soccer Association (HNS) 30,000 Swiss francs (\$28,000) for the racist behavior of some Croatian fans at a soccer match against England on September 10. The Croatian fans referred to a black British player as a "monkey" and taunted him with "monkey noises." The head of the HNS stated the actions were unacceptable and urged fans to stop such offensive behavior. The HNS was earlier fined 12,500 euros (\$18,000) for racist behavior in a match against Turkey in June.

Other Societal Abuses and Discrimination.—There was some societal violence and discrimination against homosexuals.

On June 28, two persons attacked activists from Iskorak and Kontra (NGOs that promote gay rights) outside their offices after the annual gay pride parade. The parade route was nevertheless well guarded, and the police were quick to take away those trying to disrupt the march. In addition, police investigated an assault against three Kosovo citizens who were celebrating outside of the parade zone. The police identified the attackers and charged them with criminal acts, although there were reports that police also treated the victims disrespectfully.

On February 25, a court convicted and sentenced a man to 14 months in prison and psychiatric treatment for attacking Italian Senator Gianpaolo Silvestri after the 2007 gay pride parade. This was the first time that courts convicted someone of a hate crime since the parliament introduced this type of crime into the criminal code in 2006. Gay pride organizers welcomed the conviction but complained that the police did not file criminal reports against other attackers.

Societal discrimination against homosexuals was frequently present in the form of insults, stereotypical jokes, and societal prejudices.

On July 21, the parliament passed a law on the suppression of discrimination, an umbrella law that addresses discrimination based on a number of grounds including race, ethnicity, sex, language, political convictions, property, union membership, disability, and others. The Catholic Church and other religious bodies strongly opposed one section of the new law because they believed it opened up the possibility for gay marriages and the adoption of children by gay individuals, although the law did not directly stipulate these measures. The law was scheduled to enter into effect in January 2009. The new law also provides more staffing and funding for the Office of the Ombudsman for Human Rights, responsible for the implementation of the new law.

Societal discrimination against persons with HIV/AIDS remained a problem. The Croatian Association for HIV (HUHIV) reported that there were instances of dentists and general practitioners refusing to treat HIV-positive patients and that some hospitals postponed surgeries because doctors were reluctant to operate. If an HIV patient did not go through the infectious disease hospital, he or she often waited for treatment, and doctors sometimes delayed surgery indefinitely. There were allegations that transplant centers refused to put HIV patients on their list of potential organ recipients.

According to HUHIV representatives, the lack of public assistance, such as hot lines, for HIV-positive patients was a problem. According to the UN theme group on HIV/AIDS, analysis of the laws regarding HIV indicated that they contain discriminatory provisions. The group cited legal provisions that require testing under medical supervision for certain professions and in certain cases involving prisoners and restrictions on HIV-positive persons with regard to employment. According to the analysis, most cases of discrimination occurred outside the scope of the law or were due to insufficient enforcement of privacy laws, lack of consistent adequate medical care, and discrimination in school or the workplace.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 50 percent of workers were members of unions; however, not all the unions were associated with each other, and this percentage could vary, as there is no oversight system to track the exact number of union members in all of the unions. Unions generally were independent of the Government and political parties.

The law provides for the right to strike, with some limitations, and workers exercised these rights during the year. The law does not permit members of the armed forces, police, government administration, and public services to strike. Workers may strike only at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. When negotiating a new contract, workers are also required to go through mediation before they can strike. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed, and the union held liable for damages.

b. The Right to Organize and Bargain Collectively.—The constitution and law protect collective bargaining and the right to organize, and workers exercised these rights in practice, although some international observers reported there that this right was not always upheld by small employers.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court. However, incidents of union-related harassment and firings

occurred, and in general the inefficiency of the court system seriously delayed and discouraged citizens' attempts to seek redress through the legal system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forced or compulsory labor, including by children, although there were incidents of adult persons trafficked for the purpose of forced labor during the year.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace and provide for acceptable working conditions. While the Government for the most part implemented these laws and policies effectively, child labor remained a problem.

In 2007, the last year for which data are available, the State Labor Inspectorate recorded 163 violations of labor-related laws involving 89 children under the age of 17. Of these violations, one involved a child under the age of 15. Violations occurred mainly in the hospitality, tourism, retail, food, industrial, services, and construction sectors.

The minimum age for employment of children is 15 years. The Ministry of Economy, Labor, and Entrepreneurship, in conjunction with the ombudsman for children and the State Inspectorate, is responsible for enforcing this regulation. Minors under the age of 15 may work if they receive prior approval from the State Labor Inspectorate and if it is determined that the child will not suffer physically or mentally from the work. Approval is usually requested for filming movie scenes or for play rehearsals. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

The law proscribes the worst forms of child labor, including trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for children coordinates the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. The State Labor Inspectorate has 102 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwards all cases of violations involving minors to the Office of the Ombudsman for Children.

e. Acceptable Conditions of Work.—The minimum wage, as determined by the Government, is 2,100 kunas (\$405) per month; the net wage is between 1,400 and 1,500 kunas (\$269–\$289), depending on exemptions, and does not provide a decent standard of living for a working family. Government statistics from August indicated the average wage was 5,167 kunas (\$995), and the minimum cost of living for a family of four in rented housing was 6,294 kunas (\$1,213). The State Labor Inspectorate enforces the minimum wage, while the Ministry of Finance determines the level.

Nonpayment and late payment of wages continued to be a problem, as was nonpayment of overtime or for work on holidays. According to the State Labor Inspectorate, it is no longer required by law to record the number of persons who did not receive payment of their salaries. However, workers have the right to bring court proceedings against employers who did not issue pay slips to their employees. Based on data that it received through various reports, the inspectorate concluded that at least 1,761 employees did not receive payment for their work in 2007, the last year for which data were available.

The State Labor Inspectorate reported that it shut down 344 employers during 2007 for periods of at least 30 days. Labor law violations included illegally employed workers and foreigners who did not have work permits, workers who were not registered with the pension fund, and workers who were not registered with a health insurance agency. The Labor Inspectorate reported that although its officers greatly increased their inspections and reporting of violations, the courts did not sanction violations in accordance with the weight of the violation, and therefore the inspectorate's actions in terms of effecting change in the field were not strong.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute break daily, one day off out of seven, and a minimum of four weeks of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to eight hours per week. The State Labor Inspectorate must be notified if overtime work by an employee continues for more than four consecutive weeks, for more than 12 weeks during a calendar year, or if the combined overtime of employees of an employer exceeds 10 percent of the total working hours in a particular month. In 2007 the inspectorate processed 16,481 violations. After processing, the inspectorate sent 6,484 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. In 2007 authorities sent 57 criminal proceedings against employers to municipal state attorneys' offices. Pregnant women, mothers of children under three years of age,

and single parents of children under six years of age may work overtime only if they freely give written consent to perform such work.

The Government set health and safety standards, which the Health Ministry enforced; the Ministry's inspectorate has jurisdiction over enforcement of health and safety laws at the workplace. In practice many industries often did not meet worker protection standards. In 2007 the inspectorate initiated 1,913 requests for misdemeanor proceedings covering 3,909 violations of safety standards. During 2007 misdemeanor courts issued 1,118 violations, of which authorities declared two criminal acts and referred them to court. Courts rejected 450 of the reported violations because of expiration of the statute of limitations. Under the law workers may remove themselves from hazardous conditions and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the State Labor Inspectorate, workers did not exercise this right in practice and normally reported employers only after they had left their job.

CYPRUS

Since 1974 the southern part of Cyprus has been under the control of the Government of the Republic of Cyprus (ROC), while the northern part, administered by Turkish Cypriots, proclaimed itself the "Turkish Republic of Northern Cyprus (TRNC)" in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. A substantial number of Turkish troops remained on the island. A buffer zone, or "green line," patrolled by the UN Peacekeeping Force in Cyprus (UNFICYP) separates the two parts.

REPUBLIC OF CYPRUS

The ROC is a constitutional republic and multiparty presidential democracy. The area under control of the Government has approximately 793,000 inhabitants. In 2006, 56 representatives were elected to the 80-seat Vouli Antiprosopon (House of Representatives) in free and fair elections. President Demetris Christofias was elected in February in free and fair elections. Civilian authorities maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports of police abuse and degrading treatment of persons in police custody and of asylum seekers. Violence against women, including spousal abuse, was common, and several incidents of violence against children were reported. There were instances of discrimination against members of minority ethnic and national groups. Trafficking of women to the island, particularly for sexual exploitation, continued to be a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings during the year.

During the year authorities completed an independent investigation of the 2005 police killing of a Syrian immigrant that the chief of police had reported was in self-defense. After reviewing the case, the Attorney General's Office ordered the prosecution of the police officers involved in the incident.

On June 24, the European Court of Human Rights (ECHR) found the Government of Turkey in violation of the right to life in the cases of Isaak v. Turkey and Solomou and others v. Turkey. Isaak was killed in 1996 during a Greek Cypriot demonstration in the buffer zone by Turkish Cypriot counterdemonstrators, including three Turkish Cypriot police officers. Also in 1996 a Turkish police officer shot and killed Solomou when he entered the buffer zone and tried to climb a flagpole with the Turkish flag on it. The ECHR ordered Turkey to pay 215,000 euros (approximately \$301,000) to Isaak's family plus 12,000 euros (\$16,800) in court expenses and 125,000 euros (\$175,000) to Solomou's family plus 12,000 euros (\$16,800) in court expenses.

b. Disappearance.—There were no reports of politically motivated disappearances. The Government participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) UN Committee on Missing Persons (CMP) as part of its continuing efforts to account for persons missing as a result of the intercommunal violence in 1963-64 and the conflict in 1974.

In 2006 the CMP launched its project to exhume, identify, and return remains. As of December 12, the CMP had identified and returned to their families for burial the remains of 78 Greek Cypriots. Exhumations continued in different parts of the island. According to the CMP, 1,395 Greek Cypriots and 470 Turkish Cypriots remained missing.

On January 10, the ECHR delivered its judgment on the case of Varnava and others v. Turkey, filed by the relatives of nine Greek Cypriots missing since the events of 1974. The ECHR found Turkey in continuing violation of the right to life and the right to liberty and security on account of its failure to conduct an effective investigation into the whereabouts of the nine missing persons. Turkey appealed the decision, and the first hearing took place on November 19.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that police abused detainees.

There continued to be reports that police engaged in heavy-handed tactics and degrading treatment of suspects.

On April 15, the Council of Europe's (COE) Committee for the Prevention of Torture (CPT) released a report on a CPT delegation's 2004 visit to detention centers and other facilities where persons are incarcerated. During the visit delegation members reported receiving many allegations of police mistreatment, usually at the time of arrest, but also during subsequent questioning. A significant proportion of the allegations were made by foreign nationals. The forms of mistreatment consisted mainly of slaps, kicks, and punches to the head and body, including the genitals, with the detained person sometimes handcuffed and/or undressed. The alleged mistreatment also included banging heads on a desk, blows with batons and other objects, and violence of a sexual nature. The delegation's report stated that, in a few cases, the alleged mistreatment was of such severity that it could be considered as amounting to torture. The delegation heard some allegations of inadmissible psychological pressure, including threats of an indecent or sexual nature exerted during questioning to obtain a statement or confession. The CPT report stated that, based on information gathered during the 2004 visit, the physical mistreatment of persons deprived of their liberty by police continued to be a serious problem in the country.

In one particular case cited by the CPT delegation, a detained foreign national alleged that he received police mistreatment consisting of kicks to the face, chest, and abdomen while in police custody in 2004. He further alleged that authorities made him undress during the night, hooded him, and shackled him in a standing position by the wrists and ankles to bars in the prison, whereupon officers hit him violently on various parts of the body, including the genitals. The CPT requested information on the results of an official investigation that was reportedly initiated into the allegations.

The press reported on June 26 that five Egyptians arrested for being in the country illegally claimed that they were beaten by police at Larnaca Airport and again while in detention at the Limassol police station. Reportedly one of the detainees was treated at the hospital for head injuries. The complaint was examined by the independent authority investigating complaints against the police, which found that police officers had committed no offense in the case. The Attorney General's Office concurred with the decision.

In January 2007 three Syrian immigrants (Imbrahim Kasem, Ahmad Kasem, and Ahmad Kasem) alleged that 10 police officers beat them shortly after they visited their former employer to demand payment of money due. They claimed that the officers intercepted their car and beat them as they lay on the ground. Police then took them to Paphos police station, where they allegedly continued to beat them for several hours. The immigrant support group Action for Equality, Support, and Antiracism (KISA) filed a complaint with the Attorney General's Office and asked for an investigation. The police charged the three individuals with resisting arrest and hindering police officers from carrying out their duties. Authorities charged two with residing in the country illegally and charged the driver of the car with reckless driving and driving without a license and insurance. Authorities released all three. KISA claimed that, had the three appeared in court, the judge would have seen their injuries and ordered an investigation. Independent investigators appointed by the attorney general decided that the criminal charges filed by the police against the immigrants should be withdrawn and that the immigrants should be deported. The independent investigators also decided that the case against the police officers involved in the incident should be "filed."

In 2005 plainclothes police officers stopped two cars in Nicosia and proceeded to handcuff and beat the drivers, 27-year-old students Marcos Papageorghiou and Yiannos Nicolaou. Authorities charged 11 officers with numerous offenses, including

assault and torture. The trial was completed during the year; a judgment was expected in February 2009.

Prison and Detention Center Conditions.—Conditions in prisons, detention centers, and other government institutions generally met international standards, although there have been reports by international organizations regarding conditions in detention centers.

During the year the ombudsman and nongovernmental organizations (NGOs) received complaints that police subjected foreign inmates to physical abuse or discriminatory treatment. The ombudsman reported that it was not possible to examine some of the persons who had alleged physical violence because they had been deported by the time the complaints reached her office; investigations into the other complaints were ongoing at year's end. The ombudsman's investigation into complaints from Greek Cypriot prisoners that prison officials tolerated, and in some cases supported, violence among inmates was in progress at year's end, pending some clarifications from prison management. An NGO reported that foreign detainees and prisoners complained of physical violence in detention centers located in police stations and discrimination in the Central Prison. Foreign inmates are tasked with heavier work and have greater restrictions in visitation rights than local prisoners.

In its April 14 report, the CPT noted that, while most prisoners it interviewed in 2004 spoke in positive terms about their relation with prison staff, there were a few allegations of physical mistreatment (blows or excessive use of force) by custodial staff. The CPT also reported one instance of deliberate poor treatment of patients at the Athalassa psychiatric unit. A patient who was considered potentially dangerous was kept in a special room with a prison-like metal door at night and was not allowed to leave to use toilet facilities.

During the year overcrowding remained Nicosia Central Prison's greatest problem despite renovation and expansion. The prison's capacity was 340, although at times it held up to 721 inmates. Approximately 62 percent of the detainees were foreigners imprisoned for forgery, criminal impersonation, theft, and other offenses. The ombudsman reported that nonseparation of convicted criminals from pretrial detainees or long-term from short-term prisoners due to overcrowding continued to be a problem. The Government provided assistance for the rehabilitation of drug abusers through the use of multidisciplinary therapeutic teams consisting of a psychiatrist, a psychologist, two occupational therapists, a social worker, and four nurses. The Social Welfare Services offered limited support for the reintegration of former inmates into society.

A 2006 report by the COE commissioner for human rights noted that, while prison conditions were generally satisfactory, overcrowding remained a problem. The report also expressed concern over the Government's failure to provide facilities and resources for the psychiatric treatment of prisoners. The report noted government efforts to improve the professional training of the prison staff and the abolition of imprisonment for nonpayment of civil debt.

A 2006 report by the COE's European Commission against Racism and Intolerance expressed concern with the extensive use of detention for both migrants and asylum seekers and the conduct of law enforcement officials, including alleged cases of mistreatment.

The Government permitted prison visits by independent human rights observers, and such visits, unrestricted and unannounced, occurred during the year. The ombudsman, the law commissioner, and the commissioner for the protection of personal data visited the prison on a regular basis. The parliamentary human rights committee also visited the prison compound to examine the living conditions of the detainees.

In May the CPT conducted one of its periodic spot checks and visited several sites, including the Central Prison, the psychiatric unit in Athalassa, and several police stations, and interviewed detainees and prisoners in private. CPT representatives met with the ministers of justice and interior to discuss their findings. The CPT's report on the visits had not been released by year's end.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The police enforce the law and address criminal activity. The Greek Cypriot National Guard (GCNG), backed by a contingent of Greek military forces, protects national security. The GCNG reports to the Ministry of Defense, which reports to the president. The police report to the Ministry of Justice and Public Order. The president appoints the chief of police. The police force is composed of a headquarters with six functional departments, six geographic district divisions, including one inactive district for the area administered

by Turkish Cypriots, and seven police units that provide specialized services. Although there were reported cases of misconduct, there were no serious cases of police corruption or bribery.

In 2006 the Council of Ministers appointed an independent committee to investigate complaints of police bribery, corruption, unlawful financial gain, violation of human rights, abuse of power, preferential treatment, and conduct unbecoming of police officers. In July 2007, to help it manage the large number of cases, the committee was given authority to appoint independent investigators from a list submitted by the attorney general. In 2007 the committee received 96 complaints. Of those, 21 were deemed outside the scope of the committee's responsibility and one complaint was withdrawn; 35 complaints were investigated by the members of the committee or independent investigators supervised by the committee; 13 complaints were still under investigation; the attorney general assigned 11 complaints to criminal investigators at the request of the committee; eight were submitted to the chief of the police; in three cases, investigation was suspended because the complainants refused to give testimony; and four complaints remained pending due to inadequate information provided by the complainants. Of the 35 investigations carried out, two resulted in criminal charges against officers; three resulted in disciplinary charges; and 28 failed to reveal any wrongdoing on the part of the police. In two cases, the committee established that police officers engaged in mistreatment of citizens, but it was not possible to identify the officers involved due to inadequate testimony. The committee chair confirmed that the attorney general adopted all the recommendations made by the committee.

During the year the attorney general ordered one criminal investigation against a member of the police for allegedly assaulting a civilian. Of the 14 cases pending before the courts at the end of the 2007, four resulted in convictions, four were pending at year's end, and one was dropped by the court; the attorney general suspended charges in two cases and dismissed the remaining three cases.

Arrest and Detention.—The law requires judicially issued arrest warrants, and authorities respected this requirement in practice. Persons may not be detained for more than one day without referral of the case to a court for extension of detention. Most periods of investigative detention did not exceed 10 days before formal charges were filed. The attorney general generally made efforts to minimize pretrial detention, especially in cases of serious crimes. However, prior to May, aliens arrested for illegal entry without identification were detained indefinitely when authorities did not know where to deport them. Attorneys generally had access to detainees. Bail was permitted. The Government claimed the right to deport foreign nationals for reasons of public interest, regardless of whether they had been charged with or convicted of a crime.

In September 2007, eight long-term detainees (seven Iranians and one Afghan) climbed onto the roof of the Nicosia Central Prison and threatened to commit suicide if they were not immediately released. They ended their protest after the minister of interior assured them that, with the ombudsman, he would examine their demands and come up with concrete decisions. The Government subsequently deported one detainee and released another; it promised to release the remaining six detainees pending their acceptance of a proposal sponsored by the minister of interior, the details of which were not available. All eight had applied for asylum and had been rejected but remained on the island without a residency permit. They were consequently arrested for deportation; however, deportation was not possible, as they had destroyed their travel documents. Some of the detainees had been in detention for almost three years. In January the families of long-term detainees staged a protest outside the Ministry of Interior with the support of KISA. During the protest, police arrested the head of KISA, Doros Polycarpou, for using loudspeakers in public without a license. He was detained for a few hours and released. According to press reports, plainclothes police officers roughed up demonstrators who tried to prevent Polycarpou's arrest. In May the minister of interior announced that the Government was no longer holding persons long-term in detention centers. The minister stated the Government had released foreigners in detention who had destroyed their travel documents and given them one-year permits to stay and find work. However, an NGO reported that the released detainees were constantly harassed by police at their workplace and as a result were unable to keep a steady job.

Unlike in previous years, there were no reports that the Government arrested persons crossing the green line in possession of evidence of purchasing or developing Greek Cypriot property in the area administered by Turkish Cypriots.

e. Denial of Fair Public Trial.—The law and constitution provide for an independent judiciary, and the Government generally respected this provision in practice.

Most criminal and civil cases begin in District Courts, from which appeals may be made to the Supreme Court. There are no special courts for security or political offenses. There are military tribunals that have jurisdiction over members of the GCNG.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The constitution provides for public trials, albeit not by jury, and defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided for those who cannot afford one, and defendants are allowed the right to question witnesses against them and present evidence or witnesses on their behalf. The law also provides that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The Government generally respected these rights in practice.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations, and citizens successfully availed themselves of it.

Property Restitution.—Turkish Cypriots have filed a total of 49 cases in the courts to reclaim property located in the government-controlled area, six of which were new cases filed during the year. During the year the Supreme Court dismissed one property case because it concerned Turkish Cypriot property that is under the guardianship of the Ministry of Interior. According to the law, these types of properties cannot be returned unless the owners resettle permanently in the government-controlled area. The applicant filed an appeal, and the case was pending before the Supreme Court at year's end. In another decision, the Supreme Court found in favor of the Turkish Cypriot plaintiff who had agreed to sell her property to a Greek Cypriot but later changed her mind when she realized that the market value was markedly higher than the agreed price. The Supreme Court ruled that the owner did not have to implement the agreement.

On April 22, the ECHR endorsed a friendly settlement brokered by the Turkish Cypriot "property commission" in May 2007 between Greek Cypriot Michael Tymvios and Turkey. The settlement would exchange Tymvios's property in the northern part of the island for Turkish Cypriot property in the government-controlled part and payment of one million dollars. However, in August Tymvios complained that the Government, citing the guardianship law, refused to transfer ownership of the Turkish Cypriot property in the government-controlled area to him, despite the ECHR ruling.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism.

Opposition newspapers frequently criticized authorities. Independent newspapers and periodicals proliferated. Several private television and radio stations competed effectively with government-controlled stations. International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In early 2006 the Council of Ministers rejected a 2005 decision by the board of the Cyprus News Agency to appoint Christoforos Christoforou as its new director. Some newspapers and opposition parties attributed the rejection to Christoforou's authorship of articles criticizing government policies regarding the UN efforts in 2004 to reunify the island. The Cyprus Journalists' Union called on the Government to reverse its decision and approve the appointment. Christoforou appealed to the Supreme Court, which ruled in his favor on June 10. In July the Attorney General's Office appealed the Supreme Court decision. The appeal was pending before the court at year's end.

The Government imposed significant restrictions on Turkish (as opposed to Turkish Cypriot) journalists crossing the green line to cover news events in the government-controlled area.

During the year Turkish Cypriot advertisers repeated claims that Greek Cypriot newspapers refused to carry advertisements for businesses located in the area administered by Turkish Cypriots.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. The Internet was easily accessible and widely available to the public.

Academic Freedom and Cultural Events.—There were generally no government restrictions on academic freedom or cultural events; however, certain oversight efforts threatened academic independence and activities.

The Government continued to exert political pressure on universities to refrain from any contact with universities in the Turkish Cypriot community because the Government considered universities in the Turkish Cypriot community “illegal.”

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law and constitution provide for freedom of assembly, and the Government respected it in practice.

Freedom of Association.—The law and constitution provide for freedom of association, and the Government generally respected it in practice.

c. Freedom of Religion.—The law and constitution provide for freedom of religion, and the Government generally respected this right in practice.

The law and constitution specify that the Greek Orthodox Church of Cyprus, which is not under the authority of the Greek Orthodox Church of Greece, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The law also states that the Turkish Cypriot religious trust, the Vakif, the Muslim institution that regulates religious activity for Turkish Cypriots, has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakif laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakif. The law and constitution also recognize Armenian Orthodox, Maronite Christians, and Roman Catholics. In January 2007 the Ministry of Defense announced it would lift an exemption that allowed these three “official religious groups” to avoid compulsory military service on religious grounds. After some initial resistance by the Maronites, the groups accepted the lifting of the exemption as a public obligation.

During the year there were reports that some religious denominations encountered government obstacles to purchasing or renovating property for a house of worship for their respective congregations. One religious community also reported repeated difficulties in obtaining visas from the Cypriot government for clergy from countries outside of the European Union (EU).

The Government required other religious groups to register as nonprofit companies to maintain a bank account or engage in other financial transactions.

Missionaries have the legal right to proselytize, but the Government closely monitored their activities. It is illegal for a missionary to use “physical or moral compulsion” to make religious conversions. Police may investigate missionary activity based on a citizen’s complaint. Police can also open an investigation if missionaries are suspected of involvement in illegal activities threatening the security of the Government, constitutional or public order, or public health and morals. No detentions or arrests were reported under these laws during the year.

The Government required children in public primary and secondary schools to take instruction in the Greek Orthodox religion. Parents of other religions may request that their children be excused from such instruction and from attending religious services.

Societal Abuses and Discrimination.—In May KISA reported that it continued to receive complaints from recognized political asylees of Muslim origin who had difficulty securing employment because of their religion. KISA also reported that asylum seekers of Muslim origin were often beaten by police and faced difficulties securing residence permits. The NGO alleged that the “general climate” was not amenable for asylum seekers from countries where Islam is prevalent and that citizens in general demonstrated “aggressive behavior” towards Muslim asylees. In 2006 the same NGO reported that it had filed complaints with the ombudsman’s office and an independent investigatory committee regarding police treatment of Muslim asylum seekers. Some asylum seekers reportedly had difficulty securing employment, and one asylee alleged that he could not secure housing because of religious discrimination. Late in 2007 the ombudsman submitted a report to the Government proposing reconsideration of the policy concerning the right of employment for asy-

lum seekers. The ombudsman did not receive any complaints relating to discrimination on religious grounds.

On June 8, a group of youths attacked foreign residents in Ypsonas village in Limassol causing serious bodily injuries to some and material damage to their properties. Police arrested 12 young men aged between 15 and 18; the case was under investigation by the Limassol criminal investigation department at year's end.

Although Turkish Cypriots claimed that unused mosques in the government-controlled area had been vandalized, the Government routinely carried out maintenance and repair of mosques in the area under its administration.

The Jewish community is composed of approximately 2,000 persons. The latter figure includes a very small number of native Jewish Cypriots and a greater number of Israeli, British, and other European Jews who are part of the expatriate community, which includes both observant and nonpracticing members.

Diplomatic sources at the Israeli Embassy reported that there was anti-Semitic graffiti at several bus stops along one of the main roads in Nicosia; the reported graffiti have not been corroborated.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within government-controlled areas, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons entitled to subsidiary protection.

The Government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but it generally discouraged them from spending the night at Greek Cypriot properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there. The Government in many cases prohibited Turkish nationals from crossing from the area administered by Turkish Cypriots to the government-controlled area in the south.

The Government allowed EU citizens and citizens of other countries not subject to a visa requirement, who entered from ports of entry in the area administered by Turkish Cypriots, to cross the green line into the government-controlled area; however, the Government maintained that all ports of entry in the area administered by Turkish Cypriots are illegal.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Members of each community were required to obtain insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca and Paphos airports without obstruction.

Unlike in previous years, there were no reports that the Government arrested persons crossing the green line in possession of contracts or blueprints related to purchasing or developing Greek Cypriot property in the area administered by Turkish Cypriots.

The Government issued 4,948 passports to Turkish Cypriots during the year.

The law prohibits forced exile, and the Government did not employ it.

Internally Displaced Persons (IDPs).—Although Greek Cypriots displaced as a result of the 1974 division of the island fall under the UN definition of IDPs, the Government considered them refugees. At the end of the year these individuals and their descendants numbered approximately 202,500. Depending on their income, IDPs and their descendants are eligible for financial assistance from the Government. They have been resettled, have access to humanitarian organizations, and are not subject to attack, targeting, or return under dangerous conditions.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee and asylum status to individuals during the year. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened, although one NGO claimed that some asylum seekers were deported before final adjudication of their application by the proper authorities. The ombudsman reported receiving complaints of delays in the examination of asylum applications as well as complaints that cases with considerable merit were closed. An investigation revealed that authorities were systematically closing cases of applicants who could not be located for an interview in connection with their application.

The ombudsman submitted recommendations for more substantial attempts to notify applicants before their cases are closed. The ombudsman's office also reported that the Government asylum department had taken action in many cases to ensure respect of the rights of the asylum seekers and refugees.

Those individuals determined to be refugees were permitted to stay and were given temporary work permits but were not granted permanent resettlement rights. During the year no refugees were deported, and authorities granted refugee status to 64 persons.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided temporary protection to 163 persons during the year. According to the ombudsman and NGOs, the inmates in detention centers were exclusively foreign and often asylum seekers who were arrested for illegal entry. Similar to the previous years, KISA maintained that police violated the law and the human rights of asylum seekers by carrying out illegal arrests, detentions, and deportations. The group claimed that authorities treated asylum seekers as illegal immigrants or economic migrants and jailed or deported them. Another local NGO, Apanemi, reported that several asylum seekers made complaints to the ombudsman alleging that they were physically and psychologically abused by police. A third NGO reported that asylum seekers complained about the denial of state medical care. Prior to October, NGOs and asylum seekers filed complaints with the ombudsman alleging that the Government was permitting the exploitation of asylum seekers as cheap labor by restricting their employment to the farming sector. In October the law was amended to allow the employment of asylum seekers in several areas, such as labor in fisheries, forage production, waste management, gas stations and car washes, freight handling in the wholesale trade, building and outdoor cleaning, distribution of advertising/informative materials, and food delivery.

There were allegations by NGOs and refugees that the protection of refugees suffered because of an overtaxed, understaffed, and underfunded asylum service, and that there was systemic discrimination against asylum seekers. Out of 35,087 applications filed since 2002, only 208 applicants have been granted full refugee status, and only 463 applicants have been granted secondary refugee status. Refugees and NGOs alleged that the asylum service systematically closed files before due consideration, and that asylum cases with considerable merit became lost in the system and applicants received no response from the Government. An NGO reported that asylum applicants are waiting for several years for a response. NGOs and asylum seekers alleged that payments of welfare benefits to refugees were often delayed.

A number of persons, mostly Iranians, who destroyed their travel documents and denounced their nationality or refused to divulge their country of origin, remained in long-term detention in Nicosia Central Prison through 2007 until their release in May. All were former asylum seekers whose applications were denied and were consequently arrested on detention and deportation orders for residing in the country illegally. In May the minister of interior announced that the Government had released long-term detainees and given them one-year permits to stay and find work.

The country's only accommodation center for asylees, Kofinou, housed only women and families for most of the year. Asylum seekers were allowed to work after six months in the country but were limited to the areas noted above. Asylum seekers who refused an available job could be cut off from state benefits. To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless. KISA reported that persons who were eligible for benefits received their checks only sporadically and that, on June 25, over 100 affected asylum seekers conducted a protest in response.

The Government provided funding to local colleges to provide educational services to help recognized refugees integrate into society and to a local NGO to help torture victims. There were complaints regarding the remoteness and lack of facilities at Kofinou. However, conditions improved during the year after the Government entered a private-public partnership with a university to run and maintain the center.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Only Turkish Cypriots residing permanently in the government-controlled area are permitted to vote and run for office.

Elections and Political Participation.—In 2006 elections were held for the 56 seats assigned to Greek Cypriots in the 80-seat House of Representatives.

In 2006 two leading members of the group of 78 Turkish Cypriots not residing in the government-controlled area who had been denied the opportunity to run, Ali Erel and Mustafa Damdelen, sued the Government for failure to fully reinstate the Turkish Cypriot community's rights to vote and run for office. On April 30, the Supreme Court dismissed their application. On September 3, Erel and Damdelen applied to the ECHR for redress.

Political parties operated without restriction and outside of interference.

Women held eight of the 56 seats filled in the House of Representatives and two of the 11 ministerial posts. They also held senior positions in the judicial branch.

There were no members of minorities in the House of Representatives, and the 24 seats assigned to Turkish Cypriots went unfilled. The small Armenian Orthodox, Maronite Christian, and Roman Catholic communities elected special nonvoting observer representatives from their respective communities to the House of Representatives.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, which vary depending on the charges. The Government generally implemented these laws effectively. There were isolated reports of government corruption.

State and public officials are required by law to submit a compulsory asset declaration, but these declarations are not public documents. Officials who fail to submit their declarations are subject to pecuniary punishment. However, in June the Supreme Court ruled unconstitutional the law that requires public officials to declare their assets. The attorney general has appealed the decision.

While the Government generally investigated and prosecuted cases of corruption, cases usually moved at a slow pace, and the evidence law, which prohibits wiretapping and electronic surveillance, made obtaining convictions challenging.

The escape of double murderer and rapist Antonis Procopiou Kitas on December 12 prompted a series of investigations into possible corruption of police and other government officials. Kitas fled from a Nicosia private hospital where he had been staying for seven months although he was serving a life sentence. The minister of justice and public order resigned over the escape, while the Government appointed five independent criminal investigators to investigate the escape and the possible involvement of police and government officials. The attorney general said the case “smacked of corruption, negligence, and indifference.” Two separate investigations were also ordered into how Kitas acquired a new passport and into the conditions under which Kitas was allowed to stay at the hospital for such an extended period of time. All investigations and the search for Kitas were ongoing at year's end.

In June 2007 the minister of interior ordered an investigation into allegations that civil servants or government officials had tipped off land developers about future changes in development zones in the Akamas area. As a result of the alleged tip-off, developers bought large pieces of farm land in the area that were later included in the development zones and whose value increased 20-fold.

In December 2007 authorities arrested and charged an official of the road transport department with soliciting a bribe in order to expedite the registration of an imported used motor vehicle.

In 2006 a local newspaper published the names of politicians who allegedly had asked the Ministry of Defense for favorable transfers of National Guard recruits. The list included prominent officials, such as the president of the House of Representatives, members of the House of Representatives and the Council of Ministers, and party leaders. The president asked the minister of defense, who was reportedly implicated, to investigate whether such requests constituted nepotism; the minister was replaced shortly after the allegations were made. As of year's end, the Government had not released the results of the investigation.

The constitution provides for the right of access to government information; however, there are no specific laws that assure public access. Civil servants were not allowed to provide access to government documents without first obtaining permission from the relevant minister. During the year there were no reported cases of persons being denied access to government information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. There is a government ombudsman, whose portfolio includes human rights, and a legislative committee on human rights.

KISA complained in February 2007 that police applied discriminatory and intimidating tactics against it and its chairman, Doros Polykarpou, for the activities of the organization. In 2002 police filed a criminal case against KISA and Polykarpou in

connection with a 2001 fundraising drive to cover a migrant worker's medical emergency. KISA's application for a permit to conduct the drive was rejected because there is no law regulating the collection of funds for health reasons. The case resulted in a fine. In 2006 police filed a second criminal case against Polykarpou for "disobeying a court order and receiving stolen goods," for spending funds raised in the 2001 drive, and a trial began in October 2007. In January the attorney general suspended criminal proceedings against Polycarpou.

A number of NGOs considered themselves human rights groups. Most were concerned exclusively with alleged violations of the rights of Greek Cypriots by Turkey. Other NGOs included groups promoting migrant support and awareness of domestic violence and those concerned with allegations of police brutality. Domestic NGOs were numerous but had limited impact on public opinion or specific legislation. Few international NGOs were active in the country.

The UN, through the CMP, continued its efforts to account for persons missing after the intercommunal violence in 1963–64 and the conflict of 1974.

During the year the ombudsman received complaints from citizens and foreigners living on the island who believed their rights had been violated by the Government. During her independent investigations, the ombudsman generally enjoyed good cooperation with other government bodies. The ombudsman's annual reports focused on police misconduct, treatment of patients at state hospitals and of asylum seekers and foreign workers, and gender equality in the workplace. The office of the ombudsman was well respected and considered effective. On November 6, the ombudsman stated that the Government had complied with 80 percent of her office's recommendations.

The legislative committee on human rights, which was considered by most local NGOs as effective, is made up of 10 members of the House of Representatives who serve five-year terms. The committee discusses wide-ranging human rights abuses, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch did not exercise control over the committee.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally effectively enforced it. However, violence against women, child abuse, trafficking in persons, discrimination against Turkish Cypriots living in the government-controlled area, and discrimination against Roma and members of minority ethnic and national groups were problems.

Women.—The law criminalizes rape and spousal rape with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence. Police indicated that 28 cases of sexual assault were reported from January through October.

Violence against women, including spousal abuse, was common and there has been a sharp increase in the number of reported cases. The law establishes clear mechanisms to report and prosecute family violence and provides that the testimony of minors and experts, such as psychologists, may be used as evidence to prosecute abusers. The law provides for prison terms for the abuse of family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to police. However, many victims refused to testify in court, and by law spouses cannot be compelled to testify against each other. In cases of domestic violence where the spousal victim was the only witness and refused to testify, the courts were forced to drop the case.

During the year, 689 cases of domestic violence were reported to police. In 80 percent of the cases, the victims were female. Police investigated 341 criminal cases, and 188 cases were filed in court.

An NGO working with domestic abuse victims estimated that there was a 7.5 percent increase in the number of telephone calls to its hot line during the year compared to 2007. The NGO reported that 1,128 individuals, of whom 81.5 percent were women, 12.5 percent children, and 6 percent men, called claiming to be victims of domestic violence. The NGO also operated a shelter in Nicosia that served 120 victims of domestic violence during the year.

The law does not prohibit prostitution; however, it is illegal to live off the profits of prostitution, and police routinely arrested pimps under this section of the law. Procuring a woman for prostitution is a misdemeanor. Police reported the arrest and investigation of 38 individuals for suspected involvement in 15 cases of prostitution from January through October; at year's end, authorities continued to investigate six of the cases, six cases were pending trial, two cases had completed trial and resulted in the conviction of four individuals, and one case had been otherwise resolved.

The law prohibits sexual harassment in the workplace, but there were reports that it was a widespread problem with most incidents unreported to authorities. In 2006 authorities investigated and prosecuted one of the country's ambassadors, Costas Papademas, for sexually harassing two female employees at the overseas mission he headed. In December 2007 the court found him guilty and sentenced him to seven months' imprisonment. However, on May 24, the Supreme Court acquitted Papademas, ruling that the main witnesses' testimony was unreliable. He served four months in prison in the interim. Although the case was widely reported in the press, reaction to his acquittal was muted.

Women generally have the same legal status as men under family law, property law, and in the judicial system. The National Mechanism for Women's Rights under the Ministry of Justice and Public Order is tasked with the promotion, protection, and coordination of women's rights. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level, but, despite a strong legal framework, the Ministry of Labor and Social Insurance's enforcement was ineffective at the blue-collar level. Research by one NGO suggested that remuneration for female blue-collar workers was 25 to 30 percent less than for their male counterparts.

During the year an NGO representing divorced mothers worked with police to encourage efforts to collect delinquent child support payments. The courts may garnish wages and assets and ultimately imprison persons to enforce child support payments.

Children.—The Government was strongly committed to children's rights and welfare.

During the year the ombudsman's office received a complaint regarding discriminatory treatment of Romani children in public education. The ombudsman's investigation was still ongoing at year's end.

Child abuse was a problem. The Welfare Department stated that the cases were linked to domestic violence, alcohol abuse, psychological illness, and cultural perceptions. Police reported that 32 cases of child abuse were prosecuted during the year. Of those, eight resulted in convictions, one in acquittal, 20 were pending trial at year's end, and three were withdrawn, suspended, or interrupted. Of the 87 child abuse cases prosecuted in 2007, 38 resulted in convictions, seven in acquittals, 32 were pending trial at the end of 2008, and 10 were withdrawn, suspended, or interrupted.

During the year there were two reports that girls were trafficked for commercial sexual exploitation.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were widespread reports that persons were trafficked through and within the country. On October 29, the Government decided to abolish, effective November 1, the use of artiste category work permits for women from non-EU countries working in the cabaret industry. As of year's end, the Government had not completed drafting regulations to implement the new policy. During the year police identified victims of sex trafficking and, for the first time, labor trafficking. The police antitrafficking unit remained understaffed, although in November a new member was added to its three-member staff.

The country was primarily a destination point for women trafficked for commercial sexual exploitation, and authorities were aware of and generally tolerated the situation despite the 2005 adoption of a national action plan to combat trafficking in persons and sexual exploitation of children. STOP International alleged that the country was being used as a transit point for trafficking, but there were no definitive reports to substantiate the allegation. The country was a destination for women trafficked from the Dominican Republic, the Philippines, Russia, Moldova, Hungary, and Ukraine, as well as from Greece, Vietnam, Uzbekistan, Columbia, Romania, Belarus, Bulgaria, and the United Kingdom. Within the previous three years, there was evidence that female victims coming from China on student visas engaged in prostitution and, in some cases, were victims of sexual exploitation. NGOs reported that female domestic workers from South and Southeast Asian countries were forced to work long hours, and there were allegations of labor trafficking, especially in the field of elder care. Many domestic workers are reluctant to report contract violations by their employers out of fear of losing their jobs and consequently their work and residency permits. An NGO reported that there were cases of domestic workers whose travel documents were withheld by their employers. In one case, a housemaid who accused her employer of rape was not allowed to change employers until the completion of her employer's trial. In addition, police filed two criminal cases against her for working illegally. There were no reliable statistics on the number of trafficking victims; however, 50 women pressed charges during the year.

Traffickers fraudulently recruited victims using the “artiste” employment permit category and often rotated victims among different cabarets and cities. In some cases, women reportedly were arbitrarily denied part or all of their salaries, forced to surrender their passports, raped, beaten, threatened, involuntarily detained, or forced into providing sexual services for clients. Contacts in the cabaret industry alleged that the “artistes” often owed money upon their arrival and had a verbal understanding with the cabaret owners to pay back the cost of their travel and lodging. Some NGOs alleged that government officials with oversight and policing responsibility over the sex industry frequented cabarets and nightclubs.

It is a felony to engage in the exploitation and trafficking of persons. However, through the end of October, only one person charged with trafficking was convicted and sentenced to two years’ imprisonment. A court may order persons convicted of trafficking to pay part or all of the expenses incurred for the provision of protection, temporary shelter, medical care, and psychiatric care for victims, as well as compensation to the victim, including repatriation expenses. The Ministries of Interior, Labor and Social Insurance, justice, health, and education and the attorney general shared responsibility for combating trafficking as part of the Multidisciplinary Team against Trafficking (MDAT), with the Ministry of Interior as the lead. The MDAT also included two NGOs.

Through the end of October, police arrested 95 individuals involved in cases related to prostitution and sexual exploitation. Of those, 67 individuals involved in 31 cases were arrested specifically on trafficking charges. Police statistics indicated that 24 cases were prosecuted and seven were still under investigation at year’s end for possible prosecution. All 24 cases are still pending before the courts. Of the 23 trafficking cases pending for investigation at the end of 2007, only one resulted in a two-year conviction, 10 were pending trial, seven resulted in acquittals, two were under investigation, two were dismissed, and in one prosecution had been suspended at the end of 2008.

On December 11, police issued an arrest warrant for a 37-year-old Cypriot to assist the investigation of a crime ring suspected of trafficking and exploiting Romanian nationals in the country. According to press reports, police recovered 200 passports and 78 identity cards in a Nicosia apartment, while several arrests were made in Romania. The ring reportedly brought victims to Cyprus to work for a fee, then seized their passports and identification documents for the purpose of extorting more money. The Nicosia police chief stated on December 11 that police were investigating a serious human trafficking case that appeared to involve a large number of foreign nationals and Cypriots.

Police participated and assisted in 36 trafficking investigations in EU countries and 12 trafficking investigations in non-EU countries.

There were allegations of corruption and xenophobia in the police force, the Ministry of Interior, and the Attorney General’s Office related to trafficking. In April four bishops from the Greek Orthodox Church alleged during parliamentary hearings that “certain government officials” were collaborating with traffickers. One bishop attacked the “artiste” visa and said it was basically permission for traffickers to do business. During the hearings the newspaper *Alithia* reported that police submitted a confidential report to a parliamentary committee stating that individuals dealing with trafficking in persons “have influence on government officials, which makes the arrest and prosecution of traffickers more difficult.”

The new antitrafficking law expanded victims’ rights. According to the law, identified victims of trafficking are granted at minimum a one-month residency permit to give them time to recover and decide whether they wish to cooperate with the police in the investigation and to testify at trial. The law obligates the Government to protect and support trafficking victims with financial assistance, shelter, medical and psychiatric care, and psychological support, as well as legal aid and access to government-funded training and educational programs. The Government is obligated to facilitate the victims’ repatriation under safe and dignified conditions. By the end of October, police had identified 50 victims of trafficking, all of whom pressed charges against their traffickers. During the year government welfare services provided financial aid, counseling, and temporary shelter to 89 victims.

Despite the protections provided for under the new law, NGOs reported that trafficking victims who had provided court testimony in antitrafficking cases were excluded from the Government’s witness protection program, leaving them vulnerable, weakening antitrafficking cases, and providing a disincentive for future witness testimony. There were also allegations that the Attorney General’s Office downgraded trafficking cases and systematically placed antitrafficking cases in district, not criminal, courts. NGOs allege that the District Courts are not as well equipped to deal with antitrafficking cases, leading to a lack of convictions on trafficking charges and more lenient sentences.

The Government maintained that most women who qualified as trafficking victims chose to return voluntarily to their home countries without testifying in court. There were reports that cabaret owners and agents for dancers used attorneys to bribe potential witnesses and pressured women to withdraw complaints or not to follow through with testifying in court. Of the 50 women who requested police protection during the year, the Government reported that three testified and returned to their home countries, 38 were waiting to testify, and three returned to their home countries without testifying. The remaining six were residing in the country at year's end because they either were EU citizens or had testified in court and were awaiting completion of the trials. On average victims waited approximately one year before the commencement of their trials, which NGOs alleged resulted in weaker cases because of inconsistent testimony and because victims often left the country.

NGOs that protect the rights of women and immigrant workers were available to assist trafficking victims and reported that they received one to two requests for assistance per month.

The NGO Stigma in Limassol operated a shelter for trafficking victims until the end of the year, when it closed down due to financial difficulties. A Russian-speaking psychiatrist was available to assist victims. During the year a total of 43 trafficking victims stayed in the shelter. Thirty of them cooperated with police, and 26 of them testified or were waiting to testify in court. Although the remaining four victims gave testimony to police, it was not deemed sufficiently substantive to build a legal case for prosecution against the traffickers. Only two of the court cases were completed; in both cases the defendants were acquitted. The two victims that testified in the completed trials returned to their home countries. There was cooperation but no formal referral process between police and the NGO shelter. Prior to the opening of the government-run shelter in November 2007, social welfare services typically housed victims in government-subsidized homes for the elderly or in hotels.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the Government generally enforced these provisions. The law mandates that public buildings and tourist facilities built after 1999 be accessible to all; however, government enforcement of the law was ineffective, and older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults suffering from mental disabilities who were in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks, lack of transport, and absence of parking spaces, accessible toilets, and elevators. The Government budget reportedly included approximately 70,000 euros (approximately \$98,000) to improve access to government buildings.

There were no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa psychiatric hospital. In September 2007 an association representing the parents of children with Down's syndrome complained that the Government did not respond to their repeated calls for the creation of a specialized center for the treatment of their children, particularly those in need of temporary hospitalization. Some were housed at Athalassa psychiatric hospital, where they allegedly received inadequate care. The parents claimed that the children were naked, locked in their wards for too many hours each day, and were under the influence of sedative medication.

In February the president of Cyprus Mental Health Commission, Christodoulos Messis, said that, in order to reduce numbers, a great number of patients in the Athalassa psychiatric unit were being released into nursing homes for the elderly regardless of their age, with no plan of rehabilitation within the community. He criticized the mental health services for not creating appropriate halfway houses and boarding schools to host psychiatric patients wishing to reintegrate into society and return to active employment.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. In addition the minister chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations. The council monitored action for the protection of the rights of persons with disabilities and served as a forum for persons with disabilities to contribute to public policy.

National/Racial/Ethnic Minorities.—There were reported incidents of government and societal discrimination against members of minority national and ethnic groups, particularly Turkish Cypriots, Roma, Filipinos, Pontian Greeks, and Sri Lankans.

The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Turkish Cypriots living in the government-controlled area. The Government generally effectively enforced the agreement, which provides for the voluntary transfer of populations, free and unhindered access by UNFICYP to Turkish Cypriots living in the south, and facilities for education, medical care, and religious activities.

On December 21, the press reported that a large group of schoolchildren beat a 15-year-old Cypriot girl of African descent after a school volleyball game. The attackers shouted racist slogans and did not stop the beating until police arrived. Her father was notified and took her to the hospital where she was treated for severe injuries. The girl's father and KISA complained that the police did not take the girl to the hospital but instead kept her in a room at the school until her father arrived. Moreover, the police turned the father away three times when he attempted to file a report. Police made no arrests in connection with the incident even though it took place in front of a large group of witnesses. The minister of education, members of the House of Representatives, and other officials made statements strongly condemning the attack and admitting that Cypriot children were having difficulty accepting multiculturalism. The minister stated that the case had powerful elements of racism and aggression and underlined that the question of racism needed to be addressed by the political leadership and society in its entirety. However, the teachers' union, OELMEK, denied that there was racism in schools. The ombudsman opened an investigation into the incident.

Some Turkish Cypriots living in the government-controlled area reportedly faced difficulties obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to UNFICYP about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

After complaining repeatedly about the lack of a Turkish-language school in Limassol, the Turkish Cypriot teachers' union filed suit, seeking a declaration from the Supreme Court that a 2005 decision by the Council of Ministers to operate a mixed elementary school in Limassol with a specialized program and staff to serve the needs of the Turkish-speaking students was null and void. The union argued that, under the 1960 constitution, the Council of Ministers has no competence in matters of education of Turkish Cypriots. On March 26, the Supreme Court rejected the union's appeal. The Government stated that, according to surveys of Turkish Cypriots in the government-controlled area, none had requested a Turkish-language school.

The ombudsman received complaints that the Government denied automatic citizenship for children of Turkish Cypriots married to Turkish citizens. Instead of granting citizenship automatically, the Ministry of Interior routinely sought approval from the Council of Ministers before confirming the citizenship of such children. During the year the Council of Ministers approved 108 cases. The ombudsman's office had no authority to examine the complaints because the Council of Ministers' decision to apply different criteria for granting citizenship to children born to one Turkish parent was a political one. However, children of Turkish Cypriots married to Turkish citizens and living outside of Cyprus were automatically granted citizenship.

On June 12, the Turkish Cypriot press reported that Turkish Cypriot Emirali Parlan and his seven Turkish Cypriot colleagues working at a construction site in Paralimni said they were attacked and beaten by Greek Cypriot police. Parlan said that police officers first pointed their revolvers at the workers, handcuffed them to each other, then made them lie on the ground, beat them, and made them stay on the ground under the sun for a half-hour. Parlan claimed that he showed his Republic of Cyprus identification to police, but they dropped it on the ground and later left laughing as if nothing had happened. The incident was investigated by the independent Authority for Investigation of Allegations and Complaints against Police, which found that no offense was committed by police officers.

Other Societal Abuses and Discrimination.—Despite legal protections, homosexuals faced significant societal discrimination, and few homosexuals in the country were open about their sexual orientation. One NGO reported that there were complaints of discrimination toward homosexuals.

An NGO reported complaints of discrimination toward persons with HIV/AIDS. NGOs were reluctant to initiate awareness campaigns.

Incitement to Acts of Discrimination.—The Government continued to use textbooks at the primary and secondary school levels that included language biased against Turkish Cypriots and Turks or that refrained from mentioning the Turkish-Cypriot community altogether. This was a particularly serious concern with history textbooks. Anecdotal evidence indicated that teachers used handouts and held discussions that included inflammatory language in the classroom. A special government committee was set up during the year to look at issues of education reform, including updating history textbooks. In September the education minister distributed a circular to all state schools that called for “the cultivation of a culture of peaceful coexistence, mutual respect, and cooperation between Greek Cypriots and Turkish Cypriots.” However, some teachers, politicians, and religious leaders criticized the circular.

Section 6. Worker Rights

a. The Right of Association.—All workers, except members of the police and military forces, have the legal right to form and join independent unions of their own choosing without prior authorization, and workers did so in practice. Police officers were permitted to join only associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the workforce belonged to independent unions. The law allows unions to conduct their activities without interference, and the Government generally protected this right in practice. All workers have the right to strike; however, authorities have the power to curtail strikes in “essential services,” although this power was used rarely in practice. The law provides that members of the armed forces, police, and the gendarmerie do not have the right to strike, but it is recognized for all other providers of essential services. An agreement between the Government and essential services personnel provides for dispute resolution and protects workers in the sector.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right in practice; however, collective bargaining agreements were not legally enforceable. Collective bargaining agreements covered all workers, citizen and foreign, with the exception of housekeepers and cabaret workers; approximately 60 percent of workers were covered by such agreements.

Antiunion discrimination is illegal, but union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for antiunion practices were minimal.

There are no special laws for or exemptions from regular labor laws in the export processing zone at the port of Larnaca.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and domestic labor. NGOs reported isolated cases of asylum seekers trafficked for labor in agriculture.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the employment of children, defined as persons under 15, except in certain cases such as a combined work-training program for children who have attained the age of 14 and employment in cultural, artistic, sports, or advertising activities subject to certain rules. The law permits the employment of adolescents, defined as persons between the ages of 15 and 18, subject to certain rules and restrictions.

The Government effectively enforced laws and policies to protect children from exploitation in the workplace; however, there were two reports of children trafficked for commercial sexual exploitation. The minimum age for employment in an “industrial undertaking” is 16. Ministry of Labor and Social Insurance inspectors are responsible for enforcing the child labor laws and did so effectively. There were isolated examples of children under 16 working for family businesses.

e. Acceptable Conditions of Work.—The minimum wage was 743 euros (approximately \$1,040) per month for shop assistants, nurses’ assistants, clerks, hairdressers, and nursery assistants. The minimum wage rose to 789 euros (\$1,100) after six months’ employment. For asylum seekers working in the farm/agricultural sector, however, the minimum wage was either 375 euros (\$525) with accommodation and food provided or 675 euros (\$945) without accommodation and food. Neither amount provided a decent standard of living for a worker and family. Almost all other occupations, including unskilled workers, were covered under collective bargaining agreements between unions and employers within the same economic sector. The wages set in these agreements were significantly higher than the minimum wage. The wages set for unskilled workers not covered by the collective bargaining agreements, i.e. non-EU artistes and domestic workers, were typically lower than the legal minimum wage.

The Ministry of Interior's Migration Services set the starting salary for foreigners working as housekeepers at a minimum of 282 euros (approximately \$395) per month, plus a minimum of 120 euros (\$168) for lodging if the worker was not a live-in, and an additional 16 percent, which employers were required to pay directly to the Government for social insurance. Medical insurance, visa fees, travel, and repatriation expenses are covered by the employers. Cabaret artists' contracts typically stipulated that workers receive at least 18 euros (\$25) per day, or 510 euros (\$714) per month. Foreign workers were allowed to claim pensions, and in some cases there were bilateral agreements that allowed workers to claim credit in their home countries. Unions and labor confederations generally effectively enforced negotiated wage rates (collectively bargained rates), which were generally much higher than the minimum wage. Migration Services was responsible for enforcing the minimum wage for foreign workers but did not actively do so.

The legal maximum workweek was 48 hours, including overtime. Unions and employers within the same economic sector collectively determined the actual working hours. In the private sector, white-collar employees typically worked 39 hours a week and blue-collar employees worked 38 hours a week. In the public sector, the workweek was 38 hours in the winter and 35 hours in the summer. The law does not require premium pay for overtime or mandatory rest periods; this is usually stipulated in the contracts of workers and in the collective agreements in larger sectors. The same conditions applied to foreign workers. Ministry of Labor and Social Insurance inspectors are responsible for effectively enforcing these laws. However, labor unions reported problems in their enforcement in sectors not covered by collective agreements. They also reported that certain employers, mainly in the building industry, exploited illegal foreign workers by paying them wages that were much lower than those provided for in the collective agreements.

The Ministry of Labor and Social Insurance experienced a substantial increase in the number of complaints of labor exploitation. Foreign workers, primarily from Eastern Europe and East and South Asia, were reportedly forced to work up to 13 hours a day, seven days a week, for very low wages. NGOs and the ombudsman confirmed that employers often retained a portion of foreign workers' salaries as payment for accommodations.

There were reports of mistreatment of maids and other foreign domestic workers. Such reports usually involved allegations that maids, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Although the law protects domestic workers who file a complaint with the Ministry of Labor and Social Insurance from being deported until their cases have been adjudicated, NGOs reported that many of them did not complain to authorities due to fear of deportation.

Health and safety laws apply to places of work in all economic sectors and were enforced by government inspectors. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Their inspections were supported by close government cooperation with employer/employee organizations. However, the law does not apply to private households where persons are employed as domestic servants. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and authorities effectively enforced this right.

THE AREA ADMINISTERED BY TURKISH CYPRIOTS

Since 1974 the northern part of Cyprus, with a population of approximately 256,000 persons has been run by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus (TRNC)" in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. Mehmet Ali Talat was elected "president" in 2005 in free and fair elections. Elections to the "Assembly of the Republic" in 2005 were also free and fair and resulted in the formation of a coalition "government." The 2006 elections for two empty seats in "parliament," together with the municipal elections, were generally free and fair. The "TRNC government" was restructured in 2006 when a minority coalition partner was replaced. The "TRNC constitution" is the basis for the laws that govern the area administered by Turkish Cypriots. Police and security forces were ultimately under the operational command of the Turkish military, per transitional article 10 of the "TRNC constitution," which cedes responsibility for public security and defense "temporarily" to Turkey.

Turkish Cypriot authorities generally respected the human rights of citizens living under their control; however, there were problems in some areas. Police abuse of detainees and arbitrary arrest and detention continued to be problems. There

were also restrictions on citizens' privacy rights and on the rights of asylum seekers. There was no regulatory infrastructure to handle asylum applications or to protect the rights of asylum seekers. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that authorities or their agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances. Authorities participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) UN Committee on Missing Persons (CMP) in Cyprus as part of its continuing efforts to account for persons who remained missing after the intercommunal violence in 1963–64 and the conflict of 1974. In 2006 the CMP began its project to exhume, identify, and return remains. By year's end the CMP exhumed the remains of a total of 457 missing persons and returned the remains of 32 Turkish Cypriots to their families. Exhumations continued in different parts of the island. According to the CMP, 1,395 Greek Cypriots and 470 Turkish Cypriots remained missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police abused detainees.

Prison and Detention Center Conditions.—Prison conditions did not meet international standards. Inmates complained of overcrowding at the prison, but the authorities claimed that they addressed the problem. Inmates also raised complaints, via the media, regarding unsanitary living conditions and prison authorities' negligence. In the 291 person-capacity prison, the introduction of a bunk bed system raised official capacity from 291 to 441 persons; of the 331 prisoners held there at year's end, 54 percent were foreigners, mostly Turkish citizens. More than 35 percent of the prisoners were awaiting trial.

In May 2007 a riot broke out at the prison. The prison authorities summoned the special riot police to restore order. According to reports, the violence broke out over drug dealing. However, police allegedly targeted not only rioters, but the general prison population, subjecting scores of prisoners to truncheon blows. The Turkish Cypriot Doctors' Association obtained permission from the "Ministry of Interior" and, on May 10, entered the prison to examine the inmates. Of a random sample of 60 prisoners, 54 had heavy bruising of their legs, consistent with blows from truncheons. The "prime minister" subsequently announced that the police intervention would be investigated, but no results had been announced by year's end.

In September the media reported that a number of inmates were on hunger strike protesting the poor living conditions in the prison. In October a group of inmates set their beds on fire to protest what they considered to be severe punishment in the prison.

Juveniles were not held separately from adults.

The authorities permitted prison visits by independent human rights observers and journalists. A group from the Turkish Cypriot Doctors Association visited the prison in May 2007 to observe and investigate. A group from the Turkish Cypriot Bar Association and another from the Turkish Cypriot Human Rights Association visited the prison during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the authorities generally observed these prohibitions.

Role of the Police and Security Apparatus.—Police are responsible for law enforcement. The chief of police reports to a Turkish Cypriot general, who is nominally under the supervision of the "Prime Ministry," holding the "security portfolio." However, the police and security forces are ultimately under the operational command of the Turkish military per transitional article 10 of the "TRNC constitution," which "temporarily" cedes responsibility for public security and defense to Turkey. Security forces were generally cooperative with civilian authorities and effective in matters of law enforcement. The police are divided into eight functional divisions and five geographic divisions.

The "Office of the Attorney General" continued to work in conjunction with the inspection division (or occasionally the criminal investigative division) to conduct investigations into allegations of police misconduct. There were no investigations resulting in the prosecution of officers for the abuse of detainees during the year.

Arrest and Detention.—Judicially issued arrest warrants were required to arrest a person. No person could be detained for more than 24 hours without referral of

the case to the courts for extension of the period of detention. The authorities generally respected this right in practice. Detainees were usually promptly informed of charges against them, although individuals believed to have committed a violent offense often were held for longer periods of time without charge. Judges could order that suspects be held for investigative detention for up to 10 days before formal charges are filed, or up to three months for those accused of serious crimes. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. The authorities provided lawyers to the destitute for violent offenses only. Particularly at the time of arrest, police sometimes did not observe legal protections. Some suspects were not permitted to have their lawyers present when testimony was taken, in contravention of the law. Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated.

In September the lawyer representing Ferhat Beyoglu and Metin Taskin, both accused murder suspects, claimed in court that police were using torture to pressure his clients to plead guilty. The judge ordered a medical exam of the suspects, which resulted in no substantiation of the defendants' claims, and the trials proceeded.

In August, three Iranians arrested in Famagusta for possession of opium complained in court that they were tortured by narcotics police in order to force them to plead guilty. The lawyers for two of the three suspects complained that their clients were stripped naked and beaten in detention and pressured to sign a statement. The judge ordered the suspects to undergo a medical examination, which resulted in no substantiation of the defendants' claims, and the trials proceeded.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the authorities generally respected judicial independence in practice.

Most criminal and civil cases begin in District Courts, from which appeals are made to the "Supreme Court." There were no special courts for political offenses. In 2007 legislation was passed transferring jurisdiction from military to civilian courts for cases in which civilians are accused of violating military restrictions, such as filming or photographing military zones.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The "TRNC constitution" provides for public trials, the defendant's right to be present at those trials, and the defendant's right to consult with an attorney in a timely manner. The authorities provided lawyers to the destitute for violent offenses only. Defendants are allowed to question witnesses against them and present evidence or witnesses on their behalf. The law also requires that defendants and their attorneys have access to evidence held by the "government" related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. Authorities generally respected these rights in practice.

In September the head of the Nicosia Bar, Baris Mamali, complained via the media that the rights of detainees were not sufficiently implemented, contravening "TRNC" constitutional articles 16–18. Mamali confirmed that legally granted rights such as the right to remain silent and the right to a lawyer were not uniformly applied. Mamali also stated that arbitrary and unjust arrests took place at times.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There was generally an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations. There were generally no problems enforcing domestic court orders.

Property Restitution.—During the year Greek Cypriots continued to pursue property suits in the European Court of Human Rights (ECHR) against the Turkish government for the loss since 1974 of property located in the area administered by Turkish Cypriots. Under ECHR rules, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies, unless no adequate local remedy exists. In response to the ECHR's 2005 ruling in the landmark *Xenides Arestis* case that Turkey's "subordinate local authorities" in Cyprus had not provided an adequate local remedy, Turkish Cypriot authorities established a "Property Commission" to handle claims by Greek Cypriots. In May 2006 the "Property Commission" began reviewing Greek Cypriot claims and had reportedly received 378 applications by year's end. By the end of December, 52 cases had been completed; three applicants received restitution of their properties outright (plus compensation), one received restitution pending a future settlement of the Cyprus problem, while 46 accepted compensation in lieu of restitution. Two property exchange (plus compensation) decisions were also taken. In 2006 the ECHR ruled that

the commission had satisfied “in principle” the ECHR’s requirement for an effective local remedy.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, there were reports that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance. Although the authorities reported otherwise, a Maronite representative confirmed that houses in three enclaved villages were occupied by the Turkish military during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the authorities generally respected these rights in practice; however, journalists were at times obstructed in their reporting, fined, and threatened with more serious charges.

Individuals can and generally did publicly criticize the authorities without reprisal. However, in November two youths were arrested for forming a group on the Facebook Internet site that involved “gross personal insults” against “TRNC president” Mehmet Ali Talat. The youths were detained for three days and released pending trial.

The independent media were active and expressed a wide variety of views without restriction. International media were generally allowed to operate freely. Bayrak Radyo Televizyon Kurumu is the only “government”-owned television/radio station.

Internet Freedom.—The authorities did not restrict access to the Internet, and there were no reports that they monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was easily accessible and widely available to the public.

Academic Freedom and Cultural Events.—The authorities did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the authorities generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the authorities generally respected this right in practice.

Greek Cypriots and Maronites were still prohibited from visiting religious sites located in military zones. Greek Cypriots and Maronites were required to apply for permission to conduct church services anywhere other than the seven churches designated by the authorities.

Missionaries have the legal right to proselytize, but the authorities closely monitored such activities.

Societal Abuses and Discrimination.—Greek Cypriots living in the government-controlled area continued to assert that vandals damaged vacant Greek Orthodox churches and removed religious icons in the area administered by Turkish Cypriots in previous years; there were no reported investigations of these incidents. Greek Cypriot claims included alleged Turkish Cypriot misuse of a Greek Orthodox church in the village of Trimithi as a ceramics showcase. Turkish Cypriot authorities denied the claim that using the church as a ceramics showcase constituted misuse.

There were no reports of anti-Semitic acts. The Jewish community is very small and composed primarily of nonresident businesspersons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement within the area administered by Turkish Cypriots, foreign travel, emigration, and repatriation, and the authorities generally respected these rights in practice.

Turkish Cypriot authorities’ cooperation with the Office of the UN High Commissioner for Refugees (UNHCR) in providing protection and assistance to asylum seekers was uneven, due at least in part to complications arising from the unrecognized status of the “TRNC.” No law exists regarding the handling of asylum applications, but procedures were conducted in accordance with an annually renewed project agreement between the UNHCR and the Turkish Cypriot authorities on the rehabilitation of asylum seekers. There is a Turkish Cypriot UNHCR representative in the area administered by Turkish Cypriots. Asylum seekers, if they qualify after a preliminary investigation, are referred to the UNHCR representative. During the year, seven Iraqis, seven Palestinians, three Cameroonians, one Afghani, and one

Russian applied for asylum. At year's end, there were 15 asylum seekers with work permits issued by the authorities in the area administered by Turkish Cypriots. The UNHCR provided assistance to the asylum seekers. There are no reliable estimates of the number of asylum seekers crossing into the government-controlled areas, as irregular crossings go unrecorded.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. In addition Greek Cypriots and foreigners crossing into the area administered by Turkish Cypriots were required to fill out a "visa" form.

In 2006 the immigration law was amended, and the authorities reported that all illegal immigrant workers were registered. According to the new law, all employers who wish to bring foreign workers need official permission from the "Department of Labor" to register workers. As a result of the new law, the number of illegal workers, and thus illegal immigrants, in the area administered by Turkish Cypriots decreased dramatically. The authorities deported illegal immigrants found without work permits. All illegal immigrants without work permits were prohibited from entering the "TRNC" at the ports of entry. Asylum seekers were generally treated as illegal immigrants, and were either deported or denied entry.

The authorities no longer maintained general restrictions on visitors to the 358 Greek Cypriots and 121 Maronites living in enclaves in the area administered by Turkish Cypriots, although there were reports that specific refugees from the enclaved villages were barred from returning to them.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the "TRNC." Some Turkish Cypriots used Turkish travel documents, but many obtained travel documents issued by the ROC. Turkish Cypriots born after 1974 to parents who were ROC citizens before 1974 obtained ROC passports relatively easily, compared to Turkish Cypriots born after 1974 to one Cypriot parent. Children of Turkish Cypriot mothers and Turkish fathers were usually denied citizenship by ROC authorities. It was reported that children of Turkish Cypriot fathers and Turkish mothers also faced some obstacles. Children born to "TRNC" citizen parents of Turkish origin could not receive ROC citizenship and passports.

The law prohibits forced exile, and the authorities did not employ it.

Internally Displaced Persons (IDPs).—Although they would fall under the UN definition of IDPs, Turkish Cypriots considered those displaced as a result of the division of the island to be refugees. These persons and their descendants numbered approximately 90,000 to 100,000 in the north. They were resettled, had access to humanitarian organizations, and were not subject to attack, targeting, or return under dangerous conditions.

Protection of Refugees.—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the authorities neither granted refugee or asylum status and did not establish a system for providing protection to refugees. In practice authorities did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Individuals who requested asylum were supposed to be directed to the UNHCR. However, the authorities' cooperation with the UNHCR was uneven, due at least in part to complications arising from the unrecognized status of the "TRNC." There were reports that the authorities at times refused entry to persons who arrived with or without proper documentation at ports of entry, denying them the opportunity to apply for asylum through the UNHCR.

In September 2007, 17 Iraqis and Palestinians were arrested for trying to enter the "TRNC" through illegal means in a fishing boat and handed over to the UNHCR. There were also reports of Syrians and other nationalities utilizing newly established ferry links between Syria and the "TRNC" to arrive on the island with the intent of later crossing illegally into the government-controlled area.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides Turkish Cypriots the right to change their government peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Turkish Cypriots choose a leader and a representative body every five years or less. In the 2005 "parliamentary" elections, which were free and fair, parties favoring a solution to the division of the island based on the UN settlement plan, known as the Annan Plan, took a near majority of seats.

Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot “national” elections; they were eligible to vote in Greek Cypriot elections but had to travel to the Government controlled area to exercise that right. In 2006 Greek Cypriot and Maronite communities in the area administered by Turkish Cypriots directly elected municipal officials for the first time; previously, the ROC appointed these representatives. The Turkish Cypriot authorities did not recognize these ROC officials.

Authorities did not restrict the political opposition, and membership or nonmembership in the dominant party did not confer formal advantages or disadvantages. However, there were widespread allegations of societal cronyism and nepotism.

There were three women in the 50 seat “parliament,” including the “speaker.”

There were no minorities represented in the “parliament.”

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, authorities implemented the law inconsistently and officials sometimes engaged in corrupt practices. Corruption, cronyism, and lack of transparency were generally perceived to be serious problems in the legislative and executive branches.

In November a public servant was sentenced after a lengthy trial to four years in prison for defrauding the state electricity authority from 1998 to 2000.

The media reported in August that 116 corruption and/or abuse cases written up by the Court of the Exchequer since 1986 were still awaiting review by the “parliament.”

In June 2007 recurrent and serious allegations of corruption led to the dismissal of the “minister of economy and tourism,” who represented the junior coalition partner. The “minister” was replaced with a “member of parliament” from the same party. Many accounts claimed that the “minister” was soliciting bribes from individuals and companies which applied for licenses, land allocation and other services. The details and scope of the corruption was unknown. No investigation was carried out regarding the allegations by year’s end.

Opposition parties continued to claim that the “government” mostly hired supporters of the two ruling coalition parties for public sector jobs during the year.

The “constitution” provides for the right of free access to “government” information; however, there are no specific laws that provide for public access. Civil servants were not allowed to give access to “government” documents without first obtaining permission from their directors or the “minister.” There were no reported cases of persons being denied access to “government” information during the year.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without restriction from the authorities, investigating and publishing their findings on human rights cases. The authorities often were cooperative and responsive to their views.

Local human rights groups were concerned almost exclusively with alleged violations of Turkish Cypriot rights by Greek Cypriots. Other NGOs included groups promoting awareness of domestic violence, women’s rights, and trafficking in persons. These groups were numerous but had little impact on public opinion or specific legislation. A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in this unrecognized area.

The UN, through the CMP, continued its efforts to account for persons who remained missing after the intercommunal violence beginning in 1963–64 and the conflict of 1974.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the authorities generally enforced it; however, violence against women, trafficking in persons, and discrimination against Greek Cypriots and Maronites were problems.

Women.—The law provides for no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. The authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs to support rape victims.

Violence against women, including spousal abuse, was a problem. The law prohibits domestic violence. Even though claims were usually considered a family matter and settled out of court, there were twelve domestic violence cases tried during the year, five of which were still pending. The completed seven cases resulted in

various fines but no prison sentences. The authorities considered a case credible only if there was at least one witness in addition to the victim.

The law does not specifically prohibit prostitution; however, encouraging or forcing a person to engage in prostitution is illegal, and procurement of a prostitute is a misdemeanor. The law regulating the hiring of women at nightclubs and cabarets provides penalties for women and employers who “partially or completely earn a living from prostitution.”

The law does not specifically prohibit sexual harassment; however, victims could pursue such cases under other sections of the law. Sexual harassment was not discussed widely, and any such incidents largely went unreported.

Women generally have the same legal status as men under property law, family law, and in the judicial system. Laws requiring equal pay for men and women performing the same work were generally enforced at the white-collar level; however, women working in the agricultural and textile sectors were routinely paid less than their male counterparts. There were several NGOs, but no functioning “government” agencies, that worked to protect women’s rights.

Children.—The authorities were generally committed to children’s rights and welfare.

Turkish Cypriot authorities continued to screen all textbooks sent to the Rizokarpasso Gymnasium, a Greek Cypriot school, but did not send textbooks deemed as derogatory back to the government-controlled area.

There were no reported cases of child abuse; however, as with domestic violence, there were social and cultural disincentives to seek legal remedies for such problems, which observers believed were underreported.

Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were widespread reports that women were trafficked to and within the area administered by Turkish Cypriots for the purpose of sexual exploitation. The green line reportedly serves as a porous crossing point for traffickers to move victims into the south.

Authorities issued worker “visas” to women, primarily from Eastern Europe, permitting their entry into the area administered by Turkish Cypriots to work in nightclubs and cabarets. There were credible reports that many of these women engaged in prostitution and that some women were coerced. The authorities acknowledged the existence of trafficking; however, they often confused it with human smuggling or illegal immigration. According to researchers, women working in nightclubs and cabarets often were sold by agencies that had advertised for models, babysitters, or elder caregivers. They also said that large casinos had offered women as “gifts to their richest customers.” By year’s end, authorities had tried and concluded 34 prostitution-related cases. Of these, 13 involved charges of encouraging prostitution, five involved charges of engaging in prostitution, and 16 involved charges of profiting from prostitution. All the cases resulted in fines but no prison sentences.

The authorities examined the extent of the trafficking problem and began to offer some assistance to victims. The “Ministry of Health” collected questionnaires on working and living conditions from nightclub and cabaret employees and hired a Russian-speaking staff member to interview the women in private to ascertain whether they were coerced or forced to engage in prostitution.

In 2006 report by the NGO Prologue Consulting Ltd. concluded that many women working at nightclubs and cabarets were trafficked. Release of the report sparked numerous press reports and public debate. In February, at the first-ever antitrafficking conference held in the area administered by Turkish Cypriots, authorities condemned the practice.

The police reported that they had assisted international trafficking investigations through Turkish authorities.

There was one NGO available to provide assistance to trafficking victims.

The State Department’s annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the authorities effectively enforced these provisions. The “government” employed 423 persons with disabilities and provided financial aid to another 3,155 of the approximately 3,928 known persons with disabilities in the area administered by Turkish Cypriots. The law does not mandate access to public buildings and other facilities for persons with disabilities. A local NGO reported that this remained the greatest problem for persons with disabilities in the area administered by Turkish Cypriots.

National/Racial/Ethnic Minorities.—The law prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites; however, the authorities' noncompliance with some of the agreement's provisions made daily life difficult for the 358 Greek Cypriot and 121 Maronite residents.

Under the Vienna III Agreement, UNFICYP visited the enclaved Greek Cypriots weekly and the Maronites twice a month; any additional visits had to be preapproved by the authorities. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, the authorities only permitted care provided by registered Turkish Cypriot doctors; enclaved persons also traveled to the government-controlled area for medical care.

Greek Cypriots and Maronites were able to take possession of some of their properties but were unable to leave any of their properties to heirs residing in the government-controlled area. The authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their properties only if those properties were not under the control of the Turkish military or allocated to Turkish Cypriots.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. One NGO reported that Turkish workers often were targeted by police investigations during the year, albeit less frequently after the authorities registered all foreign workers. The same NGO also reported that many Turkish workers lived in derelict buildings in Nicosia, with up to 20 persons sleeping in one room. Those working in the agricultural or construction sectors reportedly were forced to sleep on the ground, and those working at restaurants were seen sleeping after hours on chairs in the establishments where they work.

Other Societal Abuses and Discrimination.—The law criminalizes homosexuality in the area administered by Turkish Cypriots. Homosexuality remained highly proscribed socially and rarely discussed.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—All workers except members of the police and military forces have the legal right to form and join independent unions of their own choosing without prior authorization, and workers did so in practice. Approximately 1 percent of private sector workers, 60 to 70 percent of semipublic sector workers, and nearly all public sector workers belonged to labor unions. The law allows unions to conduct their activities without interference, and the authorities generally protected this right in practice.

Although the law provides for the right to strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limited the effectiveness of the right to strike. The law does not ensure due process for essential service workers and states that judges and members of the police and armed forces do not have the right to strike. Authorities have the power to curtail strikes in "essential services." Although this power was rarely used in practice, in October 2007 the "government" invoked its right to postpone a strike for 60 days at the "state" university, citing the crucial need of students to continue their education without interruption. The wage-related dispute between the "government" and the unions was mostly resolved.

Some companies pressured workers to join unions led or approved by the company. Officials of independent unions claimed that the authorities created rival public sector unions to weaken the independent unions.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right in practice; however, collective bargaining agreements were not legally enforceable. The "Ministry of Economy" and union officials estimated that 98 percent of workers in the public sector, 60 to 70 percent of workers in the semipublic sector, e.g., the "state" university, and 1 percent of workers in the private sector were unionized. Public and semipublic employees made up approximately 30 to 35 percent of the work force and benefited from collective bargaining agreements.

The law does not prohibit antiunion discrimination, and union leaders claimed that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties such as reassignment to an undesirable location or denial of promotion for antiunion practices were nominal.

There are no special laws for or exemptions from regular labor laws in the export processing zone at the port of Famagusta.

c. Prohibition of Forced or Compulsory Labor.—The authorities prohibited forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women were trafficked for commercial sexual exploitation. Legal and illegal migrant workers were subject to reduced wages or nonpayment of wages, beatings, and the threat of deportation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The authorities effectively enforced the laws and policies to protect children from exploitation in the workplace.

The minimum age for employment in an “industrial undertaking” is 16, and children may be employed in apprentice positions at 15. Labor inspectors enforced the law effectively. It was common in family-run shops for children to work after school, and children as young as 11 worked in orchards during school holidays.

In June the “Ministry of Labor” announced that 32 child workers were detected in inspections in May and that legal action was taken against the employers.

e. Acceptable Conditions of Work.—Effective January 1, the minimum wage was 1,060 lira (approximately \$665), which did not provide a decent standard of living for a worker and family. In August the minimum wage was raised to 1,190 lira (\$750). Migrant workers often were offered substandard accommodation as part of their compensation or were made to pay for accommodation. The “Ministry of Labor and Social Security” is responsible for enforcing the minimum wage, and it was generally enforced. However, one NGO reported that legal foreign workers in general were paid below the minimum wage.

The legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors generally enforced these laws, except in the case of migrant workers, who worked irregular hours and at times reportedly were required by their employers to work up to 14 hours per day, seven days a week. The law requires overtime pay, but it was not uniformly enforced.

As part of an overall program to better regulate legal foreign workers, the “Ministry of Labor and Social Security” and police routinely checked restaurants, hotels, nightclubs, casinos, and construction sites to ensure that workers had valid work “permits,” that they had signed a contract with their employers, and that working conditions were safe and sanitary.

In September 2007 the “government” amended the labor law, prohibiting the employment of workers in the construction sector and related fields on Sundays. The “Ministry of Labor and Social Security” stated the amendment was needed in part to prevent employers from forcing employees to work seven days a week. The authorities and the police jointly implemented the law and warned or fined employers in contravention of it.

The authorities sporadically enforced occupational safety and health regulations. Although factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed, workers who filed complaints did not receive satisfactory legal protection and could face dismissal. Workers did not have the legal right to remove themselves from situations that endangered health or safety without risking their continued employment.

CZECH REPUBLIC

The Czech Republic is a parliamentary democracy with a population of approximately 10.2 million. In February the bicameral parliament elected Vaclav Klaus as president and head of state for a second term. In 2006 free and fair parliamentary elections produced an even split between right and left parties in the Chamber of Deputies. After several months of political stalemate, a coalition government led by the conservative Civic Democratic Party (ODS) and Prime Minister Mirek Topolánek emerged in January 2007. Civilian authorities maintained effective control of the security forces.

The Government generally respected and protected the rights of its citizens; however, reports of abuse by police at times were not adequately followed up, and there were long delays in the court system. Corruption persisted among both law enforcement and judicial personnel, and high level political intervention sometimes resulted in investigations being prematurely closed or reassigned to other jurisdictions. There were also reports of official corruption in the legislative and executive branches of government. Child abuse and trafficking of women and children for commercial sexual exploitation, and of men for forced labor, continued to be problems. Neo Nazis, members of the far right Workers Party, and skinheads attacked and harassed Roma and other minorities during the year. Societal discrimination

against minorities, especially Roma, continued, and a lack of equitable education, housing, and employment opportunities for Roma persisted.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

In September the Prague City Court sentenced former Prague police officer Milan Pavlis to 10 years in prison for killing a 34 year old foreign tourist. The killing occurred when the inebriated policeman provoked a clash with the tourist and stabbed him to death.

Police charged a young man belonging to a local neo Nazi group in Pribram with killing a member of an antifascist organization. The killing took place in February during clashes between local neo Nazis and antifascists. The alleged perpetrator was a neo Nazi dressed in a German military uniform. He stabbed the victim, a protester belonging to the militant antifascist group Antifa, who died of his wounds.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them during the year. Police did not generally use excessive force.

In April the Prague City High Court upheld a lower court's acquittal of police officer Tomas Cermak, who was charged with abuse of power for assaulting the former head of the Government's human rights section, Katerina Jacques, during a 2006 demonstration. Jacques was protesting a neo Nazi rally in Prague. A journalist, also detained, photographed the assault. The Interior Ministry imposed minor punishment, such as demotions, on the officers involved and closed its internal investigation of the incident on the grounds that no crime had been committed.

The Government continued to investigate cases of forced sterilization, mainly of Romani women, since the 1970s. According to a 2005 report by the ombudsman, most allegations of forced sterilization date to the 1973–91 period. However, the nongovernmental organization (NGO) Group of Women Harmed by Sterilization (WHS) reported that its field research uncovered two recent cases, one in November 2008, the other in 2007. The alleged instance in November involved a 19-year old Romani woman from Karvina. WHS was gathering more information about the case at year's end. In the 2007 case, a social worker allegedly told the victim that she "had no choice" and if she did not accept sterilization, her children would be placed in state care. At year's end, WHS was seeking legal representation for the victim.

The Ostrava Regional Court ruled in October that a local hospital was liable for a wrongful sterilization performed on Romani woman, Iveta Cervenakova, 11 years prior and recognized her right to financial compensation of 50,000 thousand koruna (\$2,600) and an apology. The hospital appealed to the Olomouc High Court, which ruled in November that Cervenakova was not entitled to financial damages because the deadline for making such claims had passed. However, the high court upheld the requirement that the hospital apologize. Cervenakova appealed the decision to the Supreme Court in Brno. The case was pending at year's end. The WHS also indicated that 20 more women, both Roma and non-Roma, had alleged forced sterilizations, some before 1989 and others in the 1990s. These cases had not been investigated by year's end.

In 2007 the Governmental Council for Human Rights proposed to pay each sterilization victim 200,000 korunas (\$10,400) in compensation, but the Government rejected the proposal. At year's end the Government was seeking assistance from the Institute for the Study of Totalitarian Regimes to establish the extent to which the sterilizations before 1989 were government policy and to what extent individual hospital and social workers were responsible.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

In a July 2007 report based on visits to the country in 2006, a delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) reported that overcrowding in prisons continued to be a problem. The CPT recommended that detention facilities provide each prisoner with a minimum of four square meters (approximately 43 square feet). The report documented several cases of prisoners who were physically and sexually abused by other prisoners at the Valdice prison and noted that allegations of sexual abuse did not appear to have been taken seriously by prison officials. The report also highlighted the need to ensure that nonviolent prisoners were held separately from prisoners convicted of violent crimes.

Although the Government disputed some of the CPT's findings, it continued to implement a number of the report's recommendations for improved prison conditions, such as hiring and training more staff, offering inmates better work and leisure activities, and increasing the number of refurbished facilities. Additionally, the Government provided sensitivity training to prison staff on how to identify and better protect "at risk" prisoners from violent inmates.

In October the prison service announced that, overall, the prison population was 107 percent of the intended capacity of the facilities. There were 20,500 prisoners in the country's prisons, 1,400 more than in 2007. However, in contrast to prisons, detention facilities were not overcrowded and provided each prisoner with the minimum required space.

The Government permitted independent monitoring of prison conditions by local and international human rights groups, the media, and the ICRC. The CPT visited prisons and detention centers during the year; the ICRC did not. According to the Czech Prisons Service, there were numerous media visits to prisons during the year. All requests for visits were granted.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The national police are responsible for enforcing the law and maintaining public order. While law enforcement bodies were generally effective, corruption remained a problem. The Interior Ministry oversees police actions and is responsible for investigating allegations of police misconduct. Observers believed that the ministry often whitewashed wrongdoing or prematurely terminated investigations of units under its control. Investigations that led to successful prosecution rarely resulted in lengthy sentences.

According to the Ministry of the Interior, police conducted 43 bribery investigations in the first eight months of the year and investigated 56 public officials for abuse of authority. During the same period, justice ministry records indicated that courts convicted 36 public officials of crimes relating to abuse of power, but only seven were sentenced to prison. Of these, five received sentences of up to five years and two received sentences of up to 15 years. Of the 21 public officials convicted of bribery related offenses, only one received a sentence of up to five years' imprisonment.

In September the Prague Municipal Court completed one of the trials in the long running and complex legal case against the "Berdysh" gang, involving a conspiracy between criminal elements and members of the Government's organized crime task force to kidnap, assault, and ransom wealthy businessmen. Since many of the defendants had already been convicted in earlier related trials for more serious crimes carrying longer prison sentences, the court did not impose additional prison time. Another related trial, focusing on the cooperation of the gang with five former members of an elite police detachment, began in August. It had not concluded by year's end.

Arrest and Detention.—Authorities apprehended persons suspected of crimes openly, using warrants based on sufficient evidence issued by a prosecutor and brought before an independent judiciary. By law, police may detain persons without charge for up to 48 hours, during which time detainees have the right to counsel at government expense, although they may not contact family members. Police must receive a determination from a judge and a prosecutor of intent to bring charges before they can detain the suspect beyond 48 hours. Once the judge and prosecutor decide to charge the suspect, the suspect may contact family members. In some instances a judge may allow detention for up to 90 days before the suspect is formally charged to allow for further criminal investigation (investigative detention). The law provides for bail except for certain serious crimes or to prevent witness tampering.

Many persons interviewed by the 2006 CPT delegation claimed that they had not been permitted to contact a lawyer or informed of their rights until after police had questioned them.

Lengthy pretrial detention was a problem. Under the law, pretrial detention may last no longer than two years except for "exceptionally grave" offenses. According to prison service data for the first nine months of the year, the average length of pretrial detention was 90 days. Fifteen detainees, or approximately 0.66 percent of the pretrial detainee population, had been held for over two years. A suspect may petition investigating authorities at any time for release from detention.

Amnesty.—The president granted amnesty to 46 persons for humanitarian reasons during the year.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice; however,

judicial effectiveness was hampered by complicated procedural rules that often kept cases tied up for years in judicial uncertainty. Political influence, structural deficiencies, and a lack of specialized judicial training and resources also contributed to delays and undermined effectiveness. Credible allegations of corruption persisted throughout the judiciary, particularly in commercial and bankruptcy courts, and there was high level political interference in sensitive public corruption cases.

Several developments in earlier years eroded confidence in the independence of the judiciary. Beginning in March 2005, President Klaus refused to appoint dozens of judicial candidates under 30 years of age who were recommended to him as qualified. The president has also regularly blocked promotions of younger judges since he came to office in 2003. Critics charged that the failure to appoint younger judges blocked court reform efforts, while the president maintained that younger judges lacked the experience for full judicial responsibilities. In response to a June 2007 court ruling, Klaus appointed all but one of the younger judges he previously rejected. However, he continued to refuse to appoint one candidate, Petr Langer, despite a ruling in Langer's favor by the Supreme Administrative Court in May.

A number of legal cases involving judicial misconduct were in process during the year. They included the resumption in September of the regional court trial of former bankruptcy judge Jiri Berka, arrested in 2005 on charges of criminal conspiracy and fraud. His was the first indictment of a sitting judge for criminal conspiracy since 1989. The Government alleged that a criminal group associated with Berka embezzled nearly 300 million korunas (\$15.6 million) from domestic companies and that Berka approved the dissolution of companies based on documents he knew to be fraudulent. The case was pending at year's end.

In June the Central Bohemian Court in Prague ruled that former supreme state prosecutor Marie Benesova did not have to apologize to six top level judicial officials who sued her for describing them as a "judicial mafia" that tried to influence the corruption investigation of then-deputy prime minister Jiri Cunek. The group appealed to the Prague High Court. The case was pending at year's end.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal and a separate Constitutional Court adjudicates the legality of legislation. Judges are nominated by the minister of justice and appointed for life by the president. The Senate confirms constitutional court judges. Defendants may appeal decisions of the District Courts through appellate layers to the Supreme Court. Civil cases are handled by the administrative court system, whose highest court is the Supreme Administrative Court.

In the first seven months of the year, the Ministry of Justice received only nine calls on its anticorruption hotline, two alleging corruption on the part of prosecutors and five alleging corruption on the part of judges. In the same period, the ministry received 32 written complaints of corruption concerning two prosecutors, 12 judges, and four other judicial officials.

Trial Procedures.—The laws provide for the right to a fair trial, and the judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Trials are public, but juries are not used. In serious cases a panel of judges rules on the guilt or innocence of the defendant, while a single judge hears less serious cases. Defendants have the right to be present at trial and to consult an attorney in sufficient time to conduct a defense; the Government provides an attorney without charge to defendants who cannot afford one. Defendants may confront adversarial witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys are entitled to access government held evidence relevant to their cases. Convicted persons have a right of appeal. The law extends these rights to all citizens.

There were case backlogs throughout the judicial system, whose impact was compounded by numerous judicial vacancies. In the first nine months of the year, the European Court of Human Rights (ECHR) received approximately 2,400 complaints concerning the country's judicial system, mostly relating to court delays.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution provides for a separate, independent judiciary in civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations; however, inefficiency and inadequate resources caused significant delays in case resolution. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct.

Property Restitution.—The law provides for restitution of properties confiscated under the Communist regime as well as restitution of, or compensation for, Jewish

property wrongfully seized during the Nazi era. While it was still possible to file claims for artwork, the claims period for other types of property has expired. Significant claims for communal property, two in Brno and one in Turnov, were before the courts at year's end.

The comprehensive compromise settlement reached between the Government and the churches in 2007 over restitution of properties of religious orders, and financial compensation to churches for loss of their properties, was awaiting parliamentary ratification at year's end. Protracted litigation between the Government and the Catholic Church over the ownership of St. Vitus Cathedral continued, pending the outcome of an appeal by the church against earlier court rulings that declared the cathedral to be the property of the state.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected the privacy of individuals in practice.

Unlike in 2007, there were no reports of evictions of Roma from their homes.

Most of the Romani families evicted from their homes in Vsetin in 2006 and placed in new homes in the Prostějov region were having problems repaying the home loans provided by the city of Vsetin. The deadline for repaying the loans expired at the end of October. Although the families could face eviction for not repaying their loans, Vsetin city officials have indicated that they preferred to reach an agreement with the families. No action was taken by the Vsetin city administration either to renegotiate the loans or to evict the families.

Section 2. Respect for Civil Liberties:

a. Freedom of Speech and Press.—The law provides for freedom of speech and press, and the Government generally respected these rights in practice. Independent media actively expressed a variety of opinions without outside restriction; however, members of the media complained that the country's weak libel protection law for journalists promoted an atmosphere of self censorship that discouraged serious, in depth, investigative reporting; however, there were no reports of threats of, or use of, lawsuits against media representatives during the year.

The law mandates prison sentences of six months to three years for persons who deny Communist era crimes or the Nazi Holocaust. Speech inciting hatred based on race, religion, class, nationality, or other group affiliation is also illegal and carries a sentence of up to three years in prison. There were no reports of prosecution on these grounds during the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or chat rooms. Individuals and groups could and did engage in the peaceful expression of views via the Internet, including by e mail.

In September the District Court in Havlíčkův Brod sentenced two men to two and three years' imprisonment, respectively, for propagating Nazism. In 2003-04 the men published an Internet magazine, *Last Generation*, that included anti Semitic articles and Holocaust denial. Some articles called for the physical liquidation of Jews.

According to the Government statistical office, 70 percent of the population under age 55 reported using the Internet regularly in 2007.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. The Government may legally restrict meetings that promote hatred or intolerance, advocate suppressing individual rights, or jeopardize the safety of participants. Protesters are required to have permits for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations.

The Government may prohibit concerts, gatherings, or activities that promote hate speech and did so on several occasions during the year. For example, in January authorities denied permission for a march by extreme right wing groups in Plzeň, but they subsequently allowed the event to be held in March. Participants shouted anti Semitic slogans when passing the Plzeň synagogue. In October the mayor of Litvinov prohibited a demonstration against the Romani community but subsequently approved a November 17 march by approximately 500 members of the far right Workers Party. Efforts by the participants to depart from the approved march route and attack a Romani settlement were thwarted by police intervention.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice; however there

were some restrictions. Organizations, associations, foundations, and political parties were required to register with local officials or the Ministry of the Interior. While the law prohibits political party activities on university campuses, it permits students to form their own political associations. At year's end, authorities were seeking to ban the far right Workers Party on the grounds that it promoted racial animosity. The case was pending before the Supreme Administrative Court.

In March the Prague Municipal Court confirmed the 2006 Interior Ministry decision to ban the Communist Youth Union because the Union's statutes violated the law and the Constitution, especially the Human Rights Charter.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

There is a system of registration for religious groups that is administered by the Ministry of Culture. While registration of religious groups is not obligatory for assembly or worship, registered groups enjoy certain benefits under a two tier system which provides greater benefits, including the right to teach in schools, to larger and longer established groups. There were 30 officially registered religious groups, 10 of which had second tier status and were thus officially permitted to teach in state schools.

Organizations from both the Jewish and Muslim communities were registered. The small Muslim community of approximately ten thousand members generally operated freely and maintained two religious centers, in Prague and Brno. Plans for a mosque in Teplice were put on hold pending submission of construction diagrams.

Societal Abuses and Discrimination.—There continued to be reports of societal harassment and discrimination against religious groups.

Although estimates varied, the country's Jewish population was believed to be approximately ten thousand. Public expressions of anti-Semitism were generally rare, but small, fairly well organized, ultranationalist groups with anti-Semitic views were active around the country. The Interior Ministry continued to counter such groups, monitoring their activities, increasing cooperation with police from some neighboring countries, and shutting down unauthorized neo-Nazi and skinhead rallies.

Several groups that advocated violence against Jews and other minorities were active. The number of rallies and demonstrations of extreme right groups increased during the year. Experts on extremist groups stated that a shift from neo-Nazi concerts to public political events represented an effort by these groups to legitimize themselves on the political stage prior to regional elections in October.

There were several anti-Semitic incidents during the year. While police investigated all reported incidents, arrests were rare. Participants in a march of extreme right wing groups in Plzen in March shouted anti-Semitic slogans when passing by the Plzen synagogue. Authorities prohibited the march for January but subsequently approved it for March.

In April bronze plaques from 824 tombstones of Holocaust victims at the National Cemetery in Terezin were stolen. Shortly after the theft, police arrested three men, and in November the district prosecutor's office charged them with theft. If convicted, the men could receive sentences of up to eight years in prison. The crime appeared not to have been anti-Semitic, as the plaques were stolen to be sold as scrap metal. However, the damage caused to the Terezin Memorial was 2.5 million korunas (\$130,000).

Police made no arrests in anti-Semitic incidents reported in 2007, including the February vandalism and theft at a memorial to the Jewish victims of a 1945 death march in the northern town of Ceska Lipa, the April desecration of a Jewish cemetery in Hranice na Morave, the spraying of Nazi and racist symbols throughout the city of Rychnov nad Kneznou, or the July vandalism in a 19th-century Jewish cemetery in Pisek.

The Government sought to promote religious and social tolerance. In January President Klaus and the chairmen of both chambers of parliament joined the Holocaust memorial ceremony held in the Senate. Other political officials, including the prime minister and the chairman of the senate, participated in ceremonies promoting Holocaust remembrance and respect for the Jewish community. The Government also sponsored interfaith dialogue.

In September the District Court in Havlickuv Brod sentenced two men to two and three years in prison each for propagating Nazism. In 2003-04 they published an Internet magazine, Last Generation, that included anti-Semitic articles and Holocaust denial. Some articles called for the physical liquidation of Jews.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to give protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ this practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention on the Status of Refugees and its 1967 protocol, and the Government has established a system for the protection of refugees.

Immigration and refugee law established a list of “safe countries of origin” from which applicants were unlikely to be granted refugee status. However, this designation did not automatically bar applicants from consideration. Applicants whose cases were denied had a right of appeal to a regional court. The law requires regional court decisions to be reviewed by a five judge panel that has the authority to refer cases requiring further consideration to the Supreme Administrative Court. The law stipulates that only exceptional cases may be appealed to the Supreme Administrative Court following rejection by the regional court.

Under a 2005 constitutional court ruling, the Government must conduct asylum hearings in a language comprehensible to applicants or provide them with an interpreter.

According to interior ministry statistics for 2008, there were 64 asylum claims pending as of January. Nineteen additional applications were submitted during the year. The Interior Ministry granted asylum to 160 refugees, 69 persons were granted Czech citizenship, and 141 persons were granted subsidiary protection during the year.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In June the Government approved a “National Resettlement Program Strategy” developed by the minister of the interior, establishing a framework for a resettlement program. A pilot program was launched in October when a group of 37 Burmese refugees were brought from Malaysia to the Czech Republic.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The most recent national elections were held in 2006 for the Chamber of Deputies, the lower chamber of parliament. In October elections were held for one third of the seats in the Senate and for regional governments. The elections were free and fair.

In June police suspended their investigation of bribery allegations connected to the February presidential election, citing lack of evidence. The investigation involved charges by Senator Josef Novotny that Senator Vlastimil Sehnal, a representative of the ODS, offered him two million korunas (\$104,000) to vote for Vaclav Klaus.

Individuals and parties freely declared their candidacies and stood for election, and political parties operated without restriction or outside interference.

Women were underrepresented in politics and government. There were 31 women in the 200 seat Chamber of Deputies and 14 women in the 81 seat Senate. There were two women in the 15 member cabinet and five women on the 15 member Constitutional Court. Two women were elected governor in October regional elections.

Ethnic minorities were significantly underrepresented. The single member of a minority group, an ethnic Kazakh, served in the cabinet. One justice on the Constitutional Court was an ethnic Slovak. Few of the country’s estimated two hundred thousand Roma were integrated into political life. Some Roma have been appointed to the national and regional advisory councils dealing with Roma affairs.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively and investigations suggested that public officials at times engaged in corrupt practices with impunity. Political pressure and ineffective police investigative tools contributed to the infrequent prosecution of high level corruption. Disclosure of the origin of financial assets is voluntary for public figures. The absence of suc-

cessful prosecutions for corruption (or of exoneration by the courts) has in turn contributed to public disenchantment and concerns over impunity.

The press continued to report suspicions of corruption. For example, in January the Prague city prosecutor dropped an investigation against Jan Kubice, formerly head of the police unit fighting organized crime. Kubice had been investigated on charges of abuse of power after he released a report to parliament in 2006 alleging a link between organized crime and top governmental officials. The charges against Kubice were based on allegations that he released the report in order to influence parliamentary elections later the same year.

In April Jiri Cunek returned to the cabinet and to his post as deputy prime minister. Cunek was the subject of a protracted investigation in 2007 for alleged corruption. The investigation was terminated in November 2007 by Jihlava district prosecutor Arif Salichov for lack of evidence, a decision confirmed by supreme state prosecutor Renata Vesecka in December 2007. Critics alleged that the investigation was closed due to political pressures. The investigation and its conclusions generated other lawsuits, including one involving former supreme state prosecutor Marie Benesova and a group of sitting and former justice officials (*See* Section 1 e.).

An investigation by Czech and Swedish police and the United Kingdom's Serious Fraud Office continued into allegations that the British Swedish aerospace joint venture BAE Systems/SAAB bribed several members of parliament and ministry officials in 2002 to gain their approval for a multimillion dollar deal to replace the country's fighter jet fleet. An expose by Swedish Television in February 2007 led to the investigation. Three persons who were members of parliament at that time have acknowledged that they were approached and asked to accept large bribes but maintained that they refused.

In September 2007 the Ministry of the Interior established a new anticorruption hotline, administered by the country branch of Transparency International. During its first six months of operation, 727 persons used the hotline. In 339 cases, the reported corruption pertained to public tenders on the local level.

The law provides for public access to government information, and the Government provided such access in practice. Applicants whose requests are turned down have 15 days to appeal. They may also appeal if authorities exceed the time limit for processing a request.

Section 4. Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to human rights inquiries.

The ombudsman, formally called the public defender of rights, made regular visits to government facilities, examining the treatment of individuals and monitoring respect for fundamental rights. The ombudsman issued quarterly and annual reports on his office's activities in addition to reports on topics of special concern. The ombudsman operated without government or party interference, had adequate resources, and was considered effective.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The laws prohibit discrimination based on race, gender, disability, language, or social status; however, significant societal discrimination against Roma and women persisted. Trafficking in persons remained a problem.

Women.—The law prohibits rape, including spousal rape, and the Government effectively enforced these provisions in practice. The law provides penalties of two to 15 years in prison. While many experts considered rape to be significantly underreported, they noted an upward trend in the number of rape convictions since 2001. They attributed this trend to improved police training, public awareness campaigns, and greater interaction between police and NGOs. In the first eight months of the year, 397 rapes were reported, 243 of which were investigated. In the first six months of the year, courts convicted 86 offenders, giving suspended sentences to 26 individuals and prison sentences of five to 15 years to 15 individuals.

Experts believed that violence against women was much more widespread than suggested by the number of cases reported to authorities, due to the stigma associated with reporting such abuses. A 2006 sociological survey jointly conducted by the Czech Academy of Sciences and Charles University indicated that 38 percent of women suffered physical abuse by their partners at some point in their lives.

Domestic violence is a distinct crime that is punishable by up to three years in prison, with longer sentences under aggravated circumstances. Government efforts to investigate and prosecute cases of domestic violence improved during the year.

Police received extensive training on identifying domestic violence cases. During the year police obtained the authority to remove violent abusers from their homes for 10 days. According to a report released by the NGO Bily Kruh Bezpeci (White Circle of Safety), a total of 343 offenders, including seven women, were removed from their homes in the first six months of the year.

In the first 11 months of the year, according to interior ministry statistics, 486 cases of domestic violence were reported, 382 investigations were completed, and authorities continued to investigate another 108 cases. In the same period authorities prosecuted 359 cases of domestic violence. During the first six months of the year, according to justice ministry statistics, five persons were sentenced to one year in prison, 28 persons were sentenced to two to five years, and one person was sentenced to 15 years. While most prosecutions resulted in conviction, the majority of convictions did not involve incarceration. Three quarters of the incidents involved domestic partners or spouses, with women constituting almost 90 percent of the victims. Children were the victims in most of the remaining cases. Alcohol played a major role in many domestic violence cases.

Koordona, an association of 13 NGOs dealing with domestic violence, provided specialized training manuals for health care workers and distributed materials informing victims of their rights. Police continued to train personnel selected to handle cases and to work with social service agencies. Several hotlines and crisis centers offered psychological counseling to victims of rape and domestic abuse. In the first six months of the year, for example, the Dona hotline received 2,034 calls compared to 1,949 calls in the same period in 2007; 995 of the calls related to domestic violence.

The law does not prohibit prostitution, but local governments may limit or regulate it. Pimping is illegal. Prostitution was widespread in border areas and major urban areas throughout the country. Foreigners visited the country for purposes of sex tourism, which involved both sexes, including some juveniles. There were no national laws addressing sex tourism.

The law prohibits sexual harassment; however, the Government did not effectively enforce it, and sexual harassment remained a problem. The law places the burden of proof on the person accused of sexual harassment. Those convicted can be fined up to 70,000 korunas (\$3,640), dismissed from work, or sentenced to prison.

The law grants men and women equal rights, including in family and property law matters. Women constituted 43 percent of the labor force. While their rate of employment grew faster than that of men, women's salaries for similar work lagged behind men's by almost 25 percent, and women were more likely to work in professions with lower median salaries than those chosen by men. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the Government on enforcing equal gender rights.

Children.—The Government was generally committed to children's rights and welfare.

While the Government provided free, compulsory education through age 15, and most children continued through secondary school, government provided education opportunities for Romani children were limited and often insufficient.

According to the most recent data available, a 2005 UN Development Program survey on education for minorities, only 25 percent of Roma completed primary education, compared with 73 percent of the majority population. Romani children were enrolled at disproportionately high rates in remedial school systems, which effectively segregated them into a substandard education. In 2007 the ECHR ruled in one case that the placement of 20 Romani children in a school for mentally challenged pupils was discriminatory, since 90 percent of children in such schools were Roma.

The Government continued steps to address discrimination in the education of Romani children during the year. It continued the policy of closing "remedial" schools and transferring "slower" students into new special education classes or so called "practical schools," pursuant to a 2005 law that abolished remedial schools. However, NGOs asserted that the new special classes were still discriminatory and constituted a superficial rebranding of the old system. While some regions successfully implemented the new policy, others experienced an exodus of non Romani families concerned that their children would have to attend school with Roma. According to a study by the European Roma Rights Center and the Roma Education Fund, Roma were overrepresented in the practical schools that replaced remedial schools. However, authors of the study also acknowledged that placement of Roma in practical schools was often made at the request of their parents.

While the law prohibits family violence, sexual abuse, and other forms of mistreatment of minors, child abuse remained a problem. During the first half of the

year, police investigated 92 cases of child negligence or endangerment; authorities prosecuted 42 alleged offenders; and courts convicted 35, sentencing eight of them to prison.

Social protection agencies reported that authorities remove approximately 1,900 children from their homes annually due to mistreatment. Both domestic and foreign NGOs were critical of the fact that as many as 20,000 children were living in children's facilities, including more than ten thousand in social care institutes, almost 7,500 in orphanages and correctional institutions, and more than 1,900 in special homes for infants.

Prison sentences for child abuse ranged from five to 10 years. In October six persons were sentenced to prison for child abuse in Kurim, where two young boys were severely abused by their mother and others. In September the District Court in Ustinad Labem sentenced Antonie Staskova to 24 years in prison and Pavel Grepl to 20 years for the murder of Staskova's five year old son. In June police arrested Antonin Novak for the sexual assault and murder of a nine year old boy. Novak faced a possible sentence of life imprisonment.

In October 2007 President Klaus signed a law prohibiting possession of child pornography; previously only the manufacture and distribution of child pornography was prohibited.

Although some members of the Romani community married before reaching the legal age of 18, underage marriage was not a significant problem among other groups.

Some children were engaged in prostitution for survival without apparent third party involvement. NGOs reported that many teenagers in prostitution were runaways or products of orphanages and the foster care system. NGOs working with high risk children attributed the problem largely to deficiencies in the foster care system, which often failed to provide adequate job skills and promote the adoption of unwanted children by capable parents.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, trafficking to, from, and to a lesser extent, within, the country for sexual exploitation and forced labor continued to be problems. Russia, Slovakia, and other countries in Eastern Europe, as well as Vietnam, were the largest sources of trafficked persons. In most cases, victims were trafficked onward to Western Europe and in some cases to the United States. Czech women were trafficked to Western Europe, while foreign and local women, as well as children, were trafficked within the country, particularly to border regions, and were occasionally sold between organized trafficking syndicates. Small numbers of men were trafficked to the United States for forced labor. By some estimates, 80 percent of all foreign trafficking victims in the country entered legally.

Romani women were at the highest risk of internal trafficking; girls raised in state homes were also at high risk. According to government authorities, women already working in prostitution were particularly vulnerable to traffickers. Trafficked women were often promised jobs as models, maids, waitresses, and dancers through employment agencies. Traffickers coerced victims' compliance by confiscating their travel documents, exploiting their isolation and any drug and alcohol dependence, employing violence or threats of violence to the victims or their families, and threatening victims with arrest and deportation.

Most traffickers were involved in organized crime and entered the country from Ukraine, Russia, and East Asia. Domestic traffickers often served as links between East European and West European traffickers.

Penalties for trafficking range from two to 15 years in prison and are generally similar to penalties for rape and sexual assault. Authorities may also prosecute traffickers for organized prostitution and pimping, which are punishable by up to 12 years in prison.

In the first eight months of the year, police investigated six trafficking cases, authorities prosecuted two suspects, and courts sentenced two offenders to prison for up to five years. Also in the first eight months, authorities conducted 25 investigations of pimping and prosecuted 31 offenders; courts sentenced one defendant to up to fifteen years in prison, four to five year terms, two to one year, and gave 22 suspended sentences. Since the Government often utilized other criminal statutes to prosecute traffickers, it was difficult to develop an accurate estimate of the total number of trafficking prosecutions and convictions.

An organized crime unit within the national police was dedicated to combating trafficking. It worked closely with its counterparts in Interpol and Europol and also cooperated extensively with the European Union and foreign governments in the investigation and prosecution of trafficking cases.

The Government continued to make trafficking crimes a priority by introducing its third national strategy against trafficking to cover the period 2008-11. The Ministry of Justice organized several training sessions on trafficking issues for judges and prosecutors, and the Interior Ministry continued offering specialized training to police. During the year authorities continued to carry out the national plan, updated in 2006, to combat the sexual exploitation of children. A special police team was established in Cheb, a town on the German border where sex tourism was common, to fight this growing phenomenon. The interdisciplinary committee on trafficking, which included representatives from various ministries and NGOs, continued to meet regularly to coordinate efforts to implement the national antitrafficking plan.

Labor trafficking remained a problem. An organized crime unit within the national police was dedicated to investigating cases of forced labor, which took place predominantly in the construction sector. In July 2007 the unit broke up a labor trafficking syndicate operated by Ukrainian nationals. Punishment for those who organize and support illegal migration was increased in June 2007.

The Government cooperated with NGOs to provide services to trafficking victims and to train police and investigators in handling trafficking cases and referring victims for counseling. The Government assisted with international investigations, and law enforcement authorities regularly cooperated with their counterparts in Europe and elsewhere.

The Government provided psychological and social assistance to trafficking victims for 60 days after they were discovered. During this time victims had to decide whether to cooperate with authorities or return to their home countries. Victims choosing to cooperate are eligible for residency visas for the duration of the criminal proceedings and may thereafter apply for permanent residency on humanitarian grounds.

Starting in October 2007 the Government liberalized procedures under which trafficking victims could apply for permanent residence, even when the support they provided fell short of testifying against traffickers. According to an interior ministry report, 22 victims participated in the Government's victim protection and assistance program in the first nine months of the year. Three were Czech, six came from Ukraine, six from Romania, three from Brazil, and one each from Slovakia, Russia, Kyrgyzstan, and Uzbekistan. Fifteen of the participants were victims of trafficking for labor, and seven were victims of trafficking for commercial sex.

The Ministry of the Interior continued to work with the International Organization for Migration (IOM) on a campaign to reduce demand for commercial sexual services along the country's border with Germany. The NGO Caritas visited schools and asylum centers to conduct awareness campaigns among potential trafficking victims. Other NGOs that received government funding, such as La Strada and Rozkos Bez Rizika (Pleasure without Risk), conducted seminars and distributed literature describing the dangers and tactics of traffickers. NGOs also led a large multilingual antitrafficking public relations campaign on Prague's mass transit system.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the Government generally enforced these provisions. However, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates.

The ombudsman and a team of colleagues from his office are required to make regular visits to all governmental and private workplaces of persons with physical restrictions to examine conditions, ensure that fundamental rights are respected, and advocate for improved protection against mistreatment.

In March a new government program to aid persons with disabilities, Mobility for All, was approved for the years 2008-15. The program was drafted with the participation of the Government Council for Citizens with Disabilities, a permanent advisory body. The plan includes programs to bring more persons with handicaps into the workforce and to reduce physical barriers to employment.

Approximately 60 percent of Prague's metro stations were accessible to persons with disabilities, and most buses and new tramcars have been configured to accommodate them. However, the majority of stations in the city center contained barriers. There were 294 barrier free high schools across the country as well as 50 barrier free institutions of higher learning, including universities.

In 2006 the Czech Helsinki Committee noted that more than seventeen thousand adults and children with mental disabilities lived in social care homes, the majority of these under legal guardianship. In many cases the guardian was also the institute's director, giving rise to claims of conflict of interest.

The use by psychiatric institutions of beds covered with protective netting to restrain patients with mental disabilities, which some advocates for persons with disabilities called unnecessarily cruel, remained a contentious issue. In 2007 the Government amended the rules for use of coercive means in psychiatric institutions to add permissible alternatives to netted beds. Later in 2007, a media report alleged that five social care facilities continued to use netted beds. The findings were disputed by the Government, which launched its own investigation. An investigative team of the Ministry of Labor and Social Affairs reported that it had not discovered any netted or cage beds in those facilities. They only found standard cribs with netted sides used by children for rest or sleep only. The upper parts of these cribs were not covered and the height of the sidepieces did not correspond to cage beds. The team also found that the cribs were not being used to restrict free movement. In long term care facilities, netted beds remained a legal means of restraining both adults and minors with mental disabilities who were deemed threats to themselves or others.

National/Racial/Ethnic Minorities.—Minority groups in the country included Slovaks, Roma, Poles, Germans, Ukrainians, and Vietnamese. Roma faced high levels of poverty, unemployment, and illiteracy as well as widespread discrimination from potential employers and local and school officials.

Latent societal discrimination against the country's Romani population occasionally manifested itself in violence. Members and sympathizers of skinhead organizations were the most frequent perpetrators of acts of interethnic violence, particularly against Roma.

An estimated seven thousand skinheads were active in the country, although some observers put the actual figure much higher. During the year neo Nazi and skinhead rallies took place in several cities.

In July an interior ministry report reviewing extremism in 2007 confirmed that neo Nazi activity had increased and that more extremists were attending events armed, as evidenced by the increased number of weapons seized from both neo Nazi and left wing extremists at events in 2007. In January police arrested 30 neo Nazis in the Prague city center after they attacked a Chinese bistro, causing more than fifty thousand korunas (\$2,600) in damage, and then marched through neighboring streets. Police confiscated numerous weapons from the detainees.

In February the high court in Olomouc sentenced a Slovak citizen to 13 and one-half years in prison for the murder of a Romani man in Hodonin in May 2007. The Slovak was found guilty of setting the victim on fire. The high court also upheld the sentencing of an accomplice, who poured toluene (methylbenzene) on the victim. Two other accomplices received suspended sentences.

In April the state attorney filed charges against the former vice mayor of the Mariánské Hory/Hulvaky district of the town of Ostrava, Jiri Jizersky, for alleged racist remarks about Roma. At a meeting to discuss the situation in the poor neighborhood called "Bedriska," Jizersky is alleged to have spoken of shooting its Roma inhabitants. In June the District Court in Ostrava acquitted Jizersky of the crime of defamation, ruling that he had neither committed a crime nor intended to provoke the Roma.

In April approximately 30 Roma living in a ghetto in Prerov had to evacuate their building after someone apparently threw a smoke bomb into it. Firefighters were unable to identify the cause of the smoke. A genuine fire broke out in another part of town primarily occupied by Roma approximately 20 minutes later. It was unknown whether the two incidents were related. Police did not investigate the incidents.

In September the nationalist Workers' Party, with mostly skinhead membership, repeatedly attempted to stage an anti Roma march through a suburb of the city of Litvinov that is mainly inhabited by Roma. In October mounted police prevented clashes in Litvinov between approximately 400 neo Nazis and 300 Roma. Two persons, one police officer and one demonstrator, were injured, and four neo Nazis were detained. Police accused one of the four detainees of breach of public order. On November 17, in a further confrontation in Litvinov, an estimated one thousand police fought hundreds of well armed, right wing rioters, preventing them from attacking Roma. An estimated 500 members of the Workers' Party suddenly deviated from the route of their approved march and turned toward a largely Roma neighborhood. Police also had to contend with approximately 300 Roma men who gathered to defend their community. Seven demonstrators and seven police officers were injured; police arrested 15 protesters.

The law prohibits employment discrimination based on ethnicity; however, Roma continued to face discrimination in both employment and education. Precise figures were unavailable, but the unemployment rate for Roma was estimated to be ap-

proximately 75 percent. Some employers refused to hire Roma and requested that local labor offices not send them Romani applicants. Continuing a trend from recent years, the Romani community was better organized in its efforts to confront discrimination through the legal system.

Roma faced widespread discrimination in access to housing and other accommodations. Human rights groups reported that some municipalities attempted to force Romani families to leave, employing such tactics as evicting them from municipally owned homes because of alleged lapses in rent payments or coercing them to sign complex agreements they did not understand, which were then used to curtail existing housing contracts. Housing discrimination based on ethnicity is prohibited by law, and the ombudsman publicly criticized these evictions; however, the law also affords municipalities substantial autonomy in such actions. Restaurants, bars, and other public places at times refused to serve Roma.

A 2006 study of living standards among Roma by the Ministry of Labor and Social Affairs found that more than 330 ghettos were almost exclusively inhabited by Roma and that the number of ghettos continued to grow. The study put the combined population in these ghettos at eighty thousand, more than one-third of the Romani population. The study found that the ghettos were blighted by substandard housing and poor health conditions.

The Government failed to remove a large pig farm on the site of a World War II concentration camp for Roma in Lety, citing a lack of funds. Instead, in 2007 the Government allocated 50 million korunas (\$2.6 million) to build a memorial to Romani holocaust victims near the farm. Romani holocaust survivors rejected the idea and insisted that the pig farm be removed. In May several government officials, including the human rights and minorities minister, the education minister, and the deputy chairman of the senate, participated in a commemorative ceremony at Lety.

The Government continued its long term integration plan for Roma, adopted in 2006. The program provided state paid advisers to assist Roma in finding employment and special stipends for Romani secondary school students. The Ministry of Labor and Social Affairs continued to work with NGOs to increase services to the Romani community.

The Interministerial Commission for Romani Community Affairs, coordinated by the minister for human rights and minorities, included 12 government and 14 Romani representatives, as well as the ombudsman; it continued to take an active role in resolving disputes between Romani communities and their non Romani neighbors. The commission also promoted antidiscrimination initiatives in housing and education. The Romani affairs coordinator of the Ministry of Foreign Affairs continued to function as the ministry's liaison with Romani groups, NGOs, and the diplomatic community.

Other Societal Abuses and Discrimination.—There were no reported cases of violence or discrimination against persons based on sexual orientation.

There were no reports of discrimination against persons who were HIV positive.

Section 6. Worker Rights

a. The Right of Association.—The law protects the workers' right to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right in practice. Employees in the intelligence services and security organizations, including police forces, prison service, and military forces, may not be trade union members. Continuing a declining trend, less than 15 percent of the workforce was unionized. Approximately 75 percent of union members were affiliated with the Czech Moravian Confederation of Trade Unions, a national umbrella organization.

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Workers have the legal right to strike if mediation efforts fail, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications; workers in these industries have access to mediation. The law requires unions to provide employers with a list of strikers at least one day before a strike.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The scope for collective bargaining was more limited for civil servants, whose wages are regulated by law. A labor code that came into force in December 2007 broadened the opportunities for collective bargaining both in the public and the private sectors.

The law prohibits antiunion discrimination; according to the Confederation of Trade Unions, there were occasionally reports of hidden forms of discrimination, but no concrete complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however there were reports that women and children were trafficked for commercial sexual exploitation and also isolated cases of trafficking for forced labor. An organized crime unit within the national police was dedicated to investigating cases of forced labor. The Government ended its program of bringing North Korean workers to the country for work in textile factories. Their work visas expired in February and were not extended.

d. Child Labor Practices and Minimum Age for Employment.—The Government effectively enforced laws and policies to protect children from exploitation in the workplace. The law stipulates a minimum working age of 15 years, although children with disabilities who have completed special training may work at the age of 14. Employment conditions for children ages 15 to 18 were subject to strict safety standards. The Ministry of Labor and Social Affairs effectively enforced these regulations in practice.

Children were trafficked within the country for commercial sexual exploitation.

e. Acceptable Conditions of Work.—The Ministry of Labor and Social Affairs establishes and enforces minimum wage standards. The national minimum wage was eight thousand korunas (\$415) per month and provided a decent standard of living for a worker and family when combined with social benefits for low paid workers. The law provides for a 40 hour workweek, two days of rest, and a paid break of at least 30 minutes during the standard eight hour workday. Subject to the consent of the employee, employers may establish up to eight hours per week of overtime; the local employment office may permit additional overtime. Premium pay for overtime is governed by the provisions of employment contracts. However, according to the IOM, the standard conditions of work were not always observed in situations involving migrant workers.

The Office of Labor Safety effectively enforced health and safety standards. Workers have the right to refuse work endangering their life or health without risking the loss of their employment, and they exercised this right in practice.

DENMARK

Denmark, with a population of approximately 5.4 million, is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. The cabinet, which is accountable to the unicameral Folketing (parliament), heads the Government. The minority center right coalition government led by the Liberal Party (Venstre) won a plurality of seats in the 2007 elections, which were deemed free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Reports of religious and ethnic discrimination against minority groups have remained relatively constant over the past several years, while domestic violence against women and trafficking in women and children continued to be reported.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

A delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country February 11–20 and, at the request of the Danish government, issued a report on September 25. The great majority of persons met by the delegation who had been detained by police indicated that they were treated correctly at the time of apprehension and during questioning. Several persons, however, complained of excessive use of force, while maintaining that they had not of-

ferred resistance. Some detained persons of foreign origin or non-Danish ethnicity alleged verbal abuse with xenophobic or racist connotations by the arresting officers.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, pretrial detainees were often held with convicted criminals. The CPT report stated that efforts by the authorities had succeeded in reducing interprisoner violence.

During its February visit, the CPT delegation heard allegations that officers at the East Jutland prison used excessive force when controlling and placing prisoners in a security cell.

The Government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The national police, under the Ministry of Justice, have sole policing authority in the country. In January 2007 the Government initiated a reform of the police, with the objective of achieving a more modern police service with sustainable police districts capable of carrying out major investigations and providing large-scale emergency and support services. As part of the reform, the previous 54 police districts were consolidated into 12 districts (plus the Faroe Islands and Greenland) and a national commissioner's office. The Minister of Justice, with the approval of parliament, appoints the police chiefs of each district and the national commissioner. Corruption and impunity were not a problem. The Government has effective mechanisms to investigate and punish abuse and corruption. There was continued police training in recognition, reporting, and investigation of racially motivated cases during the year.

Arrest and Detention.—By law the police are allowed to begin investigations and make arrests either without a warrant based upon visual evidence, or on the basis of indictments filed by public prosecutors with the courts. A court may summon the accused to appear or order police to arrest the accused based upon an application filed by a public prosecutor. Apprehended persons were brought before an independent judiciary. If an individual is taken into custody, the law provides for an initial appearance before a judge within 24 hours; however, noncitizens may be detained for up to 72 hours before being given a court appearance. Authorities generally respected the right to a prompt judicial determination. Detainees were informed promptly of charges against them. The country does not have a bail system; rather, a judge decides within 24 hours of detention either to release the detainee on his or her recognizance or to keep the detainee in jail until trial. According to the Office of the Director of Public Prosecution, of the total number of pretrial detainees in 2006, 88 percent served less than three months in pretrial custody.

Arrested persons have the right to counsel at the initial hearing, and the Government provided counsel for those who could not afford legal representation. In addition, a Ministry of Justice circular to police provides detailed rules and procedures to be followed by police with regard to the rights of detained persons to inform next-of-kin of their arrest, to contact a lawyer, and to have access to medical treatment. However, during its February visit to the country, the CPT heard allegations from detained persons that the instructions were not being applied systematically. According to the CPT report, "The majority of the detained persons interviewed by the delegation indicated that the first time they had met a lawyer was in court, when the application of the measure of remand custody was being decided."

The CPT delegation also heard from a number of detained persons (including juveniles) that they had not been allowed to contact their relatives in person after being detained.

The law does not allow any visitors during the first 24 hours of detention except for legal counsel. However, depending upon the charges, the police generally did not restrict visitor access in practice.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The judicial system consists of local courts, which hear cases in the first instance; two regional high courts, which address appeals; and the Supreme Court, which is the highest and final court of appeal.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent until proven guilty. Trials are public. Juries are required for criminal cases in which the maximum penalty is greater than four years' imprisonment. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have ac-

cess to government evidence relevant to their case. The right of appeal encompasses both procedural matters and sentences imposed. The law provides that criminal sentences can be increased when bias is proved as a motive. Bias can be based on race, ethnicity, gender, sexual orientation, or religion.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to the court system to bring lawsuits seeking damages for, or cessation of, a human rights violation. There were no reported problems enforcing domestic court orders.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Individuals were able to criticize the Government publicly and privately without reprisal.

The law prohibits any public speech or dissemination of statements or other pronouncements by which a group of persons is threatened, derided, or degraded because of their race, skin color, national or ethnic background, faith, or sexual orientation; offenders may be fined or imprisoned for up to two years. The law also prohibits “blasphemy” and provides that a person who publicly mocks or insults a legally existing religious community’s tenets of faith or worship may be fined or imprisoned for up to four months.

On February 13, all 17 major newspapers in the country republished Kurt Westergaard’s caricatures of the Islamic prophet Mohammed that first appeared in 2005. The republication was stimulated by a foiled plot by three Muslims to kill the cartoonist. Press reports suggested that the majority of citizens saw the issue as one of freedom of speech being more important than the objections by members of a particular religious community. The republication was followed by anti-Denmark demonstrations and Danish embassy closings in several Muslim-majority countries. Members of parliament cancelled a planned trip to Iran after members of the Iranian parliament demanded an apology for the republication of the cartoon; the members of parliament did not apologize. The Government did not attempt to apply the anti-blasphemy law to the publication and republication of the cartoon.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. As of July 2007 an estimated 83 percent of the population had access to the Internet from home.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Evangelical Lutheran Church is the official state church and enjoys some privileges not available to other faiths, such as receiving state subsidies directly through the tax system. Members of other faiths, notably Catholics, have asserted that the system is unfair, and that although the Government provides religious freedom, it does not provide religious equality. Allowing other religious organizations to be given the same status and privileges as the Evangelical Lutheran Church would require changes to the constitution. While the Government does not require that religious groups be licensed, the Government’s recognition is required for religious ceremonies, such as weddings, to have civil validity or for such religious groups-at-year’s end numbering more than 100-to receive tax exemptions.

Religious history, with special emphasis on the Evangelical Lutheran faith, was taught in public schools, but students could withdraw from religious classes with parental consent.

Societal Abuses and Discrimination.—There were isolated incidents of societal abuses and discrimination, including anti-immigrant (mainly Muslim and African)

graffiti, desecration of ethnic minority gravesites, and low-level assaults, as well as some denial of service and hiring on racial grounds. Societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. The Government condemned the incidents, investigated several, and brought some cases to trial.

Reports continued of desecration of graves, including Muslim graves. The number of cemeteries vandalized in the country increased from previous years. Unofficial data compiled by the newspaper *Kristeligt-Dagblad* indicated that 45 cemeteries were vandalized in 2007, compared to an annual average of 29 cemeteries from 2001 to 2005.

The Jewish population was estimated at 7,000 persons. There were isolated incidents of anti-Semitism, apparently perpetrated primarily by immigrants, according to victims' reports. Most incidents involved vandalism, such as graffiti, and non-violent verbal assaults.

Police made no arrests and closed the January 2007 case of vandalism of the Copenhagen synagogue. Unknown perpetrators had thrown rocks at two of the synagogue's windows and smashed them.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum. In the period through July, 1,126 applications for asylum were filed and 765 persons were granted residency permits, including some that resulted from applications filed in 2007. This total included temporary protection provided to certain individuals who fell outside the definition of the 1951 UN convention and the 1967 protocol; the Government provided such protection to 238 persons through July, including 71 Iraqi interpreters and their families.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland and the Faroe Islands have democratically elected home rule governments whose powers encompass all matters except foreign and national security affairs, police services, and monetary matters. Greenlanders and Faroese have the same rights as other citizens. Each territory elects two representatives to the parliament. In a November referendum ratifying an agreement between Denmark and Greenland, Greenland was granted additional responsibilities for justice and home affairs and was granted formal legal recognition as a people.

Elections and Political Participation.—Prime Minister Anders Fogh Rasmussen, leader of the Liberal Party, was reelected in November 2007 in free and fair elections.

In 2005 free and fair municipal elections were held following parliament's adoption of a structural reform plan, which reduced the number of municipalities from 271 to 98 in January 2007. As a result of the elections, the number of municipal council members from ethnic minority backgrounds significantly increased.

Political parties could operate without restriction or outside interference.

There were 68 women in the 179-seat parliament and seven women in the 19-seat cabinet. Women accounted for 44 percent of the public council board and committee members.

There were four members of minorities in the 179-seat parliament. There were none in the 19-seat cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. There were isolated reports of government corruption during the year. Public officials are not subject to financial disclosure laws, but a government official is not allowed to work on cases in which he or she has a personal or economic interest, or represents or has close relations to someone with a special interest in the case. Officials are obligated to inform superiors of any possible disqualification issues related to a case. The Ministry of Justice and the State Employer's Authority in the Ministry of Finance are responsible for combating government corruption.

The law provides for public access to government information, and the Government granted access to citizens and noncitizens, including foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the Government generally enforced the law effectively. However, there were incidents of violence against women, child abuse, and trafficking in persons.

Women.—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted persons accused of such crimes. There were 492 reported rapes, 401 official charges of rape, and 87 convictions in 2007. Preliminary figures for the current year indicated that there were 183 reported rapes and 158 charges filed through June, with 29 convictions.

Violence against women, including spousal abuse, remained a problem. During the year the Institute for Public Health and the National Organization of Women's Shelters estimated that approximately 70,000 women annually are exposed to physical violence, with approximately 28,000 exposed to domestic violence or the threat of domestic violence. In 2007 approximately 22,000 children aged 15 or younger were living in homes where the mother was exposed to violence. The National Organization of Shelters for Battered Women and Their Children reported that in 2007 shelters provided a safe haven for 3,327 women and children, 45 percent of whom were of non-Danish background. According to the law, any assault on another person is illegal. This also applies to domestic violence and rape. Penalties include imprisonment for up to 12 years depending on the magnitude of the offense. The Government and nongovernmental organizations (NGOs) have set up 24-hour hot lines, counseling centers, and shelters for female victims of violence and embarked on nationwide information campaigns and police training on gender-based violence.

Prostitution is legal, but subject to restrictions; pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking are illegal. According to the Ministry for Social Welfare and Gender Equality, an estimated 5,500 persons were engaged in prostitution in 2007, while an unknown number participated in illegal prostitution.

The law prohibits sexual harassment and provides for awards of monetary compensation for victims of sexual harassment. The Government effectively enforced the law. There were few reported cases during the year.

Women have the same legal status as men, including under family law, property law, and in the judicial system. The law requires equal pay for equal work, but in 2006 female workers earned approximately 21 percent less on average than male workers in the private sector, while the wage gap was approximately 16 percent in the local government and 8 percent in the central government. Even when adjusted for maternity leave, differences in education, and other relevant factors, women earned approximately 2 to 6 percent less than their male counterparts for the same work. Women did not experience economic discrimination in access to employment, credit, or owning or managing businesses. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Amendments to the Act on Equal Pay to Men and Women came into effect in January 2007 that, among other things, oblige employers to report wages by gender.

Children.—The Government was strongly committed to children's rights and welfare.

In 2007 there were 126 reports of sexual abuse of children aged 15 or younger, 132 official investigations, and 36 convictions (some of the investigations and convictions).

tions resulted from reports or investigations instigated the previous year). Preliminary reports through June indicated 80 reports of sexual abuse, 76 charges filed against suspects, and nine convictions. NGOs and the Antitrafficking Center reported that during the year 14 minors had indicators of being trafficked, possibly for commercial sexual exploitation or petty crime.

Female genital mutilation (FGM)-with or without consent from the victim or her parents-is illegal and carries a penalty against the perpetrator of six to 10 years imprisonment. The law applies to Danish nationals or residents regardless of whether the act was committed within the country or abroad and regardless of whether the act was a criminal offense under the law of the state where it was committed. At year's end, there had been no convictions under this section of the law since the criminal code was amended in 2003, but the first court case under this section was scheduled to go to trial in January 2009. The Government conducts information campaigns targeting the issue of FGM.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was both a destination and a transit point for women and children trafficked from the Baltic countries, Eastern Europe, Southeast Asia, West Africa, and Latin America for the purposes of sexual exploitation and occasionally to work in petty crime. There were approximately 5,000–6,000 prostitutes in the country, including an estimated 2,000–3,000 foreign women, some of whom were believed to be trafficking victims.

Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. According to Copenhagen police, women were recruited in their native countries and then transported to Denmark and forced into prostitution. Authorities suspected that traffickers had ties to organized crime.

The law criminalizes trafficking and provides for a maximum prison term of eight years for those convicted of trafficking in persons. In 2007 police conducted 11 trafficking investigations and prosecuted 23 trafficking cases. There were eight convictions on trafficking charges, with some resulting from prosecutions begun in previous years. The authorities also conducted 23 procurement investigations and prosecuted 31 procurement cases. There were 12 convictions on procurement charges.

The national commissioner for police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained officers to recognize and investigate trafficking cases. The Government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

Women identified as trafficking victims by the Danish Immigration Service were not prosecuted for immigration violations. Women who accepted the offer of assisted voluntary return received help from local NGOs and the International Organization of Migration.

In March 2007 the Government adopted a trafficking action plan for 2007–10 based on the recommendations of an independent audit of the previous action plan. The Government created the National Antitrafficking Center in 2007 to implement the new action plan and coordinate efforts to combat trafficking.

The Government funded two NGOs that provided social, medical, and legal services to trafficking victims. Government funding was also used for NGO outreach programs as well as for hot lines to support victims, prevent trafficking, and gather data on the extent of the problem. The Ministry of Social Welfare subsidized a hot line and Web site, and organized antitrafficking seminars for NGOs, the police, and foreign embassies to provide information on legislation, identifying trafficking victims, and how to provide assistance.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and the Government effectively enforced these provisions in practice. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The responsibility for protection of the rights of persons with disabilities falls under the Ministry of Social Affairs and is implemented by the municipal governments. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities and advised the Government and the parliament on issues relating to disability policy. The Equal Opportunities Center for Disabled Persons is a government-funded entity that documents and alerts the Government to inequalities in society that affect persons with disabilities.

National/Racial/Ethnic Minorities.—In 2007 there were 32 reported cases of racial discrimination or racially motivated violence; however, some incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. According to police, the victims were “Jews and people of an ethnic origin other than Danish” (usually meaning both African and Middle Eastern ethnic groups). Members of other minority groups were sometimes the perpetrators of the incidents. The Government effectively investigated and dealt with cases of racially motivated violence.

The presence of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Moroccans, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was documented in press reports.

Indigenous People.—The law protects the rights of the indigenous Inuit inhabitants of Greenland. Greenland’s legal system seeks to accommodate their customs, provides for the use of lay persons as judges, and sentences most prisoners to holding centers (rather than prisons), where they are encouraged to work, hunt, or fish during the day.

Other Societal Abuses and Discrimination.—There were no reports of societal discrimination based on sexual orientation.

There were no reports of societal discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and police, may form or join independent unions of their choosing without previous authorization or excessive requirements. Approximately 77 percent of wage earners belonged to unions that were independent of the Government and political parties. The law provides for the right to strike, and workers exercised this right by conducting legal strikes.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law and was freely practiced. Approximately 85 percent of the workforce was covered by collective bargaining agreements. These agreements indirectly influenced wages and working conditions for the rest of the workforce. The law allows unions to conduct their activities without interference, and the Government protected this right in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits the exploitation of children in the workplace, and the Government effectively enforced it in practice.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years; however, school-age children are limited to less strenuous tasks. The law limits work hours and sets occupational health and safety restrictions for children.

NGOs and the Antitrafficking Center reported that 14 minors had indicators of being trafficked during the year, possibly for commercial sexual exploitation or petty crime.

Child labor law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor.

e. Acceptable Conditions of Work.—The law does not mandate a national minimum wage; minimum wages are negotiated between unions and employer associations. According to the terms of the country’s largest collective bargaining agreement, negotiated in the spring and covering almost the entire industrial sector, the minimum wage is 100.65 kroner (approximately \$19) per hour, exclusive of pension benefits. The wage provided a decent standard of living for a worker and family.

Workers generally worked a 3-hour workweek, established by contract rather than by law. Workers received premium pay for overtime and were not subjected to compulsory overtime. Working hours are determined by collective bargaining agreements, which adhere to the European Union directive that an average workweek not exceed 48 hours.

The law prescribes conditions of work, including safety and health; the DWES ensured compliance with labor legislation. During the year, the DWES conducted approximately 61,000 company audits with approximately 40,000 requests for additional information or required improvements, and approximately 28,000 company screenings and inspections. If required improvements are not carried out within the

given time frame, the DWES has the authority to take the case to the police or courts. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Similar work conditions were found in Greenland and the Faroe Islands, except that there the workweek was established by contract at 40 hours.

ESTONIA

With a population of 1.34 million, Estonia is a multiparty constitutional parliamentary democracy with a unicameral parliament, a prime minister as head of government, and a president as head of state. Parliamentary elections held in March 2007 were generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were allegations that police used excessive force during the arrest of suspects; authorities investigated and brought charges against alleged offenders. Conditions in detention centers generally remained poor. Lengthy pretrial detention continued to be a problem. Domestic violence, inequality of women's salaries, child abuse, and trafficking of women and children were also reported.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of suspects.

During the year, prosecutors or police authorities processed 37 criminal cases related to police officers' excessive use of force. Charges were dropped in 19 cases, 16 were pending, and two were sent to the prosecutor's office for further action by year's end.

On April 30, a former police officer was found guilty of use of excessive force during an arrest in 2004. Harju county court sentenced him to a fine and three years probation in 2007. In February the District Court upheld the county court decision.

On October 1, a Northern circuit prosecutor asked the Harju county court in Tallinn to impose fines on two police officers for the use of excessive force in April 2007. On November 27, the court found the officers guilty and fined them 37,000 kroon (approximately \$3,320) and 38,000 kroon (approximately \$3,410).

Two cases that were pending against police officers for alleged use of excessive force during riots in April 2007 were dropped when it was determined that no criminal act had taken place.

The police internal control department investigated one case of excessive force. The officer was found not guilty and the charges were dropped.

Prison and Detention Center Conditions.—Conditions in many detention centers remained poor and overcrowded; however, overcrowding in prisons decreased considerably with the July 29 opening of a new prison in Viru County that could hold up to 1,000 prisoners. A new detention facility with a capacity of 150 persons was opened within the confines of the new Viru County Prison. The Kohtla-Järve detention center, which was known for having poor conditions, was closed. In July the chancellor-ombudsman criticized the shortage of staff, poor living conditions, and limited availability of medical aid in the Paide detention center. In April 2007 the chancellor-ombudsman criticized the limited availability of medical aid in detention centers in Narva and elsewhere.

There were no killings by other inmates in prisons during the year. On January 17, the trial began, and continued on November 3, against the former acting director, the former security chief, and a former warden of Murru prison on charges of negligence. In May 2007 a prosecutor filed charges of negligence as a result of events that took place in 2006. The court case was pending at year's end.

The Government permitted prison visits by independent human rights observers, and such visits occurred. There were no visits by the International Committee of the Red Cross during the year. In May 2007 the Council of Europe (COE) Com-

mittee on the Prevention of Torture visited the country; the results of the visit had not been released by year's end.

d. Arbitrary Arrest or Detention.—The constitution and laws prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police, security police, tax and customs board, and national border guard, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Under the law, authorities must possess warrants issued by a court to make arrests. They must inform detainees promptly of the grounds for their arrest. There is a functioning bail system. Authorities may hold a person for 48 hours without charge; further detention requires a court order. Police rarely violated these requirements. Detainees must be given immediate access to legal counsel, and the Government pays for legal counsel for indigents. A person may be held in pretrial detention for six months. In cases involving a particularly complex criminal matter, a preliminary investigation judge may extend the length of pretrial detention at the request of a chief public prosecutor. Lengthy pretrial detention was a problem. Approximately 28.3 percent of the prison population was in pretrial detention; the average length of pretrial detention was seven months.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

There is a three-tier court system. County and city courts and administrative courts adjudicate matters in the first instance. Appeals against the decisions of these courts are heard by three courts of second instance, sometimes called District Courts or courts of appeal. The Supreme Court is the court of highest instance and is also the court for "constitutional supervision."

Trial Procedures.—Defendants enjoy a presumption of innocence and have a right of appeal. Trials are public. Juries are not used. A judge and public assessors, a judge, or a committee of judges hear cases. Defendants have the right to be present and to consult with an attorney in a timely manner. In criminal proceedings, an attorney is available to all defendants at public expense, although individuals often preferred to hire their own attorney. In civil proceedings an attorney is provided for indigents. Defendants may confront or question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. The law extends these rights to all residents, whether or not they are citizens.

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative as well as judicial remedies are available for alleged wrongs. There were no problems with enforcing domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. During the year, 69 percent of the population used the Internet and approximately 54 percent of households had Internet access in the home.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for this right, and the Government generally respected it in practice, but there were exceptions.

While authorities have wide discretion to prohibit public gatherings on public safety grounds, they did so only under exceptional circumstances. Unlike in the previous year, there were no cases of authorities denying permission to hold public protests on security grounds.

Freedom of Association.—The constitution provides for this right for citizens, and the Government generally respected it in practice. However, the law specifies that only citizens may join political parties.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The law prohibits activity that publicly incites hatred, violence, or discrimination on the basis of a variety of characteristics, including religion, if it causes a threat to a person's life, health, or property.

Societal Abuses and Discrimination.—Relations between the various religious communities were generally amicable; however, the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church under the Moscow Patriarchy continued to have differences over the disposition of Orthodox Church property.

The Jewish community was estimated to have approximately 2,500 members. There were no reports of anti-Semitic acts.

In November, according to media reports, the security police terminated the criminal investigation into the activities of a Finn with Estonian citizenship suspected of working to establish an "anticonstitutional right-wing organization." According to the media, he used Nazi symbols and ideology and planned a paramilitary wing of the organization. No evidence was found that he planned to change the country's constitutional order.

The Government took a number of steps to associate itself with commemoration of the Holocaust and to encourage best practices in teaching about it in schools.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government has a "safe country of origin or transit" policy; it regarded countries that were parties to the UN refugee convention as safe countries, but all asylum seekers were granted individual interviews.

In practice the Government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum to four individuals.

The Government did not provide temporary protection to individuals who did not qualify as refugees under the 1951 convention or the 1967 protocol.

Stateless Persons.—Citizenship is derived from one's parents (*jus sanguinis*). According to government statistics, approximately 110,000 persons, or 8.2 percent of the population, were of undetermined citizenship or *de facto* stateless. This represented a decline of 32 percent from 1992. According to UNHCR statistics there were 116,248 stateless persons in the country at the end of 2007.

The majority of stateless persons were long-term residents and, as such, could vote in local but not parliamentary elections. The Government has statutory procedures in place that offer opportunities to gain legal residence status or citizenship. Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities to facilitate acquisition of citizenship by those stateless persons who wish it. Children whose parents are residents of undetermined citizenship and have lived in the country for five years are eligible to acquire citizenship at their parents' request.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Parliamentary elections held in March 2007 were generally free and fair and led to the formation of a three-party coalition government that took office in April 2007. Political parties could operate without restriction or outside interference.

Only citizens may vote in parliamentary elections and be members of political parties. Resident noncitizens may vote in local elections if they have lived for at least five years in the municipality or city that corresponds with their permanent residence as listed in the country's population register. European Union (EU) citizens who have established permanent residency may also vote in local elections. Resident noncitizens may not run for office. EU citizens who are registered in the country's population register may vote in the European Parliament elections.

There were 21 women in the 101-seat parliament. The speaker of the parliament and the deputy speaker of the parliament were women. There were three women in the 14-member cabinet.

There were nine members of ethnic minorities in the 101-seat parliament.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

On January 31, the Viru County Court found a former judge of the Harju County Court guilty of accepting a bribe in 2006 and sentenced him to three and a half years in prison. The former judge appealed the sentence.

On September 12, the Harju County Court initiated proceedings against a businessman, a lawyer, and a former minister for attempted bribery in connection with the sale of a building belonging to the Ministry of Environment. The case was pending at year's end.

Investigations were ongoing at year's end into alleged illegal property exchanges in which protected land in nature preserves was traded for state properties in other locations with the approval of a former minister. The security police and prosecutor's office continued criminal cases against several individuals allegedly involved in these transactions, including a few well-known politicians and businessmen.

Public officials are subject to financial disclosure laws. The Justice Ministry is responsible for coordinating anticorruption activities.

The law provides the public access to government information and allows for monitoring of the public sector's performance. The Government provided access for citizens in practice.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination for any reason, and the Government generally enforced it. However, violence against women and child abuse were problems.

Women.—Rape, including spousal rape, is illegal and was prosecuted. The sentence for rape is up to 15 years' imprisonment. During the year, the police reported 160 rapes and attempted rapes; 30 persons were convicted of rape during the year.

Violence against women, including spousal abuse, was a problem. According to nongovernmental organizations (NGOs), one in four women has suffered from physical, sexual, or emotional domestic violence, and NGOs considered domestic violence a serious problem. The law prohibits physical abuse but does not differentiate between acts committed against men or women. Domestic violence is punishable by a fine or imprisonment of up to three years and up to five years in the case of long-standing and unrelenting violence. During the year police reported more than 5,200 cases of physical abuse, including domestic violence. During the year 1,544 persons were convicted of physical abuse. Victims of domestic violence may obtain help, including counseling and legal assistance, from local social workers and specialized NGOs.

Prostitution is not prohibited and was common, but pimping is illegal. There were reports that women were trafficked for purposes of sexual exploitation.

The law prohibits sexual harassment. Sexual harassment in the workplace occurred but was not considered a serious problem. According to the law, disputes over sexual harassment are resolved in court, in an administrative hearing by the legal chancellor-ombudsman, or by the gender equality commissioner. An injured party may demand compensation for damages and termination of the harmful activity. During the year a local branch of the Labor Inspectorate handled five harassment cases involving four women and a man who filed complaints against their supervisors. The maximum compensation for damages is 50,000 kroon (approximately \$4,490).

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, these rights were not always observed in practice. While the average educational level for women was higher than for men, their average pay was generally lower, and there continued to be female- and male-dominated professions. According to media reports, the difference between the salaries of men and women was 25 percent.

Children.—The Government was committed to children's rights and welfare.

Child abuse was a problem. During the year police reported 762 cases of violence against children, including domestic and school violence.

During the year there were 76 reports of rape and attempted rape of minors, and police registered 193 cases of sexual abuse of persons under 18 years of age, including 39 cases involving victims below the age of 14; 36 persons were convicted of sexual assaults against minors.

There were reports that children were trafficked for sexual exploitation.

Trafficking in Persons.—There is no specific law criminalizing all forms of trafficking; however, authorities prosecuted traffickers under laws prohibiting enslavement, abduction, and pimping.

The country was a source, destination, and transit point for trafficking victims, who were trafficked primarily for sexual exploitation. Women and girls were trafficked primarily to countries in northern Europe. The overall trafficking pattern appeared to be unchanged from earlier years, although authorities in both Finland and Sweden noted considerable declines in the number of Estonians trafficked to their countries. Travel-friendly regulations in the Schengen zone, short distances, low travel costs, and the draw of legitimate employment lowered the barriers to trafficking to Nordic and other EU countries.

Traffickers included individuals, small groups, and organized criminals who ran the prostitution industry and lured victims with the promise of legitimate employment or the opportunity to live and study abroad. Traffickers tended to befriend victims or attempted to pass themselves off as legitimate job mediators. Due to generally liberal travel regulations around the region, false documentation was not always necessary.

Penalties for trafficking-related offenses range from five to 15 years' imprisonment; fines may also be applied. In December the Parnu county court found two individuals guilty of enslaving a person to sell drugs. They were sentenced to one and one-and-a-half years imprisonment, respectively.

The Ministries of Interior, Social Affairs, Foreign Affairs, Education and Research, Finance, and Justice have responsibilities for combating trafficking.

Authorities cooperated actively with regional and international efforts to fight trafficking, including participation in the work of the Nordic and Baltic Task Force on Trafficking in Persons.

The law provides protection, as well as legal and medical compensation rights, to victims of all crimes, including trafficking. During the year, 55 women were assisted within the framework of a Nordic-Baltic pilot project for victims of trafficking and sexual exploitation. Shelter facilities, as well as psychological, social, and legal counseling services were offered to women identified through the initiative. The project, a three year initiative (2006–08) aimed at building shelter facilities and providing public outreach, targeted women who had in the past been victims of trafficking and sexual exploitation, primarily prostitution. Each county had an assigned assistant to provide trafficking victims access to public assistance. These assistants received specific training on trafficking in persons issues from NGOs during the year.

The Government continued to support an NGO-operated hot line that provided information on trafficking risks to persons interested in working abroad. The hot line received over 400 calls during the year.

Throughout the year the Ministry of Social Affairs engaged in educational outreach programs to governmental organizations, NGOs, and individuals, including sponsoring lectures, seminars, and preparation of training materials.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; older buildings were inaccessible, although new or renovated buildings were generally accessible. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—Instances of overt hostility based on ethnicity or race were infrequent. There was no recurrence during the year of the violent protests by some members of the country's Russian minority that followed the Government's 2007 decision to move a Soviet-era monument from the center of Tallinn.

While there is no specific law prohibiting hate crimes, the law prohibits incitement to hatred, violence, or discrimination on a variety of grounds, including nationality, race, skin color, language, and social origin. In September 2007 skinheads in Tartu threw stones in the direction of a French student of African origin; the student did not press charges.

The Government provides for the protection of the cultures of minority groups. However, some observers alleged that a law related to minority cultural autonomy is discriminatory because it does not apply to the country's large population of non-citizens. In districts where more than one-half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language.

Russians, Ukrainians, and Belarusians are the largest ethnic minorities, making up 29 percent of the population. The Government encouraged social integration through a policy that promotes learning Estonian and naturalization. Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must know the Estonian language. Actual proficiency is usually determined through examination; however, citizenship applicants who have previously passed the basic level language proficiency examination or the basic school final examination for Estonian as a second language do not have to take the citizenship language examination. Some noncitizen residents, particularly ethnic Russians, continued to allege that the language requirement resulted in job and salary discrimination.

During the year the Government continued to implement its plan to provide 60 percent of all instruction in the country's 58 public Russian-language high schools in the Estonian language by 2011.

Romani communities, with a total of fewer than 1,000 members, were primarily located in three areas in the country. A 2006 COE report noted high unemployment levels among Roma, due in part (because very few had attended school) to low education levels. However, the report also concluded that Roma faced discrimination in employment and other areas. The Government took steps to emphasize the importance of education for Romani children.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers to form and join a union or employee association, although some workers found it difficult to exercise this right in practice. Approximately 10 percent of the total workforce belonged to trade unions. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, and workers exercised this right in practice. Public servants at the state and municipal levels are denied the right to strike.

b. The Right to Organize and Bargain Collectively.—Collectively bargained contracts covered approximately 15 percent of workers, including some nonunion members. Collective bargaining and collective dispute resolution are provided for by law.

The law prohibits antiunion discrimination; however, the Confederation of Estonian Trade Unions (EAKL) continued to report that antiunion behavior was rife in the private sector. According to the EAKL, violations of trade union rights in the country were frequent, and labor inspectorates were not efficient in enforcing the law. In some enterprises, workers were advised against forming trade unions, threatened with dismissal or a reduction in wages, or promised benefits if they do

not join unions. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and girls were trafficked for sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively enforced laws and policies to protect children from exploitation in the workplace.

The law sets the minimum age for employment at 18, although children aged 15 to 17 may work with the consent of a parent or guardian, and children aged 13 to 15 may work with the consent of a parent or guardian and a labor inspector. Children under the age of 18 may not perform hazardous or dangerous work. The law limits the hours that children may work and prohibits overtime or night work. The labor inspectorate was responsible for enforcing these laws and did so in practice. There were no separate inspections regarding the age of child workers.

e. Acceptable Conditions of Work.—The national monthly minimum wage of 4,350 kroon (approximately \$391) did not provide a decent standard of living for a worker and family; however, approximately 94 percent of the workforce earned more than the minimum wage.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week for those working in shifts. Reduced working time is required for minors and for employees who perform underground work, work that poses a health hazard, or work of an otherwise special nature. Work hours, including overtime, may not exceed an average of 48 hours per week. The law required overtime pay of not less than 150 percent of the hourly wage of the employee. These requirements were effectively enforced.

The Government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcement of these standards and made efforts to enforce them. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment, and they exercised this right in practice. During the year, 3,959 occupational accidents occurred, a ratio of 599 occupational accidents per 100,000 employees.

FINLAND

Finland is a constitutional republic of 5.3 million persons with a directly elected president and a unicameral parliament (Eduskunta). The prime minister is head of government. Parliamentary elections held in March 2007 were free and fair. Civilian authorities maintained effective control of military and security forces.

The Government generally respected the human rights of its citizens, and the law and an independent judiciary provided effective means of addressing individual instances of abuse. Human rights problems included violence against women, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law and constitution prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention.—The law and constitution prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the military and the national police force, which is under the centralized control of the Ministry of Interior. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

Arrest and Detention.—The law requires police to have a warrant issued by a prosecutor to make an arrest. If an individual is arrested while committing a crime, a warrant must be obtained within three days; arrested persons must receive a court hearing within three days. Detainees must be promptly informed of the charges against them, and lawyers must be provided for the indigent. Authorities generally respected these rights in practice. There is no system of bail, but most defendants awaiting trial were eligible for conditional release based on personal recognition. Criminal detainees were allowed prompt access to counsel of their choice and to family. There were no reports of preventive detention, which the law allows only in exceptional circumstances such as during a declared state of war or for narrowly defined offenses including treason, mutiny, and large-scale arms trafficking.

e. Denial of Fair Public Trial.—The law and constitution provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law and constitution provide for the right to a fair public trial, and an independent judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. The law does not provide for trial by jury. Defendants have a right of appeal, to be present at trial, and to consult with an attorney in a timely manner; attorneys are provided at public expense if defendants face serious criminal charges that can result in imprisonment or significant fines. Defendants can confront and question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

The law extends these rights to all citizens and legal residents. Irregular migrants have the same rights as citizens except that they may be removed from the country or deported for legal cause.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution provides all citizens with a fundamental right to live under the rule of law and to have the law applied equally and without discrimination. The country had an independent and impartial judiciary in civil matters, and there was access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law and constitution provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and generally expressed a wide variety of views without restriction, with the exception of hate speech.

Publishing hate material and any public speech intended to incite discrimination or violence against any national, racial, religious, or ethnic group is a crime.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

The country had one of the world's highest rates of Internet connectivity, and virtually all citizens had access to the Internet. Courts can fine persons found guilty of inciting racial hatred on the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law and constitution provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. According to the law, the Evangelical Lutheran Church (ELC) of Finland and the Orthodox Church are established state churches.

Citizens who belong to one of the two state churches pay a 1 to 2 percent “tithe” as part of their income tax, but may opt out by officially disassociating from the ELC or Orthodox Church. During the year other registered religious communities that qualified by having 200 or more members became eligible for the first time to receive state funds to help defray operating costs.

Religious instruction in Lutheran or Orthodox doctrine was part of the public school curriculum; however, students could substitute philosophy or world religion courses. In some urban communities, students may receive Islamic religious instruction in public schools.

In August the NGO Union of Conscientious Objectors (a member of NGO War Resisters’ International) reported that 15 conscientious objectors were in prison for refusing to perform either compulsory military service or alternative civilian service. Some of those imprisoned stated that their objection to military or civilian service was based on religious conviction. However, there was no evidence that the Government singled out any individuals for prosecution because of their religious beliefs or their membership in a religious minority. Jehovah’s Witnesses are specifically exempt from military service. Regular military service is between 180 and 362 days. The law provides that conscientious objectors must perform 362 days of alternative civilian service. Amnesty International criticized the length of alternative civilian service for conscientious objectors as punitive and discriminatory. During the year the law was changed shortening the allowed maximum time in prison for refusal of alternative service to 181 days, one half the number of days served for alternative military service.

Societal Abuses and Discrimination.—According to Statistics Finland, the country’s Jewish community numbered 1,181 at the end of 2007, the last date for which figures were available. There were no reports of anti-Semitic acts.

The Ministry of Education continued to integrate tolerance and antibias courses and material into the public school curriculum. Students begin studying the Holocaust and the phenomenon of anti-Semitism in the eighth grade.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law and constitution provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However, the Government automatically denied asylum to anyone who previously was denied asylum by another European Union state.

In practice the Government provided protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened.

The Government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention or the 1967 protocol and provided it to 35 persons by the end of November.

There were reports of societal discrimination against foreign-born residents, including refugees and asylum seekers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—Parliamentary elections in March 2007 were considered to be free and fair and resulted in a four-party coalition government led by the Center Party. Political parties could operate without restriction or outside interference.

There were 84 women in the 200-seat parliament and 12 women in the 20-member Council of State (cabinet). The president is a woman.

There were 13 members of minorities in parliament and two in the cabinet. One representative from the electoral district of Åland (autonomous region) is always elected. The indigenous Sami (Lapp) minority enjoys semiautonomous status and has its own legislative body.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of government corruption during the year.

All citizens, including public officials, are subject to public disclosure laws; by law, income and asset information from all tax forms must be made public each year. The Office of the Chancellor of Justice has overall responsibility for oversight of government activities.

The law provides for public access to government information, with the exception of national security information and documents covered by privacy laws, and the Government provided such access in practice.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced the law effectively. However, violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma resulted in legal actions.

Women.—The law criminalizes rape, including spousal rape, and the Government enforced the law effectively. The maximum sentence for rape is seven years. As of June 30, a total of 366 cases of rape were reported to police. Justice Ministry officials estimated that the actual number of rape cases was higher, noting that as many as 75 percent of unreported rapes each year were committed by a known assailant.

There were no reports of police or judicial officials showing reluctance to act on rape cases. Police and government officials actively encouraged victims to report rape cases through various public awareness campaigns. In 2007, the most recent period for which government figures were available, 104 persons were convicted of rape.

In August the Rovaniemi District Court sentenced a man to 10 years in prison for deliberately infecting five women with HIV. The court ordered the man to pay damages to the victims.

A 2007 report by Statistics Finland indicated that the number of sexual crimes reported to the police in 2007 decreased by 12 percent to 320 cases.

Societal violence against women, including spousal abuse, continued to be a problem. Domestic abuse may be prosecuted under various criminal laws, including the laws prohibiting rape, assault and battery, harassment, and disturbing the peace. The penalty for domestic physical violence ranges from a minimum of six months to a maximum of 10 years in prison. According to government officials, efforts to raise awareness of the problem have increased victims' willingness to report violence.

In August the National Research Institute of Legal Policy and the European Institute for Crime Prevention and Control released findings in which they estimated that 20 percent of women in relationships were subjected to some form of violence. In 2007 the National Research Institute of Legal Policy estimated that 33 of the female homicides in the country had clear implications of domestic violence.

During the year police received training in how to identify potential domestic violence. Police may refer potential perpetrators or victims to government social welfare agencies that have programs aimed at reducing domestic violence by promoting cooperation between cohabiting partners; by providing better support to victims; and through anger management and other counseling services to perpetrators.

The Government encouraged women to report domestic violence and abuse and provided counseling, shelters, and other support services to victims of domestic violence and rape. The Government also funded NGOs that provided additional services, including a telephone hot line and crisis center. According to regional and municipal officials who operated shelters, most women who sought shelter from violence were between the ages of 25 and 35 and married or in a cohabiting relationship; nearly one fifth were reported as immigrants, but origin is often not reported in shelter logs to protect residents. Foreign-born residents who were proficient in

neither Finnish nor English experienced some difficulty accessing domestic violence services.

Prostitution is legal, but pimping, pandering, selling, and purchasing sexual services in public is illegal. Prostitution was generally limited to private apartments and nightclubs in larger cities.

Trafficking in women for the purpose of sexual exploitation resulted in legal action. In late July a court convicted seven persons of purchasing sexual services from trafficking victims and sentenced them to prison terms ranging from two years and three months to five years.

Sexual harassment is prohibited by law, and the Government generally enforced the law in practice. The prosecutor general is responsible for investigating sexual harassment cases. Employers who fail to protect employees from harassment are subject to fines or a maximum of six months' imprisonment.

Women have the same rights as men under family and property laws and in the judicial system. The Government placed a high priority on gender equality and maintained three government organizations devoted to gender equality issues: the ombudsman for equality, the Gender Equality Unit, and the Council for Equality.

The law stipulates that men and women must receive equal pay for equal work. However, allegations of wage discrimination against women continued to be reported. For example, in 2007 the equality ombudsman's office received 381 complaints alleging unequal treatment in working life and determined that approximately 20 percent of the cases violated the law. Women filed 75 percent of complaints.

On average women earned approximately 18 percent less than men for substantially similar work. Women were overrepresented in lower-paying occupations, while men tended to dominate the upper ranks in industry, finance, and some government ministries. The law provides that individuals may receive compensation for lost wages in cases where gender-based discrimination is proven.

Children.—The Government was strongly committed to children's rights. Child abuse remained a problem.

There were reports of trafficking of children for sexual exploitation. During the year the number of suspected sexual abuse cases reported to police continued to increase, due in large part to a greater willingness to report child abuse. According to Statistics Finland, there were 1,025 cases of child sex abuse reported to the police in 2007.

The Government established a national action plan to train law enforcement, judicial, and social welfare officials in methods for identifying, protecting, and assisting child victims of sexual abuse. However, according to a 2007 survey by the government-run National Council for Crime Prevention, there was still a need for better central planning, more government resources for law enforcement and victim protection, and better information sharing among national and local-level officials to combat child abuse.

There is a government ombudsman for children's issues under the Ministry for Social Affairs and Health. During the year the ombudsman worked to raise public awareness of child abuse and help policymakers identify the socio-economic factors that can lead to abuse. Authorities also attributed the increase in the reporting of child abuse to the ombudsman's efforts to raise awareness of the problem.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, and within the country.

The country continued to be a transit and destination point for trafficked men, women, and children; however, there were no reliable estimates available on the actual incidence of trafficking.

Many of the trafficking victims were women Russian, although Azerbaijani, Moldovan, Estonian, Latvian, Lithuanian, Ukrainian, and Belarusian women were also trafficked to and through the country to Western Europe for commercial sexual exploitation. Increasing numbers of Asian women, most of whom were believed to be Chinese or Thai, were trafficked through the country to other parts of Europe. In 2007 authorities identified a small number of Russian boys as trafficking victims while transiting the country to Sweden.

Men and women were trafficked to provide forced labor. Many of these workers were trafficked from China, Vietnam, and India and employed by other Asians, who frequently had family or clan ties to the victims.

According to government and NGO reports, Russian organized crime syndicates were the principal traffickers of women into the country. Many of the trafficked women were aware that they would work as prostitutes. Economic incentives for women seemed to play a larger role than physical coercion in the recruitment of

trafficked women by crime syndicates. However, after arriving, they were pressured and coerced into working longer hours and accepting lower wages.

Many trafficking victims entered the country with valid visas obtained at Finnish consulates abroad. The Schengen Treaty, which allows travelers already within the EU Schengen area to travel to any other EU Schengen country without inspection, facilitated the transit of trafficked persons from Russia and the Baltic countries to Western Europe.

In some cases traffickers confiscated victims' passports and used violence or the threat of violence to ensure their compliance.

The maximum penalty for trafficking in persons is six years' imprisonment; for aggravated trafficking in persons 10 years. Other laws used to prosecute traffickers include laws against organized prostitution, dissemination of child pornography, coordination of illegal entry into the country, and the marketing of sexual services.

During the year authorities continued to prosecute suspected traffickers vigorously. In 2007, 10 traffickers were prosecuted for sex trafficking compared to 10 sex trafficking prosecutions and one labor trafficking prosecution reported in 2006.

During the year five Finns received two to six year prison sentences and were ordered to pay restitution in an aggravated trafficking case involving a domestic victim within the country. The traffickers threatened, assaulted, coerced, and pimped the victim by falsely alleging that the victim had debt.

The ministries for foreign affairs, interior, justice, labor, education, and social welfare were involved in combating trafficking. The parliamentary human rights caucus, the National Bureau of Investigation, frontier guards, customs and immigration, and municipal police were also involved in antitrafficking efforts. The Government provided specialized training for law enforcement personnel and prosecutors in antitrafficking measures.

The Government participated in multilateral and regional efforts to combat trafficking through organizations such as the Council of Baltic Sea States, the Nordic Council of Ministers, and the Barents Euro Arctic Council. The Government was also involved in antitrafficking efforts with the EU and OSCE.

The Government provided the majority of funding for antitrafficking NGOs. Although there were no NGOs dedicated to assisting trafficking victims, several focused on women's rights and general assistance to victims. NGOs and government facilities operated by the Ministry of Labor provided trafficking victims with shelter, subsistence, medical services, and psychological counseling. Law enforcement and social workers identified trafficking victims and referred them for necessary care. The Government generally respected the rights of trafficking victims and did not penalize them. Authorities allowed some victims to apply for a temporary residence permit.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced these provisions.

Laws mandating access to buildings for persons with disabilities were generally enforced, although many older buildings remained inaccessible. Most forms of public transportation were accessible, but problems remained in some geographically isolated areas. The Ministry for Social Affairs and the Ministry for Labor are responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—There was some societal tension between ethnic Finns and minority groups, and there were reports of racist or xenophobic incidents. In 2007, the last date for which figures were available, police stated that they received 698 reports of race-related crimes and misdemeanors. The vast majority of the cases involved racial epithets directed towards immigrants or merchant refusals to provide services to members of minority groups.

There were occasional reports of fighting between ethnic Finns and foreign-born youths of African and Middle Eastern descent as well as fighting between rival ethnic immigrant groups. However, none of the cases that led to court proceedings were prosecuted as hate crimes.

According to the minority ombudsman, discrimination against the approximately 10,000 Roma extended to all areas of life, resulting in their de facto exclusion from society. The Romani minority was the most frequent target of racially motivated crimes. According to government figures, 75 percent of discrimination cases involved Roma, followed by Somalis, Russians, Turks, Iraqis, and Iranians. Ethnic Finns were also occasionally victims of racially motivated crimes for associating with members of minority communities.

The Government strongly encouraged tolerance and respect for minority groups and sought to address racial discrimination. All government ministries included antiracism provisions in their educational information, personnel policy, and training programs. The Government also monitored police, border guard, and teacher treatment of national, racial, and ethnic minorities. The Government's minority ombudsman monitored and assisted victims of discrimination.

Indigenous People.—The law provides for the protection of Sami (Lapp) language and culture, and the Government financially supported these protections, and the Sami have full political and civil rights as citizens, as well as a measure of autonomy in their civil and administrative affairs. Despite constitutional protections, members of the Sami community, which constitutes less than 0.1 percent of the population, continued to protest the lack of explicit legislation to safeguard Sami land, resources, and economic livelihood. Sami have alleged for decades that, while 90 percent of the Sami home region is considered government-owned land, the Government used this land for logging and other purposes without consulting them. During the year members of the Sami community won some legal challenges related to violations of their land rights.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination against persons based on their sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice, and workers exercised this right in practice. Approximately 79 percent of the workforce was unionized. The law grants employees the right to strike, with some exceptions for public sector employees who provide essential services. Workers exercised this right in practice. An official dispute board can make nonbinding recommendations to the cabinet on ending or limiting the duration of strikes when national security is threatened. Employees prohibited from striking can use arbitration to ensure due process in the resolution of their concerns. A strike is legal when an employment contract is not in effect and the action is pursuant to new contract negotiations. Strikes are considered illegal after a contract agreed to by all parties is in effect. Fines may be imposed for illegal strikes.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and the Government protected this right in practice. Collective bargaining agreements usually were based on wage policy agreements among employees, employers, and the Government. All unionized workers were covered by such agreements. Employers of nonunionized workers were required to compensate employees at a wage equal to that stipulated by existing collective bargaining agreements.

The constitution provides for the right to trade union freedom. The statute regulating work agreements extends these rights to both the employee and the employer. Any restriction or obstruction of these rights is prohibited. In addition, the country is a member of the International Labor Organization Convention 87 concerning freedom of association and protection of the right to organize, and the Government generally enforced these rights.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such incidents occurred. Men and women were trafficked to provide forced labor in the construction industry, restaurants, and as domestic servants. They often worked long hours for low pay and were reluctant to approach authorities for cultural reasons or out of fear of deportation or confinement.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, and the Government effectively enforced these laws in practice. The law prohibits children under age 16 from working more than six hours a day and from working at night. The law sets occupational health and safety restrictions for children, and the Government implemented these provisions effectively.

The labor ministry enforces child labor regulations; there were no reports of children engaged in work outside the parameters established by law.

e. Acceptable Conditions of Work.—There is no national minimum wage law; however, the law requires all employers, including nonunionized employers, to pay minimum wages agreed to in collective bargaining agreements. Almost all workers were

covered under such arrangements. These negotiated minimum wages provided a decent standard of living for workers and their families.

The standard workweek established by law consists of five days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24 hour rest period per week. Workers are entitled to premium pay for overtime work. The law limited a worker to 250 hours of overtime per year and to 138 overtime hours in any four-month period. Foreign workers were covered by these laws, which the Government effectively enforced.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforced them. Workers have the right to refuse dangerous work situations without penalty, and the Government enforced this right in practice.

FRANCE

France, with a population of approximately 64.1 million, is a multiparty constitutional democracy. The president is elected by popular vote for a five-year term. There is a bicameral parliament; the upper house (Senate) is indirectly elected through an electoral college; the lower house (National Assembly) is directly elected. Parliamentary and presidential elections took place in 2007 and met international standards. The Union for a Popular Movement was the ruling party and Nicolas Sarkozy was president. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including overcrowded and dilapidated prisons; lengthy pretrial detention; protracted investigation and trial proceedings; anti-Semitic incidents; discrimination against Muslims; societal hostility toward immigrants; societal violence against women; child abuse and child marriage; and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings during the year.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were occasional accusations and press reports of police violence and use of excessive force in making arrests.

There were no developments in the 2006 Muhittin Altun case, in which attorneys for Altun filed a complaint against police for reckless endangerment and falsification of public documents during their examination of Altun. Investigation of the two policemen implicated in the case began in February 2007, but no trial date had been set at year's end.

In March police Captain Franck Junca received an 18-month prison sentence and a three-year suspension from duties for allegedly assaulting and sodomizing a driver in Val-de-Marne. Two other officers involved in the assault were suspended for periods of one to three years.

Prison and Detention Center Conditions.—Prison and detention centers conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygienic conditions in some facilities.

Prison overcrowding was a problem. At year's end there were 63,619 persons incarcerated in the country's 185 prisons, exceeding capacity by almost 13,000 places.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides have been an increasing problem in recent years. According to penitentiary officials, there were over 115 prison suicides during the year.

On April 14, a Parisian judge ruled that Rennes' regional prison director, Alain Jago, be held liable for involuntary homicide for neglecting to prevent an inmate's suicide. Jago was accused of failing to enforce the law requiring that prisoners be deprived of any means of assisting in committing suicide. The ruling was the first time that a prison manager has been held personally liable for an inmate's suicide.

Authorities maintained administrative holding centers for foreigners whom they could not immediately deport. There were 18 holding centers on the mainland.

The Government permitted prison visits by independent local and foreign human rights observers. In May the Council of Europe's human rights commissioner, Thomas Hammarberg, undertook an inspection of prisons in the country. Hammarberg's report, released in November, indicated that local prisons fared poorly, stating that "living conditions are still unacceptable for numerous detainees, who have to cope with overcrowding, lack of privacy, dilapidated facilities and substandard hygiene."

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; however, lengthy pretrial detention was a problem. The Government provided financial compensation in some cases of wrongful incarceration.

Role of the Police and Security Apparatus.—A civilian force of 146,000 national police under the direction of the Ministry of the Interior and a military force of 105,389 national gendarmes under the joint direction of the Ministry of the Interior and the Ministry of Defense ensure internal security. Police and gendarmes were considered effective.

On April 13, the first 50 "neighborhood police" (*police de proximite*) returned to work after a six-year suspension initiated by then interior minister Sarkozy. Authorities expressed hope that their reintroduction would curb juvenile delinquency and petty crime in neighborhoods with high percentages of youth. Critics held that the discontinuation of neighborhood policing contributed to a degradation of security and helped set the stage for the 2005 urban rioting across the country. Prime Minister Francois Fillon stated that the neighborhood police would involve the most experienced individuals in the police force.

Impunity was not widespread. The inspector general of the national police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Security Ethics Commission (CNDS) investigated allegations of misconduct by municipal police, gendarmes, and private security forces and reported the findings to the prime minister and parliament. The National Consultative Commission on Human Rights (NCCHR) also monitored police conduct. Police corruption was generally not a problem. The Government actively investigated and prosecuted allegations of police corruption.

The CNDS monitored security enforcement ethics. According to its annual report for 2007, the number of complaints registered with the CNDS fell by 17 percent from 2006 to 2007 (from 140 to 117 cases).

Arrest and Detention.—Police are required by law to obtain warrants based on sufficient evidence and issued by a duly authorized official prior to taking individuals into custody. The law gives the individual the right to a prompt judicial ruling on the legality of the detention, and authorities generally respected this right in practice. Authorities must promptly inform detainees of charges against them. There is a system of bail, and it is utilized. Detainees generally had prompt access to lawyers; however, in cases involving terrorism or other major crimes, suspects may be held up to 96 hours without access to a lawyer. If detainees are indigent, the state provides a lawyer.

The 2006 antiterrorism law provides for longer periods of incommunicado detention and allows authorities to hold terrorism suspects for an initial period of four days before being charged or allowed access to a legal counsel. Authorities may petition a judge to extend this period by an additional two days. After six days, suspects must either be charged or released and allowed access to legal counsel.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Pretrial detention is generally allowed only if there is a possibility that the suspect would be sentenced to more than three years in prison for crimes against property; however, a few suspects spent many years in detention before trial, which officials blamed on system stress from changing judicial laws and insufficient government resources for investigations and trials. According to 2007 government statistics, the average length of pretrial detention was 5.7 months, an increase of 10 percent since 2001.

Prison officials occasionally engaged in inappropriate conduct toward prisoners, including misuse of solitary confinement.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence; however, delays in bringing cases to trial were a problem.

The Tribunal of the Armies of Paris is a military court for acts committed outside of the country. The court tries only military personnel.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a combination of professional and lay judges hears the case. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government held evidence relative to their cases. However, Council of Europe research in 2006 found that, in practice, the country's legal system limited the right of accused persons to benefit from legal counsel by limiting access to case files. Defendants enjoy a presumption of innocence and have the right to appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters and access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Some civil rights and opposition political parties expressed concern about the 2006 antiterrorism law that permits official probing of the Internet and into mobile telephone records, increased video surveillance of railway stations and airports, and increased access to records of citizens' electronic communications. Although a judge's approval is not required for cases involving terrorism, as of year's end, there were no reports of abuse by the Government.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with few restrictions.

There were some limitations of freedom of speech and of the press. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Denial of the Holocaust and crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred.

Authorities may deport a noncitizen for publicly using "hate speech" or constituting a threat of terrorism. Human Rights Watch (HRW) claimed that some long-established residents were deported for holding views that were unpopular but that would not constitute a threat of terrorism, illustrating a problem with the terrorist expulsion process. In 2007 HRW reported that the Government arrested and deported 17 imams on suspicion of having links to terrorism.

The National Assembly passed a bill on December 16, which banned prime-time advertising from state-funded television networks and gave the president of the republic the ability to name the head of public broadcasting. A final vote in the Senate was pending at year's end. The board of the public television network agreed in December to begin voluntarily implementing the advertising ban before the legislation was final.

Internet Freedom.—There were no government restrictions on access to the Internet. Aside from the rights accorded to the Government within the 2006 antiterrorism law to monitor email or Internet chat rooms for suspected terrorists, there were no reports of government abuse during the reporting period. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet was widely available throughout the country. However, the authorities shut down at least one Internet site during 2007 for threats against Jews.

In 2006 the parliament adopted an antiterrorism law that permits official probing on the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The law prohibits discrimination on the basis of faith. However, some religious groups remained concerned about laws permitting the Government to dissolve groups under certain circumstances and prohibiting the wearing of “conspicuous” religious symbols, including Muslim headscarves, Jewish skullcaps, and large crosses, by employees and students in public schools. Some Christian, Jewish, Muslim, and Sikh leaders expressed concern about the law’s potential to restrict religious freedom. Media reports estimated and the international Sikh community claimed that many of the country’s Muslim school-age girls and Sikh school-age boys were affected by the law; many of the latter were denied a public higher education and forced to take up apprenticeship because they could not afford private schooling.

Some Muslims described the deportation of a number of radical Islamist religious figures as a restriction on religious freedom, although authorities cited security as the justification.

Under the law a religious group must apply to the local prefecture for recognition as an association of worship and must disclose certain management and financial information in order to receive tax-exempt status or gain official recognition. Groups of religious believers who do not seek such status are free to meet and conduct religious practice.

On November 21, The European Court of Human Rights (ECHR) ruled in favor of the Government against a Sikh who wished to be photographed for a driver’s license in his turban since he never appears in public without it.

There was continuing concern over the About-Picard law, which permits the Government to dissolve religious groups, although authorities have never applied these provisions of the law.

Societal Abuses and Discrimination.—Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity.

The Jewish community was estimated at 500,000–600,000 persons. There were several acts of anti-Semitism during the year, including anti-Semitic slurs and attacks on synagogues and Jewish cemeteries. According to the Jewish Consistory, there was a 32.5 percent drop in anti-Semitic incidents in the first five months of the year, as compared with the same period in 2007 (82 incidents versus 104).

Denial of the Holocaust and crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred.

On December 11, two Union for a Popular Movement (UMP) deputies released a report examining the recent spate of cemetery desecrations within the country. The report indicated that a cemetery is desecrated on average every three days, usually attributed to simple vandalism or theft, but also with apparent Satanist, racist, and anti-religious motivations targeting Muslims and Jews.

On December 8, more than 500 Muslim and over a dozen Jewish graves in the Arras military cemetery in Northern France were desecrated with swastikas and anti-Islamic slogans.

Youssouf Fofana, the head of the gang held responsible for the 2006 torture and murder of a young Jewish man, Ilan Halimi, was deemed competent to stand trial for charges including criminal association, kidnapping, illegal confinement, torture, and religiously motivated premeditated murder. The trial was set to take place in April 2009.

Members of the Arab Muslim community continued to experience acts of harassment and vandalism. The NCCHR reported 321 total incidents in 2007, a 9 percent drop from 2006. While many acts were aimed against immigrants of North African origin, 11 were explicitly anti-Islamic, targeting mosques, cemeteries, or individuals.

Muslim women wearing headscarves continued to experience discrimination, including refusal of service by private businesses. Media reports indicated that some companies discouraged female employees from wearing the headscarf or encouraged them to wear a bandanna instead.

On September 4, six Muslim schoolgirls were sent home by schoolmaster Eric Rottier of Lislet Geoffrey, a public high school in the protectorate of La Reunion Island, for violating the law by wearing religious headscarves. Rottier later stated to the media that he was following the “letter of the law.” Two of the girls returned to school after removing their headscarves.

On July 11, the Council of State, the country’s highest administrative court, affirmed a lower court decision that refused citizenship to a Muslim woman for failing to assimilate to the country’s cultural norms. The ruling refused citizenship to a Moroccan-born Salafist woman, “Faiza M,” for the “radical practice of her religion, deemed incompatible with essential values of the community,” particularly gender equality. Faiza stated to authorities that she had only begun to wear a traditional “burqa” upon her arrival in the country, at her husband’s behest, and had agreed

to remove it following explicit requests by immigration officials so they could identify her visually. The minister for higher education and research, Valerie Pécresse, welcomed the ruling, stating that “the principle of sexual equality is not up for negotiation” in the country.

On May 30, judicial sources confirmed that five suspects, including one active-duty soldier, had been placed under investigation and remanded to custody for an act of arson that partially destroyed a small mosque on April 20 in the southern town of Colombiers. The five individuals were associated with an extreme right-wing group and were believed to have committed the crime in commemoration of Adolph Hitler’s birthday.

Racism and religious intolerance in Corsica remained a concern, although violent racist attacks comprised only 5 percent of the attacks in Corsica in 2007, which was the same percentage as 2006. There were seven racist and xenophobic attacks in 2007, a 50 percent decrease since 2006.

The Jehovah’s Witnesses awaited a ruling by the ECHR on the admissibility of a case contesting the Government’s assessment of their donations at a 60 percent tax rate. The Government had imposed the high rate relative to other religious groups after ruling the group to be a harmful cult. If the assessed tax, which totaled more than 57 million euros (approximately \$77.5 million) as of year’s end, were to be paid, it would consume all of the group’s buildings and assets in the country.

According to representatives for the Jehovah’s Witnesses community, there were 65 acts of vandalism against the group in the country through December including Molotov cocktails aimed at Jehovah’s Witnesses’ property. In contrast to previous years, no individuals were targeted during the year. According to the leaders of the Jehovah’s Witnesses community in the country, there were 98 acts against individuals for 2006 and 115 acts in 2007.

The Government promoted interfaith understanding to combat racism and anti-Semitism through public awareness campaigns and by encouraging dialogue among local officials, police, and citizen groups.

Many Muslim students left public school to find respect for their religious orientation in Catholic schools.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

The law requires persons engaged in itinerant activities and who have a fixed domicile to sign a declaration, which must be renewed periodically. Itinerant persons having no domicile or fixed abode must possess travel documents, often requiring renewal every three months, and must choose a commune for administrative purposes. Members of the Romani community, who made up the majority of those requiring travel documents, protested the requirement and indicated that they often experienced discriminatory treatment from officials when renewing the documents.

On March 12, the Council of State annulled a Ministry of Interior initiative to create a personal information computer database to support government efforts to combat illegal immigration. The database would have aggregated a variety of personal information including nationality, surnames, spoken languages, professional situation, immigrant status, and individual photographs. Human rights and privacy protection groups lauded the decision.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened. In asylum applications, persecution by nonstate agents is taken into account if the state concerned is incapable of offering protection to the person in danger.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol but may be exposed to certain serious risks if they return to their country of origin. Individuals may renew their status for a period of one year. In 2007 the Government provided temporary protection to approximately 706 persons. NGO Forum Refugees estimated

that offers of temporary protections provided by the Government during the year would be equal or slightly higher than the amount provided in 2007.

Although asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees (OFPRA) must be completed in French, directions for the application process are available in Russian, Serbo-Croatian, Turkish, Tamil, and Arabic.

In response to media and NGO pressure, the Government canceled the November deportation of over 40 illegal Afghan migrants due to concerns that they would not be safe in Afghanistan. At year's end the ECHR was examining the Afghan migrant's request. Authorities were also working with the UNHCR on a solution.

In 2007 the Council of State, at the urging of several immigrant rights groups, suspended the right of authorities to expedite the expulsion of some illegal migrants. The ruling obligates state authorities to treat all undocumented residents taken into custody according to newly adopted deportation procedures that include the right to reside in the country for an additional month before expulsion.

A 2006 Amnesty International report criticized legal and administrative regulations that restrict the right to seek asylum and the right to have an asylum claim considered on its merits. Regulations of concern included a shortened period of time to complete and submit temporary residence applications (21 days, formerly one month); less thorough or "fast track" consideration of asylum applications for persons from an expanded list of "safe" countries of origin or transit; and cessation of free interpretation services to asylum applicants in detention centers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law give citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic democratic elections held on the basis of universal suffrage.

Individuals without a fixed domicile, who must carry travel documents, were permitted to vote in municipal elections only after a three-year period of "attachment" to a municipality. Romani groups asserted that this requirement, based on special legislation applied only to itinerant groups, was discriminatory since other citizens, including the homeless, were able to vote after an attachment period of only six months.

Elections and Political Participation.—The 2007 national legislative and presidential elections met international democratic standards. An Organization for Security and Cooperation in Europe (OSCE) assessment reported that the "presidential election reflected the long tradition of conducting democratic elections." Political parties could operate without restriction or outside interference.

There are 13 administrative divisions of the country overseas. Four departments—regions, French Guyana, Guadeloupe, Martinique, and Reunion, have the same status as departments—regions of the mainland and are members of the European Union. There are also six overseas collectivities, French Polynesia, Mayotte, Saint Bartholomew, Saint Martin, Saint Pierre and Miquelon, and Wallis and Futuna. New Caledonia, French South Pole and the Antarctica Territories, and the Clipperton Atoll have a special status. The citizens of Mayotte and the territories of French Polynesia, Wallis and Futuna, New Caledonia, Saint Bartholomew, and Saint Martin determine their legal and political relationships with the rest of the country by means of referenda and, along with the overseas departments—regions, elected deputies and senators to the parliament.

There were 182 women in the two chambers of the 920-seat parliament and 107 female deputies and 75 female senators were elected following the September 21 senatorial elections. As of March 18, there are seven female ministers in the 16-member ministerial cabinet and women led three prominent ministries. Women made up 47 percent of regional council members, 13 percent of the departmental council members, and 35 percent of municipal council members. They held one presidency of the 22 regional councils, four presidencies of the 96 mainland departmental councils and 8 percent of mayoral positions. Political parties are required to present voters lists containing equal numbers of male and female candidates or be fined.

The law prohibits the Government from collecting information on the racial or ethnic background of its citizens; therefore, no statistics on minority participation in the Government were available. However, minorities appeared to be significantly underrepresented in the Government. With the exception of parliamentary representatives from some of the country's overseas territories, the populations of which were predominantly of African origin, as of June 2007, there was one French African member of the National Assembly.

On February 29, the president of the Representative Council of Black Citizen's Groups (CRAN), Patrick Lozes, criticized the underrepresentation of the country's visible minorities at all elected levels of government as well as the small number of minority candidates—estimated at a fraction of 1 percent—in the March municipal elections in a media interview. Lozes noted that visible minority candidates who do make it onto electoral lists are frequently forced to run in races for districts where they have no chance of winning and that, although the population is 10 percent African or Asian origin, the country has no minority mayors, no African-origin municipal councilors in the principal cities, and almost no immigrant-origin delegates in the National Assembly. Lozes blamed the country's electoral homogeneity on the main political parties, which he asserted “transfer their presumptions that minority and immigrant candidates are nonviable to the voters.”

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

Charges for corruption remained pending in the criminal court system against former president Jacques Chirac. He was questioned by judges on April 30 and on three occasions in 2007.

In 2007 Jean Paul Huchon, president of the Paris Area Regional Council and a prominent member of the Socialist Party, was given a suspended 10 month prison sentence and fined 75,000 euros (approximately \$105,000) for corruption. Huchon's wife was employed by companies contracted with regional authorities in 2002 and 2003. Huchon appealed the decision. On November 21, the Paris Court of Appeals confirmed the prison sentence and the fine but annulled the ineligibility sentence, allowing him to run in future elections.

Parliamentarians, representatives to the European Parliament, ministers, regional and departmental council heads, the mayors of larger communities and the directors of state-owned companies (post, railway, telephone) are required to make personal asset declarations at the beginning and the end of their terms to the Commission for the Financing Transparency of Political Life. The commission issued periodic reports on officials' financial holdings on a discretionary basis, but at least every three years. The president is required to make the same personal finance declarations to the Constitutional Council.

The law provides for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these prohibitions. However, violence against women and children, child marriage, trafficking in persons, discrimination, and acts of ethnic hostility were problems.

On March 21, Interior Minister Alliot-Marie dismissed Bruno Guigue, the deputy prefect of the sub-prefecture of Saintes in the Southwest department of Charente-Maritime and author of several books on the Israeli-Palestinian conflict, for an anti-Israel article published in one of the country's most popular Islamic Francophone Web sites, *oumma.com*. Guigue's column compared the Israeli state with the Third Reich and included assertions that Israel is the only country that allows “snipers to shoot down little girls outside their school gates” and that “in Israeli jails, thanks to religious law, they stop torturing on the Sabbath.” Alliot-Marie based her action on Guigue's failure to maintain official neutrality in pronouncing on public matters.

On August 13, police detained the store owner and sales clerk of a woman's clothing store, Belle Star, in Paris for selling T-shirts with the inscription “park entry forbidden to Jews,” referring to signs erected in the Nazi-occupied Warsaw ghetto of Lodz in 1940. The Chinese store proprietor claimed not to have understood the inscription, which was printed in German and Polish. The 43-year-old store owner and her 21-year-old employee daughter faced up to one year in prison if found guilty of inciting racial hatred for promulgating anti-Semitism, but had not been charged or tried for the incident at year's end. The two were placed under a legal distinction called “witness-assisted,” which requires that they cooperate with investigators to help track down the suppliers and manufacturers of the T-shirts.

On September 4, approximately 40 swastikas and 50 racial slogans such as “death to Arabs” and “white power” were spray-painted inside the entrance of Rene Cassin d’Agde high school outside of Montpellier. Minister of Education Xavier Darcos criticized the incident, saying the fight against “stupidity, ignorance, and provocation is never finished.” He reiterated the Government’s commitment to combat extremism and racism in the country.

Women.—Rape, including spousal rape, is illegal, and the Government generally enforced the law effectively. The Ministry of Interior reported that the number of reported rapes decreased by almost 3.56 percent from 2006–07 (from 10,506 to 10,132 cases).

The penalty for rape is 15 years’ imprisonment, which may be increased due to other circumstances, such as the age of the victim or the nature of the relationship of the rapist to the victim. The Government and NGOs provided shelters, counseling, and hot lines for rape victims. The press and NGOs reported that, in some suburbs of Paris inhabited primarily by immigrants from North Africa, some men sought to intimidate women whom they perceived as violating social norms, using methods ranging from verbal abuse to physical assault and gang rape.

While not common, violence against women was a problem. The law prohibits violence against women, including spousal abuse, and the Government generally enforced it. There was a 21 percent increase from 2006 to 2007 in the number of women killed by their spouses in domestic violence disputes (from 137 to 166).

Domestic violence is prohibited. The penalties for domestic violence vary according to the type of crime and range from three years’ imprisonment and a fine of 45,000 euros (approximately \$63,000) to 20 years’ imprisonment. The Government sponsored and funded programs, including shelters, counseling, and hot lines, for women who were victims of violence. Numerous NGOs also assisted abused women.

On July 30, a Marseille criminal court sentenced an Algerian national to two years’ imprisonment for assaulting his French wife because she partly removed her Islamic veil due to the heat. The convicted man was required to serve six months of the sentence, with the possibility of the final 18 months being commuted.

The law treats female genital mutilation (FGM) under the criminal offense of “violence involving mutilation or permanent infirmity.” It is punishable by up to 10 years in prison and a fine of 150,000 euros (approximately \$210,050). The sentence increases to 15 years if the crime involves children who are 15 or younger.

In 2007 the National Institute for Demographic Studies announced that an estimated 53,000 adult women in the country had been subjected to FGM in their lives. The majority of victims were recent sub-Saharan African immigrants or their children. The authors asserted that female circumcision has become less widespread due to targeted prevention campaigns focusing on young girls. The study concluded that FGM was rarely practiced but prevention efforts needed to be expanded to cover children residing in the country that remain at risk, either during family visits to their country of origin or following deportation.

Prostitution is legal; however, the law prohibits procuring, aiding, assisting, maintaining, public solicitation, or profiting from the prostitution of another. Enforcement of these laws varied, and criminal activity related to prostitution remained a problem.

Sex tourism to other countries was a problem that the Government took steps to address. The Government continued an awareness campaign regarding female prostitutes who may be victims of trafficking. The Government also funded campaigns on child prostitution on all major television channels. The Ministry of Tourism mandated that all tourism students complete courses designed to develop awareness of the problem of sex tourism. The Ministry of Foreign Affairs researched indicators of child sex tourism abroad in order to warn tourists of child sex tourism sites and monitored sex tourism data. The law includes extraterritorial provisions that apply domestic law to sexual offenses committed abroad by citizens or residents.

The law prohibits gender based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Sexual harassment was not widely considered a problem in the workplace. Both the Government and NGOs widely publicized the laws, and the Government enforced them effectively. According to the Ministry of Interior, the number of reported sexual harassment cases dropped by 11.8 percent from 2006 to 2007; the statistics did not specify the gender of the victims.

Under the constitution and law, women have the same rights as men, including rights under family law, property law, and in the judicial system. The Secretary of State for solidarity is responsible for the legal rights of women. According to article one of the constitution, revised on July 23, the law provides for equal access to professional and social positions. The law requires that women receive equal pay for

equal work; however, reports by various governmental organizations and NGOs indicated that there was a gender pay discrepancy of around 25 percent. Women also continued to face difficulties attaining positions of responsibility. According to a 2007 survey by the Government's statistical agency, fewer than 20 percent of private sector executives were women. Although they comprise 58.5 percent of the public workforce, women were underrepresented in managerial jobs and positions of responsibility. Although women comprised approximately 50 percent of cabinet ministers in the Government, women were generally underrepresented in the legislature and in other levels of government leadership. As of mid-year, the unemployment rate was 8.2 percent for women as opposed to 7.1 percent for men.

The bureau within the prime minister's office that assesses governmental efforts to increase gender equality, the Gender Parity Observatory (l'Observatoire de la Parite), issued a press release sharply critiquing the March municipal election results. The observatory found that, in towns with populations over 3,500, 91.5 percent of mayors were male, indicating that mainline political parties "continue their subpar performance in promoting gender parity."

Children.—The Government was strongly committed to children's rights and welfare. The Secretary of State for family affairs oversees implementation of the Government's programs for children.

Although not common, child abuse occurred. There are strict laws against child abuse by parents or guardians, and the Government generally enforced the law effectively and prosecuted abusers. The law provides for a government children's advocate, a position charged with defending and promoting children's rights as defined by law.

The Government provided counseling, financial aid, foster homes, and orphanages for abuse victims, depending on the extent of the problem. Various NGOs also helped minors seek justice in cases of mistreatment by parents.

Child marriage was a problem, particularly in communities of African or Asian origin. Although such marriage ceremonies took place primarily outside of the country, authorities took steps to address the problem. Women and girls could seek refuge at shelters if their parents or guardians threatened them with a forced marriage, and parents may be prosecuted. The Government offered some educational programs to inform young women of their rights. The High Council for Integration stated it was important to distinguish between arranged and forced marriages. The minimum legal age of marriage was 18.

Trafficking in Persons.—The constitution and law prohibit all forms of trafficking of persons; however, trafficking in women and children for commercial sexual exploitation, forced labor, and petty crime was a problem.

The country was a destination for persons, primarily women, trafficked from Africa (notably Cameroon and Nigeria), Central and Eastern Europe (notably Bulgaria and Romania), and the former Soviet Union for prostitution and domestic servitude. A majority of the estimated 18,000 women in country's commercial sex trade were likely victims of trafficking. Some women who migrated to the country voluntarily for work were deceived or coerced into sexual servitude or debt bondage. The Committee Against Modern Slavery (CCEM) estimated that one-fifth of involuntary domestic servitude cases in the country involved abusive employers who were diplomats with diplomatic immunity. As of year's end there were 164 cases of involuntary domestic servitude reported for the year.

In July prosecutors secured the extradition of four Bulgarians implicated in smuggling 72 women into a prostitution ring in the country.

Traffickers operated principally in small criminal networks, characterized as "microtrafficking networks," that included both citizens and foreigners. They used various methods to recruit and retain victims including force, fraud, identification document confiscation, cultural isolation, and physical and psychological abuse. Some victims who came to the country willing to work as prostitutes were subsequently exploited by pimps and traffickers. In other cases traffickers kidnapped or "bought" women and girls elsewhere and sold them to Balkan-based prostitution networks that trafficked them into the country.

Apart from social assistance, trafficking victims may be given a provisional residence permit on condition that they cooperate with police in securing the arrest of the person controlling them. Immigration laws allow trafficking victims involved in prostitution that turn in their pimps or trafficking rings to benefit from a one-year temporary residence card with permission to work and a 10-year residency card once the case went to trial. The laws were applied inconsistently due to public officials' lack of familiarity with them, and they did not adequately address the difficulty of finding employment.

Since January authorities initiated more than 2,000 court cases for soliciting and dismantled more than 25 pimping networks. There were 1,218 victims identified during the year, compared to 1,219 in 2006.

Trafficking in persons is punishable by up to seven years' imprisonment and a fine of up to 150,000 euros (approximately \$210,000). The penalty rises to 10 years imprisonment and 1.5 million euro (\$2.1 million) fine if the victim is a minor, a pregnant woman, or another "vulnerable person." However, under the trafficking-related sentencing guidelines, sentences for some types of convictions, such as those involving rape, were light. Exploiting foreign laborers and exposing them to inhumane conditions are criminal offenses under other statutes and are punishable by up to three years' imprisonment or substantial fines. Prosecutors rarely used the antitrafficking law; they preferred to prosecute sex trafficking cases under accustomed to antipimping statutes.

Several law enforcement agencies were involved in combating trafficking. The Government cooperated bilaterally and with international institutions such as the European Police Agency (Europol) to investigate, track, and dismantle trafficking networks. Authorities worked with officials in other countries, particularly source countries, to counter trafficking.

On May 29–30, the Government sponsored a nationwide conference in Paris that brought together enforcement officials, magistrates, and NGOs to discuss improving communication and cooperation in protecting victims and preventing trafficking, the role of the Internet in trafficking, and the exodus of prostitution from major metropolitan areas into suburbs and rural areas.

The Government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. The Government assumed child victims to be in danger and provided immediate shelter while assessing the child's best interests. Numerous NGOs dealt with trafficking in persons and prostitution. Social Aid to Children, the national social services branch for child care, was responsible for caring for and assisting victims under the age of 22.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and in the provision of other state services; the Government generally enforced these provisions effectively.

In 2007, 20 percent of persons with disabilities were unemployed, more than twice the national unemployment rate. The law requires companies having more than 20 employees to ensure that 6 percent of their employees are persons with disabilities. Companies found not to be in compliance are liable to fines, which benefit an association that assists persons with disabilities in finding work. However, many companies admitted to being unaware of their legal obligations, and the average employment rate of persons with disabilities for those companies subject to the law was approximately 4.5 percent.

The law provides for compensation to persons for the consequences of a disability and promotes their integration into social life by requiring accessibility to buildings and access to education and employment. The law also calls for centers to be set up in each department to assist persons with disabilities with receiving compensation and employment assistance. By October all of the departments had established assistance centers as required by law. Although a majority of the 180 orders implementing the provisions of the 2005 law have been passed, some 20 remained pending at year's end.

National/Racial/Ethnic Minorities.—The treatment of the country's large immigrant population remained a problem. The Government condemned and addressed incidents of violence against immigrants which continued to be a problem, particularly on the island of Corsica. The attacks caused some families to move to the mainland or return to their countries of origin. One hundred and eighty attacks took place overall in Corsica during 2007, a 23 percent decrease from the 235 attacks that took place in 2006. While ethnic tensions have been a problem in Corsica in recent years, there have been signs of improvement. In its March report, the National Consultative Commission on Human Rights (CNCDH), the Government's official advisory board on human rights issues, listed a total of 13 such incidents in Corsica, as well as one anti-Semitic attack in 2007.

Many observers expressed concern that discriminatory hiring practices in both the public and private sectors prevented minorities from sub-Saharan Africa, the Maghreb, the Middle East, and Asia from equal access to the workplace; a number of NGOs worked to sensitize the public to this problem.

According to an October 2007 survey by the National Institute for Statistics and Economic Studies (INSEE), the unemployment rate among immigrants was twice as high as among non-immigrants (15.2 percent versus 7.3 percent). The unemployment rate varied depending on the country of origin. Immigrants from Algeria or Turkey faced a risk of unemployment three times higher than non-immigrants, while immigrants from Spain, Italy or Portugal had a 1 percent lower unemployment rate than the non-immigrant active population. INSEE attributes those variations to the differences in professional qualification.

Romani organizations charged that Roma faced discrimination in education, housing, and access to government services. Housing problems were particularly acute for an itinerant group known as "Travelers."

An October 2007 report of the National Institute of Educational Research noted that Roma benefit from a special status that authorizes children discontinuous school attendance without justification. School registration rates were 66.7 percent in kindergarten, 81.8 percent in primary schools, and 78.8 percent in high schools, but absenteeism and breaks within education system are frequent. Discrimination against Roma was persistent, however, especially for itinerants; some mayors denied school registration to children whose parents lived in illegal campsites.

Travelers were subject to laws that did not apply to citizens with permanent residences. Anyone over the age of 16 not settled in one place must have a travel permit that must be renewed periodically. Any delay in renewal entails a fine of 750 euros (approximately \$1,050) for each day overdue. Anyone found not to be in possession of this document is subject to a sentence of up to one year in prison. Authorities did not consider Travelers' caravans to be housing. As a result, Travelers were not entitled to housing assistance.

The law requires municipalities of more than 5,000 inhabitants to provide a camping site with facilities and access to water and electricity. As of 2007, municipal authorities had established 16,000 campsites, resulting in a shortage of over 20,000 sites, according to authorities, and 60,000 sites, according to NGOs.

On July 15, Provence Mayor Maryse Joissains demanded the expulsion of a Romani camp that had been located on municipal property for three years. The Roma, who originated in Serbia, were placed in a camp outside town near the Provence train station and were able to send their children to local schools, in part due to efforts of the NGOs Human Rights League and Doctors of the World. It was reported that several families were living in deplorable conditions and lacked access to potable water, electricity, and basic sanitation. According to Police Chief Jules Susini, the Roma had been using city water and electricity without paying for the services. The case had not gone to court as of year's end.

Citizens may report cases of discrimination based on age, gender, national origin, ethnicity, family situation, sexual orientation, physical disability, state of health, religious conviction, or group affiliation to the independent High Authority for the Fight against Discrimination and for Equality (HALDE). At year's end the HALDE had received 6,511 discrimination claims, half of which regarded employment.

In March Christophe Hejne, a fan who yelled racial slurs at the Franco-Moroccan captain of a Valenciennes soccer team during a match, was given a three-month suspended prison sentence and fined 1,500 euros (approximately \$2,100) by a Metz court and prohibited from attending events at the Metz soccer stadium for three years. Judicial authorities also ordered Hejne to pay fines of up to 800 euros (\$1,040) to the suit's six civil parties.

The Government attempted to combat racism and discrimination through programs that promoted public awareness and brought together local officials, police, and citizen's groups. Some public school systems also operated antidiscrimination educational programs.

On February 8, President Sarkozy announced a government plan to improve living conditions and opportunities for the citizens, particularly youth, of the country's multiracial suburbs. The plan, "Hope for Suburbs," combined security, employment, housing, and education measures into a package of initiatives to transform poor neighborhoods. The Government allocated 12 billion euros (approximately \$16.8 billion dollars) during the year to fund the plan, which began in June. On December 17, President Sarkozy expressed regret over the slow implementation of the plan. During a December 20 radio interview, Minister for Cities Fadela Amara said that only 1,800 of an expected 4,500 employment contracts had been signed enduring the year.

Only 15 of 350 Delegates of the Prefects for Equal Opportunity had been named by year's end. The prefects for equal opportunity participate in the enactment of policies regarding the integration of immigrant populations living in the country.

Other Societal Abuses and Discrimination.—The law prohibits discrimination on the basis of sexual orientation in employment or service, public or private. There were isolated incidents of violence against homosexuals, authorities pursued and punished offenders. The NGO SOS Homophobia reported 1,263 homophobic acts in 2007, a 5 percent decrease from 2006. Physical assaults decreased by 14 percent in 2007 to 132 incidents.

An inquiry conducted by AIDS Info Service in 2005 showed that 57.3 percent of HIV positive respondents had experienced discrimination. These cases represent 13.9 percent of the discrimination caseload addressed by the HALDE in 2005.

There were reportedly instances of discrimination based on age.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 8 percent of the work force was unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes.

b. The Right to Organize and Bargain Collectively.—The law provided for the right to collective bargaining, and workers exercised this right freely. Approximately 90 percent of workers in the formal economy operated under such agreements. There were no reports of antiunion discrimination during the year.

There are no special laws or exceptions from regular labor laws in the country's three export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked for commercial sexual exploitation, domestic labor, and petty crime.

Although there were press reports that undetermined numbers of undocumented immigrants experienced substandard pay and working conditions, sweatshop conditions were rare due to effective labor law enforcement. In practice abuses were limited to the informal economy. Friedrich Schneider, a researcher from the University of Linz-Austria, concluded that the informal economy accounted for 11.8 percent of the country's gross domestic product for the year 2007.

Forced or compulsory child labor occurred. There are strict laws against trafficking in persons for domestic labor, and the Committee against Modern Slavery brought such cases to authorities for prosecution.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits most forms of child employment, and the Government generally implemented laws and policies to protect children in the workplace effectively. Persons under age 16 are prohibited from working, with a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry. Persons under age 18 are generally prohibited from performing work considered arduous or working between 10:00 p.m. and 6:00 a.m.; persons under age 16 may not work after 8:00 p.m.

During 2006, the most recent year of reported statistics, police reported 14 cases of minors illegally employed.

Labor inspectors enforced the child labor laws.

e. Acceptable Conditions of Work.—The minimum wage was 8.71 euros (approximately \$12.19) per hour, as adjusted on July 1. It provided a decent standard of living for a worker and family. The minimum wage was uniform throughout the country, despite wide regional variations in the cost of living, and applied to citizen and noncitizen workers holding a regular working contract. The Employment Ministry enforced the minimum wage. Certain categories of employment, including subsidized employment and internships, must conform to separate, clearly defined standards and provided salaries below the minimum wage. Employers generally adhered to the minimum wage requirement, with the exception of those in the informal economy.

The official workweek was 35 hours. Companies are allowed to negotiate opt-outs with employees and increase the maximum number of working days for white-collar workers to 235 per year from 218 previously. Maximum hours of work were fixed at 10 hours per day, 48 hours per week, and an average of 44 hours per week over a 12-week work period. Employees were entitled to a daily rest of at least 11 hours and a weekly break of 24 hours, not including the daily rest period. Employers were required to give workers a 20-minute break during a six-hour workday. Premium pay was mandatory for overtime. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Social Affairs, Labor, and Solidarity is responsible for enforcing the law and did so effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, and the Government effectively enforced this right.

GEORGIA

The constitution of the Georgian republic provides for an executive branch that reports to the president, a unicameral Parliament, and an independent judiciary. The country has a population of approximately 4.6 million. President Mikheil Saakashvili was reelected on January 5 in an election that international observers found consistent with most Organization of Security and Cooperation in Europe (OSCE) democratic election commitments; however, they also highlighted significant problems, including widespread allegations of intimidation and pressure, flawed vote counting and tabulation processes, and shortcomings in the complaints and appeals process. These and other problems continued into the parliamentary elections on May 21, which international observers concluded were uneven and incomplete in their adherence to international standards. Civilian authorities generally maintained effective control of the security forces.

The main human rights abuses reported during the year included at least two suspected deaths due to excessive use of force by law enforcement officers, intimidation of suspects, abuse of prisoners, poor conditions in prisons and pretrial detention facilities, police impunity, lack of access for average citizens to defense attorneys, reports of politically motivated detentions, lack of due process in some cases, and reports of government pressure on the judiciary. Respect for freedom of speech and the press lessened, but began to rebound by year's end. Other problems included reports of corruption among senior officials and trafficking in persons.

Repeated violations of a ceasefire by all sides in the separatist region of South Ossetia, including assassinations, bombings, and then exchanges of shelling, escalated tensions. On August 7, senior Georgian government officials reported that Tbilisi was launching an attack to defend against what it reported was a Russian invasion. Georgia launched a military operation into Tskhinvali, the local capital of Georgia's South Ossetian region, and other areas of the separatist region. The situation deteriorated further after Russia launched a military invasion using disproportionate force across the country's internationally recognized borders, responding to what Russian officials reported was Georgia's use of heavy force in Tskhinvali and the killings of Russian peacekeepers. Military operations by Georgian and Russian forces reportedly involved the use of indiscriminate force and resulted in civilian casualties, including of a number of journalists. There were allegations that South Ossetian militias engaged in executions, torture, ethnic attacks, and arson; at least 150,000 Georgian citizens were displaced by the fighting. Russian and South Ossetian forces occupied villages outside of the administrative borders of South Ossetia and Abkhazia, the other separatist region in Georgia. Although by October 10 Russian forces had mostly withdrawn from the regions outside Abkhazia and South Ossetia, they blocked access to both regions for Georgians and international organizations, making it dangerous for residents and difficult to monitor the regions' conditions with respect to human rights and compliance with humanitarian law. Under the ceasefire, international observers were to monitor Abkhazia, South Ossetia, and the remaining territory in Georgia. European Union observers began patrols October 1, but had not yet been permitted into South Ossetia or Abkhazia at year's end. OSCE monitors also were denied access to South Ossetia. UN Observation Mission in Georgia (UNOMIG) monitors continued to access Abkhazia, although Abkhaz and Russian forces limited their access to the ethnic Georgian areas of Kodori.

The number of dead, wounded, and missing remained uncertain. At year's end, Ministry of Defense and Ministry of Internal Affairs Web sites listed at least 385 soldiers, police, and civilians killed and 2,134 wounded as a result of the August conflict. More than nine military members and six Ministry of Internal Affairs personnel remained missing. Since the ceasefire until year's end, at least 10 Ministry of Internal Affairs members were killed by explosions or in shooting incidents while patrolling areas adjacent to the conflict areas.

Significant human rights achievements during the year included closure of Tbilisi Prison Number 5, known for its substandard conditions, and changes to the law to permit government funding for opposition parties which passed the threshold percentage of 5 percent. By the end of the year, television stations had resumed broad-

casting major analytical political talk shows, with opposition and government figures appearing on the same shows and on all channels.

Prior to the August conflict, de facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside the control of the central government. Ceasefires were in effect in both Abkhazia and South Ossetia, although incidents of violence, including deaths, occurred in both areas. Deprivation of life, arbitrary arrest, and detention continued to be serious problems. On August 26, Russia officially recognized the independence of both territories, resulting in Georgia cutting diplomatic ties with Russia; as of December 31, no other country except Nicaragua had recognized the independence of the territories. Except where otherwise noted, figures and other data do not include the separatist regions of South Ossetia and Abkhazia.

The de facto authorities in Abkhazia continued to restrict the rights of citizens to vote and to participate in the political process through a "citizenship" law that forced ethnic Georgians to give up their Georgian citizenship in order to vote in local elections. A 2006 property law prevented internally displaced persons (IDPs) living in other parts of the country from reclaiming homes in Abkhazia. Authorities limited instruction in the Georgian language in the predominantly ethnic Georgian Gali district schools in Abkhazia.

After August 26, South Ossetian de facto authorities announced that Georgians would be allowed to return to South Ossetia only if they renounced their Georgian citizenship and took the "citizenship" of the "Republic of South Ossetia"; in practical terms, this meant accepting a Russian passport.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, there were reports that government use of indiscriminate military force resulted in civilian deaths in the conflict in South Ossetia (See Section 1.g.).

On May 8, patrol police officers Vakhtang Abuashvili and Levan Jinikashvili were pursuing a vehicle that was speeding in Tbilisi. At one point, the driver of the car, Giorgi Gamtsemlidze, stopped the car, got out, and began to run. Abuashvili exited his squad car and began pursuit on foot. Abuashvili thought at the time that Gamtsemlidze was armed and pulled his weapon and fired, hitting Gamtsemlidze in the neck; Gamtsemlidze died from the shot. Later it was determined that Gamtsemlidze was unarmed. Those at the scene stated that Abuashvili did not give a proper verbal warning prior to firing his weapon. The investigation continued at year's end.

On August 14, a representative from Khelvachauri military base called Roin Shavadze, a member of the armed forces, and told him to report to work. The public defender's reports noted that Shavadze did not report due to illness. On August 16, several men came to the Shavadze home and took him away, but later he returned. On August 17, Shavadze left for work. Later that day his wife received a call saying that Shavadze had never arrived at work and was seen being forced into a car near the market, and she contacted local police. In the evening, she received a call to come to the emergency room, where she found her husband dead. Shavadze's body had numerous injuries and bullet wounds. According to Kobuleti district police inspector Mamuka Tkhiliashvili, Shavadze was found dead on the Kobuleti-Kakuti highway. Adjara prosecutor Vasil Roinishvili told Shavadze's widow that he was shot and killed by police while he was fleeing from the scene of a drug-related crime. When Shavadze's widow stated she would press for more details about her husband's case, the prosecutor reportedly threatened her. At year's end there was no information from the prosecutor's office on the status of the case.

In 2006, the Prosecutor General's Office opened an investigation to determine whether law enforcement agents acted in accordance with the law during the prison riot in Tbilisi Prison Number 5 that year. During the riot, seven prisoners were killed and 22 injured; two Special Operation Task Force officers were wounded. The office did not complete the investigation during the year nor offer an explanation for the delay.

In 2006, the Prosecutor General's Office investigated five of 12 deaths cited by nongovernmental organizations (NGOs) as evidence of excessive force used by police that year. In two of the cases, involving Aleksandre Khubulovi and Zurab Vazagashvili, the office concluded that the actions of the police officers were lawful. The investigations of the remaining three cases were terminated in February 2007, when the Ministry of Internal Affairs concluded that police had only returned fire and therefore had acted within the limits of their authority. Lawyers for Zurab

Vazagashvili's family alleged that investigators ignored witness statements, pressed witnesses not to testify, and destroyed evidence. NGOs, on behalf of Vazagashvili, appealed the decision to terminate the investigation. On July 4, the court of appeal upheld the lower court judgment that the appellants (the NGOs that had filed on his behalf) were not parties to the case and therefore did not have the right to appeal.

In February 2007, authorities submitted a criminal case to the Kutaisi City Court regarding the 2006 death of Varlam Pkhakadze, who was allegedly shot and beaten by police investigating a break-in. The court found officer Ivane Kapatadze guilty of murder and official negligence and sentenced him to five years in prison. The court convicted three other officers who had been at the scene. Davit Minashvili was charged with official negligence, sentenced to three years in prison, and fined 2,000 lari (approximately \$1,210). The other officers involved, Avalo Gabrichidze and Kakha Bunia, were sentenced to two years in prison and fined the same amount. After the Kutaisi Court of Appeal upheld the decision, the counsel for Minashvili and the victim appealed the decision to the Supreme Court, which had not reached a final judgment at year's end.

In 2006, the prosecutor appealed the 2004 Tbilisi City Court conviction of Roland Minadze, a police officer who was found guilty of falsification and fabrication of evidence in connection with the beating of Khvicha Kvirikashvili and sentenced to four years in prison. The Tbilisi Appellate Court upheld the judgment. Minadze went into hiding but was arrested in January; he subsequently invoked his right under the criminal procedure code and appealed the in-absentia judgment. The case was pending before the Tbilisi Court of Appeal at year's end.

The criminal case against Akaki Bartaia, Kakhaber Azariashvili, and Giorgi Kurdadze for alleged fabrication of evidence in the 2004 death of Amiran Robakidze was ongoing at year's end.

During the year four deaths and two injuries from landmines were reported; one of the deaths and two of the injuries were in Abkhazia. In some instances media reports attributed deaths to landmines, although observers believed they were more likely due to unexploded ordnance. Lack of access to South Ossetia made it difficult to confirm press reports of landmine-related deaths and injuries.

b. Disappearance.—There were no reports of politically motivated disappearances perpetrated by the Government. However, conflict-related disappearances and kidnappings, particularly in areas where Russia was responsible for restoring and maintaining public order as an occupying power beginning in August, were frequent during the year in the separatist regions of Abkhazia and South Ossetia and increased during the August conflict.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that government officials continued to employ them, and offenders were prosecuted in these instances. During the year five Ministry of Internal Affairs personnel were found guilty of committing torture or degrading treatment. There were reports that government use of indiscriminate military force resulted in civilian injuries in the conflict in South Ossetia (*See* Section 1.g.).

On January 30, Zugdidi police officers Data Gvinjilia and Davit Nadaraia arrested Gocha Ekhvaia in Nabakevi, Gali Region. Police reported making the arrest near the train station for hooliganism, while Ekhvaia alleged that police forcibly took him from his home after questioning him on the whereabouts of a missing person, beat him, and drove him around before testing him for drugs. Ekhvaia was placed in isolation for seven days of court-ordered administrative detention; on February 3, he lost consciousness and was hospitalized. The Zugdidi regional prosecutor's office began an investigation into allegations that police tortured Ekhvaia on February 18. On May 7, Ekhvaia told the Zugdidi court that he would be unable to identify his abusers, and the prosecutor's office was unable to identify the officers who committed the offense. The investigation continued at year's end.

On July 20, Rustavi police detained Teimuraz Gorgisheli, who alleged he was beaten during his arrest. Gorgisheli, who admitted to robbery during interrogation, alleged that police put an electric wire around his legs and threatened to shock him. He asserted that 10 officers witnessed the incident and that he was later transferred to a temporary isolation unit. When a doctor and the ombudsman visited him on July 24, they noted injuries that had not been recorded when Gorgisheli was booked into the police station. On August 8, the Kvemo Kartli prosecutor's office opened a preliminary investigation into the case. Witnesses who worked in the Ministry of Internal Affairs were questioned and the room where the interrogation took place searched. No electric wires were found. A medical evaluation of Gorgisheli recorded light injuries on his eyes, chest, stomach, and arms. Gorgisheli was released

on bail; law enforcement authorities were subsequently unable to contact him to continue the investigation.

According to the public defender's office and human rights monitors, abuse in police stations remained low due to ongoing unannounced and random monitoring of stations. According to the public defender's office, instances of abuse at temporary detention facilities were practically eliminated by the end of 2007, but some cases of physical abuse were reported directly to the police stations. On June 26, the public defender reported that incidents of torture had become rare in the country and there had been efforts to improve laws, discuss complaints publicly, and raise awareness. The penalty for torture was changed from five to 15 years in prison. Despite the changes, intimidation of suspects remained a problem.

The public defender's office noted 112 detainees who were admitted at pretrial detention facilities with injuries during the year, of whom eight claimed to have been injured as a result of physical pressure by police. Three detainees claimed that they had been pressured by police officers.

During the year the Human Rights Protection Unit of the Ministry of Justice took steps to address torture and mistreatment by random monitoring of detainees who were in temporary detention cells. The office reported that 132 complaints of police mistreatment of detainees had been filed during the year. Mistreatment included verbal and physical abuse.

During the year there were 39 investigations opened into claims of torture or degrading treatment against Ministry of Internal Affairs personnel. Eight cases were carried over from 2007. Of these, 23 investigations were terminated for lack of cause, two cases went forward to criminal proceedings, and five persons were found guilty. Of the five found guilty, one was given a conditional sentence of five years and fined 10,000 lari (approximately \$6,060), one was sentenced to 18 years in prison, and three were sentenced to 22 years in prison.

NGOs reported victims often did not report abuse, fearing police retribution against them or their families. NGOs also continued to claim that close ties between the Prosecutor General's Office and police hindered their ability to substantiate police misconduct and alleged that the judiciary's lack of professionalism and independence made it unresponsive to torture allegations. As a result, despite implementation of positive reforms, NGOs claimed law enforcement officials could still resort to torture or mistreatment with limited risk of exposure or punishment. NGOs also believed a lack of adequate training for law enforcement officers, as well as low public awareness of the protections afforded citizens, impeded improvements.

The public defender's office noted that monitoring groups found no instances in which police officers had incorrectly registered a detainee upon arrival at the police station, which previously had been a means for police officers to conceal abuse. All law enforcement officers and representatives of the prosecutor's office, except for officers of the special police unit, were required to wear identity badges during meetings with detainees and prisoners. Special police units were exempt to protect members' anonymity. NGOs believed this prevented accountability for any abuse by the units.

The Prosecutor General's Office continued to investigate former Chief of the State Audit Agency Sulkhan Molashvili's allegation that he was tortured while in pretrial detention in 2004. Molashvili was pardoned and released on January 6.

In 2007, a presidential decree created an Interagency Anti-torture Council to address torture and mistreatment of those in prisons and closed facilities. The council consisted of representatives from the Public Defender's Office, the Prosecutor General's Office, the Ministries of Justice, Internal Affairs, Education, Foreign Affairs, Health, and Defense, the penitentiary department, domestic NGOs, and three non-voting international observers. On June 12, a multifaceted action plan proposed by the council was approved by presidential decree; the plan addressed torture, mistreatment, and medical care. Although the plan included multiple ministries responsible for law enforcement, detention, prisons, and closed facilities, the plan lacked concrete milestones and provisions for outlying years. The office that was expected to conduct independent monitoring of all facilities constituted an important piece of the plan. This independent monitoring mechanism was widely assumed to be the Public Defender's Office, but the law had not been amended to reflect this change as of year's end.

Prison and Detention Center Conditions.—Conditions in many prison and pretrial detention facilities generally remained poor and did not meet international standards. The public defender's office, the OSCE, the Committee for the Prevention of Torture (CPT), and many NGOs, including Human Rights Watch (HRW), continued to report inhumane and life-threatening conditions, including poor facilities, over-

crowding, and inadequate health care. Most prison and pretrial detention facilities lacked adequate sanitary facilities.

According to Ministry of Justice data, 94 convicts died in prison during the year, compared with 98 in 2007 and 91 in 2006. The public defender's office reported that it frequently petitioned prison officials to obtain necessary medical treatment for inmates. Attempted suicides and self-mutilation occurred in prisons as protests against poor prison conditions and human rights violations. Human rights monitors, including the public defender, witnessed sporadic prisoner hunger strikes to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the Government.

In 2006, Shalva Ramishvili of independent TV 202 filed an application before the European Court of Human Rights (ECHR) challenging the legality of his arrest and treatment in detention. During his incarceration, he was moved from his regular cell to a small disciplinary solitary confinement cell, which he alleged lacked necessary ventilation and sanitary facilities. In July 2007, the ECHR found the application partially admissible, and the case was pending at year's end. The Ministry of Justice noted that the ECHR did not find the act of confinement in itself a violation. At year's end the case was still before the ECHR, and no further action had been taken by the Ministry of Justice.

Many prisons severely lacked medical facilities, including equipment and medicine. At the end of 2007, prison health care was outsourced to a private insurance company. The Medical Monitoring Unit of the Ministry of Justice supervised the provision of medical services. The Medical Monitoring Unit was made up of 21 persons, including the deputy head of the department of prisons, prison directors, the chief doctor of the medical attendance institution for prisoners, and a group of medical experts from the Department of Prisons. While it was hoped that outsourcing would improve prison medical conditions, there was no conclusive data to indicate that this occurred during the year. NGOs cited the failure of the company to provide needed medications to inmates as a serious drawback. The Public Defender's annual report noted that the doctor-to-inmate ratio for penitentiary institutions was very low, and that the list of medical specialties covered under the plan was reduced from 45 to 21. The report also described some doctors as unqualified. The Ministry of Justice asserted that outsourcing had brought some positive results but admitted that some shortcomings had been identified.

According to Ministry of Justice statistics, the overall inmate population at the end of the year was 18,528. The law defines three categories of penitentiaries: common regime, strict regime, and prison. Inmates were assigned to facilities depending on their crime, with first-time offenders and persons convicted of less serious crimes assigned to common regime establishments. Recidivists and those who committed more grave crimes were assigned to strict regime establishments or prisons. The law sets the standard living space per prisoner as 22 square feet in common and strict regime establishments; 27 square feet in prisons; 32 square feet in the women's colony; 27 square feet for juveniles; and 32 square feet in medical facilities. Using these figures as a basis, Ministry of Justice statistics indicated that three out of 12 common and strict regime facilities (including a juvenile education institution and inmate medical institutions), as well as three out of five prisons, were overcrowded. International organizations who monitor prison conditions pointed out that the country's space requirements for prisoners did not meet international standards.

The Presidential Administration sought to use early release of convicts to reduce the high numbers of the prison population. According to Ministry of Justice figures, 2,804 prisoners were pardoned during the year.

On April 23, authorities closed Tbilisi Prison Number 5 and subsequently demolished it; Prison Number 5 had been criticized for poor conditions and abysmal overcrowding.

Decree Number 390 of the minister of justice, from December 2007, established a code of conduct for penitentiary employees modeled after European practices. The working control unit of the headquarters of the department of prisons was also created in 2007. According to the unit, there were 179 cases of disciplinary violations by officers in various penitentiaries during the year which resulted in the dismissal of 10 officers from their posts and 169 receiving lesser punishments. Possible punishment included notice, reprimand, and severe reprimand and warning.

During the year the Ministry of Justice and donor organizations organized and conducted 12 seminars in which 504 prosecutors and 234 penitentiary representatives and probation officers participated. These training seminars focused on international human rights standards and juvenile justice.

Until October 31, local monitoring councils were appointed to work in eight penitentiaries to monitor conditions, develop recommendations, and submit quarterly reports. Council members were selected on the basis of their desire to work, qualifica-

tions, and reputation, and were approved by the minister of justice. Critics questioned the objectivity of the councils. NGOs also pointed out that over half the councils existed only on paper and had stopped functioning because members' terms had expired and they had not been replaced. Council members also had difficulty getting passes to enter prisons. After their mandate expired on November 1, the councils could not continue their work. Since a minister for probation, penitentiary, and legal services had not been named, the work of the councils lapsed for the rest of the year.

The International Committee of the Red Cross (ICRC) had full access to detention facilities throughout the country, including the regions under the de facto control of Abkhazian and South Ossetian authorities, to monitor conditions of detention and treatment of all detainees. The ICRC reopened its office in Tskhinvali on August 20 to provide the necessary assistance to the civilian population affected by the August war. In addition, the ICRC continued with its support to Georgian detention authorities to carry out health needs assessments in places of detention and continued its support within the framework of joint tuberculosis control in prisons.

Prison conditions in the two separatist regions were chronically substandard, although overcrowding reportedly was not a problem.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention; however, the Government did not always observe these prohibitions.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs has primary responsibility for law enforcement. During times of internal disorder, the Government may call on the ministry or the military. The ministry controls the police, which are divided into functional departments and a separate, independently funded police protection department that provides security and protection to both infrastructure sites and private businesses.

There was a low incidence of police corruption at the patrol police level. As a result of recent reforms, the relatively high salaries for police officers provided an incentive for them to refrain from using their positions to extort money from citizens and from mistreatment or abuse of detainees.

In October 2007, the UN Human Rights Committee expressed its regret about the persistence of reports involving police abuse, in particular during the arrest of suspects, and deaths allegedly resulting from the use of excessive force by police.

A number of 2007 allegations from the public defender's office and NGOs that police planted evidence, used excessive force, engaged in inhumane and degrading treatment, abused official authority, and exceeded the limits of official authority were not investigated by year's end. During the year, 31 police officers were detained on criminal charges of taking bribes, using drugs, committing forgery/fraud, or abusing their authority. There were 401 police officers who received administrative punishment for misconduct, over 300 who were dismissed, and five who were demoted.

In February 2007, officials from the Ministry of Internal Affairs arrested Lasha Khorguiani, Gocha Mildiani, and Khvicha Mildiani, planted drugs on them, unlawfully detained them, and tortured Khorguiani. The arrests were made allegedly at the behest of Irakli Kodua, the head of the ministry's Special Operations Department, who was angry about an incident involving a cell phone. Gocha and Khvicha Mildiani were released later that month. Khorguiani was released after two months detention and a 5,000 lari (approximately \$3,200) fine. No charges were brought against Ministry of Internal Affairs officials, and there were no new developments as of year's end.

Authorities arrested or administratively disciplined police officers in a few high-profile cases of physical abuse or deaths in custody. The Human Rights Protection Unit in the Office of the Prosecutor General issued regular updates on the status of cases, trials, and investigations of human rights violations. However, NGOs maintained that the incidence of abuse was higher than the number of cases investigated by the prosecutor general, and that the failure to conduct systematic investigations and pursue convictions of all alleged abusers contributed to a culture of impunity. Human rights NGOs also asserted that many instances of abuse went unreported by victims due to fear of reprisal or lack of confidence in the judicial system.

The Prosecutor General's Office was in charge of all criminal investigations into allegations of torture and mistreatment. Prosecutors were required to investigate police use of force when a detainee with injuries sustained during arrest was registered. The law required the office to open an investigation when it received information about a possible violation, even if from an anonymous source. If prosecutors concluded after investigation that charges were not warranted, the decision could

be appealed to a higher level within the office. Any person subjected to abuse was able to pursue a civil action against the abuser.

Konstantine Chrelashvili alleged that Ministry of Internal Affairs officials tortured him in order to force a confession from him in 2004. In 2006, a criminal case was opened to investigate the accused officials, B. Khvhistani, K. Sopromadze, and J. Jankhoteli, who were found guilty and sentenced to imprisonment. During the year a civil case was filed against the Ministry of Internal Affairs requesting compensation for the victim from those who committed the crime. At year's end the case was pending before the Tbilisi City Court.

The Prosecutor General's Office opened investigations into allegations of torture or abuse by police, but in some cases continued them indefinitely without issuing any findings or, if concluded, in most cases affirmed the reasonable use of force by police.

A 2006 police code of ethics obliges police officers to uphold the human rights of all persons and to use force only when strictly necessary for the performance of their duty; the Ministry of Internal Affairs and prosecutor general's office are responsible for implementing the code. The General Inspection Service of the Ministry of Internal Affairs investigates cases of suspected duty infractions of police officers, receiving complaints from citizens who call in on the ministry hot line, from the public defender, or from the main unit of the Human Rights and Monitoring Department of the ministry. Infractions may be addressed to the police officer's supervisor, who can also initiate an inquiry. Disciplinary measures may be one of seven types: reprimand, condemnation, severe condemnation, deprivation of the ministry badge, demotion, demotion by one grade, or dismissal. If there is suspicion that a police officer committed a criminal act, the policeman is suspended from his post, and if the allegations are confirmed, the inquiry materials are transferred to the prosecutor general's office, where the case becomes a criminal investigation.

During the year the Police Academy included training on human rights in the basic course for patrol police and conducted additional specialized training on human rights in cooperation with international partners such as the Council of Europe. The Police Academy curriculum for 1,287 patrol, regional inspectors, and junior police officers included training on the legal basis for the use of coercive force, tactical training on negotiation skills for managing critical situations with the goal of using coercive force as a last resort, and role-playing to illustrate these points.

Arrest and Detention.—Police, investigators, and prosecutors may arrest a person upon suspicion and without a warrant, but the law stipulates that detainees must be brought before a magistrate judge within 72 hours. Those not charged within this period must be released. The Prosecutor General's Office is the only body authorized to engage directly with the courts. At year's end, there were no reported cases of detainees kept longer than 72 hours without being charged.

During the year, the public defender and NGOs working on human rights problems reported a number of cases in which law enforcement officers planted drugs or weapons in order to arrest and charge individuals in criminal cases.

In May 2007, the law was amended to lower from 14 to 12 years the minimum age at which children may be held criminally responsible for certain violent crimes, such as first degree murder and rape. HRW and others criticized the change. The criminal code states that, as of July 1, juveniles who commit violent crimes will be fined until the Government opens a juvenile correction facility that meets international standards. There were no plans to build such a facility at year's end.

A detainee has the right to request immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. An indigent defendant has the right to counsel provided at public expense. The ministry in charge of the proceedings appoints the counsel upon the defendant's request. If a defendant requests an attorney after arrest, the investigator or prosecutor who is handling the case is responsible for contacting and engaging the attorney. During the year the law provided for attorneys to be furnished free of charge to all persons charged in criminal cases.

In September 2007, former defense minister Irakli Okruashvili gave a televised press conference in which he declared his opposition to the Government and accused President Saakashvili of several serious crimes, including ordering him to kill prominent businessman Badri Patarkatsishvili. Police arrested Okruashvili and charged him with corruption later that month. Opposition leaders expressed concern that Okruashvili's arrest was politically motivated, constituted an attempt to intimidate the political opposition, and was part of a series of attacks on human rights by the Government. Okruashvili was released on bail in October 2007 after making a videotaped confession to some of the charges against him and retracted his charges against Saakashvili. Okruashvili left the country in November 2007 and, in

subsequent interviews from abroad, stated that his confession, retraction, and departure from the country had been forced. In November 2007, Okruashvili was arrested in Germany, and later returned to France, his original entry point into Europe. On March 28, Okruashvili was tried in absentia in Tbilisi, found guilty of large-scale extortion, and sentenced to 11 years in prison. On April 23, he was granted political asylum in France. On September 12, the French appellate court ruled against Okruashvili's extradition to Georgia. During the year members of Okruashvili's political party alleged that close associates or family members of associates were arrested for their party affiliation.

Human rights NGOs claimed the Government detained 60 to 100 soldiers after the armed conflict in August. Some attributed the detentions to failure to report to their units during the war. Others maintained that the detentions were for drug use or some other charge. The press reported that soldiers were arrested for speaking out against the Government. By year's end many had been released on bail or pardoned; the number remaining in detention was unknown.

Defense counsel has the right to meet persons accused of a crime without hindrance, supervision, or undue restriction; however, some attorneys alleged that audio and video equipment in police stations, which was intended to record interrogations of suspects by law enforcement or investigators, was used improperly sometimes to monitor privileged attorney/client conversations.

Officers must notify detainees' families of their location within five hours of their arrest and record the circumstances of the notification in the case record. Monitoring boards regularly reviewed these records during their visits to police stations.

Police are also required to inform detainees orally of their rights and to provide detainees a copy of the arrest and search form, signed by police and detainees, to acknowledge that detainees have been fully informed of their rights. The public defender's office and NGOs reported that police often failed to inform detainees fully of their rights and that, if informed of their rights, detainees often did not understand them.

Under the code of criminal procedure, pretrial measures of restraint include detention, release on bail, and personal guarantee. The amendments eliminated alternatives such as house arrest and police supervision. Since January 2007, the judiciary sought to use bail rather than pretrial detention. NGOs noted that, due to economic hardship, some defendants were not able to pay bail even when it was granted and ended up in pretrial detention. According to statistics for the first 11 months of the year, bail was used in 53.7 percent of cases, compared with 54.9 percent for the same period in 2007. The minimum amount of bail was 2,000 lari (approximately \$1,210). Pretrial detention for the same period during the year was used in 45.1 percent of cases as opposed to 43.9 percent for the same period in 2007. A property bond is also permitted.

Under the law and in practice, the overall time limit for trial and exhaustion of appeals is 12 months. A person who is arrested must be charged within 72 hours or released. They can be held for a maximum of nine months before the court of the first instance renders a verdict. Once the verdict is rendered, the prison sentence begins immediately regardless of any appeal process underway. There is a maximum three-month appeal process for the appellate court and a maximum of six months for the Cassation Court in the Supreme Court. If all appeals are exhausted, a prisoner can be held for a maximum of 18 months. There are no time constraints once the trial begins for the first instance court to render a verdict.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary. However, reports persisted that the executive branch continued to pressure judicial authorities. Many NGOs complained that judicial authorities continued to act as a rubber stamp for prosecutors' decisions and that the executive branch exerted undue influence. NGOs also expressed concern that recent judicial appointees lacked the experience and training to act independently. The high number of vacancies at the trial court level resulted in long delays scheduling trials.

Following constitutional amendments in 2006, the High Council of Justice, the body that disciplines judges, operated as an independent institution with a majority of its members from the judiciary. In June 2007, Parliament passed further changes to the law on common courts, reorganizing the High Council of Justice and removing the minister of justice as a member, the last such executive branch official. Eight judicial members whom the Conference of Judges elected and the chairman of the Supreme Court constitute the majority of the High Council of Justice. Two members of the council are appointed by the president and three members are elected by Parliament. The head of the legal committee of Parliament, currently a member of the ruling party, is an ex officio member of the High Council of Justice. A July amend-

ment required that one of the three members elected by Parliament must be from an opposition party.

Following the constitutional amendments, the authority to appoint or dismiss judges was moved from the president to the High Council of Justice, and the chairman of the Supreme Court was made chairman of the council in order to increase the transparency of the judicial appointment process. Despite the use of objective written examinations to create a pool of potential qualified appointees and publication of the names of all potential candidates for public comment, the judicial appointment process was not sufficiently transparent. Oral interviews of appointees were held behind closed doors with no public knowledge of what criteria were used for selection.

In July 2007, Parliament passed legislation on *ex parte* communications, prohibiting prosecutors, defendants, investigators, and any interested third parties from contacting judges outside the courtroom during cases to sway their judgments. The legislation, which went into effect in August 2007, also repealed Soviet-era laws that punished judges, both criminally and administratively, for making incorrect rulings, provisions that many observers believed the Government could use to limit judicial independence. The law requires judges to immediately report in writing any *ex parte* communication to the chairman of the court, who must review the report within 14 days and can impose a fine up to 2,000 lari (approximately \$1,210) or forward the matter to the Secretary of the Council of Justice. The Secretary then has one month to review the report and forward it to the appropriate regulatory body, such as the prosecutor general for prosecutors, the Georgian Bar Association for defense attorneys, or the relevant agency heads for investigators for disciplinary action. The High Council of Justice may appeal a decision of the regulatory bodies not to impose a disciplinary sanction according to the general rule for appealing administrative rulings.

Since the adoption of the law on *ex parte* communication, there have been four violations, three of which did not appear to involve public officials, reported to the High Council of Justice.

On September 3, a Zestaponi District judge received a telephone call from a person who introduced himself as a minister of justice and asked him to consider ruling in favor of a party on a civil case, who was his friend. The judge reported this communication to the chairman of the court, who forwarded this report to the law enforcement agencies. A preliminary investigation was ongoing at year's end to determine the identity of the caller.

The Prosecutor's Office is responsible for disciplinary action for violations of the ethics code for prosecutors adopted in 2006. The Office of the Prosecutor General conducts an inquiry into such facts and presents this information to the prosecutor general with a recommendation for disciplinary action. The code was actively implemented during the year, with 21 prosecutors receiving disciplinary actions ranging from notice to reprimand and strict reprimand. Of these 21 cases, three were ethics violations. Twenty-four criminal cases against prosecutors were ongoing during the year, 11 of which were carried over from previous years. Two prosecutors were convicted in criminal cases during the year but used plea bargaining and did not serve jail time.

Defendants must confirm in court any statement they gave while in pretrial detention before it can be accepted as evidence. NGOs reported that this provision had little impact, either because detainees feared reprisal if their statement was not ratified in court, or they were not aware of the law.

The law provides penalties of up to five years in prison for witnesses and victims who obstruct justice by giving substantially contradictory testimonies. NGOs contended that the provision made witnesses more vulnerable to prosecutorial pressure because it discouraged them from recanting incriminating statements given to the prosecutor during pretrial investigations. Prosecutors supported the provision on the ground that it discouraged witnesses from changing their testimony due to pressure from the defendant or his or her associates. The law does not punish defendants for perjury. Witnesses are legally obliged to give evidence. Protection from criminal liability for failing to follow this rule applies only if there is risk that close relatives of witnesses will self-incriminate.

Both torture and the extortion of evidence represent criminal offenses under the criminal code. Article 30 of the criminal procedural code sets aside a general rule, based on which persons who have suffered property damage, physical, or moral injuries from crime have the right to file a civil claim either in the criminal court that is trying the case or in a civil court to demand compensation. The compensation for physical injuries covers the costs of burials, medical treatment, prosthetic devices and medicine, insurance, the compensation of financial aid, and pension. Compensation for moral injuries can be monetary. The general rule of seeking compensation

and redress for the injuries received as a result of crime through civil action equally applies to all crimes, including torture, extortion of testimony, and illegal arrest.

The High Council of Justice administered a three-tiered court system composed of regional (city) courts, appellate courts, and the Supreme Court. Regional (city) courts hear routine criminal, civil, and administrative law cases. The Supreme Court acts as the court of final appeal.

According to Supreme Court data, in the first 11 months of the year, the Supreme Court's Chamber for Administrative and Other Cases issued judgments in favor of the Government in 44.5 percent of the cases and in favor of private individuals or companies in 55.2 percent of the cases. The remaining cases were resolved by mutual settlement. The Government continued setting up a system of magistrates to hear specific cases, such as misdemeanors; when completed, the system will have 21 enlarged district (city) courts with 46 magistrate judges specialized to hear cases in civil, criminal, and administrative categories. By midyear five enlarged District Courts had been created, and eight magistrate judges had been appointed and were working in Ninotsminda, Kaspi, Akhlagori, Dusheti, Tianeti, Khazbegi, Chiatura, and Kareli.

In June 2007, in cooperation with the Council of Europe, the High School of Justice established a curriculum for training judges. In 2007, the school began training judges, many of whom were expected to serve as magistrate judges, and continued in 2008. During the year the monthly salaries of judges at all levels continued to rise, reducing the incentive for corruption. Judicial salaries were 4,299 lari (approximately \$2,610) for Supreme Court judges, 2,300 lari (\$1,390) for appellate-level judges and 2,100 lari (\$1,270) for lower court judges.

In October 2007, the Conference of Judges adopted a code of ethics for judges that defines rules of judicial ethics to strengthen the independence, impartiality, and integrity of the judiciary. The Disciplinary Collegium of judges of common courts discussed 22 disciplinary cases against 17 judges during the year. The collegium recognized violations and imposed disciplinary sanctions on 10 judges. Of these, one case involved an ethics violation.

The Constitutional Court arbitrates disputes between branches of government and rules on individual human rights violation claims; it generally demonstrated judicial independence. The power of constitutional review is vested solely in the Constitutional Court. The court generally interpreted its role in human rights cases narrowly, agreeing to rule only on cases in which human rights were violated as a result of specific articles of law.

Trial Procedures.—Defendants have the right to a public trial, except where national security, privacy, or protection of a juvenile are involved. While the criminal procedure code does not provide for a jury trial, other amendments expanded defendants' rights in criminal procedures.

Defendants have the right to be present at their trial and to consult an attorney; however, access to defense attorneys for indigent defendants was limited in practice. The majority of criminal defendants went to trial without benefit of counsel. In June 2007 Parliament established a system to provide persons accused of crimes with free legal assistance in the first 48 hours, regardless of their financial status. The budget was increased more than 1,280,000 lari (approximately \$776,000) to begin the two-year process of implementing the new law.

Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. By law, defendants and their attorneys have access to the prosecution's evidence relevant to their cases at any point during the investigation and may make copies at their own expense. By law, defendants are presumed innocent and have the right to appeal.

The law provides that a verbatim record must be prepared and signed by the Secretary and the presiding judge of the hearing within five days of the conclusion of the court hearing or trial. Only after court officials have signed the document can it be introduced to the parties. Comments from the parties on the wording of the transcript may be submitted to the court. Court judgment shall be served to the parties within the same number of days in simple cases and in 14 days in complex cases.

Since 2007, persons charged with crimes could be tried in absentia if they are absent to avoid trial. The same law permits persons convicted in absentia to appeal their conviction within one month of their arrest or surrender, which guarantees a new trial.

Defense counsel and the defendant have the right to participate in pretrial hearings; however, their presence is not mandatory. Failure of defense counsel to appear at a hearing does not constitute grounds for postponement. Without a hearing, a

judge may also rule on the admissibility of an appeal of a pretrial preventive measure.

By law a court must certify that a plea bargain was reached without violence, intimidation, deception, or illegal promise and that the accused had the opportunity to obtain legal assistance. Although the prosecutor general's office reported that the majority of plea bargaining cases supported ongoing investigations into drug trafficking, NGOs criticized plea bargaining. There were widespread reports that such agreements (some on issues much wider than drug trafficking) required a person to pay money, but the agreement was not used to obtain information on other criminal activity. Some plea bargaining agreements reportedly included a tacit understanding that the person accused would not pursue complaints of abuse or mistreatment against law enforcement authorities and would support their version of events in order to avoid negative publicity.

The use of plea bargaining continued to increase. In the first 11 months of the year, 10,085 defendants were offered plea bargains, compared with 9,048 defendants in the same period in 2007, an increase of 11.5 percent. Plea bargains accounted for 53.4 percent of all court cases during the period.

In January 2007, a new article in the criminal procedure code went into force that allows a person to appeal an arrest as unlawful, even if he or she had been released within a short time following the arrest without charges.

On September 12, Parliament passed a constitutional amendment that merged the Office of the Prosecutor General into the Ministry of Justice. The minister of justice heads the merged entity. Due to the merger, the Government decided that the Penitentiary Department and Probation Service could no longer be part of the Ministry of Justice and would be established as a separate ministry. It also determined that the Legal Aid Office could no longer be considered part of the Ministry of Justice due to the inherent conflict between that office and the prosecutor's office. On December 30, Parliament amended the law to place the office under the Ministry of Penitentiary, Probation, and Legal Aid Services. The amendment also limits free legal aid to those who qualify as indigent under the law beginning January 1, 2009.

Human rights activists were concerned that the merger did not allow the prosecutor's office sufficient independence from the Ministry of Justice and did not allow for a direct parliamentary vote on the chief prosecutor's nomination. The law noted that the president and the prime minister do not have the authority to annul decisions of the minister of justice and prosecutors who are serving their prosecutorial functions.

As part of the merger, the criminal justice guidelines were made confidential, potentially making it difficult for lawyers to raise procedural points in criminal cases, as this information, even the general principles, were not shared as public information. To ensure the independence, transparency, and effectiveness of the Legal Aid Service, the authorities established a supervisory body consisting of a Supreme Court judge, a member of the Georgian Bar Association, NGOs, members of Parliament, and the Ministry of Penitentiary and Probation staff. The Legal Aid Service's budget could not be reduced without approval from its supervisory board. Despite these precautions, legal NGOs noted that inclusion of the Legal Aid Service within the Ministry of Penitentiary and Probation would not encourage independence. In addition to an annual state budget, the Legal Aid Service can be funded by donations and grants from outside services. According to statistics published by Legal Aid Service, 97 percent or 2,871,000 lari (approximately \$1,715,000) of its budget was state funded.

Political Prisoners and Detainees.—The public defender's office identified five political prisoners: Merab Ratishvili, Joseph Jandieri, Ilia Tsurtsunia, Joni Jikia, and Dimitri Godabrelidze. They were convicted in connection to their participation in antigovernment rallies in November 2007. Local NGOs alleged there were political prisoners but often could not agree on how they defined political prisoner or on the number of persons who qualified. The parliamentary Human Rights Committee claimed that there were no political prisoners in the country.

According to the prosecutor's office, Ratishvili, and Jikia both were arrested on charges of drug possession. The court found them guilty and sentenced them to nine- and seven-year prison terms, respectively. Tsurtsunia was arrested on charges of resisting a police officer so as to impede the protection of public order, found guilty, and sentenced to three years' imprisonment. The prosecutor's office stated that criminal cases were only pursued when they met relevant evidentiary standards.

During 2007, there were two high-profile cases involving charges of treason: Irakli Batiashvili and former state security minister Igor Giorgadze's 14 associates, including Maia Topuria. During the year Batiashvili was released on presidential clem-

ency, and the guilty verdict for Igor Giorgadze's associates was upheld on appeal. In both instances cases were filed in the ECHR: Batiashvili's in January 2007 and Maia Topuria's in March 2007.

In October 2007, the opposition published a manifesto containing several demands, including the release of unspecified political prisoners. The manifesto referred to Irakli Okruashvili and Irakli Batiashvili. In November 2007 the opposition compiled a list of 42 persons whom it considered political prisoners and presented the list to the Government. Thirty-four persons on the list were released by year's end; two of them, Batiashvili and Jandieri, were pardoned. At year's end, 14 persons on the list remained in custody.

The Government permitted international human rights and domestic organizations to visit those claiming to be political prisoners, and some organizations did so during the year.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent and impartial judiciary in civil matters, but there were concerns about the professionalism of judges and transparency in adjudication. The constitution and law stipulate that a person who suffers damages resulting from arbitrary detention or other unlawful or arbitrary acts is entitled to bring a civil action.

In Abkhazia the de facto parliament in 2006 adopted a decree banning de facto courts from considering any property claims filed by ethnic Georgians who left Abkhazia before, during, or after the 1992–93 war, thereby effectively depriving IDPs of their property in Abkhazia. According to the decree, any previous judgments or pending procedures related to ethnic Georgians' property were nullified. De facto courts in Abkhazia reportedly did not make efforts to establish facts or administer justice but acted at the direction of prosecutors and law enforcement. Criminals paid bribes to police, prosecutors, and judges to avoid prosecution.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions without court approval or legal necessity and also prohibits police from searching a residence or conducting undercover or monitoring operations without a warrant. Charges against some opposition leaders after video and/or audio surveillance raised concerns among some NGOs and international observers about this practice. In its December 2007 report, the International Crisis Group stated that civil society activists complained telephone taps had become widespread and were used to implicate opposition or public figures and businessmen.

NGOs continued to report that in practice police conducted searches and occasionally monitored private telephone conversations without first obtaining court orders; police often obtained warrants after the fact. NGOs reported that most citizens were unaware of their right to postpone a search of their home by one hour in order to summon two objective third-party witnesses to the search. The Government stated that security police and tax authorities entered homes and workplaces without prior legal sanction.

There were concerns about the lack of due process and respect for the rule of law in a number of developments on property rights. A law passed in June 2007 required old leases to be reregistered with the Government. The law also gave the Government the right to evict illegal tenants with five days notice. In 2007 there were protests over the law and widespread concern among citizens over its ramifications. After the November 2007 events and elections during the year, the Government relaxed its stance on illegal constructions and allowed legalization of illegally erected constructions or acquired property, and public concerns died down.

Parliament passed a resolution in November 2007 instructing state agencies, including law enforcement bodies, to cease probes into disputed properties where the harm to the citizen exceeded the substantial benefits of the decree.

In 2007, various ministries and cities gave notice affecting 1,950 different properties before the deadline. The Government stated that cases would be reviewed and that not all the properties would be divested from their owners.

In April 2007, according to HRW, restaurant owners in Tbilisi and a neighboring town complained that officials pressured them into handing over their property by threatening them with criminal charges for allegedly purchasing their property through corrupt business transactions during the Shevardnadze era. The Government contended that these were cases of property with expired or ambiguous leases or were obtained through fraudulent transactions or bribery linked to corruption. Domestic and international observers expressed concern that the Government had not sufficiently respected due process and the rule of law. The public defender was investigating 10 such cases at year's end, although there were reportedly more. The public defender mentioned this concern in his December 30 remarks to the Parliament.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—Separatist conflicts in the regions of Abkhazia and South Ossetia remained unresolved and were exacerbated during the August 7–12 armed conflict between Georgia and Russia.

Incidents of violence occurred in Abkhazia, particularly in the predominantly ethnic Georgian Gali region, and in South Ossetia. After the armed conflict began August 7, the Government lost control over Abkhazia and South Ossetia.

There was little information on the human rights and humanitarian situation in Abkhazia and South Ossetia due to limited access to these regions. In March 2007 Abkhaz de facto authorities agreed to permit a UN human rights officer's presence and the deployment of three UN civilian police in the Gali Sector headquarters.

On August 11, the Abkhaz de facto Ministry of Defense recommended that UNOMIG withdraw its observers from Kodori gorge. By year's end UNOMIG military observers could access the area only under Russian military escort. The UN mandate was extended through February 15, 2009.

On August 26, the Russian government recognized Abkhazia and South Ossetia as independent states; on September 17, the Russian government signed agreements with the de facto authorities that included provisions to allow Russian military presence in the territories. On August 27, the Georgian prime minister signed a decree formally terminating Russian peacekeeping operations in Georgia. Formerly, agreements permitted Commonwealth of Independent States' peacekeeping forces in both Abkhazia and South Ossetia. On August 28, the country's Parliament passed a resolution declaring Abkhazia and South Ossetia to be Russian-occupied territories.

The Gali region of Abkhazia, where many ethnic Georgians live, remained tense as a result of limitations on freedom of movement, kidnapping, arbitrary arrest, and deaths in custody. Systemic problems in the criminal justice system of the de facto authorities, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Abuse by de facto law enforcement authorities included arbitrary arrests and detention as well as routine mistreatment of detainees. De facto law enforcement authorities rarely wore uniforms or carried badges or credentials, allowing them to act with impunity. Russian military forces and de facto militias limited the ability of international observers to travel in Abkhazia to investigate claims of abuses.

After the conflict began on August 7, South Ossetian separatists reportedly committed killings, engaged in looting, systematically attacked ethnic Georgian villages, and blocked international observers from viewing events first hand. Russian military forces and de facto militias did not permit observers into South Ossetia and occupied areas to investigate claims of abuses.

Killings.—Before the conflict began on August 7, Georgian government officials and de facto authorities accused one another of committing arbitrary and unlawful killings in the separatist areas of South Ossetia and Abkhazia, including intensified shelling of ethnic Georgian villages in South Ossetia. HRW reported that during the August conflict Georgian, Russian, and South Ossetian forces committed numerous violations of the law of war in the conflict, causing many civilian deaths and injuries and widespread destruction of civilian property. HRW stated that Georgian and Russian forces used indiscriminate and disproportionate force. They concluded that Georgian forces carried out indiscriminate attacks by their extensive use in civilian areas of multiple-rocket launching systems, which cannot be targeted with sufficient precision to distinguish between civilian and military objects. The rockets, known as Grad, were believed to have been used by Russian forces as well. HRW also reported that the South Ossetian forces conducted a campaign of deliberate and systematic destruction of certain ethnic Georgian villages in South Ossetia. HRW concluded that South Ossetian forces attempted to ethnically cleanse villages and egregiously violated multiple obligations under humanitarian law for which there must be individual criminal accountability and prosecution for war crimes where appropriate. Amnesty International documented many instances of looting, killings, home burning, and systematic ethnic persecution of Georgians in both territories and found that Russian forces failed to protect civilian populations by refusing to intervene when South Ossetian separatists attacked Georgian villagers. HRW noted that Russian forces failed to ensure, as far as possible, public order and safety in areas under its effective control.

HRW reported that cluster munitions used by Russia and Georgia killed at least 17 civilians and wounded dozens more; most of the casualties appeared to have been caused by Russian weapons. Following the conflict, unexploded submunitions remained scattered in and along South Ossetian roads, especially antiarmor submunitions.

After the conflict, violent attacks continued along the administrative boundaries of Abkhazia and South Ossetia. International monitors were generally unable to

identify the perpetrators, but in most cases found that the attacks originated from the Abkhazian and the South Ossetian sides of the boundaries. The Government announced that 10 members of the Ministry of the Interior were killed in such incidents despite the ceasefire, in some cases by sniper fire. On November 10, two officers were killed and three wounded by explosive devices connected to a South Ossetian flag placed outside the South Ossetian administrative boundary. Some attacks may have originated outside the territories. On November 17, South Ossetian press reported a villager was shot and killed by a sniper while driving his car inside South Ossetia.

At year's end, there were no final figures for the total number of civilians killed during the August conflict; HRW estimated that hundreds of civilians were killed.

Abductions.—The February 2007 abduction of David Sigua, an ethnic Georgian serving as de facto election commission chair in the Abkhaz-controlled Gali district, remained unsolved. The Georgian government denied Abkhaz accusations that it was involved in the disappearance, and both sides agreed to a joint investigation, which the UN was conducting at year's end. Sigua's whereabouts remained unknown.

Government and Abkhaz commissions on missing persons reported that nearly 2,000 Georgians and Abkhaz remained missing as a result of the 1992–93 war in Abkhazia. The South Ossetia de facto authorities reported 116 persons still missing since conflicts in 1991 and 2004. The ICRC continued its efforts to assist the authorities concerned to fulfill their obligations to provide the information to the families of the missing persons. Most of the missing persons from the 1992–93 war were believed to have gone missing in the region of Abkhazia. During the year no exhumation of those believed dead during the 1992–93 conflict took place, according to the ICRC. Since the beginning of the August conflict, the ICRC received more than 1,100 tracking requests from families and authorities. To date, almost 1,000 of these have been closed, and 108 remain open. After the August conflict, reports of abductions for ransom became more common, in particular of ethnic Georgians in the Gali region of Abkhazia. Although in most cases abductees were quickly and swiftly returned, some suffered beatings and even death. In early December the beaten body of an elderly woman who had been missing for some days was found in the woods near her house in Nabakevi; local villagers alleged that Abkhaz men had abducted her and demanded ransom.

Child Soldiers.—In Abkhazia, de facto authorities frequently took teenage boys from their homes for forced conscription in the Abkhaz militia. Some parents claimed that their sons were younger than 18, the minimum age for military service. While the number of ethnic Georgians conscripted into the Abkhaz military was reportedly small, the threat of conscription remained a political tool the de facto authorities used to control the ethnic Georgian population and to prevent young Georgian men from returning to or staying in the Gali district.

Other Conflict-Related Abuses.—During and after the August conflict with Russia, HRW reported South Ossetian regulars deliberately killed nine ethnic Georgian women and raped two. The Government reported that South Ossetian regulars raped multiple citizens. Because of the social stigma connected with rape, few were reported. Investigation of reported rapes was difficult due to chaotic conditions and lack of police in locations where they reportedly occurred, often behind Russian checkpoints where Georgian officials had no access.

According to civil.ge, a June Studio Monitor investigative documentary into an attack in the village of Khurcha on the Abkhaz administrative border on May 21, the date of parliamentary elections, reported that, contrary to assertions by the Government, the attack was committed by Georgians. An investigation by the UN into the attack found that grenades were fired from the Georgian-controlled side of the ceasefire line. A preliminary report could not identify the perpetrators but noted inconsistencies in the circumstances surrounding the incident, in particular the fact that the incident was filmed in such a way as to suggest that events were anticipated rather than simply recorded as they were happening. Four civilians were injured.

During the August conflict in and around South Ossetia, HRW researchers and others witnessed South Ossetian militias looting and burning ethnic Georgian villages. According to HRW, satellite images strongly indicated that the majority of the destruction in five Georgian villages around Tskhinvali-Tamarasheni, Kekhvi, Kvemo Achari, Zemo Achari, and Kurt were caused by intentional burning. The damage shown was massive and concentrated. On August 12, HRW researchers spoke with several members of the Ossetian militias who openly admitted that their associates were burning the houses, explaining that the objective was to ensure that displaced ethnic Georgians would not have houses to which to return.

On August 22, Russian online news agency Regnum quoted Eduard Kokoity, South Ossetia's de facto leader, as saying that the Georgian enclaves of Kekhvi and Tamarasheni were "liquidated" as a result of military operations.

According to HRW, Georgian forces beat and mistreated at least five of 32 Ossetians detained in August during the armed conflict.

Other abuses related to the August conflict, according to HRW, included South Ossetian forces arbitrarily detaining (sometimes together with Russian forces) at least 159 ethnic Georgians, killing at least one detainee, torturing at least four Georgian prisoners of war (POWs), executing at least three, and exposing almost all detainees to inhuman and degrading treatment and detention conditions.

According to official government figures, persons whom Georgia detained during the conflict were held in facilities administered by the Ministry of Defense (Vaziani Military Base), Ministry of Justice (Prison N8 and Prison Hospital) and Ministry of Internal Affairs (temporary detention cells.) The ICRC was accorded unimpeded access and visited two of five POWs as well as 12 security detainees captured by Georgian authorities during the August conflict. The ICRC was able to assess their general detention conditions and enabled them to reestablish family links with their families in the Russian Federation or South Ossetia.

A 2006 Abkhaz law on citizenship, which excludes the possibility of dual Abkhaz-Georgian citizenship but allows dual Abkhaz-Russian citizenship, limited the rights of the ethnic Georgian population in Abkhazia to participate in the electoral process and to have representation in the de facto parliament, as well as in local de facto bodies. After the August hostilities, de facto authorities stated that persons wishing to return to South Ossetia could do so but would be required to take Ossetian citizenship, which meant accepting Russian passports. Georgian engineers who worked at the Enguri dam powerplant, which straddles the administrative boundary with Abkhazia, were told they must take "Abkhaz citizenship" to continue their work.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, there were credible reports that the Government restricted freedom of speech and the press, especially after the May parliamentary elections. Some of these restrictions were eased by year's end.

In general individuals criticized the Government publicly and privately without reprisal. However, some individuals told foreign monitors they were reluctant to discuss sensitive issues by telephone due to concerns about government eavesdropping. Beginning in the fall and for the first time since mid-2007, opposition figures and representatives of the Government regularly appeared on the same shows, thereby providing a plurality of views.

There were approximately 200 independent newspapers, although most were local and with extremely limited circulation or influence. During the year print media frequently criticized senior government officials. However, few editorially independent newspapers were commercially viable. Patrons in politics and business typically subsidized newspapers, which were subject to their influence.

Throughout the year, NGOs, independent analysts, and journalists accused high-ranking government officials and opposition politicians of exercising some influence over editorial and programming decisions through their personal connections with news directors and media executives. There were allegations of the forced transfer of two national television stations, Rustavi 2 (in 2004) and Imedi (during the year). The opposition lost control of Imedi Television, which had been the sole remaining national independent television station. There were scattered reported incidents of actual or incited physical abuse of journalists by local government officials and opposition politicians.

According to the OSCE's final report on the January presidential election, campaign coverage in the news of most monitored TV stations, including public television, lacked balance. Following the presidential election until the beginning of the pre-election period for the parliamentary elections, there was a relatively free media environment, with new leadership of public television and generally balanced reporting of all political parties' activities. During the parliamentary elections, the OSCE noted improvement in the balance of coverage by public television compared to the presidential election, while concluding that the coverage of most other monitored television stations lacked balance.

After the May 21 parliamentary elections, there was a noticeable weakening in freedom of the media. While media executives claimed this was due to limited revenues and a weak advertising market, the net effect was to diminish the presentation of alternate views, especially on television, and to substitute entertainment for news and talk shows. Until the late fall, there was a marked decline in the diversity of independent media, with the exception of the Tbilisi-based Kavkasia television sta-

tion. Most alternative voices were greatly diminished, and the remaining media concentrated on reporting the Government's activities and positions. Freedom House reported that there was a significant decline in investigative reporting since the 2003 Rose Revolution.

Imedi television went off the air in December 2007 after the resignations of several key journalists concerned that the Government had presented evidence two days earlier showing the owner, presidential candidate Badri Patarkatsishvili, plotting a coup. Imedi-the last independent national television station-remained off the air through the January presidential election.

After Patarkatsishvili's sudden death in February, Imedi remained off the air until April and did not broadcast news until August. Ownership of the station remained contested, with Patarkatsishvili's widow filing a notice of arbitration against the Government December 10. Gogi Jaoshvili, one of the former registered owners of Imedi TV, announced at a December 10 press conference that he had transferred Imedi holding shares to Joseph Kay and resigned from the position of the Chairman of the Supervisory Board of I-media under psychological pressure exerted against him by Georgian law enforcement officers. Jaoshvili left the country several hours after making this public statement.

Rustavi-2's founder and former owner, Erosi Kitsmarishvili, alleged on November 26 that authorities seized the television station from him in 2004 and announced his intention to regain his shares of the station by filing a lawsuit against President Saakashvili. By year's end, no lawsuit had been filed. On December 1, the next Rustavi-2 owner Kibar Kalvaski filed a letter of complaint with the prosecutor's office alleging he was forced to give up ownership of the station under pressure from government officials. He sent a similar letter to the Parliament, but at year's end there was no reaction to either letter.

Public television station Georgian Public Broadcasting (GPB) was the scene of opposition protests after the January presidential election. Opposition supporters, including the United Opposition presidential candidate Levan Gachechiladze, assaulted 20 GPB journalists and demanded that the authorities change the GPB director and the board. These changes were made in February after negotiations between the Government and the opposition. The opposition parties chose four of the nine member board, including the board chairman, Irakli Tripolski. A new, more neutral director was chosen with the agreement of the opposition. GPB broadcast a new talk show, Seven Days, staffed by former Imedi journalists who were at times critical of government policies.

On May 26, the opposition held a three-hour rally to protest the conduct and results of the parliamentary elections and demanded that the rally be broadcast live. The GPB and other stations featured extensive reports on the rally, although none broadcast it live in its entirety. The opposition-named chairman of the GPB board resigned when his demand to broadcast the entire rally was not met and claimed that the GPB was biased.

In a December letter, the public defender noted that Georgian television had not broadcast independent investigative films for several years.

By the end of June, most news coverage was cut back to eliminate all talk shows and analytical programs. NGOs asserted that news programming was cut due to government pressure on the media. Programs cut included Shvidi Dris (Seven Days). Mze, a progovernment national channel that had 2 percent of the market, also ceased its news operations on financial grounds in June. Although Mze was generally seen as progovernment, many opposition figures decried their decision to stop broadcasting news, pointing out that Mze had broadcast the events of November 7, 2007, live, unlike progovernment Rustavi 2. Also in June, Radio Imedi's director was replaced with a former government spokesman. A group of almost 100 journalists issued a statement on June 3 that labeled this action as pressure on the free media. After the closing of Imedi television as an independent voice earlier in the year, Radio Imedi had remained the only national media outlet that provided access to opposition views. While they continued to allow opposition access, there was a general decrease in news coverage on Radio Imedi. In September, Rustavi 2 announced that it would not renew the popular talk show, Prime Time, which it suspended in June. Despite suggestions that the program might return to the air, Rustavi-2 had not resumed broadcasting Prime Time by year's end. By the end of the year, talk shows had reappeared on all of the country's television channels: Public Broadcaster's Channel One, Imedi, Kavkasia, and Maestro.

In June, Mamuka Glonti, the head of the cable television station Maestro Media, formed the Committee to Protect Journalists in the country. A handful of respected journalists were involved in the group, but they were largely inactive.

Maestro applied for a change of license in November 2007 to allow the broadcast of a political talk show but was not granted a license. The station continued to

broadcast a political show, but as a voice-over to music videos. In March, the Georgian National Communication Commission (GNCC) formally warned the station that it did not have a license to air political programs. The station complied with the ruling and suspended political programming, applied for the appropriate license, but was refused due to its earlier violation of the law. The station brought the case to court, and in late September the Tbilisi city court upheld the original ruling by the GNCC. On October 10, government spokesmen indicated that Maestro cable station's license would be amended to permit it to broadcast political talk shows. Maestro received its license and went on the air in December with two political talk shows, *No Comment* and *Profesia Reportiori* (Profession Reporter).

Kavkasia TV experienced two transmission interruptions in September, allegedly due to technical issues. Kavkasia's director suspected the interruption coincided with the station's criticism of the Government's actions during the August conflict on September 1. On that date all other Georgian TV channels were broadcasting live the national Live Chain for Peace in protest over Russia's behavior during the conflict. Kavkasia's director also alleged that in June financial police exerted pressure on companies buying advertising from the station. As a result, several companies interrupted the contracts with the station, and others decided not to extend the contracts after they expired in July. Kavkasia's director kept the names confidential.

In August, the outbreak of the conflict between Georgia and Russia became the primary focus of media attention. Russian forces did not allow journalists to enter separatist regions or undisputed Georgian territory located behind Russian checkpoints. After the ceasefire, only journalists accredited by Russia were permitted in the separatist region areas. On August 12, eight civilians and one Dutch journalist were killed as a result of a Russian cluster bomb strike in the center of Gori. During the conflict three other journalists were killed, and 14 were wounded. Other journalists were robbed, kidnapped, or taken hostage. Journalists attributed these attacks to Russian soldiers or irregulars operating under Russian acquiescence.

Authorities limited access to information during this time, and did not release some sensitive information until after the war, such as casualty figures and the names of the dead. Government authorities set up a media center in Gori to provide information to journalists, which came under Russian attack.

Most people received news from broadcast media. There were eight privately owned television stations in Tbilisi and one public station, Channel 1. Four of the Tbilisi-based stations, Channel 1, Rustavi-2, Imedi, and Mze, claimed nationwide coverage. Imedi and Rustavi-2 were the most viewed stations, though Imedi was off the air until April and did not begin airing news broadcasts until August. A fifth channel, Batumi-based Ajara Television, also broadcast nationwide. An international NGO estimated that there were more than 45 regional television stations outside of Tbilisi, 17 of which offered local daily news, although most was at a very low professional level and largely represented the views of local authorities.

Two independent journalists, Maka Tsiklauri and Irakli Gogvadze, from online video magazine *Presa.ge*, noted four separate incidents of perceived government pressure related directly to their work. On May 21, Gogvadze was observing parliamentary elections in Iormuganlo (Kakheti) when several local activists physically abused him twice and seized his tape and video camera. On August 13, Gogvadze was shooting an 'IDP protest rally on Rustaveli Avenue in Tbilisi when several unidentified persons snapped a battery from his video camera and fled. On August 24 in Tkviavi (Shida Kartli), Tsiklauri and Gogvadze were shooting video when they were attacked and Gogvadze's camera and videotapes were seized. On December 22 in Tbilisi, several unidentified men tried to force Gogvadze into a car after he was asked to show his identification card. In December 2007, both journalists complained of government pressure due to a documentary video they had made about recent developments in the country.

The public defender sent a letter describing the incidents to the Ministry of Justice's head of the chief prosecutor's legal department calling for an investigation of the incidents. At year's end there was no word from the prosecutor's office as to the status of the case.

On April 15, Madona Batiashvili, the chief of the Signaghi Bureau of Radio Hereti, a small independent regional radio station, sent a statement to the Office of the Public Defender in which she alleged pressure from Levan Bezhashvili, the president's representative in the Kakheti region, to prepare positive news reports and to stop reporting on him and his friends. At year's end there was no response from the prosecutor's office on the status of the case.

In mid-July, the newspaper *Batumelebi* received an e-mail message threatening to kill the editor in chief Eter Turadze and a staffer of the same newspaper. *Batumelebi* went public with the story and informed the prosecutor's and ombudsman's offices about the threat. Soon, *Batumelebi* received a second e-mail containing

a threatening message. The Ajara Prosecutor's Office started an investigation shortly after the incident. An investigator visited and interviewed Batumelebi staff, but at year's end there was no information available on the progress of the case.

On December 9, Tamara Okruashvili, a correspondent for Khalkhis Gazeti, stopped to take pictures and talk to IDPs from South Ossetia who were near the Gori Municipal Building. Some of them were complaining about their living conditions. Seeing this, Gori City Council Chairman David Khmiadashvili told Okruashvili that she should leave. Heated remarks ensued, resulting in the chairman striking Okruashvili, knocking her camera out of her hand, and breaking it. Okruashvili filed a complaint with police. The following day, the chairman apologized to her personally and formally in Resonani newspaper. Khmiadashvili also sent her a new camera. Okruashvili withdrew her complaint.

In March 2007, Elisio Janashia, editor of Tavisupali Sitkhva (Free Word), claimed the spokesman for the governor of Samegrelo-Upper Svaneti verbally abused and threatened her after she published an article about harassment of a journalist from another newspaper. In the same month, the public defender requested that the Zugdidi Internal Affairs Ministry investigate the allegations. The investigation noted that acts committed by the governor of Samegrelo-Upper Svaneti did not constitute interference into journalistic activities, as the disputed conversation took place after the publication of Janashia's article. On October 25, the investigation was closed.

Throughout the year the public defender and others called for changes in the law on broadcasting to increase the transparency of media outlet ownership. On December 19, Parliament adopted amendments to the Law on Broadcasting allowing the parliamentary minority to nominate one member for the Georgian National Communications Commission (GNCC). The parliamentary majority group also is eligible to nominate one GNCC member. At year's end the commission was composed of five members each serving a six-year term. The amendment envisages pre-term suspension of the authority.

By year's end many media ownership questions remained unclear. No information was available as to the ownership of the GeoMedia Group, registered in the Marshall Islands, whose shares of Rustavi-2 declined from 55 to 40 percent on November 7. Rustavi-2's founder and former owner Kitsmarishvili alleged in November that President Saakashvili was behind the GeoMedia Group.

Very often journalists work without contracts, which in effect encouraged them to practice self-censorship. Journalists were hesitant to report something other than the owners' views, as they were afraid of losing their jobs.

Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by the de facto authorities.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by electronic mail. E-mail access rose slightly during the year but remained centered in Tbilisi and major metropolitan areas. Estimates were that no more than 11 percent of the population used e-mail. During the August conflict, Russian cyber attacks defaced or took official Georgian Web sites offline and jammed the mobile telephone network. The Government blocked access to Russian cable television news reporting and access to Russian Internet news sites when hostilities began in August. On October 21, authorities restored access to Russian Internet news sites but continued to block Russian cable news, which could still be accessed by satellite.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government respected this right during the year in practice. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Permits for assemblies were routinely granted during the year.

Following the September 2007 arrest of former defense minister Irakli Okruashvili, a number of political parties joined to form the United Opposition Council, which began protests in October 2007 in Zugdidi, Kutaisi, and other regions, culminating in a series of large-scale protests in Tbilisi.

During the year authorities permitted demonstrations.

On June 6, several hundred protesters gathered outside Parliament. The rally was called by the eight-party opposition coalition after the official announcement that the newly elected Parliament's inaugural session would be held on June 7.

On November 7, an estimated 10,000 to 15,000 opposition supporters held a protest rally to mark the first-year anniversary of the police break up of a November 2007 rally. The protesters, carrying banners with slogans, including Stop Russia, Stop Misha, marched towards the presidential residence and then dispersed peacefully.

On November 23, a group of opposition parties and politicians held a protest rally outside the Imedi television station demanding Imedi's return to what they called its legal owner. The rally was joined by Sozar Subari, the public defender.

On December 30, Subari, as he was delivering his biannual report on human rights, claimed he had proof that senior officials, including Interior Minister Vano Merabishvili, deliberately planned to use excessive force on November 7, 2007. Subari demanded creation of a parliamentary ad-hoc commission to investigate his claims.

In November 2007, the Old Tbilisi District Prosecution Office initiated a preliminary investigation into the bodily injuries sustained by individuals during the November 7 demonstrations. There was no further information on the ongoing investigation by year's end. Subari's report for January through July pointed out that the prosecutor's office had not brought any charges against attackers. The Ministry of Internal Affairs noted that 11 policemen were dismissed due to inappropriate behavior during the demonstration.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right.

Authorities granted permits for registration of associations without arbitrary restriction or discrimination. Unknown assailants attacked members of the political opposition before and after the January 5 presidential and May 18 parliamentary elections; opposition members accused the Government of not earnestly attempting to identify, arrest, and try the attackers, many of whom wore masks.

The OSCE's final report on the May 21 parliamentary elections noted that the election campaign was conducted in a highly polarized environment, which was compounded by reports of widespread intimidation of opposition candidates, party activists, and state employees in many regions. Of the numerous specific allegations the OSCE election observation mission examined, it found several to be credible. The OSCE examined a series of post-election-day beatings and other violence when masked men attacked 13 opposition activists, many of whom were taking legal action against alleged cases of election-related irregularities. The OSCE visited seven of the 13 individuals and confirmed that they had been attacked. It noted that some opposition leaders accused the authorities and the ruling party of responsibility for the post-election attacks. The public defender also issued a statement criticizing the attacks and noting that a number of individuals who had been attacked refused to identify themselves out of fear.

Unknown assailants also physically assaulted opposition figures at other times during the year. For example, in June General Gia Shervashidze, one of the leaders of the Christian Democratic Alliance, was hospitalized after being attacked by four masked individuals. The public defender's January-July report mentioned the following as opposition supporters who were attacked, but stated the prosecutor's office had not investigated the incidents: Mamuka Kvaratskhelia, Ramin Abuladze, Davit Sazanishvili, Amiran Iobashvili, Nugzar Khutsurauli, Giorgi Tavdgiridze, Giorgi Shervashidze, Boris Dzanashvili, Levan Jgarkava, Levan Gvarjaladze, Davit Metreveli, Ioseb Bortsvadze, Zurab Giguashvili, and Nona Sagareishvili. Criminal cases were opened into all of the incidents and were being pursued at year's end. In one incident, the victim refused to give testimony to law enforcement officials on the subject matter of the case.

c. Freedom of Religion.—The constitution provides for freedom of religion and the Government generally respected this right in practice.

The constitution recognizes the special role of the Georgian Orthodox Church (GOC) in the country's history under its own patriarch but stipulates the separation of church and state. A concordat (constitutional agreement) signed by the president and the Orthodox patriarch gives the church legal status. The concordat contains several controversial provisions that give the patriarch legal immunity, grant the church the exclusive right to staff the military chaplaincy, exempt church clergymen from military service, and give the church a unique consultative role in government, particularly in the area of education. However, these provisions were not in force, due to lack of implementing legislation. The tax code exempts the GOC from paying value-added tax (VAT) for the importation of some religious items (crosses, candles, icons, books, and calendars used exclusively for religious purposes) but requires other religious groups to pay VAT and file for reimbursement.

Any religious group may register as a noncommercial legal entity. The registration application should include the name of the organization, the place of its location, the purpose of its activities, information on the founder(s), information on the governing body of the organization, and the decision-making process of the governing body. Registration is a function of the tax department under the Ministry of Finance, which must grant or deny registration within three days of application; a refusal may be appealed in court.

Some religious communities expressed dissatisfaction with the status that registration provided. The Roman Catholic Church (RCC) and the Armenian Apostolic Church (AAC) opposed registering as civil organizations, preferring to register as religious organizations. Both AAC and RCC asserted that they were traditionally established churches in Georgia and registration as an association or foundation would diminish their status. However, many other religious groups registered under the legislation, which does not discriminate against any religious activity. Jehovah's Witnesses, who were registered as a civil organization, denied this was the case, stating that they paid all taxes and had not pursued filing for reimbursement. According to Jewish community representatives, the community imported religious items under a humanitarian category. Generally any company which imported goods had to pay VAT at the border but, if the imported goods were not designated for further selling by the importer, the Ministry of Finance must reimburse the VAT.

The separation of state schools and religious teaching further narrowed the interpretation of the Government concordat with the Orthodox Church on teaching Orthodoxy as an elective part of the school curriculum. The law states that Orthodox teaching may only take place after school hours and cannot be controlled by the school or teachers. Outsiders, including clergy, cannot regularly attend or direct student extracurricular activities, student clubs, or their meetings. Lay theologians, rather than priests, led such activities. Religious minorities broadly welcomed the change to school religious education, although they observed along with NGOs that practice did not always keep pace with the law. For example, implementation of the law was flawed, especially as applied to prayer and displays of crucifixes and other religious objects.

Public schools offered students the opportunity to take an elective course on religion in society, which covered the history of major religions. Parents complained teachers focused solely on the Orthodox Church, as did the primary textbook. At midyear the Ministry of Education suspended work on a new curriculum that was to have addressed the public complaints. The curriculum was abandoned principally because the group could not agree on a curriculum, and there were not enough incentives offered to teachers who would have to teach the course. History and geography courses introduced in upper grades provided some coverage of world religions.

Delays in obtaining permits to build kingdom halls required Jehovah's Witness congregations to continue meeting in private homes in at least three localities. In May 2007, the ECHR ruled against the Government for failing to protect the group from violent harassment in 1999.

At year's end there were five cases pending before the ECHR on the alleged violation of rights against members of Jehovah's Witnesses, some filed during the administration of previous governments. One of these cases contested a 2001 Supreme Court ruling that revoked the group's registration. However, in May 2007 the organization was registered under the new registration law. This status allowed them to import materials, rent venues, and conduct other transactions as a legal entity.

The RCC and the AAC were unable to secure the return of churches closed or given to the GOC during the Soviet period. In 2007, the Ministry of Justice adopted plans to rely on disinterested expert opinion for assessment of future ownership disputes, instead of a now inactive commission that had included a GOC participant. Controversy continued to surround the disposition of the Norashen Church, claimed by both AAC and GOC. On November 16, Father Taniel Sikinchelashvili, a Georgian Orthodox Priest, brought a bulldozer into the common churchyard, which a Georgian church shared with Norashen church, to clear the grounds of rubbish. Father Taniel claimed that the passage was too narrow for the bulldozer to pass, so he removed, and later replaced, several Armenian headstones in the yard. Upon seeing this, Armenian clergy were indignant, and called this action disrespectful to the Armenian remains buried there. At year's end, rubble still sat atop some of the Armenian graves, as beautification efforts continued. The Armenian president visited the Norashen church in December, and although there was discussion of organizing a commission to resolve outstanding church building issues, at year's end the commission had not yet been established.

No action was taken on the return of five churches to the RCC, and due to direction by the Vatican, the RCC stopped all litigation. RCC was hampered in constructing new churches in Kutaisi and Akhaltsikhe. Although the GOC has proposed

the creation of a commission to study the origins of the disputed churches, the AAC and the RCC have not heard of a group of experts working on the ownership issues. The AAC has not requested construction of new churches. Its main concern remains the return of five churches in Tbilisi and one church in Akhaltsikhe.

Societal Abuses and Discrimination.—Judaism is practiced in a number of communities throughout the country, particularly in the largest cities, Tbilisi and Kutaisi. There were an estimated 8,000 to 10,000 Jews in the country. The Jewish community reported one incident of anti-Semitic vandalism during the year. On April 1, an anti-Semitic leaflet by the political movement Axali Sitkva was distributed in Tbilisi metro stations; Tbilisi Jewish leaders saw the leaflet as an effort to manipulate nationalist sentiment prior to the May parliamentary elections.

According to the Jewish community, the Ministry of Economy transferred another synagogue in Tbilisi to the Jewish community on a 25-year lease.

Despite a general tolerance toward minority religious groups “traditional” to the country, including Catholics, Armenian Apostolic Christians, Jews, and Muslims, citizens remained apprehensive towards “nontraditional” religions, which were perceived as taking advantage of the populace’s economic hardships by gaining members through economic assistance. Some members of the Orthodox Church and the public viewed non-Orthodox religious groups, particularly those considered nontraditional groups or sects, as a threat to the national church and the country’s cultural values, asserting that foreign Christian missionaries should confine their activities to non-Christian areas.

During the year there were five attacks on religious minorities. Police were quick to respond to incidents of abuse but slower in their follow-up to crimes they viewed as minor “hooliganism,” defined as actions that violate public order or demonstrate open contempt towards society by using violence or threats of violence.

During the year the Government investigated several cases of interference, threats, intimidation, or violence. The Prosecutor General’s Office elected to exercise prosecutorial discretion to emphasize cases arising after 2003, given its limited investigative and prosecutorial resources. Investigations prior to 2003 were scheduled to continue where feasible, but priority was given to new cases. Religious minority groups pointed out that this could lead to the eventual elimination of cases that could be investigated under law predating 2003.

There were no developments reported in the investigation of two instances of violence directed against members of the Jehovah’s Witnesses in June 2007. During the year there were 15 individual attacks on them. In Tbilisi, unidentified persons threw rocks at the Jehovah’s Witnesses building and, on the same day, threw a bottle at Marina Kinkladze, when the latter was cleaning the entrance of the building. A criminal case was opened on the grounds of damage to the Jehovah’s Witnesses’ property.

There were no developments reported in the investigation into the May 2007 incident involving unidentified individuals who insulted and physically abused Jehovah’s Witnesses Davit Shermadini and David Karamiani in Gldani, and forcibly took their Jehovah’s Witnesses literature, destroying it at the scene. At year’s end the investigation was still underway.

De facto authorities in the separatist Abkhazia and South Ossetia regions remained outside the control of the central government, and reliable information from those regions was difficult to obtain. Although the ROC recognizes the GOC’s authority over churches in the separatist regions, the GOC patriarchate claimed that the ROC was sending in priests loyal to the church patriarchate in Moscow on the pretext of setting up indigenous Abkhaz churches.

The Russian Holy Synod passed a resolution officially recognizing GOC jurisdiction over Abkhazia and South Ossetia during the year. On November 4, a GOC delegation traveled to Russia at the invitation of the Russian Orthodox Church. Talks focused on jurisdiction issues.

A 1995 decree issued by the de facto leader of Abkhazia prohibiting Jehovah’s Witnesses in the region remained in effect but was not enforced. During the year members of Jehovah’s Witnesses reported no problems in Abkhazia, where the group had approximately 1,500 members’, but they were not conducting their services openly in Abkhazia. Although Baptists, Lutherans, and Roman Catholics reported they were allowed to operate in the region, the GOC reported that it was unable to do so.

In South Ossetia, Orthodox believers were not able to conduct services in Georgian Orthodox churches located near the villages of Nuli, Eredvi, Monasteri, and Gera because these areas were under the control of Ossetian de facto authorities.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

De facto authorities in the separatist regions of Abkhazia and South Ossetia, and Russian troops in parts of Georgia occupied during the August conflict, restricted freedom of movement. Checkpoints operated by de facto militia and Russian troops often obstructed citizens' internal movement in these regions and between these regions and areas controlled by the Georgian government. In June, Abkhaz de facto authorities closed the ceasefire line to all civilian vehicular traffic.

Following the August hostilities, Russian and South Ossetian forces occupied villages outside of the South Ossetian and Abkhazian administrative boundaries. By October 10, Russian and irregular forces had, for the most part, pulled back to pre-conflict positions. Major exceptions included a Russian checkpoint outside the village of Perevi and a significant Russian and Ossetian presence in the Akhagori valley. The valley, which the Georgian government had governed since 1991, is populated predominantly by ethnic Georgians. Russian forces severely limited movement in and out of the valley; international observers were generally unable to gain access. Ossetian authorities reportedly exerted pressure on local residents, especially younger ones, to accept Ossetian authority and Russian passports or leave.

On October 7, Parliament passed the Law on Occupied Territories, which put limits on the movement of foreigners in and out of Abkhazia and South Ossetia. It also imposed special requirements on those conducting economic activities in the territories. At year's end, there were no reports of any international humanitarian organizations being unduly restricted by the law.

An Abkhaz "citizenship" law allows dual Russian-Abkhaz citizenship but not dual Georgian-Abkhaz citizenship, although this law was not strictly enforced. Abkhaz efforts to compel the acceptance of a different (usually Russian) passport did not center on the Gali region. Most IDPs who returned retained their Georgian citizenship. However, ethnic Georgians living in Abkhazia were required to acquire Abkhaz citizenship to open businesses, bank accounts, vote in elections, and own property.

Abkhaz de facto militia conducted searches of local populations and erected arbitrary checkpoints. Money and valuables were extorted from ethnic Georgians accused of violating the identity document requirements.

The law prohibits forced exile, and the Government did not employ it.

Internally Displaced Persons (IDPs).—According to the Ministry for Refugees and Accommodation, before the August armed conflict there were approximately 235,000 IDPs from earlier conflicts in 1992 and 1993. According to UNHCR, approximately 134,597 persons were displaced or affected during the August conflict.

In South Ossetia, de facto authorities obstructed the return of approximately 37,500 ethnic Georgians to the region following the August conflict. South Ossetian de facto authorities insisted that IDPs could only return to the region if they renounced Georgian citizenship, took South Ossetian citizenship, and had not participated in the conflict.

At year's end, 102,800 IDPs had returned to their homes in the areas adjacent to the conflict areas, leaving approximately 30,552 persons in collective centers or with host families who were unable to return due to the outcome of the fighting in August. At year's end the Government had constructed or repaired 5,400 houses and flats in Mtskheta, Shida Kartli, and Kvemo Kartli regions; 18,000 IDPs had been assigned durable housing, and 14,000 had moved. By year's end, 1,000 IDPs had applied for cash reimbursements as an alternative to housing assignments. Total government assistance was 242.75 million lari (approximately \$145.7 million).

In a December 16 report, the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, expressed serious concern that despite the international community's substantial assistance, the Government had not provided adequate living conditions and support to a number of those displaced by the August conflict.

Abkhaz de facto authorities continued to prevent repatriation of the approximately 235,000 IDPs displaced by the 1992–93 war, despite their 1994 agreement with Georgia, Russia, and the UNHCR, which called for the safe, secure, and voluntary return of IDPs who fled during the war. Approximately 40,000 IDPs, many working as seasonal laborers, returned to the Gali region of Abkhazia, but Abkhaz de facto authorities refused to allow the return of IDPs to other regions of Abkhazia.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, in its November report, the UN Human Rights Committee expressed concern that current legislation did not fully ensure respect for non-refoulement and recommended additional legislation and procedural safeguards, training for border guards, and a mechanism to speed referral of asylum seekers. The Government granted refugee status and asylum.

There were approximately 1,000 registered refugees from Chechnya settled in the Pankisi valley in the eastern part of the country. International humanitarian organizations' assistance to refugees in the Pankisi valley was sporadic, with UNHCR taking the lead to assist with the integration of the remaining refugees into Georgian society. During the year, there were no instances of refoulement.

The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

Stateless Persons.—According to UNHCR, there were 1,544 registered stateless persons in the country at the end of the year, most of whom resided in Tbilisi. Among those registered as stateless documentation was poor. The number of registered stateless persons may include Chechens who volunteered for repatriation to Russia but were denied because they had never been registered in Russia and did not have documented Georgian citizenship. This confusion was compounded by persons who lived in the unrecognized, separatist regions.

The law allows for acquisition of citizenship by birth, including for children of stateless individuals born on Georgian territory. For persons born on foreign territory, the law allows the acquisition of citizenship through a naturalization process that requires 10 years of continuous residence in the country, demonstrated command of the Georgian or Abkhaz languages and Georgian history, and demonstrated permanent employment or possession of real property.

Children lacking birth certificates were unable to participate in social aid or educational programs. Often children were not registered because their parents had no documentation. Beginning July 1, the Civil Registry Agency (CRA) launched an intensive registration project in Kvemo Kartli to register juveniles and family members who lacked identification documents. Birth registration and identification documents were to be issued free of cost 'enduring the year. The CRA started with the Kvemo Kartli region because research indicated that it had the largest number of unregistered residents.

After independence in 1991, many Roma left the country, although several thousand reportedly remained. During the year the European Center for Minority Issues estimated the Romani population at 1,500, with no more than 300 in any one location. Roma were found principally in the Tbilisi, Kutaisi, Kobuleti, Kakheti, and Sukhumi regions. Large numbers of Roma came from Abkhazia, from where they had migrated to Zugdidi and Tbilisi, while additional Muslim Roma arrived from Armenia and Azerbaijan. Internal seasonal migration was noted during the summer to the Black Sea coast. Romani IDPs from Abkhazia were not entitled to IDP social assistance because they had no documentation to prove their status. CRA officials asserted that Roma with out-of-date Soviet passports had no difficulty applying for and receiving Georgian documents but noted that Roma were often reluctant to file official applications for documents.

Russian recognition of Abkhazia and South Ossetia further complicated rules concerning citizenship. Prior to August 26, a de facto Abkhaz citizenship law did not allow dual Georgian-Abkhaz citizenship. As a result, ethnic Georgians in the separatist region had to relinquish their Georgian citizenship in order to vote or participate in the political process. Many ethnic Abkhaz relinquished Georgian citizenship to acquire Russian citizenship for political or economic reasons, or in many instances, under pressure.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully; however, the Government's record during the year was mixed.

Controversial 2004 constitutional amendments that strengthened presidential powers remained in force during the year. They gave the president the ability to dismiss Parliament in two circumstances: if the Parliament does not approve the president's cabinet nominations after three attempts, the president can dismiss the Parliament and appoint the prime minister and cabinet unilaterally; or if the Parliament does not pass the budget on time, the president can approve the budget by

decree. In both instances newly elected parliaments could not vote on the cabinet or the budget.

Elections and Political Participation.—Presidential and parliamentary elections were held on January 5 and May 21, respectively.

The OSCE reported that, while the early presidential election in January was consistent with most OSCE and Council of Europe standards and presented the first genuinely competitive post-independence presidential election, it also revealed significant challenges. The campaign was overshadowed by allegations of intimidation and pressure. The distinction between state activities and the campaign of the ruling party incumbent candidate Mikheil Saakashvili was blurred, and the election was marred by other shortcomings in the election process, most notably flawed vote counting, tabulation, and post-election complaints and appeals procedures.

The May 21 parliamentary elections originally scheduled for later in the year were brought forward following a plebiscite held simultaneously with the January 5 presidential election. The OSCE assessed that authorities and other political stakeholders made significant efforts to conduct these elections in line with OSCE and Council of Europe commitments; however, according to the OSCE, a number of problems made this implementation uneven and incomplete. The OSCE's final report noted shortcomings in vote counting, tabulation, and in the handling of election complaints. The OSCE also reported widespread allegations of intimidation and pressure on opposition activists, public-sector employees, and others in the presidential and parliamentary elections. There also were credible allegations that there was pressure on businesses to contribute to ruling party election campaigns.

Following opposition protests in November 2007, the Government agreed to change the composition of the Central Election Commission (CEC) to include six members appointed by opposition parties. One member was appointed by the ruling United National Movement (UNM) and the other six were appointed by the president and Parliament under the previously existing procedure. The opposition also appointed members to all precinct election commissions; however, the midlevel district election commissions remained without opposition representation. In the run-up to the May parliamentary elections, multiparty composition of election administration was implemented at all levels, including the district election commissions, and Parliament passed an amendment to lower the threshold for party representation from 7 to 5 percent of the parliamentary election results. Prior to this reform, the president and Parliament appointed a new chairman of the CEC, but opposition parties alleged that the appointee was selected in advance by the president and that the process was therefore not consistent with the transparent procedure provided for in the electoral code. In its final report on the parliamentary elections, the OSCE reported flaws in the conduct of election commissions.

In advance of the elections, the Parliament restructured the incoming Parliament: the new Parliament consisted of 75 majoritarian deputies elected in single-mandate constituencies and another 75 deputies elected through a proportional party-list system. As the OSCE's final parliamentary elections report stated: "The election system was modified without reaching a consensus between the UNM and opposition parties...Opposition parties had strongly opposed single-mandate constituencies, which they saw as benefiting the UNM, given the fragmentation of the opposition, and had favored regional proportional constituencies."...The Unified Election Code (UEC) "does not require single-mandate constituencies to be of equal or comparable size. In these elections the number of voters in individual election districts, which as a rule coincide with the administrative districts, ranged from around 6,000 to over 140,000. Such large variations undermined one of the main principles of electoral rights, namely the equality of the vote. In amending the constitution and the UEC, Parliament did not try to address this imbalance."

There were no government restrictions on political party formation beyond registration requirements; according to the Ministry of Justice's Registration and Licensing Department, there were 189 registered political parties, of which 179 were active. However, some members of the political opposition were subjected to beatings after the May 21 parliamentary elections. There were reports that politically active persons who were not members of the ruling party experienced problems such as selective prosecution for corruption. On July 15, Parliament passed an amendment to the election law that denied six opposition parties state funding based on their refusal to take their seats after the parliamentary elections. Some opposition political members stated they were being punished by the Government for their failure to participate in the new Parliament. On December 30, Parliament restored political party funding to opposition parties and endowed a foundation that will provide funding to all political parties for research and training.

On July 8, the ECHR ruled there had been a violation of the Labor Party's right to stand for election under protocols of the European Convention on Human Rights in the 2004 parliamentary elections. The ECHR called for the Government to award the Labor Party 1,043 euros (approximately \$1,460) for costs and damages. The court stated that the exclusion of two electoral districts, Kobuleti and Khulo, from the general election process in 2004 had failed to comply with a number of rule-of-law requisites and resulted in what was effectively a disfranchisement of a significant section of the population, about 60,000 voters. As of January 16, the Ministry of Finance claimed they had paid the Labor Party this judgment via electronic transfer.

At year's end the Government had not determined the identity and the whereabouts of the persons who in 2005 severely beat Valeri Gelashvili, then an opposition member of Parliament. Opposition parties alleged that the authorities retaliated against Gelashvili's criticism of President Saakashvili and his family.

There were seven women in the 150-seat Parliament. A woman was one of seven vice-speakers, and another woman was the chair of the procedural committee in Parliament.

There were five members of minority groups in Parliament: two Armenians and three Azeris. As a result of 2006 local government reforms, the number of seats held by ethnic minorities in municipal councils was commensurate with the ethnic population in each region of the country. Higher-level city managers included ethnic minority leaders among their ranks.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. While the Government implemented these laws effectively against low-level corruption, which decreased as a result of high profile reforms led by the president, some NGOs alleged that senior-level officials engaged in corruption with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

There was a general consensus among public officials and civil society organizations that levels of petty corruption fell after the 2003 Rose Revolution. In spite of this, high-level corruption remained a persistent concern, and observers considered the official anticorruption campaign too heavily focused on prosecution as opposed to prevention and too ad hoc rather than systemic and participatory in nature.

A number of politically active defendants in corruption cases alleged that they were victims of selective prosecution (*See* Section 1.d.).

On July 30, the Ministry of Internal Affairs' Constitutional Security Department arrested the deputy economic development minister, Beka Okrostsvardize, and deputy head of the Ministry of Economic Development's Privatization Department, Lasha Moistsrapishvili, on charges of taking bribes. In connection with the case, Tamaz Machaladze was arrested for bribing the officials in an attempt to purchase state-owned land and buildings along the Rustavi-Tbilisi highway. The investigation was still underway at year's end.

In September 2007, Mikheil Kareli, the former mayor of Shida Kartli region, was arrested and charged with bribery and illegal business practices. Earlier several officials from the local administration, including Gori Governor Vasil Makharashvili, Deputy Chairman of the City Council Nugza Papunashvili, and Gairoz Dzanadia, were reported arrested on corruption charges. Kareli was released on bail later that month. In November 2007, the prosecution filed four additional charges against Kareli. Kareli failed to appear to face charges, and a warrant was issued for his arrest. On April 29, the courts filed an indictment to try Kareli in absentia in Gori district; the trial was ongoing at year's end. On July 23, French authorities arrested Kareli in France, and Georgian authorities requested his extradition to Tbilisi. At year's end French authorities had released Kareli on his own recognizance and were reviewing the extradition request. The press reported that Kareli had requested political asylum.

In 2006, the Ministry of Internal Affairs opened a criminal case that involved the company Colizeum Ltd. and Kutaisi public officials. The ministry charged the deputy mayor of Kutaisi, the acting head of the Service of Territorial Administration, and fifteen members of the Kutaisi mayor's office with neglect of official duty and exceeding the limits of official authority. All were accused of forging documents that paid Colizeum Ltd. more than 553,392 lari (approximately \$335,000) above the actual price for reroofing damaged houses in the city. In October 2007 all persons charged in the investigation were found guilty, fined, and released on probation. They also were denied the right to hold public office for three years.

In May 2007, David Kekua, the deputy head of the general inspection department of the Ministry of Internal Affairs, was charged with planting evidence during a high-profile murder investigation and held in pretrial detention. In October 2007 he

was found dead in his cell in Tbilisi Prison Number 7. Observers were concerned that at year's end the investigation into his death was still pending.

The law provides for public access to government meetings and documents; however, the Government sometimes did not provide access. Although the law states that a public agency shall release public information immediately or no later than 10 days from request, the release of requested information could be delayed indefinitely, and requests were sometimes ignored in practice.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, while some NGOs enjoyed close cooperation with the Government and officials were cooperative and responsive to their views, others complained of not having sufficient access to government officials.

The major human rights problems that caused tensions between the Government and NGOs during the year were the mistreatment of prisoners, inconsistency of the bail system, intimidation and use of government resources during the presidential and parliamentary campaigns, violence against opposition figures with no accountability, violations of rights to property, politically motivated arrests, and lack of accountability for the use of excessive force by the police in November 2007.

The UN and the OSCE monitored only sporadically in the separatist conflict areas due to a lack of access, limited staff, and poor security conditions but provided periodic findings, reports, and recommendations. The situation became more difficult after the August conflict, as Russian troops refused or restricted observers' entry to South Ossetia and Abkhazia as well as to other areas of Georgia where allegations of ethnically motivated attacks persisted.

Some NGOs continued to view the Office of the Public Defender as the most objective of the Government's human rights bodies. Public Defender Subari began to align himself with the opposition in the middle of the year and participated in several rallies with them. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuse. The office generally operated without government interference and was considered effective, with some exceptions. While the Government continued to fund the office, it did not increase its funding during the year.

There were no developments reported during the year in the office of the prosecutor's criminal investigation into Public Defender Subari's allegation that Ministry of Internal Affairs' special operations unit members beat and injured him when he tried to prevent an altercation between demonstrators and unit members during the November 2007 protests in Tbilisi.

As required by law, Public Defender Subari submitted biannual reports to Parliament. However, his presentation to Parliament, originally scheduled for December 2007, was postponed at least twice. Subari maintained that authorities delayed his report because the contents were critical of government actions against protestors in November 2007. On July 15, Subari presented a report to Parliament that covered 2007 and focused on the excessive use of violence by the police against protestors in November 2007; declining freedom of the press and respect for the right to assemble; decreased respect for rule of law with regard to property rights; and the importance of settling disputes between the Armenian and Georgian churches. His December 30 presentation covered the first six months of the year and focused on similar themes but addressed perceived political persecution of opposition candidates and allegations of electoral fraud. Subari reiterated that the Government had still not properly investigated beatings that occurred in 2007.

Following the January election, the public defender's office asked the CEC for videotapes from voting precincts where observers noted problems. Eventually, the public defender received some but not all of the tapes he requested, and only much later following an intense public dispute. The CEC was slow to deliver tapes, stating that it did not have time to review hundreds of minutes of hundreds of tapes.

The public defender's authority does not include the power to initiate prosecutions or other legal actions. The public defender objected to Ministry of Justice regulations prohibiting the use of cameras and recorders in the penitentiary system as an obstacle to substantiating claims of prison abuse.

The parliamentary Committee on Human Rights and Civil Integration, the Ministry of Internal Affairs' Human Rights Division, and the National Security Council's human rights advisor had mandates to investigate claims of abuse. By law the prosecutor general is charged with protection of human rights and fundamental freedoms; the prosecutor general's human rights protection unit is the reporting and

monitoring arm of the legal department and has no independent investigative powers. The human rights unit focused on curbing abuses by law enforcement officials.

The UN human rights office in Sukhumi continued to monitor respect for human rights in Abkhazia and to visit detention facilities in the region. In 2007, Abkhaz de facto authorities agreed to permit a UN human rights officer's presence and the deployment of three UN civilian police in the Gali sector headquarters; these deployments subsequently occurred. The OSCE human rights officer was not allowed access into South Ossetia for monitoring after the August conflict.

Section 5. Discrimination, Societal Abuse, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not always enforce these provisions effectively.

Women.—Rape is illegal, but spousal rape is not specifically addressed by criminal law. Criminal cases of rape generally could only be initiated following a complaint by the victim. A first-time offender may be imprisoned for up to seven years; a repeat offender or perpetrator against multiple victims may receive up to 10 years. If the victim becomes pregnant, contracts HIV/AIDS, or is subjected to extreme violence, the sentence may be increased to 15 years or, if the victim is a minor, up to 20 years. During the year, 100 rape cases were registered, of which 66 cases were investigated and 22 were sent to court. Observers believed many instances of rape were unreported due to the social stigma for victims and because police did not always investigate reports of rape.

Domestic and other violence against women was a problem. According to Ministry of Internal Affairs statistics, police responded to 2,576 cases of family conflicts during the year, compared to 2,056 cases in 2007.

Domestic violence is legally defined as a violation of the constitutional rights and liberties of one member of a family by another through physical, psychological, economic, or sexual violence or coercion; however, domestic violence is not specifically criminalized. Perpetrators of domestic violence were prosecuted under existing criminal provisions, such as battery or rape. The law allows victims to file immediate protective orders against abusers and police to issue temporary restrictive orders against persons suspected of abusing a family member. Restrictive orders were issued in 141 cases during the year. The temporary order is approved by a court within 24 hours and becomes a protective order that prohibits the abuser from coming within 310 feet of the victim and from using common property, such as a residence or vehicle, for six months. The victim may ask authorities to extend the protective order indefinitely. The Ministry of Internal Affairs has developed the form required by law for police to issue restrictive orders, but training for police in this area was lacking outside of Tbilisi.

A local NGO operated a hot line and a shelter for abused women, although services were limited due to a lack of funding and facilities.

On December 26, Presidential Decree 625 directed the establishment of an inter-agency council to address domestic violence and coordinate the activities of ministries and NGOs to combat the problem.

Kidnapping of women for marriage was not widespread. Such kidnappings often were arranged elopements. Police rarely took action in these cases, although the law criminalizes kidnapping. A local NGO in the Samtskhe-Javakheti region maintained a hot line and shelter to assist victims of attempted kidnappings, who were often rejected by their families after escaping from the kidnapper.

Prostitution is illegal but was widespread, particularly in Tbilisi. Several NGOs claimed that prostitution remained common due to continuing poor economic conditions.

Sexual harassment and violence against women in the workplace were problems. The law prohibits sexual harassment; however, the Government did not effectively enforce the law, and complaints were rarely investigated.

The law provides for the equality of men and women; however, in practice this was not enforced. NGOs stated that discrimination against women in the workplace existed but instances were never reported. The speaker of Parliament continued to chair a Gender Equity Advisory Council, which included members of Parliament as well as representatives from the executive branch, the public defender's office, and NGOs. The State Commission on Gender Equity was chaired at the deputy state minister level and prepared recommendations on the implementation of international agreements and conventions on gender equity. Within the public defender's office, there is a special group dedicated to women's and children's issues.

Women's access to the labor market improved; however, women remained primarily confined to low-paying and low-skilled positions, regardless of their professional and academic qualifications, and salaries for women lagged behind those for

men. As a result, many women sought employment abroad. According to the UN Development Program, employers frequently withheld benefits for pregnancy and childbirth.

Children.—The law provides for the protection of children's rights and welfare, but the Government provided limited services.

Romani children were usually born at home, and their parents frequently did not register their births with the Government. Since official identification is required to receive medical treatment and other public services, the lack of identification and the reluctance of parents to apply for such services deprived many Romani children of access to medical and other services.

Education was officially free through high school, but in practice a lack of resources inhibited schools' functioning and affected the quality of education in some areas, especially in the separatist regions of Abkhazia and South Ossetia. In some areas school facilities were inadequate and lacked heating, libraries, and blackboards. Most parents were obliged to pay some form of tuition to support the schools. Many parents were unable to afford books and school supplies, and in some cases students were forced to drop out due to an inability or unwillingness to pay tuition. According to the Ministry of Education, the situation in schools improved in terms of heating, though school inventories of such supplies as blackboards remained problematic in some schools. Approximately 55 schools were damaged during the August conflict. IDP shelters were established in 165 schools, 169 kindergartens, and nine higher education institutions. Some continued to be housed there, which delayed the fall opening of schools in Tbilisi and Gori.

There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. Incidents of sexual exploitation of children, particularly girls, were reported. Commercial sexual exploitation of children and child pornography are punishable by up to three years' imprisonment. The Ministry of Internal Affairs sponsored a center for the rehabilitation of minors, which regularly provided medical and psychological assistance to child and adolescent victims before returning them to their guardians. Street children and children living in orphanages were reportedly particularly vulnerable to trafficking.

Difficult economic conditions contributed to the number of street children. During the year the NGO Save the Children estimated that there were 1,600 street children in four major cities, of whom 800 were in Tbilisi. The NGO Child and Environment and the Ministry of Education each operated a shelter in Tbilisi, but the two shelters could accommodate only a small number of street children. The Government took little other action to assist street children. According to a 2006 UN-sponsored report prepared by the Minnesota Advocates for Human Rights, the Education Ministry viewed street children as a local issue that should be addressed by municipalities, not the ministry.

There were unconfirmed reports of police violence against street children, but the patrol police routinely transferred street children to a 24-hour care center or orphanage. The center lacked resources for treatment and rehabilitation of the children, many of whom were substance abusers or suffered from mental disorders.

Ongoing conflicts in Abkhazia and South Ossetia kept thousands of children displaced; following the August conflict with Russia, these numbers became even more acute. Even before the conflict, the UN Children's Fund reported that health services in both regions were scant, immunization rates were lower than elsewhere in the country, schools were deteriorating, and malnutrition was a serious problem.

Orphanages were unable to provide adequate food, clothing, education, and medical care; and facilities lacked heat, water, and electricity. Staff members reportedly often diverted for personal use money and supplies provided to orphanages.

Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that women and girls were trafficked from and within the country for commercial sexual exploitation, and labor and men were trafficked from the country for labor.

The country was a country of origin, possibly transit, and very rarely a destination for trafficked persons. Women were trafficked from the country to Turkey and the United Arab Emirates to work in hotels, bars, restaurants, or as domestic help. Many were exploited in the adult entertainment sector or forced into prostitution. Victims most frequently came directly from Tbilisi or the impoverished former industrial centers of Kutaisi and Rustavi. Local NGOs reported that men were trafficked to Russia and other destinations to work in construction, agriculture, and other manual labor. There also was evidence women from other countries of the former Soviet Union were trafficked through the country to Turkey.

Children were seldom trafficking victims, although street children and children living in orphanages were vulnerable. Conditions for trafficked laborers and women trafficked into prostitution were extremely poor.

Some reports indicated that IDPs were a particular target of traffickers. Following the August conflict with Russia, there was concern that the 30,000 newly displaced persons could be vulnerable to trafficking; however, there was no evidence of increased trafficking activity involving IDPs at year's end.

The Government does not have control over the separatist regions of Abkhazia and South Ossetia and was unable to carry out investigations into allegations of trafficking in the separatist regions of Abkhazia and South Ossetia.

Traffickers were largely freelance domestic operators with connections outside the country; there were also some small international operators. They often used offers of employment from friends and families or offers of overseas jobs from tourism or employment agencies to lure potential victims.

The criminal code prohibits trafficking in persons for sexual exploitation, labor, and other forms of exploitation. Trafficking in adults is punishable by seven to 20 years in prison. Trafficking in minors is punishable by a prison sentence of eight years to life, under aggravated circumstances. Minors are defined as anyone under the age of 18. The code prohibits internal and external trafficking and makes no distinction between the two.

The law provides for confiscation of assets of convicted traffickers and member of their families if the assets were acquired through trafficking in persons. Such assets are to be used to satisfy the needs of the trafficking victim, with any remaining assets going to the state. A victim can also claim civil damages from the trafficker during the criminal proceedings. The law criminalizes the use of services of a (statutory) trafficking victim, which is punishable by three to 15 years' imprisonment.

As of year's end, the courts had opened 16 new criminal trafficking investigations. During the year the courts rendered seven judgments against 10 perpetrators; one of the cases involved trafficking in minors. The sentences of those convicted ranged from nine to 10 years in prison. None of the cases involved government officials or international organization employees.

An interagency antitrafficking coordination council served as the overall coordination mechanism for antitrafficking measures by state agencies. National NGOs and international organizations were actively involved in the work of the council, which met quarterly. In July 2007, the council approved a strategy for rehabilitating and reintegrating trafficking victims into society. The strategy was the final document in a series providing the framework for assistance to, and protection of, trafficking victims. The prosecutor general's office, the State Fund, international organizations, and local NGOS jointly implemented the strategy, which called for individual victims to receive a specific rehabilitation plan according to their needs. The State Fund for Victim Protection and Assistance oversees the design and implementation of individual plans.

The Government operated shelters in Batumi and Tbilisi and a hot line for trafficking victims. The country has a system for protecting and providing rehabilitation opportunities for trafficking victims and integrating them back into society.

A robust public information campaign continued into its third year, ensuring that information about trafficking was widely available through law enforcement agency Web sites, public service announcements, antitrafficking television programming, and brochures at the country's main ports of entry. In addition, local and international NGOs continued their own initiatives to combat trafficking, including holding seminars and public awareness events. These efforts were supported by the other members of the interagency coordination council.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, although in practice the problem was a low priority for the Government. Discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services was a problem, and societal discrimination existed. The administrative code mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few, if any, public facilities or buildings were accessible.

The Government took some steps to address the needs of persons with disabilities during the year. In March, the National Agency of Public Registry of the Ministry of Justice hired six persons with disabilities as part of a telephone consulting service that provided information about how to apply for rights and registration. As part of the pilot program, persons with disabilities were provided training and office equipment that permitted them to work from home. In the same month, 40 new

buses equipped with a vertical lift to assist travelers with disabilities were added to the municipal bus fleet in Tbilisi.

According to official data for the year, the country had 160,638 persons with disabilities. Data from 2007 indicated that there were 11,024 children with disabilities in the country, although the actual number was thought to be higher.

National/Racial/Ethnic Minorities.—The law requires that all government officials speak Georgian, the state language, which some minorities claimed excluded them from participating in government. Some government materials distributed to the public were only available in the Georgian language. Authorities asserted the Government was not obliged to provide all official materials in minority languages. Ballots and election materials were made available in minority languages during presidential and parliamentary elections during the year. In 2007, the Ministry of Education translated textbooks in minority languages (Armenian, Azeri, and Russian) for the first, seventh, and tenth grades. During the year textbooks were translated for second, eighth, and eleventh grades. The textbooks were being introduced in minority schools in minority regions and Tbilisi.

Ethnic Georgians living in the Gali region of Abkhazia had no legal access to education in the Georgian language. In practice, teachers who did not speak Abkhaz instructed students in Georgian. However, those who did were often subject to harassment and prosecution by Abkhaz de facto authorities.

In the ethnic Armenian-dominated region of Akhalkalaki, many ethnic Armenians asserted that the Government should allow Armenian to have provincial language status, as very few persons there spoke Georgian and were therefore unable to conduct daily affairs in Georgian. They also complained that the Government did not provide Georgian language instruction. Ethnic Azeris had similar complaints in the ethnic Azeri-dominated region of Kvemo Kartli.

On July 22, Vaagan Chakhalian and Ruben Chakhaliani, both members of United Javakh, a local NGO that calls for autonomy for ethnic Armenians in the country, were charged with violating public order, resisting arrest, threatening law enforcement officers, and illegally possessing firearms. In 2006, the men attempted to break into the Akhalkalaki municipal building, wounding police in the process. A third person was also at the scene; a criminal case against him was ongoing at year's end, although he had not been officially charged or arrested.

Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetians, and Russians usually communicated in their native languages or in Russian in the areas where they are the dominant ethnic group. The law requires that ethnic minority students learn Georgian as a second language, and the Government funded over 200 primary and secondary Russian, Azeri, and Armenian language schools for persons whose first language was not Georgian. The Zurab Zhvania School of Public Administration based in Kutaisi provided courses specifically for students from minority areas. The school also facilitated integration of future public servants from minority areas into Georgian society at large. In Tbilisi, a large majority of ethnic minority groups communicated in Georgian in their daily affairs.

The Government took several steps to integrate ethnic minority communities better through Georgian language instruction, education, involvement in political dialogue, and better overall access to information. During the year the General Skills National Examinations for university enrollment were provided in minority languages for the first time. The Government increased its efforts to provide Georgian language instruction to members of ethnic minorities serving in the armed forces and police.

In July 2007, Parliament approved a law on the repatriation of the Muslim Meskhetian population, a national minority group that Stalin deported in 1944. The legislation was a response to commitments that the country made to the Council of Europe in 1999 to provide for the resettlement of the Meskhetians by 2011. Passage of the law allowed the Government on January 1 to begin accepting applications for repatriation from Meskhetians with documents that confirm their deportation. Passage of the law came under heavy criticism from opposition members of Parliament and the media, which pointed to the delicate ethnic and demographic balance in areas once inhabited by Meskhetians but which have become populated by a sizeable ethnic Armenian community. More than 1,700 Meskhetians had filed for repatriation by year's end. Unofficially, more than 150 returned over the last three years, quietly settling in Akhaltsikhe and Abastumani. On December 26, Parliament voted to extend the application period until July 1, 2009.

Other Societal Abuses and Discrimination.—While there are no laws that criminalize homosexual behavior, it was not widely accepted in society.

The law expressly prohibits discrimination on the basis of HIV/AIDS status; however, there is no penalty for violating this prohibition. NGOs reported that social

stigma resulted in individuals avoiding testing or obtaining treatment for fear of discrimination. Some health care providers, particularly dentists, often refused to provide services to HIV-positive persons. Individuals often concealed their HIV-positive status from employers for fear of losing their jobs.

Section 6. Worker Rights

a. The Right of Association.—The law allows all workers, including government employees, to form and join independent unions of their choice, and they did so in practice. However, the law restricts the right of employees of law enforcement agencies and the prosecutor general's office to form and join unions. Labor unions stated that provisions of the labor code limit the mechanisms available for them to exercise their rights. Labor unions' most frequent demand was for the creation of an eight-hour workday with double pay for overtime. The labor code stipulates an eight-hour day unless the employee and employer agree to other arrangements. Critics asserted that this gave too much power to employers, since there was a shortage of jobs in the country. They also cited as unreasonable the requirement that 100 employees are needed in order to form a sectoral union.

The principal association of unions is the Georgian Trade Union Confederation (GTUC), which represented unions in 26 sectors with over 261,750 unionized workers, according to GTUC information. There were a few small unions for civil servants, agricultural workers, and artists, but they did not participate in GTUC. Although many employees in large-scale enterprises were unionized, their power was not commensurate with their large membership. Only a minority of the members were active in the labor movement. Critics believed that this gave management a free hand.

The law allows unions to conduct their activities without interference. The law provides for the right to strike; however, the law limits the maximum length of strikes to 90 days. In general workers exercised their right to strike in accordance with the labor code. Employers must sanction the strikes, and strikers must provide written notification three days in advance and a one-hour warning before the strike. In practice, strikes were rare. GTUC asserted that the rarity of strikes was due to restrictive rules and workers' fear of losing their jobs.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is recognized by law, and the law provides punishments for those who refuse to take part in negotiations; however, the Government did not always protect this right in practice. The ombudsman's office noted the fact that employers were not required to provide notice to employees in the event of termination of the labor relationship as one of the major deficiencies of the labor code. The practice of collective bargaining was not widespread. During the year the GTUC administered approximately 115 collective bargaining agreements as well as three sector-level agreements. Poor management and leadership, as well as a general lack of familiarity with the collective bargaining process, limited its scope.

The law prohibits employers from discriminating against union members or union-organizing activities, and employers may be prosecuted for violations and forced to reinstate employees and pay back wages. Despite this law, the GTUC and its national unions continued to report some cases of management warning staff not to organize trade unions.

During the year GTUC alleged several instances in employers threatened union members with dismissal for union activity. In December 2007, union members were fired from their jobs in Poti for union activity and their union office sealed. After negotiations between the port authorities and the union, most workers were reinstated, and the office reopened. Eleven workers were not reinstated, and the union filed a lawsuit, which it lost in court. There were continuing reports that some workers complained of being intimidated or threatened by employers, including public sector employers, for union organizing activity. Affected workers included teachers; employees of various mining, pipeline, and port facilities; and the Tbilisi municipal government. According to the GTUC, there were 70 dismissals during the year that could clearly be attributed to trade union membership. In other cases, it was not possible to prove that the ground for dismissal was GTUC membership, as contracts in most industries were short term (as short as one month) and expiration of contract could be cited as the reason for termination of employment. There were a few cases of employers failing to transfer compulsory union dues, deducted from wages, to union bank accounts, but the disputes were resolved after discussions between the unions and employers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that women and children were trafficked

from and through the country for commercial sexual exploitation and men were trafficked for labor (See Section 5).

NGOs and trade unions objected to a provision in the labor code that permits compulsory labor in instances of emergency and natural disaster but does not require remuneration to persons who are conscripted. Also, the labor code provides that an employer may change hours of work by 90 minutes without renegotiating the terms of any labor contract. NGOs stated that this provision would effectively require employees to work overtime without compensation in violation of the prohibition against compulsory labor in the constitution.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace; however, there were reports that children were sometimes trafficked for commercial sexual exploitation.

The public defender's office noted that one of the major deficiencies of the labor code was insufficient attention to the rights of minors. With high unemployment resulting in a large pool of adult workers willing to work for low wages, child labor was uncommon in the country. The Ministry of Health, Labor, and Social Affairs is responsible for enforcing laws regulating child labor. Although official data was not available, child labor was not generally considered a serious problem. In one survey conducted in 2007, approximately 77.4 percent of working children were employed intermittently on family farms, while 18.4 percent worked in family enterprises.

During the year the Government, employers union, and trade union confederation signed a long-awaited tripartite agreement, which was seen as a positive development. The agreement, however, had yet to be implemented at year's end.

The minimum legal age for employment is 16. In exceptional cases, children may work with parental consent at ages 14 and 15. Children under age 18 may not engage in unhealthy or underground work and children ages 16 to 18 are subject to reduced working hours and are prohibited from working at night. The labor code permits employment agreements with persons under the age of 14 in sports, arts, and cultural activities and for the performance of advertising services. The Department of Social Protection in the Ministry of Health and Social Security is charged with identifying labor violations, receiving complaints, and determining compliance with labor laws and regulations. The Department of Social Protection had only two office employees and one labor inspector working on labor-related issues nationwide. It generally responded only to job-related accidents. In addition, one deputy minister and a special advisor to the minister focused on labor problems. The ministry monitors adherence to accepted labor standards and drafts proposals as necessary. The parliamentary Committee on Health and Social Security has general oversight over labor policy and considers labor-related proposals submitted by the ministry.

e. Acceptable Conditions of Work.—Neither the minimum wage for public employees, 115 lari per month (approximately \$70), nor the statutory minimum wage for private sector workers, approximately 20 lari per month (approximately \$12), provided a decent standard of living for a worker and family. The minimum wage was below the average monthly wage in both the private and the Government sectors. The official minimum subsistence levels at year's end were 130 lari (\$79) for a single person and 230 lari (\$139) for a family of four. Unreported trade activities, assistance from family and friends, and the sale of homegrown agricultural products often supplemented salaries. The Ministry of Labor, Health, and Social Affairs is responsible for enforcing the minimum wage. The GTUC had its own inspector to monitor compliance.

The labor code provides for a 4-hour workweek and for a weekly 24-hour rest period, unless otherwise provided by a labor contract. The public defender's office noted inadequate attention to the rights of pregnant women as one of the major deficiencies of the labor code. The code does not protect pregnant women from being dismissed from work while they are on maternity leave. The labor code provides that, unless otherwise addressed by an employment agreement, the duration of the business day is determined by the employer but should not exceed 41 hours a week. Break and leave are not included in the work time. Duration of leave between workdays (shifts) should not last fewer than 12 hours. The labor code provides that to avoid natural disasters or prevent industrial accidents or to resolve the consequences of either event, employees must work overtime without compensation. Pregnant women or women who have recently given birth are prohibited from working overtime without their consent. Overtime is defined as work that exceeds the work hours addressed in the employment agreement. If the employment agreement does not specify business hours, then overtime is considered to be performance exceeding 41 work-hours per week. Terms of overtime labor are defined by the parties.

The Government set occupational health and safety standards, but the public defender's office listed failure to ensure safe conditions for workers as one of the major deficiencies of the labor code. The law permits higher wages for hazardous work and provides workers the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment. In practice employees rarely, if ever, took advantage of these protections.

GERMANY

Germany is a constitutional parliamentary democracy with a population of approximately 82 million. Citizens periodically choose their representatives in free and fair multiparty elections. The head of the federal government, the chancellor, is elected by the Bundestag (federal parliament). The second legislative chamber, the Bundesrat (federal council), represents the 16 states at the federal level and is composed of members of the state governments. The Basic Law (constitution) sets forth the powers of the chancellor and of the legislative branch. The most recent national elections for the Bundestag took place in 2005. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The Government limited the freedoms of speech, press, assembly, and association for groups deemed extremist. There was governmental and societal discrimination against some minority religious groups. Harassment of racial minorities and foreigners, anti-Semitic acts, violence against women, and trafficking in persons were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

On March 12, the Muenster Regional Court issued judgments against the remaining 10 defendants of the 18 military instructors on trial since March 2007 for degrading treatment of subordinates at an army garrison in Coesfeld in 2004. The court acquitted four defendants for lack of evidence and sentenced five noncommissioned officers to suspended prison terms of 10 and 22 months. The court ordered the commander, an army captain, to pay 7,500 euros (\$10,500). The public prosecutor appealed three of the verdicts (two acquittals and one fine).

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, one reported incident and conditions in some facilities were causes for concern.

On December 9, the Dessau regional court acquitted two police officers of causing bodily harm with fatal consequences and involuntary manslaughter in the death of Oury Jalloh from Sierra Leone, who died in 2005 when his cell in a Dessau police station caught fire. The public prosecutor and the joint plaintiffs in the case appealed the decision to the Federal Supreme Court. The appeal was pending at year's end.

In April 2007 the Council of Europe's Committee for the Prevention of Torture (CPT) reported on its 2005 visit to the country's prisons and detention facilities. The CPT received no allegations of recent physical mistreatment of persons during their period of custody in police establishments. However, the CPT reported a number of allegations of excessive use of force by police officers. The CPT criticized the conditions under which one prison held immigration detainees and raised concerns about the level of violence and intimidation among prisoners observed at three prisons. The CPT also expressed concern about inadequate prison staffing. The Government responded in detail to the CPT's recommendations, comments, and requests for information in its report to the CPT in April 2007.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police and the Federal Criminal Investigative Service. The Gov-

ernment has effective mechanisms to investigate and punish abuse and corruption. No cases of impunity involving the security forces were reported during the year.

Arrest and Detention.—Authorities may only arrest an individual on the basis of a warrant issued by a competent judicial authority unless the police apprehend a suspect in the act of committing a crime or have strong reason to believe that the individual intends to commit a crime. Authorities generally promptly informed detainees of charges against them. The law entitles detainees to prompt access to an attorney. For all offenses that proceed to trial, the law provides for all accused persons to have access to a lawyer. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. To continue holding a detainee, police must bring the detainee before a judge and the court must charge the individual at the latest by the end of the day following the arrest. The court must then issue an arrest warrant stating the grounds for detention; otherwise, the court must order the individual's release. Authorities generally respected these rights in practice.

Police may detain known or suspected criminals for brief periods when they believe such individuals intend to participate in illegal or unauthorized demonstrations.

Although the law does not allow courts to punish persons twice for the same crime, it allows for "subsequent preventive detention." In cases involving rape, homicide, or manslaughter, courts may order offenders to serve supplemental detention. Such preventive detention requires a court finding, based on at least one expert opinion, that the convicted person could pose a danger to the public. Such detention may last indefinitely.

Detainees employed bail infrequently. Authorities usually released detainees unless there was a clear risk that they might flee the country. In such cases authorities could hold detainees for the duration of the investigation and subsequent trial. Such decisions are subject to judicial review, and time spent in investigative custody applies towards any eventual sentence. If a court acquits a defendant who was incarcerated, the Government must compensate the defendant for financial losses as well as for "moral prejudice" due to the incarceration.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Heavy caseloads at times delayed court proceedings. For simple or less serious cases, procedures exist for an accelerated hearing and summary punishment at the local court level. These procedures are limited to cases for which the maximum sentence is not greater than one year. Courts generally suspended one year sentences and placed the convicted individuals on probation.

Trials are public; juries are not used. Either one judge, a panel of professional judges, or a mixed panel of professional and lay judges try cases, depending on the severity of the charges. The law requires defendants to be present. Defendants have the right to consult with an attorney in a timely manner. The Government provides an attorney at public expense if defendants demonstrate financial need. Defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to all court held evidence relevant to their cases. They also enjoy a presumption of innocence and have a right of appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary in civil matters provides access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies for alleged wrongs are available as well.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and authorities generally respected these prohibitions; however, members of organizations that were monitored by the federal (FOPC) and state offices for the protection of the constitution (OPCs) charged that these agencies violated their privacy. For example, in June 2007 the Left Party caucus in Lower Saxony's parliament initiated legal proceedings against the Lower Saxony OPC, accusing that office of illegally observing the caucus and individual members. The case was pending at year's end.

On January 17, the Cologne Administrative Court ruled that the observation by the FOPC of a specific member of the Bundestag from the Left Party since 1999 was illegitimate considering his status as parliamentarian, his party functions, and

his actual political activities. The politician had claimed that the observation of the FOPC impaired his work as a parliamentarian. The court pointed out that this ruling only referred to the specific case and did not refer to the Left Party as a whole or parliamentarians in general.

In investigations of certain serious crimes, law enforcement officials may monitor the telecommunications of suspects, but only with court approval. In intelligence related cases, such as suspicion of involvement in terrorism, the law permits intelligence services to engage in surveillance activities, such as monitoring telecommunications, without court approval; however, an independent commission elected by a parliamentary control body has to approve such activities.

On February 27, the German Constitutional Court declared unconstitutional parts of a law that had been introduced in the state of North Rhine-Westphalia in 2006 allowing security officials to carry out online searches of computers in serious criminal and terrorism investigations. The court ruled that such searches interfere with an individual's personal freedoms pursuant to the constitution and are therefore only permitted for compelling reasons, such as actual threats to life or liberty or to the foundation of the state. Furthermore, the court ruled that legal safeguards must exist that protect the "core areas of private life."

On November 6, the Constitutional Court further limited the Government use of saved telecommunications data. In an interim decision against the January law, the court ruled that data can be transmitted only from telecommunication companies to the police if required to prevent an immediate threat to life or serious injury, to a person's freedom, or to the security of the country. The court's final decision on more detailed criteria for data filing was still pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; while the Government generally respected these rights, it imposed limits aimed at groups deemed extremist.

Distribution of the propaganda of proscribed organizations is illegal, as are statements inciting racial hatred, endorsing Nazism, and denying the Holocaust.

On October 8, the trial of a prominent member of the right-wing extremist National Democratic Party (NPD), Horst Mahler, began in the Potsdam regional court for incitement of hatred and was ongoing at year's end. During the ongoing trial, he repeatedly denied the Holocaust—a criminal offense in Germany.

On April 28, a regional court in Erding convicted Mahler of incitement and denial of the Holocaust and sentenced him to 10 months in prison. In a November 2007 interview with Michel Friedman, former vice president of the Central Council of Jews in Germany, Mahler had greeted him with "Heil Hitler, Herr Friedman." The court used this affront, among others, as the basis for its ruling.

On July 21, the Cottbus Regional Court sentenced Mahler in an appeals procedure to eleven months in prison for displaying the Hitler greeting at the start of his 2006 custody. For this offense he received a prison sentence of seven months.

Apart from these limitations, an active independent media expressed a wide variety of views without government restriction.

Internet Freedom.—Access to the Internet was widely available and unrestricted in most respects, and most individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail, with some limitations on access and expression.

Federal and state laws permitted OPCs to monitor the private e mails and chat rooms of individuals and groups under OPC surveillance; an independent commission elected by a parliamentary control body was responsible for oversight of such activities. The law prohibits access to material such as child pornography and Nazi propaganda.

Access to the Internet was widely available.

Academic Freedom and Cultural Events.—There were few government restrictions on academic or cultural events; however, the law bans Nazi propaganda, material denying the Holocaust, and pornography.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. However, the Government prevented certain prohibited organizations from holding public assemblies.

Permits must be obtained for open air public rallies and marches, and state and local officials have authority to deny permits when public safety concerns arise or when the applicant is a prohibited organization. Denials were rare but did occur.

On June 25, the Federal Administrative Court upheld the ban on a march in Wunsiedel in 2005 commemorating the death of Rudolf Hess, former deputy to Adolf Hitler.

On October 1, Bavaria enacted a law prohibiting right-wing extremists from gathering or demonstrating on certain historic dates or in certain places of historic significance, such as concentration camp memorials.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice; however, the law permits the prohibition of organizations whose activities have been judged illegal or opposed to the constitutional democratic order. While the Federal Constitutional Court is the only body that may prohibit political parties on these grounds, federal or state governments may prohibit or restrict other organizations, including groups that authorities classified as extremist or criminal in nature; organizations have the right to appeal prohibition or restrictions.

On January 8, the trial of one member of an elite police unit began in a Frankfurt court. Authorities began an investigation of three men for alleged neo-Nazi affiliations in March 2007 but only brought one of the men to trial. He was accused of treason, possession of an illegal weapon, and posing for a picture in an SS uniform, then signing the picture “Adolf Hitler.” The trial lasted only one session before the case was dismissed.

On May 7, the Interior Ministry banned the right-wing extremist organization “Collegium Humanum (CH),” including its branch organization “Bauernhilfe e.V.” (Farmers’ Aid), as well as an organization called “Verein zur Rehabilitierung der wegen Bestreiten des Holocausts Verfolgten” (Association for Rehabilitation of Those Persecuted for Denying the Holocaust). In connection with the ban, the police searched approximately 30 locations of the organization nationwide (with a focus on North Rhine-Westphalia, Lower Saxony, and Hesse) and confiscated material. The Ministry of the Interior banned the associations for opposing the constitutional order of the country, disseminating anti-Semitic propaganda, glorifying the Nazi dictatorship, and continually denying the Holocaust.

On October 9, the federal interior minister initiated police searches in 14 federal states (out of the 16) of some 100 offices and apartments used by the right-wing extremist youth organization “Heimattreue Deutsche Jugend” (HDJ). According to press reports, the search provided evidence that the group is a successor organization of the so-called “Wiking Jugend,” which authorities banned in 1994.

On August 6, the Dresden District Court sentenced the two leaders of Sturm 34, captured in an April 2007 raid, to three and three-and-a-half years in prison, respectively, for a series of assaults in Saxony. However, the court acquitted five others on charges of forming a criminal organization. The prosecuting authorities appealed this acquittal. The trial of 10 other individuals connected to Sturm 34 began on October 1 and was ongoing at year’s end.

Federal and state OPCs responsible for examining possible threats to the constitutional democratic system monitored several hundred organizations. Monitoring generally consisted of collecting information from written materials and firsthand accounts; however, OPCs could employ more intrusive methods, including the use of undercover agents who were subject to legal checks. OPCs published lists of monitored organizations, including left-wing political parties.

Although the law stipulates that OPC monitoring must not interfere with an organization’s activities, representatives of monitored groups complained that the publication of the organizations’ names contributed to prejudice against them. For example, in North Rhine-Westphalia, Pro-Koeln, a citizen’s group known for its opposition to the construction of a mosque in the city of Cologne, frequently challenged the publication of its name in the annual North Rhine-Westphalia OPC report as evidence of prejudice.

c. Freedom of Religion.—The Basic Law provides for freedom of religion, and the Government respected this right in practice with some exceptions; however, discrimination against certain religious minorities remained a problem.

Religion and State are separate, although historically a special partnership exists between the State and those religious communities that have the status of a “corporation under public law.” If they fulfill certain requirements, including assurance of permanence and size of the organization, and do not demonstrate disloyalty to the State, religious organizations may request “public law corporation” (PLC) status, which, among other things, entitles them to levy taxes on their members, which the State then collects as part of the overall taxes. Organizations pay a fee to the Government for this service, and not all PLCs availed themselves of this privilege. The decision to grant PLC status is made at the state level, and there have been cases

where states have denied this status to an applicant. For example, to date, only the State of Berlin has granted the Jehovah's Witnesses PLC status.

While the federal government has encouraged the states to grant PLC status to Muslim communities, the federal government preferred that the Muslim community designate a single organization with which federal and state authorities can negotiate. To date few Muslim organizations have applied for PLC status. In some cases intra Muslim disputes prevented organizations from establishing their right to represent that community.

The Muslim Coordination Council, a coalition of the four largest Muslim religious organizations in the country, was in the process of registering as a PLC at year's end despite government reservations that the organization represented only 10 to 15 percent of the Muslim population.

The states of Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony, North Rhine-Westphalia, and Saarland prohibit teachers in public schools, but not civil servants in general, from wearing headscarves. The courts have consistently rejected legal challenges to the prohibition.

The Government continued to deny recognition of some belief systems, including Scientology, as religions; however, the absence of recognition did not prevent their adherents from engaging in public and private religious activities.

Federal and some state authorities continued to classify Scientology as a potential threat to democratic order, resulting in discrimination against Scientologists in both the public and private sectors. Scientology members reported the use of so-called "sect filters" by many associations and organizations, where eligibility for membership is contingent upon applicants confirming that they do not belong to the Church of Scientology. On June 27, the Hamburg Administrative Court fined the city of Hamburg 5,000 Euros (\$7,000) for violating a 2006 court decision banning the use of "sect filters." The Hamburg Interior Ministry's Working Group on Scientology continued to maintain links to sample filters for use by businesses.

The FOPC and the state-level OPCs in Baden-Wuerttemberg, Bavaria, Berlin, Bremen, Hamburg, and Lower Saxony kept the Church of Scientology under "observation" (surveillance) based on a stated concern that its teachings and practices contravene the democratic constitutional order or violate human rights. The courts have considered but rejected cases brought by the Church of Scientology to force the federal- and state-level domestic intelligence agencies to halt surveillance of the church.

On November 21, the conference of state interior ministers decided not to consider a ban of the Church of Scientology, citing insufficient legal evidence to support such an approach. Nonetheless, in its report the ministers concluded that Scientology had little in common with the country's democratic constitution and that its goals were "incompatible with the essential characteristics of a free and democratic basic order." Therefore, the FOPC also recommended continued observation of the organization's activities.

Scientologists continued to report instances of official and societal discrimination during the year.

In September the Hamburg Interior Ministry's Working Group on Scientology hosted a seminar critical of Scientology entitled "That is Scientology! Reports from the U.S.A." for an audience that included representatives of state ministries of interior, education, and social affairs as well as participants from Belgium and France.

Some religious groups expressed opposition to the Government's prohibition of home schooling. During the year local authorities brought criminal charges against some parents who refused to enroll their children in government-licensed schools for religious reasons. In a December case, a Saxony court dropped neglect charges against the Brause family after the children passed government-administered written examinations. State authorities generally permitted groups to establish private schools so long as such schools met basic curriculum requirements.

Societal Abuses and Discrimination.—There were reports of continuing societal discrimination and hostility toward some minority religious groups, including anti-Semitic acts; the Government took measures during the year to address these problems. The federal government also promoted tolerance by establishing regular dialogues on the integration of minorities and immigrants and on Islamic issues between cabinet-level officials and representatives of immigrant and Muslim groups. For example, the launch of the German Islam Conference in 2006 established for the first time a nationwide action framework for the fostering of relations between the State and Muslims. In 2007 the federal government adopted the National Integration Plan with 750 million euros (\$1 billion) of funding to promote integration. On November 4, the Bundestag adopted a resolution pledging to fight anti-Semitism and support the continued revival and protection of Jewish life in Germany. The

resolution also tasked an experts group to report regularly on anti-Semitism in Germany and to make recommendations for combating anti-Semitism.

According to preliminary figures provided by the Federal Interior Ministry, there were 797 anti-Semitic offenses from January through September.

On November 2, two men shouted anti-Semitic comments at a rabbi and eight students traveling with him in Berlin and threw an object at their van. The perpetrators confessed and were awaiting further action at year's end.

On January 16, a group of four men unleashed a dog on a group of five Jewish teenagers on their way home from a Jewish high school in Berlin and taunted them with anti-Semitic slurs. The dog chased one 15-year-old student into a bakery.

The most widespread anti-Semitic acts were the desecration of Jewish cemeteries. On November 17, according to police reports, a passerby discovered the desecration of a Jewish cemetery in Gotha where an unknown perpetrator left a pig's head and a cloth with the words "6 million lies," provoking outrage and strong condemnation from local and national politicians. Jewish cemeteries and other monuments were also desecrated with graffiti, including swastikas. From July 1 through year's end, vandals desecrated Jewish cemeteries and places of worship in various locations, including the following cities: Altengronau, Berlin, Cottbus, Elmshorn, Erfurt, Guestrow, Perleberg, Westerstede, and Weyhers.

On August 22, vandals painted 11 swastikas on Germany's central memorial to the six million Jewish victims of the Holocaust. The vandalism came a week after vandals damaged a nearby memorial to gay victims of the Nazis.

The activities of right wing extremist organizations whose platforms include anti-Semitism continued to be a concern. The Government monitored right wing extremists, conducted investigations into anti-Semitic crimes, and at times banned extremist groups deemed a threat to public order. Authorities sought to address right wing extremism by conducting a variety of education programs to promote tolerance, many focusing on anti-Semitism. For example, from 2001 to 2006 a total of 4,470 preventive and educational prototype measures and projects were promoted, primarily in the sphere of information, with total funding of 192 million euros (\$270 million).

On September 19, an estimated 3,000 left-wing activists protested an anti-Islamification rally by the right-wing group Pro-Koeln in the city of Cologne. Police stated that the left-wing protesters threw stones at officers and in some cases tried to steal police weapons. Pro-Koeln filed suit against the Cologne law enforcement authorities for banning the rally. The suit was pending at year's end.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Although the Government processes refugee and asylum cases according to existing law, the approval rate was very low. From January through November, authorities processed 19,049 asylum applications. Authorities granted 6,605 persons (34.7 percent) refugee protection under the Geneva Convention. Of these, 214 persons (1.1 percent) were granted asylum under the German constitution, and 6,391 (33.6 percent) received refugee protection under article 3 of the law on asylum procedures. In addition, the authorities granted 488 persons (2.6 percent) temporary suspension of expulsion due to the situation in their countries of origin or based on other humanitarian grounds. The country rejected 6,182 applications (32.4 percent), and "resolved otherwise" (e.g. procedures were closed or applications withdrawn) another 5,774 applications (30.3 percent). All cases in which asylum was granted must be reviewed after three years to determine whether the grounds for asylum still apply.

According to the Basic Law, individuals who attempted to enter the country through a "safe country of transit"—a member state of the European Union (EU) or a country adhering to the 1951 UN Convention—were ineligible for asylum and could

be turned back at the border or, if they had entered the country, returned to that safe country of transit.

As a rule individuals whose applications for asylum the Government rejected have up to two weeks to appeal the decision. If the Government rejects an application as unfounded, the asylee must lodge an appeal within one week. In the latter case, the appeal has no suspensive effect. The Government processes the applications of individuals who asked for asylum at an international airport and whom authorities found to have come from a safe country of origin prior to their entry into the country. The same applies to applicants without any passport or without a valid passport. In these cases the law requires the Federal Office for Migration and Refugees either to make a decision on an asylum application within 48 hours or to allow the person to enter the country. An applicant has three days to appeal a negative decision to an administrative court. The law requires the court to rule within 14 days or allow the individual to enter the country.

Local nongovernmental organizations (NGOs) continued to criticize these periods of time as insufficient to allow applicants to prepare for hearings. In the case of a final rejection of a claim, authorities did not allow the individual to enter the country, and he or she had to stay at the airport reception center until departure. If it is not possible to return the individual within 30 days after arrival, the law requires a judicial order in order to keep the individual at the airport in the transit zone. The federal government does not maintain statistics about detentions in airport facilities.

To deal with particularly difficult cases, all federal states have formed "commissions on hardship cases," composed inter alia of representatives from churches, charity organizations, and municipal organizations, that could recommend to the authorities to grant rejected asylum seekers permission to remain in the country on an individual basis.

Societal discrimination against, and abuse of, refugees and asylum seekers occurred.

On June 30, the regional court in Halle sentenced four young men to prison sentences ranging from three years and nine months to five years and four months for a January 2007 arson attack against an asylum home in Sangershausen. The court sentenced a young woman, who was also involved and was a minor at the time, to two years' probation.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Basic Law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Elections for seats in the Bundestag were most recently held in 2005; they were considered free and fair. Political parties operate without restriction or outside interference unless they are deemed a threat to the federal constitution.

The federal chancellor is a woman, and there were 197 women in the 612 seat Bundestag. There were five women, in addition to the chancellor, in the 15 member cabinet; three of the 16 judges of the Federal Constitutional Court were women.

There were at least eight members of ethnic minorities in the Bundestag and one on the Federal Constitutional Court, but none in the cabinet.

Government Corruption and Transparency.—There were isolated reports of government corruption. Parliamentarians are subject to financial disclosure laws that require them to publish earnings made in outside employment. State prosecutors generally are responsible for investigating corruption cases.

Federal law provides for public access to government information. Four states (Berlin, Brandenburg, Schleswig Holstein, and North Rhine Westphalia) also have freedom of information laws that provide an appeals process.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of international and domestic human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits the denial of access to housing, health care, or education on the basis of race, gender, disability, language, or social status, and the Government generally enforced these provisions in practice. Nonetheless, violence against women

and children, trafficking in persons, and harassment of racial and religious minorities and foreigners were problems.

The law prohibits discrimination on the basis of ethnicity, religious affiliation, age, sex, handicap, or sexual orientation.

Women.—The law criminalizes rape, including spousal rape, and provides penalties of up to 15 years in prison. The Government effectively enforced the law. According to national police criminal statistics, there were 7,511 cases of rape or serious sexual coercion in 2007. The federal government supported numerous projects in conjunction with the states and NGOs to deal with violence against women, both to prevent violence and to give victims greater access to medical care and legal assistance.

The law prohibits violence against women, including spousal abuse; the law may temporarily deny perpetrators access to the household, put them under a restraining order, or in severe cases prosecute them for assault or rape and require them to pay damages. The law did not require a civil court decision for a temporary denial. The Government enforced the law; nevertheless, authorities believed that violence against women was widespread. Organizations that aid victims estimated that one in four to one in five women has been a victim of physical or sexual violence.

Forced marriages are illegal and invalid and may be punished by up to five years' imprisonment. While there were no reliable statistics on the number of forced marriages in the country, evidence indicated that the problem occurred more often in the immigrant Muslim community than in the general population. Forced marriages reportedly often led to violence. Victims included women and in some cases young men living in the country for whom the family brought a husband (or wife) from abroad as well as women sent by their families to other countries to marry against their will.

"Hatun und Can Frauennothilfe," a Berlin voluntary NGO assisting women threatened by forced marriages, reported that during the year approximately 2,000 women approached them anonymously to seek help in life-threatening situations. The organization provides advice, physical shelter, and financial support.

On June 18, the Baden Wuerttemberg Ministries for Education and Social Affairs began implementing several programs to combat forced marriage in the Muslim community. In addition the state government continued to discuss the issue with representatives of Muslim organizations. The city-state of Hamburg also initiated action programs to combat forced marriages, inform the immigrant community, and provide support for potential victims.

On December 16, the Hamburg Higher Regional Court opened proceedings against a 24-year-old Afghan national, who was charged with murdering his 16-year-old sister on May 15 in an honor killing. The defendant stated that his sister had turned away from her family in his view, had been dressed inappropriately in public, and that he believed she had worked as a prostitute. The case was tied to two other pending criminal cases against the defendant for harassment, grievous bodily harm, and battery against his sister.

Prostitution is legal and fairly widespread, although communities have the authority to exclude it from specified areas, such as residential neighborhoods. There is a legal framework for improving the legal and social situation of persons engaged in prostitution that gives them the right to enforce contracts and to apply for health insurance and other social benefits. Such persons rarely used the provisions of the law.

Sexual harassment of women was a recognized problem. The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. A variety of disciplinary measures against offenders is available, including dismissal. The law considers an employer's failure to take measures to protect employees from sexual harassment a breach of contract, and an affected employee has the right to paid leave until the employer rectifies the problem. There were press reports of sexual harassment in the workplace and in public facilities. Unions, churches, government agencies, and NGOs operated a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

The law provides women the same rights as men. The Federal Ministry for Family, the Elderly, Women, and Youth was the primary federal agency maintaining oversight of women's rights issues. The law provides for equal pay for equal work. Employers generally did not discriminate against women in terms of compensation for equivalent work, although they were underrepresented in well paid managerial positions and overrepresented in some lower wage occupations. In 2007 women earned an estimated 22 percent less than men for the same work, largely attributable to the fact that more women in the country tended to be part-time workers.

Children.—The Government maintained its strong commitment to children's rights and welfare.

There were no developments in the 2007 European Parliament investigation of reports that authorities discriminated against non German parents in cases where partners in mixed marriages separated by not allowing those parents to have contact with their children. Youth welfare officers allegedly interrupted conversations between children and parents and threatened to halt contact between them if they attempted to converse in a language not understood by the supervisor.

On August 22, Bavarian police concluded the investigation of a ring of child pornographers involving almost 1,000 suspects in the country and links to 98 countries. Authorities searched several thousand computers and confiscated videos in the course of raids. Legal proceedings were continuing and a number of court judgments were issued, including an eight-year prison sentence for a man who sexually abused his own child. Other perpetrators received prison sentences of up to 15 months or fines for possession of child pornography.

According to the Federal Criminal Office (FCO), there were 15,935 incidents of sexual abuse against children (up to 14 years of age) in 2007 compared with 15,996 incidents in 2006. Between 2006 and 2007, the number of cases involving the ownership, procurement, and distribution of child pornography (photographs and videos) increased by 55 per cent. In 2007 the national police investigated 11,357 cases whereas in 2006 there were 7,318 cases.

The country was not a destination for child sex tourism.

The Coalition for Street Children (Buendnis fuer Strassenkinder) estimated that there were up to 9,000 street children in the country during the year. Authorities believed that these children were often subjected to violence and abuse and frequently were fleeing violent and abusive homes. Street children frequently turned to prostitution for income.

Trafficking in Persons.—The Criminal Code prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through and within the country.

The country was a transit point and destination for men and women trafficked for the purposes of commercial sexual exploitation, and, to a lesser extent, forced labor. The largest number of sex trafficking victims came from the country and were trafficked within the country. Victims of sex trafficking also came from Central and Eastern Europe, although authorities also identified African and Asian victims.

Law enforcement authorities recorded 689 victims trafficked for sexual exploitation in 2007 compared to 775 in 2006. Most victims (419) were between the ages of 18 and 24; 184 were nationals of the country. Approximately 12 percent were under the age of 18, including 39 citizens. One percent (seven) were under 14 years of age. In 2007 the FCO registered 92 labor trafficking investigations pursuant to Section 233 of the Criminal Code compared to 78 in 2006. Out of 71 suspected traffickers, 40 were men, and 59 percent were not of local citizenship. The FCO registered 101 victims of labor trafficking in 2007 compared to 83 in 2006. Of those, 39 victims were male and 62 were female.

The FCO reported 714 suspected traffickers in 2007. Local citizens made up 344, or 48 percent, of the total.

The law criminalizes trafficking in persons and provides penalties of up to 10 years in prison. Courts prosecute trafficking cases at the state level.

Courts convicted 150 traffickers in 2006, including six processed in the juvenile justice system, compared with 136 adult and nine juvenile traffickers in 2005. The statistics did not include convictions of alleged traffickers on nontrafficking charges or convictions of traffickers on multiple charges where another charge carried a higher maximum penalty than the maximum penalty for trafficking. Courts sentenced 49 of the 150 adults convicted in 2006 to prison sentences that were not suspended. Courts generally convicted those receiving suspended sentences of playing an auxiliary role in trafficking operations and subsequently required them to perform community service, pay penalties, and, in many cases, meet regularly with a parole officer.

The antitrafficking office of the FCO cooperated with Europol and Interpol law enforcement authorities. Federal ministries coordinated antitrafficking efforts on the international, national, and state levels.

In September the Federal Court of Justice confirmed the April 2007 Hamburg District Court verdict against a trafficker who received a suspended sentence of one year and 10 months for trafficking and exploitative pimping. Prosecutors accused the ringleader and nine codefendants of controlling 198 prostitutes in Hamburg's red light district.

On September 16, Hamburg police raided 12 apartments, three companies, a bar, and a safe deposit box as part of a nine-month investigation of 14 men they claimed were trafficking underaged boys from Bulgaria to Hamburg for pornography and sexual exploitation. Officers confiscated computers and DVDs during the raid and arrested one of the suspects. On September 15, police took another suspect into custody for committing child sexual exploitation.

On July 2, the Verden Regional Court sentenced two local men to 14 years and 12 and one half years respectively for trafficking in persons, forced prostitution, kidnapping and rape. Both must also pay their five female victims 150,000 euros (\$211,460). The victims were German and Bulgarian and all were resident in the country. The culprits lured the women—who had sought jobs as baby sitters, nannies and cleaning personnel—under false pretenses and then used violence to abduct them.

On the basis of cooperation agreements between law enforcement offices and NGOs, police notify a counseling center of trafficking victims and inform victims of their rights and options for seeking assistance. The centers provided shelter, counseling, interpreting services, and legal assistance.

In 12 of the 16 federal states, there were cooperation agreements between police, state welfare agencies, and NGOs to strengthen the delivery of welfare services to victims. The federal and state governments worked with NGOs and local women's shelters to identify and assist victims of sex and labor trafficking, with the states contributing to funding more than 30 NGO counseling centers for trafficking victims.

The Government paid the basic cost of repatriating trafficking victims. The International Organization for Migration administered and facilitated assistance to returning victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law requires that the Federal Government Commissioner for Matters relating to Disabled Persons be the principal contact person in all matters related to persons with disabilities and be specifically responsible for protecting the rights of persons with disabilities. In addition the Ministry of Labor and Social Affairs, the Ministry for Family Affairs, Senior Citizens, Women and Youth, and the Ministry of Transportation, Construction and Housing have responsibility for addressing the needs of persons with disabilities.

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other state services, and the Government effectively enforced these provisions.

Government guidelines were in place for barrier free public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states have incorporated the federal guidelines into their building codes. Almost all federal buildings (98 percent) complied with the guidelines for a barrier free environment.

National/Racial/Ethnic Minorities.—Harassment, including beatings, of foreigners and racial minorities remained a frequent problem throughout the country.

On January 2, police in Braunschweig arrested two men and charged them with a brutal, racially motivated attack on two young Syrians. The police described the two suspects as active in a local hooligan gang, but stated they were not politically neo-Nazis. The investigation was ongoing at year's end.

Hamburg's Minister of Justice and the city district director met with Reeperbahn club owners on October 27 to discuss discriminatory practices by doormen. At the beginning of September Awol Allo, a young Ethiopian human rights lawyer participating in the International Tribunal for the Law of the Sea's summer program, claimed that doormen at the popular Reeperbahn clubs and discos denied him entry because of his skin color. Club owners claim that there are only isolated cases of discrimination and that their doormen attempt to keep the bars safe.

There were no developments in the March 2007 cases in which unknown persons vandalized four immigrant owned stores in Rheinsberg, and two unidentified persons physically attacked and shouted racial epithets at two asylum seekers from Chad and Cameroon in Cottbus.

There was no further information on the continuing investigation into the October 2007 case involving the verbal harassment and beating of an African-American in Berlin Spandau in which the police arrested four juvenile male attackers.

The state district attorney continued to investigate seven persons involved in the August 2007 case in Muegeln in which 40 to 50 young persons took part in a fight with eight residents from India. The altercation developed into a riot with significant injuries, property damage, and several convictions.

There were no developments in the December 2007 case in which three men of European appearance allegedly attacked a 47-year-old Jordanian, beating and castigating him for being either a Jew or an Arab, according to press reports.

There was no further information on the continuing investigation into the December 2007 attack against several Iraqis in Magdeburg while traveling on a bus. The state prosecutor was still investigating three suspects at year's end.

The FCO defines politically motivated crimes as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, appearance, or social status. The FOPC report listed 180 right wing extremist organizations and groups. Authorities estimated membership in these groups, plus right wing extremists who were unorganized, to be 31,000 at the end of 2007. In 2007 the FOPC recorded 17,176 right wing "politically motivated crimes" (PMCs) with an extremist background, a decrease of 2.4 percent from 17,597 incidents in 2006. Of these offenses, 980 were violent, compared with 1,047 in 2006, a decrease of 6.4 percent. Approximately 414 (484 in 2006), or 42.2 percent, of the right-wing violent offenses had an extremist and xenophobic background, while perpetrators directed 294, or 30 percent, against (alleged) left wing extremists (2006: 302, or 28.8 percent). Left wing groups committed 2,765 PMCs, foreigners committed 747 PMCs, and there were 121 other types of PMCs with extremist backgrounds.

To address right wing extremism, authorities at all levels of government conducted a variety of educational programs to promote tolerance, many focusing on anti-Semitism and xenophobia. Government agencies cooperated with NGOs in the formulation and administration of these programs. Following the 2007 attack on eight Indians in Muegeln, the federal government announced that it would increase funding for programs to combat right wing extremism by 5 million euros (\$7 million), in addition to a comparable increase in October 2006.

Other Societal Abuses and Discrimination.—Media and other reports indicated that societal and job related discrimination against homosexuals occurred, although such instances were rare. National criminal statistics do not include a category of hate crimes against homosexuals. However, in Berlin the police registered an increase in anti-homosexual hate crimes, with 43 cases reported in 2007, compared with 28 in 2006.

At year's end a Magdeburg court continued to try four right-wing extremists accused of a 2006 attack in Halberstadt on a group of actors still costumed from their performance of *The Rocky Horror Picture Show*.

There was discrimination against persons with HIV/AIDS. The Government worked with NGOs, religious groups, and business to educate the public about HIV/AIDS and its prevention.

Section 6. Worker Rights

a. The Right of Association.—The Basic Law provides for the right of employees to form and join unions of their choice without excessive requirements or previous authorization, and workers exercised this right. Approximately 22 percent of the workforce was organized into unions. The overwhelming majority of organized workers belonged to eight unions largely grouped by industry or service sector and affiliated with the German Trade Union Federation, the country's main trade union umbrella organization. The law permits unions to conduct their activities without interference, and the Government generally protected this right in practice.

b. The Right to Organize and Bargain Collectively.—The law protects the right to collective bargaining, and the Government generally protected this right in practice. Collective bargaining agreements covered approximately 63 percent of the labor force. The law provides for the right to strike for all workers except civil servants (including teachers) and personnel in sensitive or essential positions, such as members of the armed forces. Workers not allowed to strike also had legal recourse through the courts to protect their rights. Collective bargaining agreements reached with those public service workers who had this right were usually extended by legislation to those who did not, although such extensions did not always include all of the provisions of those agreements.

Antiunion discrimination and other forms of employer interference in union functions did not occur.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that men, women, and children were trafficked for sexual exploitation. Incidents of labor exploitation occurred mainly in restaurants against illegal residents working there and against domestic household workers.

d. Prohibition of Child Labor and Minimum Age for Employment.—There is comprehensive legislation to protect children from exploitation in the workplace and the Government enforced these laws. The law prohibits the employment of children under the age of 15, with a few exceptions. Children who are 13 or 14 years of age may do farm work for up to three hours per day or may deliver newspapers for up to two hours per day, while children who are three to 14 years of age may take part in cultural performances under stringent curbs on the kinds of activity, number of hours, and times of day. Abusive child labor was not a serious problem, although violations did occur, mainly in small, often family owned, businesses such as pubs, restaurants, and grocery stores.

The Federal Ministry of Labor and Social Affairs effectively enforced the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—The country does not have a minimum wage except for construction workers, electrical workers, janitors, roofers, painters, and letter carriers. In July the cabinet agreed after extensive political debate to introduce minimum wage regulations in more sectors of the labor market, but ruled out introduction of a universal minimum wage. Covering an estimated 60 percent of all wage and salary-earners, the collective bargaining agreements set minimum pay rates and are enforceable by law. Individual contracts or company-level contracts negotiated by worker representatives who are not necessarily members of unions covered the remaining 40 percent.

Federal regulations limited the workweek to 48 hours, but collective bargaining agreements may stipulate lower maximums. Contracts that directly or indirectly affected 80 percent of the working population regulate the number of hours of work per week. According to the European Labor Force Survey, an average employee's working week was 30.4 hours for women and 40.9 hours for men in 2007; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

An extensive set of laws and regulations governs occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. The Ministry of Labor and Social Affairs and its counterparts in the states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Occupational Safety and Health. At the local level, professional and trade associations-self governing public corporations with delegates representing both employers and unions-oversee worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

The law provides for equal treatment of foreign workers, who generally worked in conditions equal to those of citizens; however, such workers faced some wage discrimination. For example, some schools paid foreign teachers less than their citizen counterparts. Employers also often paid lower wages to seasonal workers from Eastern Europe who came to the country on temporary work permits. Employers paid workers from other EU countries the same wages they would receive in their home country, even if the corresponding citizen worker would receive a higher wage.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy with an estimated population of 11 million. In September 2007 the New Democracy Party won a slim majority of seats in the unicameral Vouli (parliament) in free and fair elections, and Konstantinos Karamanlis remained the prime minister. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Human rights abuses reported during the year included: reports of abuse by security forces, particularly of undocumented immigrants and Roma; overcrowding and harsh conditions in some prisons; detention of undocumented migrants in squalid conditions; some legal restrictions on freedom of speech (although not enforced in practice); restrictions and administrative obstacles faced by members of non-Orthodox religions, including serious delays in receiving permits; detention and deportation of unaccompanied or separated immigrant minors, including asylum seekers; failure to provide adequate protection to victims of domestic violence; discrimination against Romani children in education; exploitation of Romani children through begging and forced labor; trafficking in persons; limits on the ability of ethnic minority groups to self-identify; and discrimination against and social exclusion of ethnic minorities, particularly Roma. A large number

of Roma lacked access to adequate housing, basic medical care, public services, and employment opportunities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings during the year; however, a police officer killed one person.

On December 6, a police officer killed 15-year-old Alexandros Grigoropoulos in the Exarchia district in Athens, as Grigoropoulos and other youths reportedly were throwing rocks at a police vehicle. Authorities arrested the officer and his partner in connection with the shooting. The officer claimed that he fired warning shots and did not aim at Grigoropoulos. Autopsy and ballistics reports, requested by the victim's family, indicated that Grigoropoulos was killed by a ricochet bullet. The official investigation into the circumstances of the shooting was still pending at year's end. The shooting touched off more than a month of riots and demonstrations by youths and self-styled anarchists in cities across the country that resulted in injuries to dozens of civilians and police as well as an estimated 1 billion euros (approximately \$1.4 billion) in property damage. Both policemen were in custody at year's end on as yet undetermined charges.

In January a special Navy tribunal acquitted the coast officer involved in the August 2007 shooting death of a Greek citizen of all charges. Prosecutors had charged the officer with "reckless wounding." Coast guard officers had fired at the man after he reportedly failed to stop for a boat check. He later died in a hospital.

A trial was pending at year's end in the case of a border guard who shot and killed an Albanian migrant who was attempting to cross the Greek-Albanian border illegally in November 2007.

In September four Georgian migrants were killed in marked minefields in the Evros area on the Greek-Turkish border. During the previous 17 years, 72 persons died in the Evros minefields.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, during the year there was an increase in nongovernmental organization (NGO) reports of abuse by police forces and the Coast Guard, particularly of undocumented immigrants, asylum seekers, and Roma.

On December 11, Amnesty International (AI) reported that police used unlawful and excessive force against peaceful demonstrators protesting the December 6 police shooting of Alexandros Grigoropoulos. AI alleged that two of its members were beaten with police batons and criticized police for not discriminating between peaceful protesters and violent anarchists.

On February 8, the Council of Europe Committee for the Prevention of Torture (CPT) released a report on the visit by a CPT delegation to the country in February 2007. The report noted that there had been no improvement since the previous CPT visit in 2005 in the treatment of persons detained by law enforcement agencies and that the delegation received many allegations of mistreatment of detainees by law enforcement officials. Most of the allegations consisted of slaps, punches, kicks, and blows with batons, inflicted upon arrest or during police questioning. In one example, a detainee alleged that he was punched in the head and body by officers at the Alexandroupoli police station and that officers had threatened to sever his right forefinger with pliers. The detainee further stated that, while being held over a table by two officers, his trousers were pulled down and he was threatened with rape by a third officer. In several cases, CPT medical experts examined detainees' wounds and found their allegations to be credible and consistent with injuries from slaps, kicks, and baton blows.

NGOs regularly reported that police beat and mistreated immigrants, including minors. Human Rights Watch (HRW) reported in November that asylum seekers and migrants were regularly beaten during arrest and while in detention. The NGO, Network of Social Support to Refugees and Immigrants, alleged that incidents of police abuse against foreign street vendors occurred almost daily.

In March the Secretary of the Foreigner Immigrants Union of Larisa alleged that he was beaten by Thessaloniki police officers when he visited the station to report a problem. He claimed that he was beaten on his fingers with an iron bar more than 80 times and that he was punched and kicked several times. The victim alerted the Albanian consular authorities to the incident and filed criminal charges, which were pending in court at year's end.

In June seven police officers and the director of the Corinth police station reportedly tortured and abused a 35-year-old mentally ill Romanian national and left him in a field in a remote area. The officers involved were suspended and the prosecutor ordered an inquiry into possible charges of torture, insult to human dignity, serious bodily harm, and theft. The inquiry was pending at year's end.

In July, according to media reports, the Patras Port Authority handcuffed undocumented migrants to public benches and trees outside port authority offices. Officials responded that they were handcuffing the migrants outside because the detention center had been destroyed by an earthquake and was unsafe for the detainees. At year's end the Port Authority was using metal containers to hold arrested migrants, a practice that NGOs condemned as inhuman and degrading.

In March two police officers and two border guards were dismissed after a video surfaced showing officers abusing two Albanian migrants in police custody after their 2006 arrest on drug charges. A video of the incident was posted to the Web site YouTube.com and was aired on Greek television. Criminal charges against the officers for torture and breach of duty were pending at year's end.

There were multiple reports of the Coast Guard treating undocumented immigrants, including minors, in a cruel manner. In February AI called for an investigation into the case of 13 Afghan migrants, eight of whom were minors, who were allegedly intercepted by the Coast Guard, beaten and robbed, put in an inflatable dinghy, and forced to return to Turkey. In July undocumented immigrants on the island of Samos alleged that they were slapped and beaten during their interrogation by coast guard officers. In September immigrant detainees in Patras rioted after coast guard officers allegedly seriously injured two Afghan migrants. In a December report on unaccompanied migrant children, HRW alleged that on multiple occasions coast guard officers beat minors after intercepting them at sea.

There were continued reports of police mistreatment of Roma, and human rights advocates accused the court system of failing to prosecute abusive police officers. In April the Appeals Court acquitted a police officer who had allegedly beaten a Romani man, Theodoros Stefanou, in 2001 on the island of Cephalonia. At the initial trial, the officer was suspended and his three-year prison sentence was commuted to a fine, but the victim and a human rights defender claimed that they were never summoned to the trial. With legal aid from the Greek Helsinki Monitor (GHM), an NGO, in January 2007 the victim took his case to the European Court for Human Rights (ECHR), alleging mistreatment, excessive length of proceedings, and the failure of the authorities to investigate promptly due to his Romani ethnicity. The case was pending at year's end.

In July the United Nations Human Rights Committee (HRC) found that the country had violated the provisions of the International Covenant on Civil and Political Rights that prohibit torture and establish the right to an effective remedy for abuses. The HRC found a lack of a proper investigation into the alleged police brutality against ethnic Romani citizen Andreas Kalamiotis in 2001, in Athens. The state was given six months to provide the victim with an effective remedy and appropriate reparation and to report on measures taken to prevent similar violations in the future. The Government had not taken any remedial measures by year's end.

The criminal investigation of two police officers on the island of Rhodes in connection with the alleged multiple rapes of a Bulgarian woman in 2006 and the trial of a homicide police officer for the attempted rape of a Greek woman in 2007 were both pending at year's end.

Prison and Detention Center Conditions.—Prison conditions remained inadequate due to continued overcrowding and outdated facilities. Some prisons and detention centers continued to hold minors in the same cells as adults. While prison capacity increased overall, partly due to construction during the year of a new prison facility for women in Thebes, the number of inmates also grew. The Ministry of Justice reported that, as of September, the total prison population was 11,798, while the official capacity of the prison system was 7,543.

The ombudsman for human rights noted during the year that overcrowding in prisons had not been addressed and that this was leading to disciplinary problems and criminal behavior in the prisons. For the third year in a row, the ombudsman formally complained that the Ministry of Justice denied his representatives access to prisons and detention facilities.

In November an estimated 8,000 inmates nationwide staged an 18-day hunger strike protesting overcrowding in prisons. The protest spurred riots and arson attacks by anarchist groups in Athens and Thessaloniki in support of the inmates who were on hunger strikes. Prisoners ended the strike after the Ministry of Justice announced an early release of up to 5,500 prisoners and new measures for improving prison conditions, including integrating cumulative disciplinary penalties for pris-

oners and reducing the maximum pretrial detention period from 18 months to 12 months. The early releases began in December.

AI, the Office of the UN High Commissioner for Refugees (UNHCR), the NGO Pro-Asyl, the government-appointed ombudsman for human rights, the European Commission, HRW, and Doctors Without Borders (MSF) noted during the year that conditions in detention centers for undocumented aliens were unacceptable and amounted to a serious violation of human rights. The UNHCR expressed its concern for the situation in some Aegean Island detention centers. An MSF fact-finding mission in July visited detention centers and expressed its concerns for what it termed a "continuing humanitarian crisis."

AI noted in its annual country report, released in May, that an increase in the number of deaths in prisons and in police custody raised serious concerns about the lack of effective monitoring of the handling of detainees and prisoners. AI also reported that minors were among the refugees and migrants being held at detention centers.

The NGO Prisoners' Rights Initiative reported in March that 440 inmates died in prisons and police detention centers between 1997 and 2007. Although some deaths were drug-related or self-inflicted, there were also cases in which the circumstances were disputed, and the authorities were indifferent to the lives of inmates.

In June the ECHR ruled against the Government in the case of an inmate held in prison for trafficking antiques and drug possession. The ECHR concluded that authorities had not fulfilled their obligation to safeguard the inmate's health by providing him the appropriate medical care and that this omission amounted to inhuman treatment. The country was ordered to pay the victim 8,000 euros (approximately \$12,000) in damages, costs, and expenses.

There were multiple reports that prison or detention center guards mistreated prisoners. In July and September protests and hunger strikes took place in immigrant detention centers on Leros and Samos islands due to overcrowding and alleged mistreatment.

In September MSF announced that it would withdraw from the detention center on Lesbos due to a lack of support from authorities. MSF stated that police hampered its efforts to offer medical care and improve conditions in the detention center. In October media reported that hundreds of immigrant detainees on Lesbos fell ill from drinking contaminated water from the detention center's moldy and rusted pipes.

During its February 2007 visit to the country, the CPT examined the treatment of persons detained by law enforcement authorities, focusing on Korydallos prison and detention facilities for illegal immigrants in Attica, the eastern Aegean, and Thrace. The delegation visited prisons, police detention centers, police stations, and holding facilities for illegal immigrants. In its February report on the visit, the CPT reiterated that prisons remained largely overcrowded; prison violence appeared to be on the rise; conditions of detention in police facilities generally were unsatisfactory, in certain cases constituting inhuman or degrading treatment; and facilities designed for holding suspects for short periods were inappropriately used for prolonged incarceration.

In one case, the CPT noted that a Bangladeshi national, who had alleged police brutality at Athens International Airport after he had refused deportation and who had visible injuries, only received medical treatment after the CPT intervened. In another case, a detainee at the Omonia police station, who had alleged police abuse and required medical attention, was told by police that he would be immediately deported unless he informed the CPT delegation that he no longer wished to see a doctor.

The CPT observed that the Korydallos prison remained overcrowded and that no noticeable improvement had occurred since its 2005 visit. The CPT found that three or four prisoners were placed in cells designed for a single occupant and that health care remained inadequate for a prison of its size. The CPT also reported that in the Petrou Ralli facility in Athens, detainees were confined to their cells 24 hours a day, had no recreational spaces, and were kept in cells that did not have toilet facilities or call bells. At the time of its visit, the CPT found that some minors did not have beds and were sleeping on mattresses on the floor.

The Samos facility that opened in 2007, while much improved over the island's previous detention center, held over 500 detainees and was already crowded beyond capacity.

In November diplomatic observers toured the Fylakio detention center, opened in March 2007, and found conditions to be clean, well-lit, and climate-controlled. Male and female detainees were held in separate facilities comprised of large, compartmented rooms with bunk beds for each detainee. There were no families or minors in the detention center. The building had a cafeteria, outdoor recreational facilities,

a telephone room, and an infirmary with four beds. Police authorities stated that there were 279 detainees in the center; they reported that the center had an official maximum capacity of 375, but that in their opinion the center would be overcrowded with any more than 320 detainees. Police officials also said that the Venna, Peplos, and Tychero detention centers (long criticized by the CPT and other NGOs for squalid conditions) had closed due to reduced numbers of new illegal immigrant arrivals in the Evros border region during the year.

In November HRW described “inhuman and degrading” conditions in multiple prisons and detention facilities. In December HRW alleged that unaccompanied migrant minors were routinely detained in the same cells as adults.

The Government permitted the CPT to conduct periodic and ad hoc visits to prisons, detention centers, and mental hospitals, most recently in September. Other NGOs, such as HRW, were inconsistently granted access to prisons and detention facilities. During the year international human rights groups reported fewer problems receiving permission for prison and detention center visits than did local human rights groups, and the International Committee of the Red Cross had a regular program for prison visits. However, there was insufficient access to detention centers for independent organizations wanting to screen for trafficking victims.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention. However, police continued to conduct large-scale sweeps and temporarily detained large numbers of foreigners, often under crowded and squalid conditions, while determining their residence status.

Role of the Police and Security Apparatus.—The police are responsible for law enforcement and the maintenance of order within the country and are under the authority of the Ministry of the Interior and Public Order. The Coast Guard is responsible for law enforcement in territorial waters and is under the authority of the Ministry of Mercantile Marine. While the country’s law enforcement agencies were generally effective, police sometimes did not fully investigate self-styled “anti-imperialist” anarchists, who used crude gas canister bombs and Molotov cocktails to attack property, government offices, targets representing “Western interests,” and the police, particularly in central Athens.

In the nationwide protests and riots that followed the December 6 death of 15-year-old Alexandros Grigoropoulos in an altercation with a police officer, anarchists wielding petrol bombs destroyed vehicles and commercial and government offices, causing an estimated 1 billion euros (approximately \$1.4 billion) in property damage. Media criticized the police for failing to protect businesses from violent rioters and looters. There were media allegations that government leaders, seeking to avoid a further escalation of violence, directed the police to take a defensive posture in response to the riots.

Police corruption continued to be a problem. During the year the police Bureau of Internal Affairs took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging documents and for taking bribes. Most charges against police involved violation of duty, issuing false certificates, abuse of power, corruption, violations with arms and explosives, illegally releasing persons in police custody, pimping, and violations related to alien registration.

In contrast with the previous year, NGOs and the media reported more frequently on police corruption, criticizing the prevalence of lenient punishments for officers, such as suspended sentences, small fines, or acquittals. The ombudsman noted that the lack of adequate punishment meant that there was no effective deterrent against police corruption and that the Ministry of the Interior and Public Order apparently lacked the will to combat police corruption. During the year the GHM reported that, of 238 police mistreatment cases brought against law enforcement personnel from 2003–07, only one police officer was dismissed.

Four Thessaloniki police officers, including the former director of the Ano Poli police station, were discharged from service by a police disciplinary board in February. The officers had issued fraudulent documents to approximately 50 Albanian nationals seeking residence permits in Thessaloniki. The Albanian nationals had paid 500 to 1,500 euros (approximately \$750 to \$2,250) bribes for the papers. A police lieutenant was given a 16-month suspended sentence, while the three other officers were acquitted of all charges.

In June the police Bureau of Internal Affairs dismantled a network of border guards, police, and intelligence personnel that was smuggling undocumented aliens and stolen vehicles from Albania into the country. The bureau filed criminal charges and the case was pending at year’s end.

In July two police officers were given prison sentences of two and 18 months, respectively, for offering protection to an illegal electronic gambling shop in Thessaloniki.

In November eight Thessaloniki police officers were convicted in connection with the beating of a Cypriot student in 2006. The officers were convicted of causing bodily harm and were given sentences ranging from 15–39 months, with the option to avoid jail time by paying five euros (approximately \$8) for each day of the sentence. The former police precinct director in place at the time of the beating was convicted for neglecting his supervisory duty and given a suspended 15-month sentence. The policemen appealed their convictions, which were pending at year's end. Press and local NGOs criticized the punishments as lenient.

In November five coast guard officers in the port city of Patras were arrested on charges of alien smuggling and forming a criminal organization. The Ministry of Mercantile Marine ordered an inquiry into the case and replaced the harbormaster. The results of the inquiry had not been announced by year's end.

Arrest and Detention.—The law requires judicial warrants for arrests, except when they are made during the commission of a crime, and prohibits arbitrary arrest orders. Authorities generally respected these provisions in practice. Police are required to bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate is then required to issue a detention warrant or order their release within three days unless special circumstances justify a two-day extension of detention. Bail is available for defendants detained or arrested on felony charges, unless the judicial officer determines that the defendant is a flight risk or a danger to the community.

The law provides that persons in detention have the right to contact a close relative or another third party, to have access to a lawyer, and to have access to a doctor. However, during its 2007 visit to the country, the CPT found that the Government did not respect these rights in practice. The CPT heard a number of allegations that access to a lawyer had been delayed for periods of up to three days. In most of these cases, the persons detained, mainly foreigners, alleged that they were mistreated during arrest and interrogation. The CPT received a number of complaints from illegal immigrants in detention that they were only provided information sheets explaining their rights in Greek, and that they were either physically coerced or verbally threatened with mistreatment to ensure that they signed an acknowledgement on the information sheets.

Defendants have the right to legal counsel. In felony cases the bar association provides lawyers to defendants who prove they cannot afford legal counsel.

Defendants brought to court on the day following the alleged commission of a misdemeanor may be tried immediately under expedited procedures. Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short time period limited defendants' ability to present an adequate defense. Defendants may request a delay to prepare a defense, but the court is not obliged to grant their requests. Expedited procedures were used in less than 10 percent of applicable cases.

The ombudsman asserted in his annual report that the number of complaints from citizens about violations of personal freedoms in the course of police action remained high. These violations included: taking citizens to detention centers for arbitrary identity checks, using insulting language and threats of force, and conducting bodily searches in public. The ombudsman noted an increase in the number of complaints that police conducted investigations without soliciting testimony from victims. Police reportedly targeted persons based on their race, color, nationality, or presence in high-crime areas.

The 2006 case concerning the alleged abduction of 14 Pakistani permanent residents was still pending at year's end.

The law allows pretrial detention for up to 18 months for cases involving alleged felonies and for up to nine months for misdemeanors involving "multiple accidental manslaughters." Some defense lawyers asserted that pretrial detention was supposed to be reserved for exceptional cases but had become the norm. They also argued that the detention period was excessively long and that, although the code of criminal procedure expressly excludes "seriousness of the crime" as a criterion, it is usually the main reason for extended detention in practice. A panel of judges may release detainees pending trial with or without bail. Pretrial detainees made up approximately 30 percent of those incarcerated and contributed to prison overcrowding, according to figures provided by the Ministry of Justice.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, observers reported that the judiciary was subject to influence. On several occasions in

2006 and 2007, the ECHR criticized the Government for unreasonably long trials and found the court system to be inefficient. During the year two judges were dismissed on corruption related charges. Several ongoing corruption investigations of as many as twenty judges were still pending at year's end. One judge fled the country and was in hiding abroad at year's end. The judiciary acted more leniently toward those claiming a political motivation for their acts of property destruction (so-called anarchists) than it did for those who did not claim a political motivation. For example, anarchists were frequently given suspended prison sentences in lieu of prison time or fines.

On August 13, the GHM sent a letter to the prosecutor and the president of the Supreme Court listing 39 recent litigation cases on behalf of, or against, Roma. The GHM charged that cases against Roma were usually investigated promptly; however, cases brought by Roma concerning serious violations of human rights took several years to move through the legal process and rarely led to indictments or convictions. Furthermore, the GHM noted that police mistreatment cases filed by Roma almost always resulted in acquittals for the officers charged.

After the December 6 death of 15-year-old Alexandros Grigoropoulos, authorities arrested a police officer and his partner. The investigation of the incident was ongoing at year's end. Officials of both the Government and opposition parties made statements that observers noted implied presumption of the officer's guilt. In the aftermath of the shooting, mainstream media condemned the police officers as guilty of murder. Independent observers expressed concern that such statements presupposed the officers' guilt and jeopardized the defendants' right to a fair trial.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public in most instances, and juries are used in all first- and second-degree felony cases. An antiterrorism statute permits denial of the right to a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. An attorney is provided at public expense if indigent defendants face serious criminal charges. Defendants may confront and question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants who do not speak Greek have the right to a court-appointed interpreter.

Some NGOs reported during the year that court interpretation was inadequate for non-Greek speakers; however, diplomatic observers noted good-quality interpretation at trials specifically for foreign victims of trafficking.

The Government recognizes Shari'a (Islamic religious law) as the law regulating family and civic issues of the Muslim minority in Thrace.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is a generally independent and impartial judiciary in civil matters. There are no administrative remedies available beyond the judicial remedies for alleged wrongs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, these provisions were not always respected in practice.

Police and prosecutors regularly conducted raids and searches of Romani and migrant neighborhoods, frequently entering homes without authorization in search of criminal suspects, drugs, and weapons. Local authorities evicted Roma from camps and tent dwellings during the year, and threatened to evict others. NGOs and media regularly reported that law enforcement authorities beat or harassed unlicensed immigrant street vendors and undocumented immigrants.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. However, legal restrictions on free speech remained in force. The law prohibits speech that endangers or disturbs the country's relations with foreign states, spreads false information or rumors causing fear among citizens, causes rivalry or division among citizens, or incites citizens to disturb the peace or commit acts of violence. In practice these legal prohibitions were seldom invoked. In most criminal defamation cases, defendants were released on bail pending appeal without serving time in jail.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede this criticism.

There were numerous independent newspapers and magazines in circulation, and they generally expressed a wide variety of views without restriction.

The law provides for the Government to exercise “immediate control” over radio and television stations and establishes ownership limits on media frequencies. However, independent radio and television stations were active and expressed a wide variety of views with little or no government restriction. State-operated stations tended to emphasize the Government’s views but also reported objectively on other parties’ programs and positions.

The requirement of the 2007 media law that radio and television stations broadcast primarily in Greek had no practical effect on the existing Turkish-language radio stations in Thrace.

The law allows for seizure, by order of the public prosecutor, of publications that insult the president, offend Christianity “or any other known religion,” contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. The Government did not charge any individuals with violation of this law during the year.

The law punishes “whoever intentionally incites others to actions that could provoke discrimination, hatred, or violence against persons or groups of persons on the basis of their race or ethnic origin or expresses ideas insulting to persons or to groups of persons because of their race or ethnic origin.”

The GHM and the Central Board of Jewish Communities brought charges against the newspaper *Eleftheros Kosmos* and former LAOS political party candidate Kostas Plevris for racism and anti-Semitism. In December 2007 *Eleftheros Kosmos* was acquitted, but Plevris received a 14-month suspended sentence for inciting hatred and racial violence with his book *The Jews -The Whole Truth*. The book denied the Holocaust and called Jewish people “mortal enemies” and “subhuman.” Plevris appealed the sentence; the appeal trial had not begun by year’s end.

On March 5, the misdemeanors court of Athens sentenced three journalists of *Eleftheros Kosmos* to seven-month suspended sentences for insulting Jews. The journalists appealed the sentence. In September the appeals court unanimously changed the terms from seven to five-month suspended sentences.

In September an Athens appeals court sentenced the publisher and a former columnist of the weekly newspaper *Eleftheros Kosmos* for anti-Semitism in a 2006 column. The columnist had criticized Thessaloniki’s small Jewish community, decimated during the Holocaust, writing “thank God, less than 1,500 are left.” Each defendant was given a five-month suspended sentence.

In December, after the start of Israeli military action in Gaza, the left-of-center newspaper *Eleftherotypia* printed anti-Semitic cartoons and satire, joining smaller extremist publications that compared Jews to Nazis or held them responsible for actions of the state of Israel.

In October media in Thessaloniki reported that two editors of *Millet*, a local paper published in Turkish, were given 12-month suspended sentences for inciting hatred against the Pomak community.

According to an October report by Reporters Without Borders, journalist Makis Nodaros was assaulted by two unknown persons. Nodaros was a regular contributor to articles in the daily newspaper *Eleftherotypia* about government corruption and financial mismanagement. No investigation had begun by year’s end.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. Internet was available throughout the country and widely used.

The libel and defamation trial of an internet blog administrator who criticized a Greek Orthodox televangelist had not begun by year’s end. The blogger was charged in 2006 for comments that appeared on one of his Web sites allegedly calling the televangelist “stupid” for claiming that all things on earth came from Greece.

Academic Freedom and Cultural Events.—The Government did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice.

The December 6 death of 15-year-old Alexandros Grigoropoulos touched off more than a month of riots and demonstrations. Peaceful demonstrators were joined by violent, self-styled, anarchists and arsonists. Using Molotov cocktails, petrol bombs, rocks, and other projectiles, violent protesters injured dozens of police officers and destroyed vehicles and commercial and government property estimated at one bil-

lion euros (approximately \$1.4 billion). The police used tear gas and force, including baton strikes, to disperse violent protesters.

On December 11, AI alleged that two of its members were beaten with police batons and criticized police for not discriminating between peaceful protesters and violent anarchists.

Freedom of Association.—The law provides for freedom of association; however, the courts continued to place legal restrictions on the names of associations involving certain ethnic minorities.

In 2006 the group “Home of Macedonian Culture” took its case regarding the denial of the organization’s legal status to the Supreme Court. It remained pending as of year’s end.

The Government prohibited associations that used the term “Turkish” in their names. The ECHR ruled in March that the country was violating the freedom of association of the Muslim minority by dissolving the Turkish Union of Xanthi, established in 1927, after 21 years of legal proceedings (1983–2005). The ECHR also ruled against the Government’s refusal to register the Cultural Association of Turkish Women of Rodopi. The Greek courts, citing the 1923 Treaty of Lausanne, had objected to the use of the word “Turkish” because the Greek government officially only recognized a “Muslim” religious minority, not a “Turkish” ethnic one. Greece appealed the decision, but the ECHR rejected the appeal in October. In December the Turkish Union of Xanthi requested recognition from the First Instance Court of Xanthi, in line with the ECHR decision. The case was heard on December 11, but the court had not issued a decision by year’s end.

c. Freedom of Religion.—The law provides for freedom of religion. However, non-Orthodox groups at times faced administrative obstacles or legal restrictions on their religious practices.

The law establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the “prevailing” religion. The Greek Orthodox Church continued to exercise significant political and economic influence. The Government recognized de facto the Orthodox canon law. Privileges and legal prerogatives granted to the Orthodox Church were not routinely extended to other recognized religions. Orthodox Church officials refused to enter into dialogue with religious groups that they considered harmful to Orthodox worshippers, and they instructed their members to shun members of the Jehovah’s Witnesses, Church of Jesus Christ of Latter-day Saints (Mormons), Protestant, and evangelical Christian churches.

The Government supported the Greek Orthodox Church financially and paid the salaries and some expenses of the three official Muslim religious leaders, or muftis, in Thrace. In addition, the Government announced in February 2007 that it would hire 240 imams as public employees in Thrace. As of year’s end, the Ministry of Education and Religion was reviewing applications for the imam positions. Jewish leaders requested that the Government pay the salaries of rabbis, given the practice of paying for Orthodox priests and Muslim muftis; the Government had not responded to this request by year’s end.

The Orthodox, Jewish, and Islamic communities are the only religious groups deemed “legal entities of public law,” able to own, bequeath, and inherit property and appear in court under their own names as religious organizations. Other religious organizations may be registered as “legal entities of private law,” which cannot own “houses of prayer” or other property directly as religious entities but must create other corporate legal entities in order to own, bequeath, or inherit property, or to appear in court.

To be recognized as a “legal entity of private law,” a religious group must be a “known religion” or dogma, defined by the courts as having a publicly taught doctrine with rites of worship that are open to the public, being nonprofit in nature, not adversely affecting public order or morality, and having a hierarchy of religious authorities. No formal mechanism existed to gain recognition as a “known religion.” Recognition is granted indirectly when the Ministry of Education and Religion grants applications for permits to acquire a “house of prayer.”

Some Christian denominations, such as Roman Catholics, Pentecostals, Methodists, evangelicals, and the Jehovah’s Witnesses, were recognized as “known religions.” No new religious entities have been recognized by the Ministry of Education and Religion since 2006. Three groups following ancient polytheistic Hellenic religions had applied to the ministry for recognition. Despite the ombudsman’s advice to the ministry to respond, there has been no reply. The ministry last responded to one of these groups in 2006, stating that it “would delay its formal response due to the seriousness and the peculiarity of the matter.”

Some religious groups without house of prayer permits, such as the Scientologists and followers of ancient polytheistic Hellenic religions, practiced their faith as registered nonprofit civil law organizations.

The law extends recognition as a private entity to Roman Catholic churches and related entities established prior to 1946. The Catholic Church has sought, without success, a legal procedure that would provide recognition to its religious institutions built after 1946. In 2006 the Ministry of Education and Religion established a committee to study the issue and propose a legislative solution. The Committee last met in February 2007 but produced no results as of the end of the year. Since 1999 the Catholic Church also has sought, to no avail, government recognition of Catholic canon law.

At year's end the Jehovah's Witnesses had 12 applications for house-of-prayer permits pending with the Ministry of Education and Religion, some dating from 2005. In 2006 the ombudsman recommended that the ministry send an official response as mandated by the law; however, the ministry did not respond during the year. Members of the Jehovah's Witnesses community reported that in 2005 two Greek Orthodox Bishops asked a local court to repeal the Jehovah's Witnesses' house-of-prayer permits. The matter remained in the courts at year's end. Local leaders of the Jehovah's Witnesses stated that their house-of-prayer applications were delayed by bureaucratic obstruction and pending construction permits.

Parliament approved a bill in 2000 allowing the construction of Athens' first mosque and Islamic cultural center. In 2006 the Government passed a new law providing for the establishment of a mosque, without a cultural center, in the Athens neighborhood of Votanikos. Leaders of the Athens Muslim community were satisfied with the proposed location, but in October 2007 they urged the Ministry of Education and Religion begin construction, calling the issue "one of grave importance" to the Muslims of Athens. Construction had not begun by year's end. In 2006 a Muslim Cultural Center opened in Moschato, Athens, in an abandoned factory warehouse. Funded by foreign charities and with space for 2,000 worshippers, this unofficial mosque continued to operate without a house-of-prayer permit at year's end. Other Muslims continued congregating in dozens of unofficial prayer rooms. Since the Government does not recognize Muslim clerics outside of Thrace, Muslims in Athens had to travel to Thrace for official religious weddings and funerals.

Muslims are an official minority in Thrace, and the Government selects three official Muslim religious leaders, or muftis, there. While part of the community accepted the officially-appointed muftis, some Muslims "elected" two different muftis, one in Xanthi and one in Rodopi, in elections in which only men were allowed to cast votes.

Discussions continued between the Jewish community of Thessaloniki and the Government to find acceptable restitution for the community's cemetery, expropriated after its destruction during the Holocaust. Aristotle University, a public institution, was built on top of the expropriated cemetery soon after the end of World War II. International NGOs expressed concern that subway construction in the vicinity of the cemetery could disturb human remains. During the year the Government worked with the local Jewish community to address these concerns.

Non-Orthodox citizens claimed that they faced career limits in the military, police, firefighting force, and civil service due to their religion.

The law prohibits proselytizing and stipulates that religious rites must not disturb public order or offend moral principles. Members of missionary faiths reported police harassment and detention because of antiproselytizing laws, and officials of these faiths expressed concern that these laws remained in effect.

Police occasionally detained members of the Church of Jesus Christ of Latter-day Saints (Mormons) and the Jehovah's Witnesses for identity checks. While such persons were typically released after one to several hours, in January two Mormon missionaries were detained for two days on charges of proselytizing. The charges were subsequently dropped.

Orthodox religious instruction in public primary and secondary schools is mandatory, but non-Orthodox students are exempted from religious instruction. Some Thracian Muslims resident in Athens lobbied unsuccessfully for Islamic religious instruction for their children.

Some schoolbooks contained negative references to Roman Catholicism, Judaism, and the ancient polytheistic Hellenic tradition. Negative references to the Jehovah's Witnesses were taken out of 2007 edition schoolbooks that were being used during the year.

In Thrace the Government subsidized bilingual Greek-Turkish public schools and two Koranic schools for the Muslim minority.

The law requires a religious oath for all civil servants before entering office. Persons not belonging to the Orthodox Church may take an oath in accord with their

own beliefs. In February the ECHR found the country to be in violation of the European Convention on Human Rights, Article 9 (freedom of thought, conscience and religion) and Article 13 (right to an effective remedy), in the case of a lawyer who was allegedly forced to publicly state that he was not an Orthodox Christian before being permitted to take a nonreligious affirmation during the admission ceremony to the state bar. The ECHR awarded the plaintiff 2,000 euros (approximately \$3,000) in damages.

Societal Abuses and Discrimination.—Members of non-Orthodox faiths reported incidents of societal discrimination, including warnings by Greek Orthodox bishops to their parishioners not to visit clergy or members of these faiths and requests that police arrest missionaries for proselytizing. Some non-Orthodox religious communities encountered difficulty in communicating with officials of the Orthodox Church and claimed that the attitude of the Orthodox Church toward their faiths increased societal intolerance toward their religions. With the exception of the growing Muslim population, however, most members of non-Orthodox faiths considered themselves satisfactorily integrated into society.

The Orthodox Church maintained on its Web site a list of religious groups, including the Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, evangelical Protestants, Scientologists, Baha'is, and others, that it considered sacrilegious.

According to local leaders of the Jewish community, there were approximately 5,000 Jews living in the country. Expressions of anti-Semitism continued to occur, particularly in the extremist press. The mainstream press and public often mixed negative comments about Jews with criticism of the Israeli government. Giorgos Karatzaferis, the leader of the ultra-right political party LAOS, publicly stated that the party was not racist or anti-Semitic but frequently denied that the Holocaust occurred and accused "the pope and the Jews" of a conspiracy against the country.

There continued to be reports of vandalism of Jewish monuments during the year. In May a gravestone was broken and a large amount of broken glass was spread in the alleys and around the graves of the Athens Jewish cemetery. In August an anti-Semitic video boasting about the vandalism of the Holocaust memorial of Rhodes was aired on YouTube. In December anti-Semitic graffiti protesting Israeli military action in Gaza appeared on the walls of the synagogue in Volos. The Jewish community protested these incidents, and the Government formally condemned vandalism and all expressions of anti-Semitism.

Unlike the previous year, state tourism and media agencies did not advertise the Easter tradition involving the burning of a life-size effigy of Judas, sometimes referred to as the "burning of the Jew." The traditional practice continued to occur in some parts of the country but was generally labeled the "burning of Judas" instead. The Jewish Community continued to protest anti-Semitic passages in the Greek Orthodox Church's Holy Week liturgy. The Jewish community reported that it remained in dialogue with the Orthodox Church about the removal of these passages.

The GHM and the Central Board of Jewish Communities brought charges against the newspaper Eleftheros Kosmos and former LAOS political party candidate Kostas Plevris for racism and anti-Semitism. In December 2007 Eleftheros Kosmos was acquitted, but Plevris received a 14-month suspended sentence for inciting hatred and racial violence with his book *The Jews -The Whole Truth*. The book denied the Holocaust and called Jewish people "mortal enemies" and "subhuman." During the trial a group of neo-Nazis made Nazi salutes in the corridors of the courthouse, put up "fans of Hitler" posters, and handed out anti-Semitic leaflets. Plevris appealed the sentence; the trial had not begun by year's end.

On March 5, the misdemeanors court of Athens sentenced three journalists of Eleftheros Kosmos to seven-month suspended sentences for insulting Jews. The journalists appealed the sentence. In September the appeals court unanimously changed the terms from seven to five-month suspended sentences.

In September an Athens appeals court sentenced the publisher and a former columnist of weekly newspaper Eleftheros Kosmos for anti-Semitism in a March 2006 column. The columnist had criticized Thessaloniki's small Jewish community, decimated during the Holocaust, writing "thank God, less than 1,500 are left." Each defendant was given a five-month suspended sentence.

In December, after the start of Israeli military action in Gaza, the left-of-center newspaper Eleftherotypia printed anti-Semitic cartoons and satire, joining smaller extremist publications that compared Jews to Nazis or held them responsible for actions of the state of Israel.

The Government cosponsored commemorative events in Athens and Thessaloniki in January for Holocaust Remembrance Day. The Ministry of Education and Reli-

gion distributed materials on the history of the Holocaust to be read in all schools on the day and informed schools of educational courses available through the Jewish Museum of Athens.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for free movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. While the Government provided financial support to the UNHCR and other humanitarian organizations, in practice the Government did not always cooperate with these organizations or follow their recommendations on protecting and assisting refugees, asylum seekers, and stateless persons.

The law prohibits forced exile, and the Government did not employ it.

The law permits the Government to remove citizenship from persons who commit acts contrary to the country's interests for the benefit of a foreign state. While the law applies to citizens regardless of ethnicity, historically it has been enforced primarily against persons who identified themselves as ethnic "Macedonians." The Government did not reveal the historical number of such cases, but it was reported to be low, and there were no reports of new cases during the year.

Due to serious bureaucratic problems in the legalization process for immigrants, many aliens were in a semilegal status, holding expired residency permits in the process of renewal. Without current residency permits, immigrants encountered difficulty in accessing government services to which they otherwise would have been entitled. Many immigrants were subjected to summary deportation without legal process following police sweeps. The law provides for legalization of undocumented immigrants who can prove by a visa stamp or possession of a tax roll number that they entered the country before 2005. However, the ombudsman noted that the system of legalization remained disorganized and that a database of residence permits had not yet been created.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, the Government had not implemented, for the most part, a 1999 presidential decree that brought the law into compliance with UNHCR standards regarding asylum procedures. In practice the Government provided very limited protection against the expulsion or return of persons to countries where their lives or freedom would be threatened. According to Pro-Asyl, subsequent presidential decrees addressing accommodations for asylum seekers (220/2007, published in November 2007) and reforming the asylum application process (90/2008 and 96/2008, published in July) had not been implemented by year's end.

HRW reported in November that there have been few formal, legal deportations from Greece to Turkey under the 2001 Greece-Turkey readmission protocol. According to the HRW report, since 2002 Greece has requested the readmission of tens of thousands of aliens, but Turkey has only accepted several thousand cases. Greek officials expressed concern that the protocol was not working, and the high number of migrants crossing into the country from Turkey strained social services.

Local and international entities, including the UNHCR, the Greek Council for Refugees, the ombudsman for human rights, the European Commission against Racism and Intolerance, AI, HRW, and Pro-Asyl expressed concern that very few applicants were granted asylum and potential asylum seekers, including minors, were at risk of expulsion.

In November HRW released a report regarding the detention of Iraqi and other asylum seekers in poor, overcrowded conditions as well as the forced expulsion of Iraqi asylum seekers to Turkey. The report criticized the "inhuman and degrading treatment" of these individuals while in detention, particularly at the detention centers in Lesbos, Chios, and Petrou Ralli. HRW also alleged that Greece, by summarily expelling Iraqi migrants to Turkey, which would return them directly to Iraq, was engaging in the practice of expelling or returning persons to countries where their lives or freedom would be threatened. The report also criticized the Coast Guard for intentionally puncturing seaborne migrants' inflatable boats and for pushing them back into Turkish territorial waters.

In December HRW reported on the country's "systematic failure" to protect unaccompanied migrant children, alleging that minors were detained in the same cells as adults, age and vulnerability assessment procedures were inadequate, child-trafficking victims were not identified properly, and unaccompanied minors faced severe problems in applying for asylum. The law requires that unaccompanied migrant minors be provided with a temporary guardian, regardless of whether the child has applied for asylum. In practice the Government seldom provided a guardian or safe

accommodation for migrant children, leaving minors vulnerable to homelessness and labor exploitation. HRW estimated that 1,000 unaccompanied and asylum-seeking children entered the country during the year.

The ombudsman continued to point out inadequacies in laws for detaining and deporting underage foreign nationals, including asylum seekers, and a lack of infrastructure and services for handling juvenile detainees who tried to enter the country illegally or sought asylum.

In February Norway stopped returning refugees and asylum seekers to the country under the Dublin II Regulation after receiving information from Greek NGOs, and testimonies from asylum seekers, that returnees were mistreated and that their rights infringed upon in Greece. By May Sweden and the Netherlands had also suspended the return of certain asylum seekers.

The European Council on Refugees and Exiles (ECRE) reported in April that the rights of asylum seekers were routinely violated. ECRE publicized stories of asylum seekers who had suffered police violence.

During the year both the UNHCR and HRW called on the Government to refrain from returning asylum seekers to the country under the Dublin II Regulation until further notice. The UNHCR noted that, although the country had taken a number of steps to improve its asylum practices, a substantial number of asylum seekers continued to face serious challenges in accessing and enjoying effective protection. Essential procedural safeguards were not guaranteed throughout the process of determining whether candidates were entitled to refugee status, at both the first-instance and appeals levels, to the detriment of asylum seekers. The UNHCR also highlighted the lack of interpreters and legal aid, undue hardships in the hearing and adjudication of claims, problematic conditions and limited capacity in reception centers, and excessively long waiting periods for appeals decisions. As of May the country had only 11 asylum officers.

The ombudsman also noted that the overall asylum application process remained a problem, primarily due to selective acceptance and processing procedures for asylum applications at police stations throughout the country. According to UNHCR, from January to October asylum seekers filed 16,676 applications at the first instance and 11,144 at the appeals level. The Government reviewed 21,626 cases and 3,043 appeals during this period. At the first-instance level, only six persons (0.02 percent) received refugee status, while at the appeals level 344 persons (11.3 percent) were granted refugee status. An additional 25 persons were granted special humanitarian status.

Conditions for illegal immigrants and asylum seekers detained by authorities were generally unsatisfactory. NGOs and international organizations continued to criticize detention procedures and facilities for refugees and asylum seekers as inadequate. During the year the ombudsman alleged that police detained all refugees and migrants on their arrival on the islands, including minors. All new arrivals, without exception, were placed under a deportation order without having the chance to first file for asylum, and detention was continued even if an asylum application had been submitted. The ombudsman noted that new arrivals were routinely held to the end of the maximum detention period.

The UNHCR, AI, the ombudsman for human rights, and MSF expressed concern over the country's asylum policy and practices. Specific problems included unacceptable living conditions; lack of permanent reception facilities with decent living conditions; the use of ad hoc facilities (primarily on the islands, when a boatload of refugees arrived); underdeveloped systems to provide for refugee welfare; insufficient counseling to assist in the integration of refugees and asylum seekers; and a lack of appropriate facilities for unaccompanied minors who were potential asylum seekers.

The CPT reported in February that conditions in most of the migrant detention centers it visited in 2007 were unsatisfactory. The CPT reported that the Petrou Ralli, Piraeus, Vrissika, and Aspropyrgos migrant detention centers were overcrowded, in a poor state of repair, had unhygienic conditions, lacked access to outdoor exercise space, and provided limited access to medical care. The CPT also found that conditions for migrants in border police detention centers were unacceptable, even for short periods of stay. Border police detention centers in Isaakio and Heo Himoni had poor access to natural light and ventilation, detainees were provided dirty blankets and slept on the floor, and cells were regularly flooded. The CPT described the conditions at the Kiprinos border police detention center as "inhuman and degrading" due to extreme overcrowding and a lack of access to common space.

The UNHCR representative to Greece stated in 2007 that some progress had been made on Lesbos and that much progress had occurred in Samos in providing information, legal counseling, and medical care to undocumented immigrants and in registering their asylum claims. During the year the UNHCR representative and local

human rights advocates criticized the conditions of the detention centers on Lesbos, Patmos, and other Aegean islands, where detainees had no access to a yard and where overcrowding was a serious problem.

During the year the UNHCR released a study of the handling of unaccompanied minors seeking asylum in the country and requested that the asylum applications of separated children be examined immediately, that new reception centers be created, and that the principle of guardianship in the best interests of the children be strengthened.

In February the UNHCR expressed concern over the police's temporary dismantling of a makeshift camp in Patras, where asylum seekers and other migrants, mainly from Afghanistan and including about 250 unaccompanied minors, had been residing for years. The UNHCR urged the Government to address the issue while protecting human rights, the right to asylum, public health and social concerns of the host society, the well-being of children, and combating human smuggling.

In May the MSF reported irregular and inefficient medical care, lack of adequate personnel, unacceptable living conditions, lack of special measures for vulnerable groups, and lack of interpreters in all detention centers it visited in the Aegean islands.

During the year the CPT again reported that the short-term detention and transit facility at Petrou-Ralli for persons awaiting deportation was unsuitable for stays over two days. However, in practice persons were confined for up to three months in cells that contained up to eight persons with cement beds and limited access to showers and exercise. The CPT noted that the facility's design was extremely poor and that it lacked any communal spaces.

In its annual report, AI found that protection of refugees remained minimal, that the Government failed to allow asylum seekers access to the country, continued to return them to their countries of origin without legal aid or having access to asylum procedures, that detention of asylum seekers, including children, continued, and that detention conditions continued to be unhygienic and overcrowded.

Stateless Persons.—Citizenship is derived from one's parents and not by birth within the country's territory. UNHCR data indicated that there were 108 stateless persons in the country at the end of 2007. The former Ministry of the Interior reported to parliament in 2005 that 46,638 Muslims from Thrace and the Dodecanese islands lost their citizenship when they left the country from 1955–98. The law that permitted this divestment of citizenship was repealed in 1998, and these "stateless" residents are eligible to recover their citizenship as long as they live in the country. According to the Ministry of Foreign Affairs, by 2005 there were 25 to 30 persons in possession of government-issued identification documents characterizing them as "stateless." The ministry had no updated figures on stateless persons by year's end.

In 2007 the Ministry of Foreign Affairs reported that all of the stateless persons had applications pending for citizenship through naturalization. In March 2007 the ombudsman noted that delays in processing applications for recovering citizenship were "excessive and unjustified." According to the Ministry of Foreign Affairs, the Ministry of the Interior and Public Order had made no decisions on the applications by year's end. Stateless residents were denied access to state benefits such as social security, medical care, and pensions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The country held parliamentary elections in September 2007; the elections were considered free and fair. Five parties passed the 3 percent threshold for representation in parliament. Opposition parties functioned freely and had broad access to the media.

Romani representatives reported that local authorities often deprived Roma of the right to vote by refusing to register them. Many Roma had difficulty meeting the municipal residency requirements to register to vote.

According to the law, voting is mandatory for citizens over age 18; however, there are many conditions under which citizens may be exempted, and the Government did not apply a penalty for not voting.

There were 49 women in the 300-seat parliament and two women in the 17-member cabinet. A quota system requires 30 percent of all local government candidates to be women. At the three high courts, 14 of 61 council-of-state justices were women, as were 28 of 59 supreme administrative court justices, and 3 of the 62 Supreme Court justices.

There were two members of the Muslim minority in the 300-seat parliament; there were no minority members in the cabinet.

A government-appointed regional administrator of Eastern Macedonia and Thrace has statutory responsibility for the oversight of rights provided to the Muslim minority in Thrace, but the Ministry of Foreign Affairs retained an important advisory role.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

NGOs and media reported that the Government insufficiently prioritized anticorruption efforts. Mutual accusations of corruption between political parties were a daily staple of political life. Prime Minister Karamanlis made anticorruption a key element of his party's program, and the Government pursued an in-depth investigation into judicial corruption and took steps to trace and apprehend corrupt tax collectors and law enforcement officers. Despite these efforts, major corruption cases continued to surface throughout the year.

In September a former minister and personal aide of the prime minister was convicted and given a one-year suspended prison sentence for interceding with judicial authorities on behalf of one of his constituents, who was illegally growing hashish. The former minister appealed his sentence. In December an appeals court gave him a five-month sentence, suspended for three years.

Two cabinet ministers resigned during the year amid allegations of involvement in a controversial property swap between Vatopedi, a Mount Athos monastery, and the Hellenic Public Real Estate Corporation.

In 2005 the former general director/acting consul at the Greek Consulate in Kyiv, the consulate's messenger, three foreign employees, and a policeman in Thessaloniki were criminally charged for allegedly cooperating in issuing approximately 2,500 illegal tourist visas to Ukrainian citizens for \$200,000. The case was tried in Thessaloniki in April 2007. The diplomat was sentenced to 21 years in prison. A consular employee received a sentence of 19 years, and a female Russian accomplice based in Greece received nine years. The diplomat's partner and a policeman were also tried but acquitted on all counts. The convicted parties appealed the decision but remained in prison at year's end. The date of the appeals trial had not yet been determined at year's end.

There are income disclosure laws for high-ranking public officials and members of parliament.

The constitution provides for the right of access to government-held information, and in practice the Government granted access to citizens and noncitizens alike, including foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative with some NGOs. However, the ombudsman for human rights and the GHM characterized the government-NGO relationship as poor. The ombudsman charged that the Government avoided cooperating with NGOs, who "could remedy the shortcomings of the administration."

Despite calls from the UN special rapporteur on the sale of children, child prostitution, and child pornography for the Government to appoint a lead person on children's issues, the Government failed to do so. There were no improvements to the institutional capacity for protecting unaccompanied minors or street children.

GHM and other NGOs called for the Government to improve the living conditions of Roma and give Romani children alternatives to street work and prostitution. However, the problem remained largely unaddressed except in Thrace and in Athens, where the Ministry of Foreign Affairs and local NGOs implemented measures to increase school attendance by Romani children. The Government has not taken steps to create an advisory board to coordinate children's policies or to create a joint Greek-Albanian commission to investigate "disappearances" from a children's institution between 1998 and 2003.

The law provides for an independent ombudsman for human rights. Although the Ministry of Justice has denied the ombudsman access to prisons since 2005, the ombudsman's office otherwise provided an effective means for citizens to address human rights and religious freedom problems. While it could not inspect prisons, the office was granted adequate resources to perform its other functions, which included mediating between private individuals and public administration and defending and promoting children's rights.

There were five deputy ombudsmen who dealt respectively with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life. The Department of Human Rights received complaints during the year regarding the Government's handling of residence and work provisions for immigrants, overcrowding in prisons and detention centers for illegal aliens, unjustified procedural difficulties in acquiring citizenship, excessive and unjustified delays in processing applications by Muslims from Thrace to recover citizenship lost under pre-1998 laws, arbitrary acceptance or denial of asylum seekers' applications, discrimination against aliens, and police brutality.

The government-funded National Commission for Human Rights is an autonomous human rights body. The commission is the Government's advisory body on the protection of human rights. During the year it produced reports on health treatment for illegal immigrants, problems in the asylum process, the plight of aliens trying to enter the country via the Aegean Sea and the practices of the Coast Guard, inmates' rights, and conditions in prisons.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; however, the Government did not protect these rights consistently in practice. Violence against women and children, trafficking in persons, and discrimination against homosexuals and ethnic minorities, particularly Roma and undocumented migrants, were problems.

Women.—Rape, including spousal rape, is a crime. Conviction rates for rape were low for first-time offenders, but sentences were harsh for repeat offenders. According to government statistics, there were 150 rape or attempted rape cases reported in the first six months of the year, and 133 rape suspects were arrested. In 2007, 249 rapes and attempted rapes were reported. In 2006 an academic researcher estimated that approximately 4,500 rapes occurred annually in the country, while government statistics from that year showed that 270, or 6 percent of the academic estimate, were actually reported to police. Of those reported rapes, 183 resulted in an arrest. Of the 47 rape cases that reached court, 20 resulted in conviction.

Medical, psychological, social, and legal support from the Government and NGOs were usually available to rape victims.

Domestic violence, including spousal abuse, continued to be a problem. The law provides for prosecution by force of law, without the need for a victim to press charges, for all domestic violence crimes. Penalties range from two to 10 years' imprisonment, depending on the gravity of the crime.

The General Secretariat for the Equality of the Sexes (GSES), an independent government agency, estimated that only 6 to 10 percent of domestic violence victims contacted the police, and only a small fraction of those cases reached trial. Despite training efforts, the GSES reported that police tended to discourage women from pursuing domestic violence charges, encouraging them instead to undertake reconciliation efforts, and courts were lenient when dealing with domestic violence cases. Police stations generally had a manual on how police should treat victims of domestic violence. The GSES, in cooperation with the Ministry of the Interior and Public Order, trained police on working with domestic violence victims.

In September a Greek-Spanish woman alleged that police in Eressos, Lesbos, threatened and discouraged her from filing charges against a local man who had beaten her. The victim alleged that the police officers at the station were friends of the perpetrator and were covering for him.

The GSES provided counseling and assistance to domestic violence victims. Two GSES shelters for battered women and their children, in Athens and Piraeus, offered services including legal and psychological help. The GSES operated a 24-hour emergency telephone hot line for abused women. A unit of the Ministry of Health and Welfare that operated a hot line providing referrals and psychological counseling closed early in the year due to lack of funds. The municipality of Athens, the Greek Orthodox Church, and various NGOs operated shelters for victims of domestic violence.

Prostitution is legal at the age of 18. Persons engaged in prostitution must register at the local prefecture and carry a medical card that is updated every two weeks. It was estimated that fewer than 1,000 women were legally employed as prostitutes and approximately 20,000 women, most of foreign origin, were engaged in illegal prostitution. According to academics, many illegal prostitutes may be trafficking victims. While there were reports that prostitutes were abused and subjected to violence and harassment by pimps and clients, there were no reports that they were specifically targeted for abuse by the police.

The law prohibits sexual harassment and provides for penalties ranging from two months' to five years' imprisonment. However, labor unions reported that lawsuits

for sexual harassment were very rare. The Center for Research on Gender Equality Issues reported that the vast majority of women who experienced sexual harassment in the workplace quit their jobs and did not file charges. The center estimated that 30–50 percent of working women and 10 percent of working men had experienced sexual harassment at their workplace.

Muslim women in Thrace have inferior rights to men under family law, property law, and in the judicial system, since these issues are resolved under Shari'a (Muslim religious) law interpreted by muftis. The Government recognizes Shari'a as the law regulating the family and civic issues of the Muslim minority in Thrace, and thus the first instance courts in Thrace routinely ratified the muftis' decisions.

In an unprecedented March case, a court of first instance in Rodopi Prefecture refused to ratify a mufti's decision that awarded a woman only a small share of her parental inheritance, instead of the one-half share provided by the law. The court held that Greek and European law should prevail over Shari'a law. The court stated that the use of Shari'a should not deprive the country's Muslim women of their rights and should not be applied if it violated the basic principles of the constitution regarding the equality of the sexes and equality before the law. A final court decision regarding the division of property between the woman and her brother had not been delivered by year's end.

The National Commission for Human Rights has advised the Government to limit the powers of the muftis to religious duties and to stop recognizing Shari'a law, because it could restrict the civic rights of citizens. Muslim female activists claimed that, because all Muslim women in Thrace were married under Shari'a, they were therefore obliged to acquire mufti consent to obtain a divorce. These decisions were based on interpretations of Shari'a law that do not exist in written form and therefore would not be able to be appealed. Still, the courts routinely ratified such mufti decisions.

Apart from the Muslim minority in Thrace, women have rights equal to those of men, and equality is stipulated by the constitution.

The law provides for equal pay for equal work; however, according to the last official statistics (collected in 2005), women's pay was 81 percent of men's pay. Although relatively few occupied senior positions, women continued to enter traditionally male-dominated professions such as law and medicine in larger numbers. Women were underrepresented in labor union leadership.

Children.—The Government was not consistently committed to children's rights and welfare. Romani children continued to face social exclusion and discrimination in education and lacked access to social services. Unaccompanied migrant children were detained in the same cells as adults, lacked safe accommodations and legal guardians, and were vulnerable to homelessness and labor exploitation. Corporal punishment of children is prohibited by law.

The Government does not issue birth certificates for children born in the country to immigrant parents without citizenship. The ombudsman for human rights urged the Government to grant citizenship to all children who were born and raised in the country and to accept them for all educational, social security, and social protection-related services. Without a birth certificate or a long-term residence permit, immigrant children faced difficulties registering for school. According to the law, non-citizen children must wait until age 18 to apply for long-term residence permits. In December the parliament passed a new law giving immigrant children born in the country the right to apply for long-term residence permits.

While the law provides free and compulsory education for a minimum of nine years, noncompliance was a significant problem in the Romani community. Research conducted by the Aghlaia Kyriakou state hospital showed that 63 percent of Romani children did not attend school. The Pedagogical University of Thessaloniki reported that less than 10 percent of Romani children in northern Greece finished the nine years of compulsory education and only 3 percent graduated from high school. The GHM reported in April that 90 percent of Romani children were illiterate.

There were continuing reports of non-Romani parents withdrawing their children from schools attended by Romani children and attempting to prevent Romani children from studying at the same schools that their children attended. A segregated Romani-only school in Psari, Aspropyrgos, was destroyed twice within a year, in April 2007 and in January, and the perpetrators had not been found by year's end.

In June the ECHR ruled against Greece for maintaining a segregated school in Psari, Aspropyrgos, since 2005. The ruling came after the GHM filed an application on behalf of 11 Romani parents and 18 children. The ECHR found that the refusal of education authorities to enroll the Romani children in the local elementary school, and their subsequent placement in a separate annex school attended only

by Roma, violated prohibitions against discrimination and denied Romani children their right to education.

Violence against children was a problem, particularly against street children and undocumented migrant children. The law prohibits the mistreatment of children and sets penalties for violators, and the Government generally enforced these provisions effectively. However, government-run institutions were understaffed, and NGOs complained that they did not have positions for all children in need of alternative placement. Welfare laws provide for treatment and prevention programs for abused and neglected children as well as alternative family care or institutional placement for those in need of it. However, the deputy ombudsman for children's rights reported during the year that the system for children's welfare and protection was deficient overall and did not cover increasing needs. In particular, social services were not appropriately staffed to face serious family problems, and welfare allowances and support to single-parent families were insufficient. In addition the deputy ombudsman noted that prosecutors for minors, who should by law take measures to protect children in problematic situations, were overloaded with other duties. Child-protection institutions were understaffed, lacked certification, and did not have sufficient qualified staff to provide care to abused, refugee, or drug-abusing children. Foster care systems were not adequately implemented, and adoption procedures continued to take several years.

Child marriage was common within the Romani community, and there were limited numbers of marriages of persons under 18 among the Muslim minority in Thrace and Athens. In 2006 the Council of Europe's commissioner for human rights and the UN special rapporteur reported that they were informed of cases of both early marriages and marriages-by-proxy. The state-appointed muftis, who may apply Shari'a law in family matters, noted that they did not allow the marriage of children under age 15. The Government has youth centers, parent counseling, and programs targeted at Romani and Muslim communities that address poverty and the lack of education, two factors believed to contribute to child marriage.

In January legislation prohibiting the possession and circulation of child pornography was passed. Previously, only the sale or purchase of such materials was prohibited.

According to the UN Children's Fund (UNICEF) and local NGOs, the majority of street children (often indigenous Roma or Albanian Roma) were exploited by family members, who forced them to work in the streets, begging or selling small items. The Government took insufficient steps to prevent this form of child exploitation. While no nationwide statistics were available at year's end, in December, the NGO ARSIS estimated that Thessaloniki, the country's second-largest city, had over 300 street children.

Conditions for undocumented-immigrant and asylum-seeking children were particularly harsh. In June, 103 unaccompanied minors, including Somali girls from eight to 12 years old and boys from 12–18 years old, were incarcerated with adults on Lesbos. In May, 121 unaccompanied minors held in a small hotel and rented hall in Leros Island staged rolling hunger strikes to protest their poor detention conditions. Following public outcry over these incidents, media reported that local NGOs provided aid to these minors.

In December HRW reported on the country's "systematic failure" to protect unaccompanied migrant children, alleging that minors were detained in the same cells as adults, age and vulnerability assessment procedures were inadequate, child trafficking victims were not identified properly, unaccompanied minors faced severe problems in applying for asylum. The law requires that unaccompanied migrant minors be provided with a temporary guardian, regardless of whether the child has applied for asylum. In practice the Government seldom provided a guardian or safe accommodation for children, leaving minors vulnerable to homelessness and labor exploitation. HRW estimated that 1,000 unaccompanied and asylum-seeking children entered the country during the year.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, significant numbers of women and children and smaller numbers of men were trafficked to and within the country for the purposes of commercial sexual exploitation and forced labor. Sectors involving forced labor included agricultural work, street vending, and forced begging.

According to NGO estimates, there were 13,000–14,000 trafficking victims in the country at any given time. Major countries of origin for trafficking victims included Nigeria, Ukraine, Russia, Bulgaria, Albania, Moldova, Romania, and Belarus. Women from many other countries were trafficked to the country and, in some cases, were reportedly trafficked on to Italy and other European Union countries as well as to the Middle East. Women and children typically arrived as "tourists" or

illegal immigrants and were lured into prostitution by club owners who threatened them with deportation.

NGOs reported a decrease in the number of Albanian children trafficked into the country for the third consecutive year. However, there were reports that Albanian Romani children continued to be trafficked for forced begging and stealing. In July the parliament ratified a protocol with Albania on the repatriation of Albanian children who were victims of child trafficking.

The law considers trafficking in persons a criminal offense and provides for imprisonment of up to 10 years and fines of 10,000–50,000 euros (approximately \$15,000–\$75,000) for convicted traffickers. Penalties are harsher for traffickers of children. The Government continued to investigate cases of trafficking and secured convictions for traffickers.

In 2007 police conducted 42 trafficking investigations (30 sexual exploitation cases, 11 labor exploitation cases, and one illegal adoption), down from 70 in 2006. They brought charges against 121 suspected traffickers, down from 206 arrests in 2006. Twenty-five defendants (in nine separate cases) were convicted of trafficking-related charges, while three were acquitted. Sentences imposed on convicted traffickers remained lenient; moreover, the majority of convicted traffickers remained free on bail for five to six years while their convictions were appealed. The Ministry of Justice continued to lack effective databases, hindering its ability to provide and manage information on convictions and sentencing, especially in trafficking cases.

During the year the Government participated in international investigations in cooperation with EUROPOL, INTERPOL, and the Southern European Cooperative Initiative. The Ministry of the Interior and Public Order continued working on a police action plan for regional antitrafficking cooperation.

Some police officers and diplomats were reportedly involved in trafficking rings or accepted bribes from traffickers, including from organized crime networks. The police Bureau of Internal Affairs investigated charges of police involvement in trafficking cases. In 2007 charges were filed against three police officers, two of them senior, relating to trafficking. By year's end no trial date had been set.

In April 2007 Greek diplomats assigned to Ukraine were tried in Thessaloniki for issuing visas, with little documentary evidence and no personal interviews, to women subsequently identified as trafficking victims. One diplomat received a 21-year sentence, and a consular employee received a 19-year sentence. A female accomplice, a Russian citizen living in Greece, received a nine-year sentence. The diplomat's spouse and a policeman were acquitted. The convicted parties appealed the decision, but at year's end they remained in jail waiting for their appeals to be heard.

While the immigration law provides for a "reflection period" for trafficking victims facing deportation, the screening and referral process did not adequately identify and protect most vulnerable victims, especially children. Some trafficking victims, including minors, were prosecuted for immigration violations, sometimes alongside their traffickers. A few trafficking victims and NGOs reported that inadequate police protection for victims who were witnesses in trials meant that those victims lived in constant fear of their traffickers. A few victims were provided with the reflection period and testified against their traffickers. One hundred trafficking victims were identified by authorities in 2007, an increase over the 83 victims identified in 2006 but still below the 137 victims identified in 2005.

Police continued to detain trafficking victims who were minors as criminals or to repatriate them without ensuring proper reception by authorities in their home countries.

During the year the Government continued training programs for prosecutors and public administration officers, including social workers, psychologists, nurses, police personnel, and justices. The Government also conducted training programs in conjunction with international organizations, including the Council of Europe and the International Organization for Migration.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other government services, and the Government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities; however, authorities enforced this law poorly. During the year rapporteurs to a special parliamentary committee on persons with disabilities reported that the lack of accessibility forced such persons to stay home and led to serious social exclusion.

Only 5 percent of public buildings were fully accessible to persons with disabilities; most buildings with special ramps did not have accessible elevators or lava-

tories. The deputy ombudsman for social welfare handled complaints related to persons with special needs, especially those related to employment, social security, and transportation.

The Ministry of Welfare estimated during the year that there were approximately 180,000 children with special educational needs. The Teachers' Associations estimated that only 18,500 of these children attended primary school and that, of this number, only 10 percent would go on to attend secondary school, due either to a lack of local special education schools or a lack of accessibility. The National Confederation of Persons with Disabilities reported in February 2007 that the educational system for persons with disabilities fostered discrimination and social exclusion and that, as a consequence, 90 percent of children with disabilities were excluded from the mandatory nine years of education. The deputy ombudsman for children's rights and the NGO Confederation of the Disabled reiterated during the year that education was not available for persons with serious disabilities and that many persons with disabilities were either forced to leave school due to lack of accessibility or were receiving a low quality education at the special education schools. The confederation stated that, of the 10 universities in Athens, only two were accessible to persons with disabilities.

In June members of a special parliamentary committee for persons with disabilities said that unemployment of persons with disabilities, estimated to be approximately 80 percent, was the greatest social problem these persons faced.

The law states that individuals may be confined in mental hospitals only under a court order. In May 2007 the ombudsman for human rights reported that 94 percent of persons confined in mental hospitals were there under a prosecutor's order but that, in 84 percent of these cases, the decision to confine the patient was not supported by a corresponding court decision. As a result, the rights of mentally ill persons were not effectively protected. The ombudsman further found that 97 percent of mentally ill persons had been transferred to mental hospitals by police, sometimes handcuffed and escorted as "dangerous persons" rather than as patients.

National/Racial/Ethnic Minorities.—Roma continued to face widespread governmental and societal discrimination, including systematic police abuse; mistreatment while in police custody; regular raids and searches of Romani neighborhoods for criminal suspects, drugs, and weapons; limited access to education and segregated schooling; forced illegal evictions; demolitions of dwellings (which in many cases were shacks made of cardboard, plastic sheets, and corrugated tin on the edge of city dumps); and a lack of running water, electricity, or waste removal.

During the year AI criticized the Government for its treatment of Roma, stating that the Romani community continued suffering forced evictions and home demolitions and that Roma faced discrimination and racist attacks from both representatives of local administrations and society in general. Other international human rights organizations and entities, including the European Committee of Social Rights, the International Helsinki Federation, the European Commission against Racism and Intolerance (ECRI), the UN special rapporteur, and the Council of Europe commissioner for human rights, identified numerous shortcomings in government policies regarding the Romani community, including the failure to provide a sufficient number of dwellings for settled Roma or camps for Roma who follow an itinerant lifestyle; systematic eviction of Roma from sites or dwellings; segregation of Roma into substandard housing that lacked water, sanitation, and other basic services; denial of access to education for Romani children; and denial of access to health and social programs.

The law prohibits the encampment of "wandering nomads" without a permit and forces Roma to establish settlements outside inhabited areas and far from permanent housing. There were approximately 70 Romani camps in the country at year's end. Local and international NGOs charged that the enforced separation of Romani settlements from other inhabited areas contravened the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

There were frequent police raids on Romani settlements and reports of harsh treatment of them by police. The ombudsman held a conference on Roma issues in December 2007 at which he highlighted that, in virtually all categories, Roma were the most marginalized group in society. He criticized the Government and society as apathetic and indifferent toward measures that would support the Romani community, particularly in connection with housing and access to education. Roma continued to face problems in registering for an identity card in municipalities, without which they could not access basic civic opportunities such as voting, contributing to social security, or obtaining marriage, commercial, or driver's licenses, or a mort-

gage. The ombudsman criticized the lack of a central authority to coordinate action and to monitor government initiatives to tackle long-standing Romani problems.

In April, on International Roma Day, the ombudsman noted that society's tolerance of the desperate living conditions of the Roma constituted degrading treatment. The GHM reported that the situation for the Roma had worsened since 2007 and the National Commission for Human Rights said that the unaddressed civil rights problems facing the Roma were dimming hopes for Romani integration into, and co-existence with, the rest of society.

In April an academic reported that life expectancy for Roma was 55 years (compared to 79 for the rest of the population), 90 percent of Romani children were not vaccinated, the rate of hepatitis B among Roma was three times higher than the rest of the population, and that the rate of incarceration for Roma was seven times higher than that of the general population.

Also in April a truck unloading garbage in the Aspropyrgos dump killed a pregnant 17-year-old Romanian Romani teenager foraging for food.

Local authorities continued to harass and threaten to evict Roma from their camps or other dwellings. In April the International Center for the Legal Protection of Human Rights, in partnership with the GHM, filed a complaint against Greece with the European Committee of Social Rights. The complaint detailed serious and widespread violations of the Romani community's right to housing.

In July the Misdemeanors Court of Athens convicted three employees of the extreme right-wing weekly newspaper *Eleftheros Kosmos* to seven-month suspended sentences for racist articles against the Roma.

Government ministries continued projects to address the chronic problems of the Romani community, including training courses for civil servants, police, and teachers to increase their sensitivity to Romani problems; the development of teaching materials for Romani children; the establishment of youth centers in areas close to Romani communities; and the deployment of mobile health units and community social workers to address the needs of itinerant Roma. However, these programs reportedly did not always reach the intended target communities or were of limited effectiveness. Roma complained that government-sponsored housing loans, for amounts up to 60,000 euros (approximately \$90,000), were insufficient for purchasing housing, and that the loan application process was too slow. The Government blamed incomplete applications for loan delays.

Neo-Nazi groups reportedly attacked immigrants during the year. Five Pakistanis were injured and one was hospitalized at an attack in November 2007 on a western Athens house rented by Pakistani immigrant workers. The Greek-speaking neo-Nazi skinheads entered the house after kicking and smashing doors and windows. A similar attack took place in January, but without injuries. Police did not find the perpetrators and stated that they were investigating the allegations. No results were announced by year's end.

Albanian immigrants, who made up approximately 5–7 percent of the population, faced widespread societal discrimination, although Albanian community representatives said that this was slowly decreasing over time. Immigrants accused police of physical, verbal, and other mistreatment. They also reported the confiscation and destruction of personal documents, particularly during police sweeps to apprehend undocumented immigrants. According to AI, the GHM, and the ombudsman, the police rejected complaints by Albanians of mistreatment as unfounded, even when the complaints were supported by documents such as certificates from state hospitals concerning recent injuries, issued shortly after the complainants' release from police stations.

Community leaders reported that it was difficult for ethnic Albanians and other immigrants to be granted citizenship, even after all objective citizenship requirements had been met. Government procedures for granting citizenship are confidential, and the Ministry of the Interior and Public Order is not obliged to explain the reasons for rejecting an application. Immigrant community leaders noted that the ministry regularly rejected the applications of immigrants who believed that they met all citizenship criteria. Applying for citizenship was further discouraged by the 1,500 euro (approximately \$2,100) nonrefundable application fee. During the year the ombudsman noted that delays in citizenship procedures were excessive and unjustified. The ombudsman reported that few applications for citizenship were accepted by the Ministry of the Interior and Public Order and that many applications were pending for years, even if the applicants met all requirements.

A number of Greek citizens identified themselves as Turks, Pomaks (Slavic-speaking Muslims), Vlachs (a Balkan minority group speaking a dialect of Romanian), Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or Macedonians. Some members of these groups sought to be officially identified as "minorities" or "linguistic minorities." The Government considers the 1923 Treaty of Lau-

sanne as providing the exclusive definition of minorities in the country and defines the rights they have as a group. In accordance with this view, the Government recognizes only a "Muslim minority." The Government does not confer official status on any indigenous ethnic groups, nor does it recognize "ethnic minority" or "linguistic minority" as legal terms. However, the Government affirmed an individual right of self-identification.

Many individuals who defined themselves as members of a "minority" found it difficult to express their identity freely and to maintain their culture. Use of the terms Tourkos and Tourkikos ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves Tourkos. Associations with either term in their name were denied official recognition. To most ethnic Greeks, the words Tourkos and Tourkikos connote Turkish identity or loyalties, and many ethnic Greeks objected to their use by Greek citizens of Turkish origin.

Some members of the Pomak community claimed they were pressured by members of the Turkish-speaking community to deny the existence of a Pomak identity as separate from a Turkish identity. Media in Thessaloniki reported in October that two editors of Millet, a local paper published in Turkish, were given 12-month suspended sentences for inciting hatred against the Pomak community.

The Government did not recognize the existence of a Slavic dialect, called "Macedonian" by its speakers, spoken in the northwestern area of the country. A small number of Slavic speakers insisted on self-identifying as "Macedonian," a designation that generated strong opposition from other Greeks. These Slavic speakers claimed that the Government pursued a policy designed to discourage the use of their language. Government officials and the courts denied requests by Slavic groups to identify themselves using the term "Macedonian," stating that approximately 2.2 million ethnic (and linguistically) Greek citizens also use the term "Macedonian" to identify themselves.

Other Societal Abuses and Discrimination.—The NGO Greek Homosexual Community (EOK) alleged that police often abused and harassed homosexuals and transvestites and subjected them to arbitrary identity checks and bodily searches in public places.

There were no reports of discrimination against persons with HIV/AIDs.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, with the exception of members of the military services, have the right to form and join independent unions of their choice without any previous authorization or excessive requirements, and workers exercised this right. Approximately 30 percent of the total labor force was unionized. There were no unionized agricultural employees. The law allows unions to conduct their activities without interference, and the Government protected this right in practice.

The law provides for the right to strike, and workers in the private sector and in public corporations exercised this right in practice. Police have the right to organize and demonstrate but not to strike. There are some legal restrictions on strikes, including a mandatory notice period of four days for public utilities and 24 hours for the private sector. The law mandates minimum staff levels (as determined by management) during strikes affecting public services. Courts may declare a strike illegal; however, such decisions were seldom enforced. Unions complained that this judicial power deterred some of their members from participating in strikes. Courts declared some strikes (of transportation workers, air traffic controllers, garbage collectors, customs employees, and others) illegal during the year for reasons such as the failure of the union to give adequate advance notice of the strike or the introduction of new demands by a union during the course of the strike, but no workers were prosecuted for striking.

b. The Right to Organize and Bargain Collectively.—The law generally provides for the right to bargain collectively in the private sector and in public corporations, and unions exercised this right freely. No antiunion discrimination was reported during the year.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forced or compulsory labor, including by children; however, there were reports that women, children, and occasionally men were trafficked for commercial sexual exploitation or labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor; however, the Government did not adequately protect children, including Roma, who were trafficked for commercial sexual exploitation as well as for labor, such as begging on the street.

The minimum age for employment in the industrial sector is 15, with higher limits for some activities. The minimum age is 12 in family businesses, theaters, and the cinema. These limits were enforced by occasional spot checks and were generally observed. Families who engaged in agriculture, food service, and merchandising were often assisted by younger family members on at least a part-time basis.

Child labor was a problem, although international and local observers agreed that the number of working children had decreased in recent years. A number of children begged or sold small items in the streets. The Government and NGOs reported that the majority of beggars were either indigenous or Albanian Roma. Local children's advocates estimated that a large number of the 150,000 children under 18 years of age who dropped out of school each year ended up in the labor market, often in poorly-paid and arduous positions. Jobs for dropouts included washing cars, pumping gas, construction, and low-level service sector employment.

In December HRW reported that unaccompanied migrant children were particularly vulnerable to labor exploitation. These minors worked mainly in the agriculture, construction, and garment-manufacturing sectors, all in situations that violated the law. Farm and construction jobs, in particular, were reported to be hazardous to the children's health. All of the children that HRW interviewed were paid below the minimum wage and many worked 12 hours or more per day.

There were reports that children from Albania were trafficked and forced to beg; however, antitrafficking NGOs reported a decrease in trafficking as more Albanian parents entered the country legally with their children. Some parents forced their children to beg for money or used their children to elicit sympathy while begging for money.

The labor inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate due to serious labor inspectorate understaffing.

e. Acceptable Conditions of Work.—The national minimum wage of 31 euros (approximately \$47) per day and 680 euros (\$1,020) per month provided a decent standard of living for a worker with a family. Wages were officially the same for local and foreign workers, but there were reports of undocumented foreign workers being exploited by employers who paid low wages and made no social security contributions.

The maximum legal workweek is 40 hours in the private sector and 37.5 hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of one month per year, and sets limits on the amount of overtime worked. Premium pay and authorization by the Ministry of Employment is required by law for overtime work. The labor inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate, especially in the construction and public works sectors, due to inadequate inspectorate staffing.

The law provides for minimum standards of occupational health and safety. The Greek General Confederation of Labor characterized health and safety laws as satisfactory but stated that enforcement by the labor inspectorate was inadequate. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they have the right to lodge a confidential complaint with the labor inspectorate. Inspectors have the right to close down machinery or a process for up to five days if they see safety or health hazards that they believe represent an imminent danger to workers.

HUNGARY

Hungary is a republic with a multiparty, parliamentary democracy and a population of approximately 10 million. Legislative authority is vested in the unicameral National Assembly. The president, who is elected every five years by the National Assembly, is head of state and appoints a prime minister from the majority party or coalition. The April 2006 National Assembly elections were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, problems remained and worsened, including in the following areas: reports that police used excessive force against suspects, particularly Roma; progovernment bias in state-owned media; extremist violence and propaganda against ethnic and religious minority groups; and government and societal corruption. Other human rights problems included societal violence against women and children, sexual harassment of women, and trafficking in persons. Extremists increasingly targeted Roma and other

dark-skinned persons. A series of violent attacks against Roma led to four deaths and multiple injuries. Discrimination against Roma in education, housing, employment, and access to social services continued. Violence and abuse directed at gays continued to be a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, nongovernmental organizations (NGOs) continued to report that police harassed and used excessive force against suspects, particularly Roma.

According to the office of the chief public prosecutor, 15 complaints of police mistreatment and 10 of use of force during interrogation were filed during the first six months of the year. The complaints resulted in 18 indictments of police officers. NGOs asserted that most complaints were made by Roma and other dark-skinned persons; however, due to privacy laws, no information was available on the persons who filed the complaints.

During the year authorities continued to investigate accusations that police mistreated six Romani men in June 2007 during an identity check. No information about the status of the investigation was available at year's end.

On January 23, the Budapest prosecutor's office began an investigation into claims that a young woman may have falsely accused five police officers of rape in May 2007. The officers were cleared of the charge in December 2007 for lack of evidence. The woman, however, filed a separate criminal case against the officers. The investigation and criminal case were pending at year's end.

On July 1, the Budapest prosecutor's office charged three police officers from Somogy County with abuse for humiliating two mentally retarded men during questioning about a February 2007 theft. The case was pending at year's end.

Actions by the national police and other law enforcement officers to control violent, large-scale antigovernment demonstrations in September and October 2006 continued to be a subject of public concern. An estimated 326 demonstrators and 300 police officers were injured, and 380 protestors were either arrested or detained. Opposition parties and NGOs alleged that police had excessively and illegally used water cannons, tear gas, and rubber bullets to break up the demonstrations.

Approximately 199 criminal investigations were conducted into allegations of police misconduct during the demonstrations; most were closed without charges. Eighteen police officers were charged with suspicion of causing bodily injuries. Of that number, five were sentenced and 13 cases were pending at year's end.

In civil proceedings, the Budapest municipal court issued six verdicts during the year, ordering police authorities to pay 7.2 million forint (approximately \$38,170) to compensate six demonstrators who were either beaten or illegally detained.

For example, one person who was kicked in the stomach, handcuffed, and detained for half a day was awarded 500,000 forints (\$2,650) for violations of human dignity and personal freedom. In a number of cases, criminal charges were not filed because the police officers who committed the alleged abuses could not be identified.

On January 1, a new law took effect prohibiting the use of rubber bullets by police. The National Assembly adopted the measure in June 2007 in response to recommendations from an independent committee and the Hungarian Civil Liberties Union (HCLU) that investigated the 2006 demonstrations.

Some officials expressed frustration over police misconduct during the 2006 demonstrations and the inability of courts to resolve cases expeditiously. On June 9, President Laszlo Solyom said the state and the rule of law were "gravely injured" by the failure to bring more police officers to justice. A judge who presided over a case against a police officer said he was dissatisfied with the testimony of police officers who testified in support of the officer and accused some of lying.

On January 21, the Budapest Prosecutor General fired Gergely Varga in connection with statements he allegedly made prior to assuming a position as office spokesman. According to a secret tape recording made by a journalist, Varga pressured witnesses not to testify against his police officer friend who was on trial for his actions in the 2006 demonstrations. Varga said that his friend and other police officers on trial were innocent and falsely claimed that he knew the actual perpetrators.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Prison overcrowding was a problem; however, it continued to decline, and the Government opened two new prisons during the year. The overall prison population dropped to 117 percent of capacity, compared with 132 percent in 2007. At year's end, 14,736 inmates were held in prison and detention centers. Juveniles were not held together with adults.

According to the Hungarian Helsinki Committee (HHC), prison overcrowding was accompanied in some instances by a severe shortage of bed linens, towels, clothing, and inadequate medical care. Sanitation and toilet facilities were also poor in certain facilities; in some prisons toilets were not separate from living spaces. Many police holding cells did not have toilets and lighting and ventilation were often inadequate.

According to authorities, seven inmates committed suicide during the year.

At year's end an investigation continued into allegations that prison guards in October attacked an inmate in the Miskolc Prison. The inmate reported that he was beaten after a disagreement with a guard, and spent 29 days recovering from his injuries.

On September 4, the civil rights ombudsman released a report alleging that the constitutional rights of juvenile prisoners to life and dignity were at risk. The ombudsman opened an investigation into juvenile prison conditions following a death at a juvenile prison in Tokol where a prisoner was killed in October 2007.

The HHC reported that it made four visits to various prisons during the year and was allowed to meet with prisoners without third parties present.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The Hungarian National Police (HNP), which operates under the direction of the Ministry of Justice and Law Enforcement, is responsible for enforcing laws and maintaining order nationwide. Twenty regional police departments are directly subordinate to the HNP; city police are subordinate to the regional police and have local jurisdiction. Three organizations within the HNP have national jurisdiction: the Republican Guard, the National Bureau of Investigation, and the Emergency Police (formerly called Rebisz), who are also responsible for counterterrorism and crowd control.

Corruption within law enforcement agencies remained a problem. In contrast with 2007 there were no major scandals or charges of criminal acts by police that led to the dismissal or resignation of senior law enforcement officials. Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution. During the year, 1,762 policemen were held responsible for breaching discipline; 616 for misdemeanor offenses; 13 were declared unfit for duty, and 262 were charged with committing a crime.

As of October three policemen were sentenced to prison and 30 received suspended sentences; 152 were fined, 2 were demoted, 2 were dismissed, 20 were reprimanded, and 17 were placed on probation. In addition, 22 police officers were convicted of corruption.

In October 2007 the HHC reported that law enforcement officials accused of a crime routinely received preferential treatment from the courts. According to the committee, police officers were generally not suspended during criminal proceedings and received disproportionately light punishments. In addition, a special provision in the penal code allows courts to clear convictions from the official record, thereby allowing police officers to continue working.

On January 1, an Independent Police Complaints Board (IPCB) began operating to investigate violations by police and border guards. The five-member body appointed by the National Assembly functions independently of police authorities. At year's end the board received 194 complaints filed by citizens. Of that number, the IPCB reviewed 109 and found substantial legal violations in 64 cases. The board forwarded 31 cases to the national police chief, who agreed with the findings in three cases, partially accepted the findings in four cases, and rejected the remainder.

A mobile police unit established in 2007 within the HNP to monitor legality of police acts around the country continued to operate. The HNP also continued to operate toll-free phone line for citizens to report police abuses.

Arrest and Detention.—Under the law police must obtain a warrant from a prosecutor's office, a court, or from the police department to make arrests. Police must inform suspects of the charges against them and of the section of the criminal code under which they are acting.

Persons may be subject to “short-term arrest” if they are caught committing a crime or are suspected of committing a crime. Short-term arrest generally lasts eight hours, but may be 12 hours in exceptional cases. However, if suspects have no identification and pose a threat to public security, police may detain them for 24 hours. Police and the prosecutor’s office can order detention for 72 hours for suspects who are caught in the act when their identity cannot be established or if conditions justify pretrial detention. If pretrial detention is not ordered within 72 hours, the person must be released.

There is a functioning bail system. Suspects must be informed of their right to counsel. Representation by defense counsel is mandatory when defendants face a charge carrying five years or more in prison; are in detention; are deaf, blind, or suffering from a mental disorder; are unfamiliar with the Hungarian language; are unable to defend themselves in person for any other reason; are juveniles; or are indigent and request the appointment of a defense counsel. If participation of a defense counsel is required, defendants have three days to hire an attorney, otherwise authorities will appoint one.

According to the Office of the Prosecutor General, there were 1,891 persons in pretrial detention as of July 31. Of these, 278 had been detained between six months and one year and 38 had been detained for over one year.

In most cases the law permits detainees to notify relatives or others of their detention unless notification would jeopardize the investigation. If the detainee cannot exercise this right, police must perform the notification. However, NGOs reported that in practice this provision was not fully respected. Under the law persons who were detained and later acquitted may receive monetary compensation.

According to NGO reports, Roma were more frequently held in pretrial detention than non-Roma and were subjected to racial profiling. Research conducted by the HHC with data from the HNP and the National Police College showed that Roma were three times more likely to be stopped for identification checks than non-Roma, despite data suggesting that Roma are no more likely to be involved in unlawful activities than non-Roma.

e. Denial of Fair Public Trial.—The law and the constitution provide for an independent judiciary, and the Government generally respected judicial independence in practice.

The country has a four-tier judicial system consisting of local and county courts, appellate courts, and the Supreme Court, which exercises control over the operations and judicial procedures of all other courts. There is also an 11-member Constitutional Court, which is elected by the National Assembly and independent of the judicial system. It is charged with reviewing the constitutionality of laws and international treaties ratified by the Government. Citizens may bring cases directly to the Constitutional Court.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are generally public, but in some cases judges may close a trial to protect the accused or the victim. In July the Government eliminated a 1986 Ministry of Justice rule that regulated media access to police and judicial proceedings. The Hungarian Civil Liberties Union (HCLU) routinely criticized the courts for restricting the media’s access to the courtroom.

There is no jury system; judges are the final arbiters. Judicial proceedings generally are investigative rather than adversarial. Defendants are presumed innocent until proven guilty and are entitled to counsel and can be present during all phases of criminal proceedings. Counsel is appointed for indigent persons, but public defenders were generally considered to be substandard.

In January the HHC proposed reforms to the public defender system to address critical shortcomings. For example, the HHC cited as specific areas of concern low salaries, uneven service quality, and a questionable process whereby investigating authorities appointed the defense council. The HHC proposed that public defenders should be appointed by an independent legal aid organization and their work should be regularly checked by a professional committee.

Judicial proceedings varied in length; delays of several months to a year were common. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. They have access to government-held evidence relevant to their cases. The defendants have the right of appeal.

The law extends rights to all citizens; however, human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process.

On March 26, Transparency International (TI) released a report that criticized courts for lacking sufficient transparency and accountability. The report recommended introducing clear ethical standards in court bodies, making the operation

of the National Justice Administration Council transparent and open to the public, and making court documents accessible.

Military trials follow civil law and may be closed on national security or moral grounds. In all cases sentencing must take place publicly. Civilians may not be tried in military courts.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Under the law persons may initiate lawsuits to seek damages for human rights violations; however, fines levied in such cases are often too small to deter violators.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, a functioning judiciary, and a democratic political system combined to ensure freedom of speech and of the press; however, there were charges that the government-owned media were politically biased.

Individuals could criticize the Government in public or private without reprisal; however, individuals, including journalists, can be held liable for their statements or for publicizing libelous statements made by others. Libel is a criminal offense. Officials continued to resort to libel laws to claim compensation for perceived injuries to their character.

The National Television and Radio Commission is responsible for monitoring public and commercial broadcasting outlets, and for granting licenses and frequencies. The head of the seven-member board is nominated jointly by the president and the prime minister; six other members are appointed by the National Assembly, half by governing political parties and half by the opposition. The board monitors news broadcasts to ensure equal treatment of all political parties; however, opposition parties continued to claim that news coverage in state-owned media was biased in favor of the Government.

On November 5, the Supreme Court acquitted Gyula Thurmer, president of the Hungarian Communist Workers Party, and six coworkers who had been charged with libel after describing a 2005 decision by municipal court chairman Laszlo Gatter as politically motivated.

Under the law, a person targeted by hate speech can file a civil suit. "Hate mongering" is considered a criminal offense if it leads to physical assault.

On June 30, the Constitutional Court ruled in favor of President Solyom's veto of a hate speech law stating that the right to free speech cannot be denied solely because comments are offensive to others. In October 2007 the National Assembly adopted two measures to criminalize offensive remarks in cases where a person's ethnic, racial or religious group rather than the individual person was insulted.

The law prohibits public displays of certain symbols, including the swastika, hammer and sickle, red star, and arrow cross, a symbol associated with the country's fascist World War II government.

On December 20, Hungarian Workers Party Deputy Chairman Attila Vajnai and four colleagues were detained at a demonstration in Budapest for displaying Communist red stars. They were detained in spite of a finding in July by the European Court of Human Rights (ECHR) which said Vajnai's right to freedom of expression had been restricted when he was detained and fined in 2003 for displaying the red star. The ECHR also stated that the country's laws banning the use of totalitarian symbols are indiscriminately applied and too broad. On July 14, Vajnai appealed to the Constitutional Court to lift the ban on the use of the Communist red star. His appeal was pending at year's end.

The independent media were active and expressed a wide variety of views without restriction; however, state-owned radio and television stations, which accounted for 18 percent of the media market, featured a generally progovernment point of view.

The cases of two journalists who were arrested by police while reporting on a demonstration in November 2007 were resolved during the year. Police said they arrested the journalists because they were interspersed among demonstrators at an illegal protest in Budapest. They were also fined approximately 40,000 forints (approximately \$212) each for "disobeying authorities." Human rights NGOs and journalists' organizations protested the arrests as a violation of freedom of the press and an infringement on the public's right to information. One of the journalists was acquitted; the second was convicted and paid a reduced fine of 15,000 forints (\$80).

There were no developments during the year in the 2007 appeals filed by two photo journalists who said they were harassed by police in 2006 while covering a street brawl after a soccer match. The Budapest prosecutor's office had dismissed the case for lack of evidence.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

The Internet was widely available and approximately 39 percent of the population had access to the Internet, which was a four percent increase from 2007.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected this right.

Freedom of Assembly.—Under the law event organizers must inform police of a public assembly at least three days in advance. On May 26, the Constitutional Court, acting on a recommendation from the Ministry of Justice and Law Enforcement, ruled that police were no longer required to disband any assembly held without prior notification. The court ruled that a spontaneous rally which is otherwise lawful must not be disbanded due to the organizers' failure to inform police in a timely fashion.

On June 19, following criticism by the HHC and other civil society organizations, the Budapest police revoked a ban on a gay pride parade scheduled for July 5. The city's police chief had previously stated that the event would obstruct important traffic routes in central Budapest. The parade occurred, although marchers were subjected to verbal and physical abuse from counter-demonstrators.

On July 30, the Pest County police fined Fidesz party official Gyula Budai 40,000 forints (\$212) for holding a press conference on June 11 without notifying the police. Police officials claimed that Budai had violated the assembly laws, but subsequently reversed their decision. On August 13, police officials stated that the assembly act does not apply to press briefings and prior police notification is not required.

On October 7, the ECHR ruled that authorities violated the right to assembly when they refused to allow a few dozen persons to stage a candlelight demonstration outside former Prime Minister Medgyessy's house in 2004.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right.

On December 16, the Budapest municipal court ruled in favor of the prosecutor's office civil suit to disband the extremist Magyar Garda Association (MGA) for abusing the right to form an association and for conducting activities that infringe upon the freedom and rights of Roma. The MGA was formed in 2007 by the Movement for a Better Hungary (Jobbik) following violent 2006 antigovernment demonstrations to "preserve the country's traditions and culture."

In its ruling, the court declared that, despite its stated purpose, MGA actions violated the country's law on associations and created an anti-Romani atmosphere. For example, in March MGA members staged a rally in Tatarszentgyorgy that attracted Magyar Garda paramilitary sympathizers who said "gypsy crimes" were a threat to public safety. The MGA had also staged marches in other small towns and rural communities dressed in uniforms and carrying flags associated with a World War II fascist organization, the Hungarian Arrow Cross Party. The MGA appealed the ruling, and the case was pending at year's end.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right.

There is no state religion, and under the law every registered religious group is entitled to the same rights. The four "historical" religious groups (Catholic, Reformed, Lutheran, and Jewish), received 93 percent of state financial support provided to religious groups.

According to Supreme Court records, 361 churches were registered as of May. To register, religious groups must submit a statement to a county court declaring that they have at least 100 followers. The court determines whether the registration of the new group complies with constitutional and legal requirements.

During the year the Reformed Church objected to the Government's reported failure to disburse monetary subsidies to it, and in May filed an official complaint with the Constitutional Court. On June 3, the State Audit Office (ASZ) released an official report concluding that, in 2005–06, the Government withheld 2.7 billion forints

(approximately \$14.3 million) in subsidies from schools operated by religious organizations.

Societal Abuses and Discrimination.—The Jewish population is estimated to be between 80,000 to 100,000. During the year anti-Semitic incidents, including vandalism, continued. The Federation of Jewish Communities in Hungary reported that there had been an increase in anti-Semitism compared to 2007 and expressed particular concern over the publication of anti-Semitic articles in the national newspaper Magyar Hirlap. They associated the increase with anti-Semitic groups who took advantage of widespread discontent over the country's economic difficulties.

The privately owned weekly newspapers Magyar Demokrata and Magyar Forum continued to publish anti-Semitic articles.

There were several extremist Hungarian language Web sites, many of which were openly anti-Semitic. At least two Web sites regularly published verbal attacks against the Jewish community and repeatedly called for physical violence against Jews. NGOs reported that the Government monitored these Web sites for content to enforce the ban on public display of such symbols as the swastika, hammer and sickle, the red star, and the arrow cross.

On May 28, the mayor of Győr, Zsolt Borkai, filed a report with police after posters with national socialist content appeared in the city's public areas. The posters featured a series of national socialist slogans: "We are coming! National Socialism! We cannot be stopped! Join us!" The poster also carried the address of a Web site that proclaimed: "Sixty-three years after World War II, we are here again, to fight for our race and nation even more strongly and with more dedication!" The site also praised Hitler and other Nazi leaders. Police did not investigate the allegations after they determined the actions did not constitute a crime.

During the year two local school councils appointed a teacher, who in 2007 posted a picture of himself on the Internet wearing an SS uniform, to a school director position. While Minister of Culture István Hiller called on the councils to withdraw the appointment and parents opposing the nomination held a protest in front of the town hall, the local councils refused to withdraw the appointment.

On July 17, members of a Budapest district council informed police about the reported screening of the 1941 Nazi propaganda and anti-Semitic film *Jud Süss*. Police investigated two brothers who were suspected of showing the film without the required permission from the German Foundation. The brothers also allegedly sold Nazi and neo-Nazi objects as part of a business venture. The brothers responded by filing a complaint with the Budapest chief prosecutor's office claiming that the investigation lacked legal merit. The prosecutor's office agreed, saying their acts did not constitute "hate mongering." However, police continued the investigation into the men's activities.

On September 28, seven masked extremists attacked patrons at the Budapest Jewish Theater, dousing them with acid and animal feces. A neo-Nazi blogger claimed responsibility for the acts but said the intended target was the show's Jewish playwright, Zoltan Toepler. The theater had reportedly requested police security for the performance after several persons associated with the production received threatening messages. Police were scheduled to provide security, but reportedly received information that the event had been cancelled. They arrived later, but not in time to apprehend the attackers.

On October 10, two members of the National Assembly, Sándor Lezsák and Zoltan Balog, were accused of making anti-Semitic comments during a public ceremony honoring Ottokar Prohaszka, a Catholic bishop turned member of the National Assembly from the early twentieth century. Prohaszka was considered by many groups to have been an anti-Semite and described as "a leading figure of conservative anti-Semitic ideology" by the Budapest Holocaust Memorial Center. The Hungarian Catholic Church has rejected has rejected the charge. Lezsák praised Prohaszka for "raising his voice for curbing the cosmopolitan-parasite element," while Balog stated, "there is a need for the defense of the Christian faith because if we let it be taken away from us then we Hungarians will survive only in the biological sense." Media reports accused Lezsák and Balog of anti-Semitism, noting that the "cosmopolitan-parasite element" was a reference to Jews.

According to police there were 365 reports of vandalism or destruction of Jewish and Christian properties (31 in houses of worship and 334 in cemeteries) during the first ten months of the year, as compared to 287 reported cases in 2007 and 387 in 2006. Although police and some religious authorities claimed that the incidents were acts of vandalism and not manifestations of religious intolerance, some religious leaders and members of human rights organizations thought otherwise.

The prime minister, senior government officials, and representatives of other parties routinely countered various extremist demonstrations, and initiated and participated in several demonstrations during the year.

On April 29, the anti-Semitic motorcycle gang, Goy Cyclists, planned a protest at the headquarters of a national daily which had published a satirical article branding them as "Nazis." The prime minister joined approximately 300 counterdemonstrators at the protest.

On May 9, the prime minister announced the formation of the Democratic Charter, a new movement dedicated to combating violence and halting extremism. On September 18, the Democratic Charter staged its first antiextremism rally, which attracted approximately 4,000 participants including the prime minister, the mayor of Budapest, and members of opposition parties.

The Government distributed compensation to some Holocaust survivors during the year, but the Compensation Office continued to be hindered by bureaucracy and inefficiency resulting in denial of large numbers of claims. For example, the Compensation Office reported that, of the 5,600 claims filed by U.S. Holocaust survivors, 4,500 have been denied. The denials most frequently result from insufficient documentation provided by the claimant. The NGO Bet Tzedek described the Hungarian documentation requirement as "onerous" and stated it creates unrealistic obstacles that most claimants are unable to overcome.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not provide for forced exile, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

In practice the Government provided protection against the expulsion or the return of refugees to countries where their lives or freedom would be threatened.

During the first six months of the year, the Office of Immigration and Nationality received 1,218 applications for refugee status of which it approved 99. The Government also provided temporary protection to 31 individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol.

On August 1, a regional representative from the UNHCR raised concerns over the Government's treatment of refugees following a fight between asylum seekers in a refugee camp on July 30. The representative cited scarce funding, staffing cuts, limited access to healthcare, and poor food quality as the primary areas of concern.

Changes in the law, which took effect on January 1, improved the conditions under which authorities detain asylum seekers. Maximum detention periods were reduced from one year to six months and the Government widened the circle of family members who could be included as part of an asylum case.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In April 2006 Prime Minister Gyurcsany and his Socialist-Liberal coalition were returned to office in a free and fair election. The coalition subsequently dissolved, leaving the Magyar Szocialista Part (MSzP) as the sole governing party.

There were no government restrictions on political parties.

There were 43 women in the 386-seat National Assembly and two women in the Council of Ministers.

Due to data privacy laws, no information was available on the number of minorities in the National Assembly or the Council of Ministers.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials were widely believed to engage in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government

corruption was a problem. Low-level corruption among law enforcement officials also remained a problem.

The law requires members of the National Assembly, high-level government officials, civil and public servants, and law enforcement officials to disclose their financial status on a regular basis.

An 18-member anticorruption coordination board established in June 2007 to analyze corruption encountered difficulties during the year. The board originally consisted of cabinet members, representatives of nongovernmental state institutions, and NGOs. However, in December, three NGO representatives left the board, citing frustration that none of the board's recommendations, including a complex anti-corruption strategy, had yet been adopted.

On March 3, the Government established a National Antifraud Council (HENT) to counter black market activity and fraud. The council consists of representatives of six ministries, three law enforcement agencies and 10 property rights interest groups. Its goals included setting up a uniform database to track the black market and drafting a comprehensive strategy to address the problem.

Corruption in the executive and legislative branches reportedly increased during the year, and there were numerous cases of alleged corruption that received significant public attention during the year.

For example, on May 14, the Bacs-Kiskun County prosecutor's office charged former Socialist Party (MSZP) National Assembly member Janos Zuschlag and 15 accomplices with fraud. The defendants were accused of building a network of civilian groups between 1995 and 2001, securing state subsidies under false pretenses, and issuing false reports and fraudulent invoices. Using nearly 75 million forints (approximately \$400,000) in state funds, the defendants allegedly financed private enterprises and an election campaign. Criminal proceedings were pending at year's end.

On August 7, the Budapest prosecutor general's office ordered the Budapest police to investigate allegations of corruption and misuse of funds in connection with the creation of the official government spokesman's Web site. The Government solicited bids to develop the website and eventually settled on a 200 million forints (\$1.1 million) contract. Critics stated that the Web site's poor design and content did not justify the outlay of money. An investigation into the alleged misuse of funds was pending at year's end.

The law provides for access to government information and the Government generally provided it upon request. However, many court rulings remained unavailable to the public. During the year the HCLU filed several lawsuits against the Government for hindering access to public information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language or social status; however, in practice, widespread discrimination persisted, particularly against Roma. Violence against women, child abuse, and trafficking in persons were also problems.

As of September 30, the Equal Treatment Authority (ETA), which monitors enforcement of antidiscrimination laws, received 964 complaints. Of that number, the ETA launched 443 inquiries; 27 discrimination complaints were determined to be justified. In those cases the ETA ordered employers to stop the illegal activity, to restrain from further wrongdoing and, in six cases, pay penalties ranging from 500,000 to three million forints (\$2,650 to \$15,900).

Women.—Rape, including spousal rape, is illegal, but the crime was often unreported. Penalties for rape range from two to eight years in prison to as long as 15 years in aggravated cases.

The 2007 country report by the UN Committee on the Elimination of Discrimination Against Women criticized the Government for its narrow definition of rape. Under the law, a sexual assault is considered to be rape only if it involves the use of force.

During the first six months of the year, police investigated 93 rape-related cases, which led to 60 indictments for rape. No figures were available on the number of convictions.

The law does not specifically prohibit domestic violence or spousal abuse. The charge of assault and battery, which carries a maximum prison term of eight years, was used to prosecute domestic violence cases. According to the HNP, 2,137 women were reported to be victims of domestic violence during the first ten months of the year, compared to 2,593 in all of 2007; however, most incidents of domestic violence went unreported due to fear and shame on the part of victims. Expert research in the field of family violence indicated that approximately 20 percent of women in the country had been physically assaulted or victimized by domestic violence. However, prosecution for domestic violence was rare.

NGOs continued to criticize a law passed in 2006 that permits courts to issue restraining orders to protect persons from abusive spouses. Under the law, prosecutors must be willing to carry out a court order, which they have been reluctant to do in the past.

Prosecution of abuse against women was difficult because of societal attitudes that tended to blame the victim, and NGOs reported that police remained reluctant to arrest abusers. Victims' rights advocates indicated that the reluctance may have been due to a lack of confidence that the judicial system would effectively resolve abuse cases.

The Ministry of Social Affairs and Labor continued to operate an Internet site on domestic violence and a 24-hour hot line for victims of domestic abuse and increased the number of government-run shelters for abused women from 10 to 11.

Prostitution is legal, but persons engaged in prostitution could only work legally in certain locations, away from schools and churches. Estimates of the number of persons regularly engaged in prostitution varied from 7,000 to 9,000, rising to as many as 20,000 during the summer tourist season. Many were either coerced or lured into prostitution by pimps. The number of women under the age of 18 involved in prostitution has reportedly increased over the past few years.

The law provides the right to a secure workplace and prohibits sexual harassment, which is a criminal offense. While there were no reports of sexual harassment to the ETA, it remained a widespread problem that many women tolerated in the workplace because they feared losing their jobs.

Under the law men and women have equal rights. During the year the ETA did not report any cases of employers discriminating against women. However, there was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant. According to the Central Statistical Office, women earned approximately 11 percent less than men.

Children.—The Government remained committed to children's rights and welfare.

The law provides for free, compulsory education for children through 18 years of age; however a 2006 study found that over 82 percent of Roma have eight years of education or less, compared with 36 percent of the rest of the population. Similarly, while an estimated 40 percent of the population had some form of secondary schooling, only 3.1 percent of Roma received a comparable education.

The public education system continued to provide inadequate instruction for minorities in their own languages. Romani language schoolbooks and qualified teachers were in short supply.

Segregation of Romani schoolchildren remained a problem. They were often placed in remedial classes without cause, effectively segregating them from other students. NGOs and government officials estimated that 20 percent of Romani children were in remedial programs. Many schools with a majority of students had simplified teaching curricula. Schools where Roma constituted the majority were generally more crowded, less well equipped, and in significantly worse physical condition than those attended by non-Romani students.

On November 19, the Supreme Court ruled in favor of the NGO Chance for Children Foundation (CFCF) which had brought a desegregation lawsuit against the municipality of Hajduhadhaz. The ruling stated that the municipality and two of its primary schools had unlawfully discriminated against Romani children by segregating them from non-Romani students. CFCF had accused the local authorities of relegating the Romani children to separate, poorly maintained buildings where they used a simplified curriculum. Two additional CFCF lawsuits against the local authorities of Jaszlandany, Győr, and Kaposva were pending at year's end.

On May 2, the National Assembly adopted a law requiring local authorities operating schools to draw up an equal opportunity plan against segregation. Noncompliant schools were prohibited from bidding for EU funds. Local governments which submit a plan but fail to fulfill their obligations must return EU funds.

On June 2, the National Assembly adopted a law to provide financial assistance to seriously disadvantaged parents who send their children to preschool. The new

law will take effect January 2009. The Government also began providing funds to preschools to initiate special programs for disadvantaged children.

The Government also redrew public school district boundaries to more equally distribute disadvantaged students. The new boundaries ensure that no district has more than 25 percent of disadvantaged students in their total school population.

NGOs and Romani activists claimed that Romani children did not have equal access to medical care or other government services.

According to police, 3,801 crimes against children were reported during the first ten months of the year, compared to 4,568 in 2007. Police continued to lack the necessary training, capacity, and institutional support to adequately protect children, particularly in situations involving domestic violence. Girls were reportedly trafficked for commercial sexual exploitation.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that women and girls were trafficked to, from, through or within the country.

Victims were trafficked primarily for sexual exploitation, but there were also reports of trafficking for domestic servitude and manual labor, particularly for construction work. The principal countries of origin were Slovakia, Romania, Ukraine, Moldova, Poland, countries in the Balkans, and China. The principal destinations were Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. There were also reports of trafficking to Central America, Mexico, the Scandinavian countries, Japan, and the United Kingdom. Internal trafficking of women for sexual exploitation occurred.

There were no official estimates of the total number of women who are trafficked from or through Hungary.

Persons at the greatest risk of being trafficked were orphans who reached adulthood, young women from the countryside, and young Romani women. The profile of trafficked persons was continued to change; the average age of victims decreased, with children increasingly trafficked.

According to government officials and NGOs, the majority of traffickers were individuals or small, family-based groups. Organized crime syndicates transported many of the trafficking victims to or through the country for forced prostitution.

The principal recruitment methods used by traffickers included advertisements for jobs abroad as au pairs, waitresses, or dancers. In some cases the victims may have expected that they would be engaged in prostitution in their destination countries but were not aware of the coercive conditions they would face.

Under the law, the maximum punishment for trafficking is three years imprisonment, or five years to life in prison if the crime involves a child under 12. If an organized trafficking ring is involved, the sentence for any kind of trafficking can be life imprisonment and seizure of assets. Antitrafficking NGOs suggested that the weakest features of the antitrafficking effort were the reluctance of the prosecutor's office to prosecute cases and the large number of street-level law enforcement officials who failed to appreciate the importance of the problem. Police investigated 12 trafficking cases during the first half of the year and forwarded three to the prosecutor's office.

There was no evidence that government officials were involved in, or tolerated, trafficking.

On March 26, the Government adopted a four-year national strategy against trafficking in persons that established national antitrafficking goals and priorities and assigned responsibilities to various government agencies. The Government agencies most directly involved in combating trafficking were the Ministry of Justice and Law Enforcement, the Ministry of Foreign Affairs, the HNP, border guards, and customs authorities. There also is an interministerial countertrafficking working group and an International Trafficking Unit within the National Bureau of Investigation.

The Government regularly cooperated with other countries in joint trafficking investigations. During the first half of the year, seven foreign nationals were extradited from the country on trafficking charges.

There were approximately 60 regional and local victim protection offices. Trafficking victims received psychological, social, and legal assistance. The Ministry of Social Affairs and Labor operated a hot line for victims of trafficking. Trafficking victims who cooperated with police and prosecutors could receive temporary residency, short-term relief from deportation, and shelter. During the year the Government allocated 132 million forints (approximately \$700,000) for protecting trafficking victims.

The Government continued to work closely with domestic NGOs and the International Organization for Migration to promote public awareness programs about trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services; however, persons with disabilities frequently faced discrimination and prejudice.

Government sources estimated that there were 600,000 persons with disabilities, while the disability organizations estimated the number to be approximately one million.

NGOs expressed concern over the lack of independent oversight over government-run long-term care institutions for persons with mental disabilities. There were sporadic reports that employees of such institutions used excessive restraint in dealing with patients, a problem experts attributed partly to inadequate numbers of qualified staff.

The international NGO Mental Disability Advocacy Center (MDAC) criticized the Government for failing in its obligations to protect the rights of persons who had been placed under the legal guardianship of others. According to MDAC, one of the key problems was that there were no alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to research conducted by MDAC in May 2007, 66,000 adults were deprived of legal capacity.

In October the World Health Organization released a survey that raised concerns about the state of mental health care in Hungary. The survey found that there is a shortage of hospital beds and no rehabilitation system in place to assist the most serious patients. The minister of health responded to the survey by starting a nationwide debate on a national health care plan.

In August 2007 the Government adopted a three-year, 100 billion forint (approximately \$530 million) program to improve the condition of persons with disabilities and to integrate them socially by raising their living standards and improving their access to rehabilitation services, education, and employment.

A government decree requires all companies with more than 20 employees to reserve five percent of their jobs for persons with physical or mental disabilities. The decree specifies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. Approximately nine percent of working-age persons with mental disabilities were employed during the year.

Both the central government and the municipalities continued to update public buildings to make them accessible to persons with disabilities. The law requires all buildings operated by the central government be accessible by 2010, and all those operated by the municipalities must meet this goal by 2013. The lead agency for protecting the rights of persons with disabilities is the Ministry of Social Affairs and Labor.

National/Racial/Ethnic Minorities.—The Romani community is the largest ethnic minority. According to data collected by the country's central statistics office in 2007, 2 percent of the population is Roma; however, unofficial estimates, which vary widely, suggest the actual figure is much higher.

Reports of police abuse of Roma were common, but many victims remained fearful of seeking legal remedies or of notifying NGOs. During the year tensions between Roma and non-Romani groups intensified and at times were marked by violence and killings.

During the year there were 20 reported incidents involving firearms and explosives targeting Roma, including two attacks that killed four Roma. On November 3, Romani homes were targeted with Molotov cocktails and gunfire in the town of Nagycsece killing a man and a woman. On November 18, a hand grenade was thrown into the home of a Romani family in Pecs killing two persons. In response to the attacks, the national police chief established a 50-member investigation unit to investigate the crimes. Although police had not yet established a motive, there was wide speculation that race may have played a role. All of the cases were pending at year's end.

The extremist paramilitary group Magyar Garda verbally assaulted and threatened Roma during several marches across the country to protest what they termed a lack of public security and "gypsy crimes." In response, Romani groups often organized counterdemonstrations against intolerance and extremism.

The head of the National Roma Self-government, Orban Kolompar, called on the Romani community to organize its own self-defense movement in response to the increased tensions. However, no organization had been formed at year's end.

On August 7, a weekly satirical newspaper with a circulation of about 45,000 published a cartoon which depicted Roma as unemployed lawbreakers who terrorize hard-working non-Roma. In response to a complaint filed by the Romani Press

Agency, the Ethics Committee of the Hungarian Journalists Alliance expelled the editor of the weekly and issued an apology.

On October 18, a verbal confrontation arose between a group of Romani residents in Olaszliszka and 500 persons visiting a memorial for Lajos Szogi, a teacher who was killed in 2006 following a traffic accident that injured a Romani child. A heavy police presence prevented violence between the two groups.

Roma continued to experience widespread discrimination in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars. According to the statistics of the Hungarian Institute for Educational Research and Development, Roma were significantly less well-educated than other citizens and their incomes and life expectancy were well below average.

According to a 2007 International Labor Organization report, the unemployment rate among Roma was estimated at 40 percent. However, in many underdeveloped regions of the country it exceeded 90 percent. Roma unemployment is estimated to be three to five times higher than among the non-Roma population.

Inadequate housing continued to be a problem for Roma; their overall living conditions remained significantly worse than for the general population. According to Romani interest groups, municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. According to a Ministry of Social Affairs and Labor survey, approximately 100,000 seriously disadvantaged persons, mostly Roma, lived in about 500 settlements lacking basic infrastructure and often located in the outskirts of cities. During the year the Government continued its special program to eliminate these settlements and help residents move to more desirable communities.

On May 8, the state audit office published a report in which they raised concerns over the lack of transparency in the Government's Romani policies. The report acknowledged that funding for Romani projects has increased dramatically, but maintained that problems persist in the planning, implementation and tracking of the funding. The report said that the most serious concern was that funds routinely failed to reach the groups with the greatest needs.

On May 14, the prime minister appointed a special commissioner to chair the newly established Romani affairs interministerial committee created to coordinate the Government's Romani policy.

Most ministries had special officers for Romani affairs, and county labor affairs centers also had Romani affairs officers focusing on the needs of the Romani community. The Ministry of Education and Culture continued to offer financial incentives to encourage schools to integrate Romani and non-Romani children in the same class rooms and to reintegrate Roma inappropriately placed in remedial programs. The Ministry of Social Affairs and Labor operated a program to finance infrastructure development in Romani communities.

The Ministry of Justice and Law Enforcement operated an antidiscrimination legal service network that provided free legal aid to Roma in cases where they encountered discrimination based on their ethnicity.

Roma, like the other 12 official minorities, are entitled to elect their own minority self-governments (MSGs), which organize minority activities and handle cultural and educational affairs. The president of each MSG also has the right to attend and speak at local government assemblies.

On December 13, witnesses on a Budapest city bus reported a violent altercation between several men and two English-speaking men of African ethnicity. The men allegedly attacked the black passengers and pushed one of them out of the bus where they kicked him repeatedly in the head. Witnesses reported that approximately 30 people sat silently on the bus as the beatings took place over a period of several minutes.

Other Societal Abuses and Discrimination.—Homosexuality is legal, but extremist groups continued to subject homosexuals to physical abuse and attacks.

On June 27 and July 2, unknown perpetrators threw Molotov cocktails into a gay bar and a gay bathhouse in Budapest; there were no injuries. The National Investigation Office investigated the incidents but had not identified any suspects or made any arrest by year's end.

On July 5, antigay protestors violently disrupted an annual gay pride march in Budapest for a second consecutive year. An estimated 2,000 participants encountered a crowd of several hundred antigay demonstrators who verbally abused them, threw eggs, tomatoes, cobblestones, gas grenades, and Molotov cocktails. Police responded with tear gas and water cannons to disperse the protestors and end the clashes. Fifty seven antigay protesters were arrested; 14 persons were injured.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice.

The law also allows unions to conduct their activities without interference, and the Government protected this right in practice. With the exception of military personnel and police officers, workers have the right to strike, and workers exercised this right in practice. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law, and it was freely practiced. In 2007, 40.6 percent of the workforce was covered by collective bargaining agreements.

There was no antiunion discrimination or other forms of employer interference in union activities.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities.

There were no exemptions from regular labor laws in the duty-free zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked into, within, and from the country for commercial sexual exploitation and forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, and the Government effectively enforced these laws in practice.

Children under 16 are prohibited from working, except under certain conditions, such as temporary work during school vacations. Otherwise, children under 15 are prohibited from all work. Children may not work night shifts or overtime, or perform hard physical labor.

As of August the country's Labor Inspectorate reported that 19 companies employed a total of 57 children under 15. They were mostly employed in construction and agricultural work. Companies that employed children were fined between 30,000 and 20 million forint (\$160–\$106,027) depending on the circumstances. Individuals who identify children as victims of labor exploitation are required to report them to the Guardianship Authority.

According to the International Organization for Migration, trafficking of children for sexual exploitation was a problem.

e. Acceptable Conditions of Work.—The national minimum monthly wage of 69,000 forints (\$366) did not provide a decent standard of living for a worker and family. The minimum wage was regularly evaluated and raised by the National Council for Interest Reconciliation, a tripartite body of employers, employees, and the Government.

The law sets the official workday at eight hours, although it may vary depending on the industry. A 4-hour rest period is required during any seven-day period. The regular work week is 40 hours, with premium pay for overtime. The law prohibits excessive compulsory overtime and overtime exceeding 200 hours per year. The laws also apply to foreign workers with work permits, and were enforced effectively and consistently.

Labor courts and the labor inspectorate enforced occupational safety standards set by the Government, but specific safety standards were not consistent with internationally accepted standards, and enforcement was not always effective. Workers have the right to remove themselves from unsafe and unhealthy situations without jeopardizing their continued employment, and this right generally was respected.

ICELAND

Iceland, with a population of 320,000, is a constitutional parliamentary republic. The president is the head of state; a prime minister, usually the head of the majority party, is head of government. There is a unicameral parliament (Althingi). In June incumbent President Olafur Ragnar Grimsson ran unopposed for reelection, as is traditional. Parliamentary elections in 2007 were free and fair. The country's multiparty government was headed by Prime Minister Geir Haarde. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse.

Reported human rights problems included some societal discrimination against minorities and foreigners, including refugees and asylum seekers, violence against women, and reports of women trafficked to and through the country.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

During the year media expressed concern regarding overcrowding at Reykjavik's main pretrial detention facility and at the main prison at Litla-Hraun. When overcrowding in the main facility occurred, pretrial detainees were held in local police station jails. During renovation work at the Akureyri prison, inmates were kept at Litla-Hraun, resulting in temporary double occupancy of single-prisoner cells in some cases.

The Government maintained a separate minimum security prison for female inmates; however, because so few women were incarcerated (five or six on average) some men were also held there. Men housed in facilities with women were closely monitored and only interacted with women in the common areas; they did not share cellblocks. Juvenile offenders were generally held in facilities run and supervised by the Government Agency for Child Protection. In rare instances, however, they were incarcerated and held with adults, since there was no separate facility for juveniles in the prison system. In circumstances where pretrial detainees did not need to be placed in solitary confinement, they were held together with convicted prisoners.

The Government permitted visits by independent human rights observers during the year. Prisoners could, and did, request visits from volunteers from the Icelandic Red Cross, or "prisoners' friends." The volunteers talked with the prisoners and provided them with second hand clothes upon request. There were no prison visits by the International Committee of the Red Cross during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police (the country's only security force), and the Government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police during the year.

Arrest and Detention.—Police may make arrests under a number of circumstances: when they believe a prosecutable offense has been committed; where necessary to prevent further offenses or destruction of evidence; to protect a suspect; or when a person refuses to obey police orders to move. Arrest warrants are usually not required; the criminal code explicitly requires warrants only for arrests when individuals fail to present themselves in court to attend a hearing or a trial, or to prison to serve a sentence.

Persons placed under arrest are entitled to legal counsel, which is provided by the Government if they are indigent. Authorities must inform persons under arrest of their rights and must bring them before a judge within 24 hours. The judge determines whether a suspect must remain in custody during the investigation; the judge may grant conditional release, subject to assurances that the accused will appear for trial.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Courts do not use juries, but multijudge panels are common, particularly on the Supreme Court. Defendants are entitled to a presumption of innocence and courts generally tried cases without delay. Defendants receive access to legal counsel of their own choosing. For defendants unable to pay attorneys' fees, the Government covers the cost; however, defendants who are found guilty are required to reimburse the Government. Defendants have the right to be present at their trial, to confront

witnesses, and to participate in the proceedings. They and their attorneys have access to government held evidence relevant to their cases. At the discretion of the courts, prosecutors may introduce evidence that police obtained illegally. Defendants have the right to appeal, and the Supreme Court handles appeals expeditiously.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—A single court system handles both criminal and civil matters. The two levels of the judiciary—the District Courts and the Supreme Court—were considered independent and impartial in civil matters. Lawsuits may be brought seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

In May the parliament amended the law on foreigners, permitting a partner or a spouse 24 years old or younger to obtain a residence permit based on marriage to a citizen or the holder of a residence permit. The law requires authorities to ensure that the marriage or partnership was not entered into solely for the purpose of obtaining a residence permit. Both individuals must also have entered into the marriage or partnership freely, and the marriage or partnership must not be in breach of the law. This legal change addressed concerns raised by the European Commission Against Racism and Intolerance that the previous law (which banned marriage-based residence permits for those 24 years of age and younger) interfered with family reunification.

Immigration law allows authorities to conduct house searches without a prior court order when there is a significant risk that delay would jeopardize an investigation of immigration fraud. In September police searched the temporary residence of asylum seekers in Reykjanesbaer after obtaining a court order. The police conducted the search on the suspicion that some asylum seekers were withholding information pertinent to their asylum requests. Immigration authorities were still processing their findings at the end of the year but made comments to media that police findings during the raid supported suspicions of immigration fraud. The asylum seekers staying in the temporary residence, some media representatives, and some human rights observers said the police search was an example of societal discrimination against asylum seekers. There were no allegations that the police used physical force in the operation.

Immigration law allows authorities to request DNA tests without court supervision in cases where they suspect immigration fraud. In practice no DNA tests took place during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals could criticize the Government publicly or privately without reprisal.

The law establishes fines and imprisonment of up to three months for persons convicted of publicly deriding or belittling the religious doctrines of a lawful religious association active in the country. The law also establishes fines and imprisonment of up to two years for anyone who publicly ridicules, slanders, insults, threatens, or in any other manner publicly assaults a person or a group on the basis of their nationality, skin color, race, religion, or sexual orientation. There were no reports that the law was invoked during the year.

The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Eighty-eight percent of homes had Internet access, and 91 percent of citizens used the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The state financially sup-

ported and promoted the official religion, Lutheranism. Other religions did not receive equal treatment in school curricula (grades 1–10) or comparable subsidies for their faith-based activities.

The law specifies conditions and procedures that religious organizations other than the state church must follow to be registered by the Government and to be eligible for a per capita share of church tax funds from the Government. The Government did not place any restrictions or requirements on unregistered religious organizations, which had the same rights as other groups in society. During the year, the Ministry of Justice and Ecclesiastical Affairs approved the registration of one religious organization, and another registration application was under review at year's end.

All citizens 16 years of age and older pay an annual church tax of 10,344 krona (approximately \$86). For persons who were not registered as belonging to a religious organization, or who belonged to one that was not registered and officially recognized, the tax payment went to the University of Iceland, a secular institution. Atheists and ethical humanists objected to having their fees go to the university, asserting that this was inconsistent with the right of freedom of association.

In July the European Court of Human Rights agreed to take up the Icelandic Pagan Association's (Asatruarfelagid) case for receiving funding proportional to its membership from monies currently made available only to the national church. The association's request had previously been rejected by the Supreme Court.

In September the city of Reykjavik awarded the Icelandic Buddhist Movement a plot of land to build a temple. In November 2007 the city approved a detailed land use plan that included a plot of land available for the construction of a Russian Orthodox church. However, the new plan was not implemented during the year and construction did not begin. Architectural delays during the year temporarily halted construction of The Pagan Association's place of worship.

The long-pending application to the Reykjavik city planning commission for land to build a mosque encountered further delay late in the year, in part because of uncertainty over which of two groups was the appropriate representative of the Muslim community.

The law mandates religious instruction "shaped by the Christian heritage of Icelandic culture" in the public schools, although the curriculum also included instruction on other religions. Students may be exempted from attending the classes upon parental request.

Societal Abuses and Discrimination.—The Jewish community numbered fewer than 100 individuals; there were no reports of anti-Semitic acts.

The law establishes penalties of fines and up to two years in prison for verbal or physical assault on an individual or group based on religion. The law also establishes fines and imprisonment of up to three months for publicly deriding or belittling the religious doctrines of a lawful religious association active in the country. Although members of the Muslim Association complained publicly about broadcasts of a Christian television station, Omega TV, the law was not invoked during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of interest.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum, but had no fixed refugee acceptance requirements. In February 2007 the Government decided to double its refugee admissions to 25 refugees every year, instead of every other year.

Asylum seekers were eligible for government subsidized health care during the processing of their cases, which at times took three years or more. They could enroll their children in public schools after being in the country for three months, and

some children of asylum seekers were enrolled in public schools during the year. Asylum seekers could also obtain work permits.

Officials rejected most asylum applications and eventually deported most applicants. During the year, a family of four asylum seekers was accepted as political refugees after the closure of the Icelandic- and Norwegian-run monitoring mission in Sri Lanka. At least six other asylum seekers' claims were technically denied, but they were given permanent residence permits as a humanitarian exception.

The law allows for accelerated refusal of applications deemed to be "manifestly unfounded." The minister of justice appoints the director of immigration, who also heads the adjudicating body for asylum cases. Some observers asserted that this arrangement could constitute a conflict of interest.

Human rights advocates criticized the law for not specifying which "significant human rights reasons" must underpin granting temporary residence (and eligibility for work permits) while asylum cases are processed, arguing that the situation created the possible appearance of arbitrary decisions. Observers noted that the law was ambiguous about the criteria for granting and denying asylum, and this ambiguity, combined with the small number of approved asylum applications, left unclear what considerations were applied in adjudicating the applications of asylum seekers.

Asylum seekers had no access to the court system. They could appeal denials only to the Ministry of Justice.

In April the Government responded to concerns expressed by the UN Committee on the Elimination of Racial Discrimination (CERD) in 2005 about reports that border guards at times improperly handled asylum requests. The Government said it was not aware of the cases to which the CERD referred, and that Icelandic border guards received satisfactory training and education on refugee and asylum issues.

In July a report by the UN Committee for the Prevention of Torture (CPT) expressed concern over reported inappropriate handling of incidents by law enforcement officers and border guards, for example at airports and detention centers. The CPT report provided no specifics concerning the reported incidents.

In July police carried out a deportation order from the Directorate of Immigration and deported a Kenyan asylum seeker to Italy without ruling on the merits of his claim. The Government's action was criticized by advocates for asylum seekers, who argued that the Government should have first ruled on the merits of his claim as provided by the Dublin Convention, and that the asylum seeker had sufficient ties to Iceland that the Government should adjudicate his claim. In August the minister of justice overturned the Directorate of Immigration decision and ordered the directorate to evaluate the basis of the Kenyan's asylum claim. The directorate was processing the case at year's end.

In September asylum seekers and their advocates criticized police conduct following an unannounced 7:00 a.m. raid on the government-run group home for asylum seekers in Reykjanesbaer. They alleged that police conduct and subsequent comments by officials were examples of societal prejudice against asylum seekers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—During the year incumbent President Olafur Ragnar Grimsson was re-elected by default, as no other candidate ran against him. Since there was no opposition candidate, the presidential election scheduled for June 28 was cancelled. Parliamentary elections in May 2007 were free and fair.

There were 23 women in the 63-seat parliament and four women in the 12 member cabinet. Two of nine Supreme Court members and 14 of 40 District Court judges were women. No members of minority groups held seats in the parliament or in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. In December the parliament passed a law creating the office of a special prosecutor to investigate allegations of public and private corruption related to the collapse of the country's three largest banks in October.

The law provides for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media. Appeals against refusals by government authorities to grant access to materials may be referred to an information committee consisting of three persons ap-

pointed by the prime minister. Permanent employees of government ministries may not be members of the committee. Public officials were not subject to financial disclosure laws.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Icelandic Human Rights Center was the leading human rights organization, vetting government legislation, reporting to international treaty monitoring bodies, and promoting human rights education and research. The center was funded primarily by the Government but also by nongovernmental organizations (NGOs), unions, and the city of Reykjavik; it operated as an NGO.

An independent ombudsman, elected by parliament, monitored and reported to national and local authorities on human rights developments to ensure that all residents, whether or not they were citizens, received equal protection. Individuals could lodge complaints with the ombudsman regarding decisions, procedures, and conduct of public officials and government agencies. The ombudsman may demand official reports, documents, and records, may summon officials to give testimony, and has access to official premises. Government agencies generally responded to the ombudsman's requests for information and documents within a reasonable time-frame, but the ombudsman noted in previous years that some government agencies responded slowly to requests, causing delays in the handling of cases. The Government has never directly responded to these complaints. While the ombudsman's recommendations are not binding on authorities, they are generally adopted.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, and social status. Various laws implement these principles, and the Government effectively enforced them.

Women.—Rape carries a maximum penalty of 16 years in prison. Judges typically imposed sentences of one to three years. Spousal rape is not explicitly addressed in the law. In previous years, the Icelandic Counseling and Information Center for Survivors of Sexual Violence (Stigamot) noted that the number of reported rapes consistently rose faster than the number of convictions for rape. According to national police statistics, there were 87 reported rapes in 2007. In that year prosecutors brought charges in 27 percent of sexual assault cases, and District Courts convicted 17 of 19 defendants. During the year activists continued to express concern that the burden of proof in rape cases was too heavy and led to a low conviction rate. The Government did not respond formally to these complaints.

The law prohibits domestic violence; however, violence against women continued to be a problem. Police statistics indicated that the incidence of reported violence against women, including rape and sexual assault, was low; however, the number of women seeking medical and counseling assistance indicated that many incidents went unreported. During the year 127 women sought temporary lodging at the country's shelter for women, mainly because of domestic violence. The shelter offered 420 counseling sessions to 210 clients. Also during the year, 106 women sought assistance at the National Hospital's Rape Crisis Center.

The law permits judges to increase the sentences of persons who committed violence against persons with whom they had a domestic relationship or other close bond. However, there were no domestic violence cases in which judges actually handed down stronger sentences, and one respected activist expressed concern that sentences appeared to be getting milder. Neither the Ministry of Justice nor the Office of the State Prosecutor maintained specific statistics on prosecutions and convictions for domestic abuse.

The Government helped finance Stigamot, the Women's Shelter, the rape crisis center of the National Hospital, and other organizations that provided assistance to victims of domestic or gender-based violence. In addition to partially funding such services, the Government provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. Courts could issue restraining orders. However, advocates expressed concern that such orders were ineffective because the court system took too long to issue the orders and courts granted them only in extreme circumstances. Victims of sex crimes were entitled to lawyers to advise them of their rights and help them pursue cases against the alleged assailants; however, a large majority of victims declined to press charges or chose to forgo trial, in part to avoid publicity. Some local human

rights monitors also attributed underreporting to the infrequency of convictions because of the heavy burden of proof and to traditionally light sentences. For the few cases of domestic violence that end up in court, the courts continued in many cases to base sentences on precedent and rarely made full use of the more stringent sentencing authority available under the law. According to statistics from the Women's Shelter, 20 percent of its clients pressed charges during the year, up from 15 percent in 2007.

In October the Ministry of Social Affairs conducted a survey to gauge the extent of violence against women nationwide. The survey was part of the action plan for reducing domestic and sexual violence against women and children during the years 2006-11. Survey results were not available at year's end.

Prostitution is legal but was rare. Prostitution became legal in 2007 but the law prohibits its advertisement. The law also makes it illegal for a third party, or pimp, to profit from prostitution or procurement of sex, or for a person to rent facilities for prostitution.

Authorities had some success restricting the number and operations of strip clubs in the Reykjavik Metropolitan Area—the predominant locus of prostitution and human trafficking cases.

The general penal code prohibits sexual harassment and stipulates that violations are punishable by imprisonment. The law on equal status defines sexual harassment more broadly. Thus plaintiffs could report incidents to the Complaints Committee on Equal Status and seek redress under the law on equal status. The law required employers and organization supervisors to make specific arrangements to prevent employees, students, and clients from becoming victims of gender-based or sexual harassment. However, employers were not required to provide their employees with information on the legal prohibitions against sexual harassment in the workplace. As in previous years, gender equality advocates reported receiving several complaints during the year; there were two court cases, and one guilty verdict.

Women enjoy the same legal rights as men, including under family law, property law, and in the judicial system. However, despite laws that require equal pay for equal work, a pay gap existed between men and women. According to a 2007 study commissioned by the Union of Public Servants, female public servants on average earned 27 percent less than men. A study the previous year commissioned by the Ministry of Social Affairs found an average 15 percent pay gap between men and women in the same professions.

Affirmative action provisions in the law state that if women are underrepresented in a certain profession, employers have an obligation to hire female candidates over equally qualified male candidates.

The Government funded a center for promoting gender equality to administer the Act on Equal Status and Equal Rights of Women and Men. The center also provided gender equality counseling and education to national and municipal authorities, institutions, companies, individuals, and NGOs. The minister of social affairs appoints members of a Complaints Committee on Equal Status, which adjudicates alleged violations of the act, and appoints an Equal Status Council, with members drawn from national women's organizations, the University of Iceland, and labor and professional groups; the council makes recommendations for equalizing the status of men and women in the workplace.

During the year the Complaints Committee on Equal Status decided nine cases. In one case, the committee found that the regional office for disability issues in Western Iceland breached the law on equal status when it hired a man instead of a more qualified woman as director of a job program for persons with disabilities. The committee directed the offending office to find a solution acceptable to the complainant.

In May the parliament amended the immigration law to permit individuals from countries outside the European Economic Area to retain their residence permits upon divorce from Icelandic-born spouses in circumstances where abuse or violence was perpetrated on the foreign spouse or the spouse's child.

Children.—The Government was strongly committed to children's rights and welfare.

There were reports of abuse of children during the year. In 2007 the Agency for Child Protection received 1,586 reports of abuse, including 705 reports of emotional abuse, 462 of physical abuse, and 436 of sexual abuse. The agency operated four treatment centers and a diagnostic facility for abused and troubled minors and coordinated the work of 31 committees throughout the country that were responsible for managing child protection issues in their local areas. The local committees hired professionals with expertise in sexual abuse.

The Government maintained a children's assessment center to accelerate prosecution of child sexual abuse cases and lessen the trauma experienced by the child. During the year, the center conducted 252 investigative interviews, provided assessment of and therapy to 235 children, and performed 27 medical examinations. The center was intended to create a safe and secure environment where child victims might feel more comfortable talking about what happened to them. It brought together police, prosecutors, judges, doctors, and officials from child protection services. After an interview with a child, the assessment center could analyze the possible effects of the sexual abuse on the child and family. The Agency for Child Protection can also provide advice to parents. District court judges were not required to use the center, however, and could hold investigatory interviews in the courthouse instead, a practice that troubled some children's rights advocates. In practice the Reykjavik District Court opted not to use the center's services, maintaining that the court had sufficient expertise in-house to provide the same services.

The children's ombudsman, who is appointed by the prime minister but acts independently of the Government, fulfilled her mandate to protect children's rights, interests, and welfare by, among other things, seeking to influence legislation, government decisions, and public attitudes. When investigating complaints, which typically involved physical and psychological abuse and inadequate accommodation for children with illnesses or disabilities, the ombudsman had access to all public and private institutions and associations that house children or otherwise care for them; however, the ombudsman's conclusions were not legally binding. The ombudsman was not empowered to intervene in individual cases but could investigate them for indications of a general trend. The ombudsman could also initiate cases at her discretion.

Trafficking in Persons.—The law prohibits trafficking in persons with the aim of sexual abuse or forced labor, and provides for imprisonment of up to eight years for such offenses. During the year police did not charge any persons with trafficking; however, there were reports that persons were trafficked to and through the country.

Cases fell into several categories, none of which included more than a few documented victims: undocumented Asian and eastern European workers in construction and manufacturing who were underpaid and forced to live in substandard employer-provided housing; "mail-order" or "Internet" brides from eastern Europe and Asia trapped with abusive husbands, with some reports of forced prostitution; and underpaid or mistreated prostitutes and workers in nightclubs and massage parlors. In March labor authorities and union representatives reported that a Chinese restaurant in Reykjavik was suspected of having trafficked several of its kitchen staff to the country. The restaurant was investigated for labor code violations and subsequently closed. No prosecutions resulted. The Directorate of Labor investigated other cases throughout the year involving undocumented workers who were potentially victims of trafficking. In some cases employers were fined for noncompliance with labor laws but none were charged with trafficking.

The Ministry of Social Affairs has primary responsibility for efforts to prevent and punish trafficking; the ministries of justice and of foreign affairs were also involved in antitrafficking efforts. A government working group charged with developing the country's first national action plan on trafficking in persons held regular meetings during the year, but had not finished drafting the action plan by year's end.

Women's aid groups reported evidence that foreign women were trafficked to the country to work in strip clubs or massage parlors offering sexual services. During the year some municipalities banned private clubs that featured dancing, believed to serve as a front for prostitution and possible trafficking. The Baltic countries were the main countries of origin for women working in such clubs and parlors, with others coming from central and eastern Europe and Russia. There were no statistics on the number or origin of women trafficked.

Although the Government made efforts during the year to target elements of the sex industry allegedly linked to trafficking, there was no coordinated government effort to investigate trafficking outside of the general context of increased efforts to combat organized crime, and no public officials were specifically designated to prosecute trafficking cases.

In January 2007 the Government formed an antitrafficking working group with representatives of the Ministry of Justice, law enforcement bodies, and NGOs. The group's mission was to monitor and coordinate actions to combat trafficking by improving the flow of information through direct communications channels between government institutions and NGOs. The working group also sought to improve conditions for the rehabilitation and repatriation of trafficking victims. The working group reported to the European Women's Lobby, an umbrella organization of wom-

en's associations in the European Union. Working group members reported that during the year border police were better prepared to identify possible trafficking victims and to inform them about government institutions and NGOs offering victim services. Members encouraged potential trafficking victims to contact the police. Members of the working group contributed to the Ministry of Social Affairs effort to draft an antitrafficking action plan.

The Government provided funding for various organizations whose services included assistance to victims of trafficking; however, there was no established government assistance program specifically for victims of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities, and there were no reports of official discrimination in employment, education, access to health care, or the provision of other state services. The law also provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants; however, disability rights advocates asserted that the law was not fully implemented, and that persons with disabilities constituted a majority of the country's poor.

Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs, that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities, and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. Violations of these regulations are punishable by a fine or a jail sentence of up to two years; however, the main association for persons with disabilities complained that authorities rarely, if ever, assessed penalties for noncompliance.

During the year, the Government initiated several projects included in its action plan for 2006–10 to strengthen services for those with mental disabilities. The Ministry of Social Welfare purchased or rented several dozen facilities which were converted into apartments and group homes, and provided grants to local community governments and NGOs to support vocational training and other services.

The Ministry of Social Affairs was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

National/Racial/Ethnic Minorities.—Immigrants, mainly persons from eastern European and the Baltic states, stood out from the largely homogeneous population and suffered occasional incidents of harassment based on their ethnicity.

In June the parliament approved an action plan drafted by the Immigrant Council to implement an immigrant integration policy drafted by the council in January 2007. The overall goal of the policy was to improve the reception of foreign immigrants, and facilitate their integration into Icelandic society, while maintaining their native culture.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Labor unions were independent of the Government and political parties. Approximately 80 percent of all eligible workers belonged to unions. Workers had the right to strike and exercised this right in practice.

The law requires employers to withhold union dues (1 percent of gross pay) from all employees, regardless of their union status, to help support disability, strike, and pension funds, and to finance other benefits to which all workers are entitled.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law allows workers to bargain collectively, and workers exercised this right in practice. Nearly 100 percent of the workforce was covered by collective bargaining agreements. The law prohibits antiunion discrimination and employer interference in union functions and the Government protected this right.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that a small number of women were trafficked for sexual exploitation and Asian and eastern European men were trafficked for labor in construction and manufacturing.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition was observed in practice. Children 14 or 15 years old may work part time or during school vacations in light, nonhazardous occupations. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The Administration of Occupational Safety and Health enforced child labor regulations effectively.

e. Acceptable Conditions of Work.—The law does not establish a minimum wage, but the minimum wages negotiated in various collectively bargained agreements applied automatically to all employees in those occupations, regardless of union membership. While the agreements can be either industry or sector wide, or in some cases firm specific, the negotiated wage levels are occupation specific. Labor contracts provided a decent standard of living for a worker and family.

The standard legal workweek is 40 hours, including nearly three hours of paid breaks a week. Work exceeding eight hours in a workday must be compensated as overtime. Workers were entitled to 11 hours of rest within each 24 hour period and to a day off every week. Under special defined circumstances, employers may reduce the 11 hour rest period to no less than eight hours, but they then must compensate workers with one and a half hours of rest for every hour of reduction. They may also postpone a worker's day off by a week. The Occupational Safety and Health Administration effectively enforced these regulations.

There were indications that undocumented foreign workers—primarily men—in the booming construction sector were exploited by being underpaid and denied medical coverage, and were required to work long hours while living in substandard housing or even sleeping at building sites. Most sources stressed that the men willingly worked illegally to earn up to four times the amount they might have expected in their East European or Baltic home countries. Media and labor organizations continued to report that some immigrant workers were paid wages well below the union mandated minimum. Deteriorating economic conditions and an unfavorable exchange rate for remittances caused a steep decline in the immigrant labor population towards the end of the year.

The legislature sets health and safety standards, and the Ministry of Social Affairs administers and enforces them through its administration of occupational safety and health. The ministry can close workplaces that fail to meet safety and health standards. Workers have a collective, but not individual, right to refuse to work at a job that does not meet occupational safety and health criteria. It is illegal to fire workers because they report unsafe or unhealthy conditions.

IRELAND

Ireland, population approximately 4.1 million, is a multiparty parliamentary democracy with an executive branch headed by a prime minister (taoiseach), a bicameral parliament (Oireachtas), and a directly elected head of state, the president. Free and fair parliamentary elections took place in May 2007. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The law and judiciary provided effective means of addressing individual instances of abuse. During the year, there were some reports of police abuse of authority and inadequate care for prisoners with mental disabilities. Domestic violence; mistreatment of children; trafficking in persons; and discrimination against racial minorities, immigrants, and Travellers were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, there were reports of abuse by police officers.

In October 2007 the Council of Europe's Committee for the Prevention of Torture (CPT) released a report of its 2006 visit to the country. While the majority of prisoners interviewed by the CPT delegation had no complaints over their treatment, a considerable number alleged verbal or physical mistreatment by the Garda Síochána (police). The alleged mistreatment consisted mostly of kicks, punches, and blows with batons over various parts of the body at the time of arrest or during transport to a Garda station and, in some cases, while they were in custody in such stations. In a number of cases, the delegation's doctors found that the persons concerned displayed injuries and scars that were consistent with their allegations of mistreatment.

Between May 9 and November 30, the Garda Síochána Ombudsman Commission (GSOC) received 4,560 complaints against members of the Garda. Of these, 1,740 were held to be inadmissible, 2,468 admissible, and the remaining 352 were pending. Of the admissible complaints, 170 were judged suitable for informal resolution or mediation, 1,064 warranted investigation by the Garda Síochána, either supervised or unsupervised by the GSOC, and 1,220 warranted investigation by GSOC investigators, since the allegations would, if proven, amount to criminal offenses. The GSOC forwarded 32 files to the director of public prosecutions for his consideration, and there was one conviction. Garda Síochána officers have been subject to disciplinary action in a further 25 cases.

The Morris Tribunal, which since 2002 has investigated reports of police corruption and abusive behavior in County Donegal in the 1990s, issued its final report on September 25. It concluded that some named Gardai had set up bogus arms finds; planted evidence; had been negligent in investigating the death of cattle dealer Richie Barron, whose body was found on a roadside twelve years ago; had illegally detained and mistreated several suspects; and had allowed a sergeant to run a campaign of harassment against a pub owner and his family.

There were 40 complaints against police officers that were related to racially motivated incidents in 2006. (Police recorded a total of 174 racially motivated incidents in that year.)

Prison and Detention Center Conditions.—While prison conditions generally met international standards, there were some problems. Some mentally ill prisoners were inappropriately held in prisons rather than in mental health care facilities.

In its October 2007 report, the CPT noted that, while the majority of prison officers were attempting to deal with prisoners in a humane manner, its 2006 delegation to the country received a number of allegations of verbal abuse or physical mistreatment of prisoners by members of the prison staff, consisting mostly of punches and kicks to the body. The report noted that in many instances prisoners against whom force was used were not examined by a doctor and, in those cases in which they were seen by health care staff, a full examination did not take place, and the injuries were not properly recorded.

The CPT delegation found that at least three of the country's prison establishments (the Limerick and Mountjoy prisons and the St. Patrick Institution) could be considered unsafe both for prisoners and for prison staff due to prisoner on prisoner intimidation and violence. The delegation noted that stabbings and assaults with various objects were frequent and that many prisoners met by the delegation bore the marks of such incidents. The report cited the availability of drugs and the lack of purposeful activities as reasons behind the increase in violence.

Prison overcrowding continued to be a problem, although transfers between prisons relieved some of the most urgent overcrowding. According to the 2007 Irish Prison Service annual report, prisons averaged a 95.7 percent occupancy rate, but several prisons exceeded their intended capacity.

At times prisoners held in detention awaiting trial were held in the same facilities as convicts. The October 2007 CPT report noted that 16 and 17 year old boys were held in the St. Patrick's Institution with young adults. This shortcoming was largely eliminated by the opening, in 2007, of a Special School to ensure separation between children and young adults. However, a small number of 17 year olds with specific individual needs continued to be held in the young adult part of St. Patrick's. These included sex offenders and vulnerable inmates who were accommodated separately for their own protection.

Despite continued criticism by human rights groups, authorities took no steps to alleviate the understaffing and poor infrastructure at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities. In an August 2007 report, the Central Mental Hospital director esti-

mated that approximately 200 patients in prison at that time needed mental health treatment but were unable to receive it due to a lack of space at the Dundrum facility. Despite objections from a number of advocacy groups who argued that putting the hospital next to the prison would further stigmatize patients and contribute to the criminalization of mental illness, the Government remained committed to relocating the hospital to the new prison at Thornton.

The Government generally permitted prison visits by domestic and international human rights observers, including the International Committee of the Red Cross, but it required appointments for such visits. There were no visits by such groups during the year.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Special arrest and detention authority was established in 1972 to try members of the Irish Republican Army. However, the last high profile use was in 2003. Despite suggestions that the use of this authority against gangsters would strengthen the prosecution of cases against organized crime, authorities have not used it in this way.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police and the army, which was authorized to act when necessary in support of the unarmed police. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year; however, there were isolated problems of corruption and abusive behavior, which the Government investigated.

Arrest and Detention.—An arrest requires a warrant issued by appropriate authorities except in situations requiring immediate action for the protection of the public. Suspects detained by police must be promptly informed of the charges against them and, with few exceptions, may not be held more than 24 hours without charge. For “scheduled offenses,” i.e., crimes involving firearms, explosives, or membership in an unlawful organization, a judge may extend the detention of a suspect for an additional 24 hours upon the police superintendent’s request. The law permits detention without charge for up to seven days in cases involving suspicion of drug trafficking; however, to hold such a suspect more than 48 hours, police must seek a judge’s approval.

The law requires that authorities bring a detainee before a District Court judge “as soon as possible” to determine bail status pending a hearing; the judge decides whether to release the detainee on bail or continue detention until an appointed court date.

Upon their arrest, detainees and prisoners are allowed prompt and unrestricted access to attorneys. If the detainee does not have an attorney, the court appoints one; for indigent detainees the Government provides an attorney through the free legal aid program. Detainees were allowed prompt access to family members.

There is a functioning bail system; the law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of five years’ imprisonment or more) or when deemed necessary to prevent the commission of another serious offense.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The director of public prosecutions, a government official independent of the Department of Justice, prosecutes criminal cases. Jury trials are generally used in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense, and authorities provided sufficient funds for this purpose during the year. Defendants enjoy a presumption of innocence and have the right to present evidence, question witnesses, and appeal.

The law explicitly allows “special courts” to be created when “ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order.” A nonjury “special criminal court” tries all scheduled offenses and any other cases that the director of public prosecutions certifies to be beyond the capabilities of an ordinary court. The three judges making up a special criminal court are selected by the judicial branch and usually include one high court judge, one circuit court judge, and one District Court judge. The panel reaches its verdicts by majority vote. The rules of evidence are generally the same as in regular courts, but the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as *prima facie* evidence of such membership. Special criminal court proceedings are generally public, but

judges may exclude certain persons other than journalists. Special criminal court decisions, like decisions in all other criminal cases, may be appealed to the Court of Criminal Appeal.

The constitution allows parliament to create tribunals, with limited powers, to investigate designated matters, usually cases of government corruption. They do not try cases; however, if warranted, their findings may be the basis for formal charges. In each instance, the legislation creating the tribunal sets out its powers and rules of procedure. Some tribunals were established to last indefinitely. Others were established only for a specific task and ceased to exist when that task was completed.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The independent and impartial judicial system hears civil cases and appeals on civil matters, including damage claims resulting from human rights violations; such claims may be brought before all appropriate courts, including the Supreme Court.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech, and the Government generally respected this right in practice.

The constitution provides for freedom of the press with the qualification that it not “undermine public order or morality or the authority of the state.” The constitution prohibits the publication or utterance of “blasphemous, seditious, or indecent” material.

The law prohibits the use of words, behavior, or the publication or distribution of material that is threatening, abusive, or insulting and intended to, or likely to, incite hatred. There were no reports that authorities invoked these provisions during the year.

The law empowers the Government to prohibit the state owned radio and television network from broadcasting any material “likely to promote or incite to crime or which would tend to undermine the authority of the state.” Authorities did not invoke this prohibition during the year.

The independent print media were active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly under state control, but private sector broadcasting continued to thrive. There were 57 independent radio stations and one national independent television station. Access to cable and satellite television was widespread.

The Censorship of Publications Board has the authority to censor books and magazines that it finds indecent or obscene. The board did not exercise this authority during the year.

Two journalists were under criminal investigation for reporting details of an investigation into then prime minister Bertie Ahern’s finances. The High Court determined that the two journalists had to reveal their sources and answer questions regarding their actions before the tribunal investigating the prime minister. The ruling was being appealed at year’s end.

On January 1, an ombudsman for the press was established.

The Office of the Film Censor must classify films and videos before they can be shown or sold; it must cut or prohibit any film that is “indecent, obscene, or blasphemous,” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” During the year the film censor did not prohibit any films or videos.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. The Internet was widely available and used by citizens.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected this right. The law allows the state to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The constitution provides that “publication or utterance” of “blasphemous matter” is an offense, but it does not define blasphemy. In the most recent blasphemy case, in 1999, the Supreme Court ruled that in the absence of implementing legislation, there was no operational definition of blasphemy, making a successful prosecution impossible.

Most primary and secondary schools were denominational, and their management boards were governed partially either by trustees within the Catholic Church, whose believers constituted approximately 88 percent of the population, or by officials of other faiths in the case of schools based on other religions. Under the constitution the Department of Education must fund schools of different religious denominations, including Islamic and Jewish schools, on an equal basis, and did so during the year. Although religious instruction was an integral part of the curriculum, parents were allowed to exempt their children from such instruction.

The Equality Tribunal was in the process of mediating the case of the Sikh man who decided to leave the volunteer police reserve because of the police commissioner's refusal to lift the ban on wearing the turban in uniform.

In June the press reported that the principal of a Wexford school sought guidance from the Department of Education regarding whether it was appropriate to permit the wearing of hijabs (head coverings) in schools. Pending the department's response, the school granted permission providing the hijab met the color guidelines for school uniforms. The Department of Education asked the integration minister to consider the matter in the context of the development of an Intercultural Education Strategy.

Societal Abuses and Discrimination.—According to the 2006 census, the Jewish community numbered 1,930 persons.

According to the Israeli Foreign Ministry's coordination forum for countering anti-Semitism, on January 4, a voice message containing anti-Semitic statements was left on the answering machine of the Dublin Hebrew Congregation. The same source reported that on May 15, anti-Semitic slogans and a swastika were daubed on the home of a couple in Tuam. No suspect was apprehended during the year.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. In 2007 the Government recognized 579 asylum seekers as refugees.

Between January and September, the Government granted leave to remain to 1,083 individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol. Of these, 985 were failed asylum seekers.

The country also had an ongoing resettlement program able to accommodate up to 200 persons annually. During the year, 191 of the 199 persons approved under the quota for 2007 arrived in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Parliamentary elections, which observers considered to be free and fair, were held in May 2007. Political parties could operate without restriction or outside interference.

There were 22 women in the 166 seat house of representatives (Dail Eireann) and 13 women in the 60 seat senate (Seanad Eireann). The president of the republic was

a woman, as were three of the 15 government ministers. There were five women on the 34 member High Court and two on the eight member Supreme Court.

There were no minorities in the lower house, the senate, or the cabinet. In June 2007 a Nigerian immigrant in Portlaoise became the country's first mayor of African origin.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. Allegations of government corruption during the year were few.

The Tribunal of Inquiry into Certain Planning Matters and Payments, commonly known as the Mahon Tribunal, continued to scrutinize ethical and legal questions surrounding former prime minister Bertie Ahern's acceptance of financial payments and loans from friends and business associates during his tenure as minister of finance in 1993-94. This in part contributed to Ahern's decision to resign on May 6, as he stated that "the constant barrage of commentary" was distracting the work of government.

Public officials were subject to financial disclosure laws. The Revenue Commission in the Department of Finance is responsible for identifying and combating government corruption.

The law provides for public access to government information and requires government agencies to publish information on their activities and make such information available to citizens, noncitizens, and foreign media upon request. Authorities generally granted public information requests and did not charge prohibitive fees. There were mechanisms for appealing denials.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community, and the Government sought to enforce the law; however, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

Women.—The law criminalizes rape, including rape within marriage, and the Government enforced it. The law provides for free legal advice to victims of serious sexual assault. The courts service annual report covering 2007 documented a total of 76 rape cases tried in court and 48 persons convicted of rape and other sexual offenses. Most of the persons convicted received sentences of between five and 12 years in prison with two offenders receiving over 12 years and two offenders receiving life sentences.

The law criminalizes domestic violence, but domestic violence occurred. The law authorizes prosecution of a violent family member and provides victims two types of legal protections: safety orders and barring orders. Safety orders prohibit a person from engaging in violent actions or threats, but they do not require the individual to leave the home, while barring orders prohibit a person from entering the family home for up to three years. The law allows victims to apply for interim protection while courts process their cases. Violations of these orders are punishable by a fine of up to 1,900 euros (approximately \$2,600). According to official statistics, in 2007 the courts received 3,553 safety order applications and 3,355 barring applications; in both categories, more than one third of the applications were granted and nearly two thirds were withdrawn. It was possible for the same individual to be the subject of multiple orders. Of the safety and barring orders granted, more than half were related to the spouse of the applicant.

The Government funded centers throughout the country for victims of domestic abuse.

Although prostitution is not a crime, it is illegal for a person in a street or public place to solicit for purposes of prostitution. The offense applies equally to a person who solicits a client for prostitution, a client who solicits the services of a person engaging in prostitution, or a third party who solicits on behalf of the other. It is also an offense to solicit another person in order to commit certain sexual offenses, such as sex with underage persons or to keep or to manage a brothel. Reports of, and arrests for, these crimes were rare.

The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Equality Authority

investigates claims of unfair dismissal and may require an employer charged with unfair dismissal to reinstate the employee or pay the employee up to 104 weeks' pay. Authorities effectively enforced the law in the few cases of sexual harassment that were reported.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. However, inequalities in pay and promotions persisted in both the public and private sectors. Average women's earnings were 91 percent of men's. Women constituted 42 percent of the labor force but were underrepresented in senior management positions.

Children.—The Government was strongly committed to children's rights and welfare, and allocated ample funds to public education and health care.

The Health Service Executive (HSE) reported that 6,188 complaints of alleged child abuse were made in 2004. Of these, 1,425 were deemed to be proven cases of child abuse. The law establishes a strictly enforced requirement that organizations providing services to children identify and report cases of physical and sexual abuse. In 2007 the Dublin Rape Crisis Center reported that 46.6 percent of the calls to its crisis line involved child sexual abuse. Fifteen centers provided face to face support to 4,930 individuals. The law requires government health boards to identify and help children who are not receiving adequate care and gives police authority to remove children from the family if there is an immediate and serious risk to their health or welfare.

Unaccompanied minors entering the country continued to be an area of concern for both the Government and nongovernmental organizations (NGOs). In 2006 the HSE reported that 328 migrant children were missing from the health care system in the period 2001-05. This number included children who entered the country with their parents (who may have come for work or study), as well as those who arrived separately. They may also have included Romanian children who were allegedly brought into the country for begging and then entered the health care system. During the year, five children were reported missing from the health care system. Police believed they were either reunited with family or had initially misrepresented themselves as minors in order to enter the country and left the HSE system to find work. The HSE believed that some of the children were trafficked into the country for labor or commercial sexual exploitation.

Numerous NGOs offered support for victims as well as resources for parents and professionals who work with children.

In 2006 the UN Committee on the Rights of Children expressed concern over the level of poverty and alcohol abuse among children and over proposed changes to the youth justice system that would permit the criminal prosecution of children as young as 10 years old. Legislation enacted in 2006 reduced the age of criminal responsibility for most crimes to 12 years, although for more serious crimes such as rape and murder, the legal age was reduced to 10 years.

The ombudsman for children investigates complaints from children or persons acting on their behalf against various governmental and nongovernmental bodies and has a role in promoting general child welfare.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that the Ireland was a country of transit and a destination for a number of trafficking victims from Eastern Europe, Africa (particularly Nigeria), Latin America (particularly Brazil), and Asia. There were also unconfirmed reports that the country was a transit point for persons trafficked to or from Northern Ireland. There was anecdotal information that some women were trafficked within the country. During the year the Government investigated allegations of trafficking.

NGOs reported that women were smuggled or trafficked into the country primarily for sexual exploitation and that men may be smuggled or trafficked into the country for work in the construction industry or agriculture. There were no reliable statistics on the number of trafficking victims, but press reports and anecdotal information from police indicated that the number may have increased during the year. A September 2007 joint study by the National University of Ireland and Trinity College to establish a baseline estimate of cases of sex trafficking into the country in 2000-06 concluded that the minimum number of such cases during the seven year period was 76.

Socially disadvantaged noncitizen women and children, asylum seekers, refugees, and economic migrants were most likely to be trafficking victims. NGOs believed that many victims were initially trafficked as minors. However, they are often not discovered until they are 18 or older. NGOs reported that traffickers also targeted younger women who knew little English, lacked legal status, and had no recourse

to social or familial networks. Traffickers usually had their victims work from apartments, where illegal activities were easier to hide. NGOs reported that traffickers used the Internet to advertise and solicit victims. NGO and press accounts of the experiences of trafficking victims identified both Irish and foreign nationals among the traffickers. The majority of foreign traffickers were from Eastern Europe.

On June 7, a new Human Trafficking Act entered into force. It criminalizes trafficking in adults and children for the purpose of labor or sexual exploitation. It makes it an offense to sell or offer for sale, or to purchase or offer to purchase any person for any purpose and carries penalties of up to life imprisonment. It is not a defense for the trafficker to argue that the person consented to the commission of any of the acts. It is a crime to solicit a trafficked person for prostitution if the person soliciting knows, or has reasonable grounds for believing, that the person has been trafficked, and it is a crime to accept payment for the prostitution of a trafficked person. Fines of up to 5,000 euros (approximately \$7,000) and 12 months' imprisonment may be imposed for lesser offenses and unlimited fines and up to five years for more serious ones. The new act also provides that, if a citizen or resident is alleged to have committed a trafficking offense abroad, Irish courts may accept jurisdiction to try the offense and may impose similar penalties. The new act makes it a crime, carrying punishment of up to 10 years' imprisonment and an unlimited fine, to publish or broadcast any information that could identify an alleged trafficking victim. It makes provision for an alleged victim to give evidence through a live television link and, for adult victims, with the court's permission, to testify from either within the country or from abroad.

The Government has a positive working relationship with NGOs combating trafficking. Government officials distributed and displayed NGO funded and developed posters to assist victims at airports, bus and rail stations, ports, hospitals, and police stations, and provided part of the funding for an NGO run hot line that offered assistance to victims and potential victims. The Department of Defense provides training modules to peacekeepers on human trafficking and sexual exploitation.

The Garda National Immigration Bureau and the Department of Justice are responsible for combating trafficking. An antitrafficking unit in the Ministry of Justice coordinates all governmental antitrafficking activities; its executive director reports directly to the minister. An interdepartmental high level group, with representatives from key government departments and agencies, recommends trafficking policies to the minister.

The country was a participant, along with the United Kingdom, Italy, Spain, Poland, and the Netherlands, in an initiative designed to ensure that the European Union becomes a more hostile environment for traffickers.

Authorities developed a training program in conjunction with the International Organization for Migration (IOM) to increase awareness among labor inspectors, health service employees, and others whom they identified as likely to encounter evidence of trafficking. A professional development course designed by the Garda Síochána, assisted by IOM, the United Kingdom Human Trafficking Center, and NGOs, was being delivered to frontline police, immigration officers, and a number of officers of the Police Service of Northern Ireland.

The Department of Justice did not allocate specific funds for trafficking victim assistance but has provided 275,000 euros (approximately \$385,000) per year to the NGO Ruhama, which supported victims of sexual exploitation. In the hope of deterring the demand side of sex trafficking, it provided additional funds to Ruhama for a film on the harm caused by purchasing sexual services.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services; and the Government effectively enforced these provisions. The law requires access to buildings where possible for persons with disabilities, and the Government generally enforced these provisions.

There were four prison institutions without staff psychologists.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy.

National/Racial/Ethnic Minorities.—The law prohibits discrimination based on language, gender, disability, or social status, and the Government sought to enforce the law; however, societal discrimination and violence against immigrants and racial and ethnic minorities, including Asians, East Europeans, and Africans, continued to be a problem. There were racially motivated incidents involving physical violence, intimidation, graffiti, and verbal slurs; the majority of these reportedly took

place in public places. In a 2006 study, the Economic and Social Research Institute reported that 35 percent of immigrants interviewed had experienced discrimination or harassment in public places.

An NGO recorded 50 racially motivated incidents between January and July, compared to police reports of 174 in 2006. In 2007 police appointed 146 “ethnic liaison” officers, and 263 members of the police force attended cultural diversity awareness training.

According to the 2006 census, 22,369 persons identified themselves as nomadic members of a distinct ethnic group called “Travellers,” whose history and culture differ from that of the majority. Travellers faced societal discrimination and were regularly denied access to premises, goods, facilities, and services; many restaurants and public houses, for example, would not serve them. While the law does not recognize Travellers as an ethnic group, there is a specific designation that protects them under the antidiscrimination laws.

Despite national regulations providing that no child may be refused admission to school on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Of the estimated 5,000 Traveller families, approximately 1,000 lived on the roadsides or other temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival, and their participation in the economy was limited by discrimination and lack of education.

A small number of discrimination lawsuits were filed and won during the year against proprietors for refusing to serve Travellers. The law obliges local elected officials to draw up and implement five year Traveller accommodation plans and to solicit Traveller input into the process. Under the act, each community must provide adequate accommodations for Travellers. Traveller NGOs argued, however, that many communities provided Travellers with housing, such as government owned apartments or townhouses, that was inconsistent with the nomadic Traveller lifestyle or provided halting sites that did not include basic amenities such as sanitary facilities, electricity, and water. Government expenditure on Traveller specific objectives was an estimated 144 million euros (approximately \$202 million) in 2005. The Government subsequently ceased listing such expenditures separately in the budget and the amount allotted to Traveller specific objectives in later years was unknown.

Other Societal Abuses and Discrimination.—There was no reported societal violence or discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join independent unions of their choice without previous authorization or excessive requirements, and the law was implemented. Approximately 33 percent of workers in the private sector and 95 percent in the public sector were union members. Police and military personnel may form associations, but technically not unions, to represent them in matters of pay, working conditions, and general welfare. The law allows unions to conduct their activities without government interference, and this right was exercised in practice. The law provides for the right to strike, except for police and military personnel, and workers exercised this right in both the public and private sectors.

b. The Right to Organize and Bargain Collectively.—Labor unions have the right to pursue collective bargaining, and in most instances did so freely; however, employers, who were not required to engage in collective bargaining, did not encourage it.

There were no reports of antiunion discrimination.

There are no special laws or exemptions from regular labor laws in the export processing zone at Shannon Airport.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. NGOs reported that men and women were smuggled or trafficked into the country for work in the construction industry, commercial fishing, as domestics in private homes, or in agriculture; however, officials believed that, while trafficking and labor exploitation occurred, the magnitude of the problem was very small. Trafficked women and girls were forced into prostitution on the streets, from apartments, or as escorts. NGOs believed a number of Romani children have been trafficked for the purpose of forced begging; however, given the difficulty in understanding Romani family structures they could not confirm that the children were not with a natural parent.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government implemented laws and policies to protect children from exploitation in the workplace. Under the law employers may not employ children under the age of 16 in a regular, full time job. Employers may hire 14 or 15 year olds for light work on school holidays as part of an approved work experience or educational program. Employers may hire children over the age of 15 on a part time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the employment of 18 year olds for late night work, and requires employers to keep more detailed records on workers under 18 years of age. The Office of the Labor Inspectorate at the Department of Enterprise, Trade, and Employment is responsible for enforcement and was generally effective. There were instances of child trafficking.

e. Acceptable Conditions of Work.—The national minimum wage is 8.65 euros (approximately \$12) per hour, which did not provide a decent standard of living for a worker and family; however, low income families were entitled to such benefits as subsidized housing, medical coverage, and children's allowances. During the year reports persisted that the pay of foreign migrant workers was at times below the minimum wage, particularly in the rural agricultural and construction sectors. Partly in response to these reports, the Government established a labor monitoring agency independent of the Department of Enterprise, Trade, and Employment, which primarily represents business interests. This agency has been quite active; however, it was difficult to determine its overall effectiveness.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to nine hours per day and 48 hours per week. Overtime work is limited to two hours per day, 12 hours per week, and 240 hours per year. The Government effectively enforced these standards. Although there is no statutory entitlement to premium pay for overtime, it could be arranged between employer and employee. NGOs and trade unions reported that these standards did not apply to agency workers, i.e. workers supplied by third party contractors. These workers, who were predominantly migrant laborers, were specifically excluded from laws regulating pay.

The Department of Enterprise, Trade, and Employment is responsible for enforcing occupational safety laws, and these laws provided adequate and comprehensive protection. There were no complaints from either labor or management during the year regarding significant shortcomings in enforcement. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent, and unavoidable risk," without jeopardy to their continued employment.

ITALY

Italy is a multiparty parliamentary democracy with a population of approximately 59.1 million. The bicameral parliament consists of the Chamber of Deputies and the Senate. International observers considered the April 14 national parliamentary elections free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, although there were problems in some areas, notably lengthy pretrial detention, excessively long court proceedings, violence against women, trafficking in persons, and abuse of Roma.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings during the year.

An investigation continued into the shooting death of Gabriele Sandri in November 2007 by a police officer attempting to break up a fight in Arezzo. The first hearing was scheduled for January 2009.

There were no reports that authorities were investigating, or were likely to investigate, the July 2007 killing by a police officer in Verona of Susanna Venturini, who was attempting to flee a crime scene.

The trial continued in Ferrara of four police officers charged with involuntary manslaughter for the 2005 death in custody of Federico Aldovrandi.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police occasionally used excessive force against persons, particularly Roma and immigrants detained in connection with common criminal offenses or in the course of identity checks.

Judicial activity related to police actions during protest demonstrations at the G 8 summit in Genoa in 2001 continued. On March 29, Genoa prosecutors requested the indictment of Gianni De Gennaro, then head of the National Police, for inducing police officers to give false testimony regarding police behavior toward the protesters. (On May 23, the Government appointed De Gennaro to be head of the Department for Information and Security, coordinating intelligence.)

On July 15, a court sentenced 14 police officers to prison terms of five months to five years for the “inhuman or degrading treatment,” including assault, of some protesters whom they were detaining. On November 13, a Genoa court sentenced 13 police officers convicted of perjury, conspiracy, or assault during a police raid on a building used by the protesters to two to four year prison terms. In the final ruling, the Genoa court noted that certain degrading treatment of protesters might be considered torture under international conventions. Nongovernmental organizations (NGOs) repeatedly have criticized the country for not having a specific crime of torture in its criminal code.

On February 28, the European Court for Human Rights (ECHR) ruled that the country would violate its obligations under the European Convention on Human Rights if it deported Tunisian terror suspect Nassim Saadi. He was in prison awaiting a decision at year’s end. In 2003 the country signed an agreement with Tunisia on repatriation, trafficking, and illegal immigration.

On June 3, the Interior Ministry deported a Tunisian, Essid Sami Ben Kemais, after he completed a sentence for involvement in international terrorism. The deportation took place despite a March 29 request by the ECHR that it be suspended pending their review of the case, including of the possibility that Ben Kemais risked torture and mistreatment in his home country.

The ECHR reviewed 30 deportation orders issued by the interior minister from July 2006 through March 2007 and blocked the deportation of five individuals whom the authorities considered terrorists, citing the need to prevent violation of their rights in their home countries. During the year authorities successfully deported nine immigrants suspected of links to terrorist networks.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards, although some prisons remained overcrowded and antiquated. The Government permitted visits by independent human rights observers.

On July 15, there were 54,600 inmates in a prison system designed to hold 42,900; however, the uneven distribution of prisoners left a few institutions particularly overcrowded. Older facilities lacked outdoor or exercise space, and some prisons lacked adequate medical care. In June approximately 67 percent of inmates were serving sentences; the other 33 percent were mainly detainees awaiting trial.

According to an independent research center, from January through October, 105 prisoners died in custody, 40 of them by suicide. There were no reports that any of these deaths were the result of abuse or negligence on the part of prison officials.

Some of the 17 temporary detention centers for illegal immigrants continued to be overcrowded at times, particularly in the summer, when the inflow of aliens from northern Africa increased. According to Amnesty International (AI), children often were held together with adults at these facilities. The law does not require that pre-trial detainees be held separately from convicted prisoners, and they are held together in some smaller prisons.

The Government permitted visits to detention facilities by independent human rights organizations, parliamentarians, and the media. In September the Committee for the Prevention of Torture (CPT) of the Council of Europe (COE) assessed the country’s prison systems and delivered a classified report to the Government. In November the UN Working Group on Arbitrary Detention visited some facilities in Milan, Rome, Naples, and Sicily and expressed concerns about detention conditions of prisoners condemned for Mafia related crimes. Several municipalities had permanent independent ombudsmen to promote the rights of detainees and facilitate access to health care and other services. The Government provided access to detention centers for representatives of the UN High Commissioner for Refugees (UNHCR), and these visits were in accordance with UNHCR’s standard modalities.

On August 3, a lawyer alleged that in 2006 a young inmate in Catania was raped by other prisoners because of his perceived sexual orientation; there were no reports of an investigation in this case.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the Carabinieri, the national police, the financial police, and municipal police forces. The Government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year; however, long delays by prosecutors and authorities in completing investigations of some cases of alleged abuse undercut the effectiveness of mechanisms to investigate and punish police abuses.

Campobasso (Molise) prosecutors continued their investigation of the Carabinieri station commander, seven police and Carabinieri officers, and the former chief of the municipal police force of Termoli, who were arrested in May 2007 on charges of creating a criminal organization, fraud, perjury, disclosure of confidential information, and embezzlement.

The cases of three of eight Carabinieri arrested in Milan for graft and evidence tampering in 2006 remained unresolved. One of the remaining three officers was indicted and a hearing for the other two was delayed. The eight reportedly used false evidence to extort money from a number of previous offenders. Five other officers received either prison sentences or fines.

Arrest and Detention.—To detain an individual, police require warrants issued by a public prosecutor unless a criminal act is in progress, or there is a specific and immediate danger to which they must respond. When authorities detain a person without a warrant, an examining magistrate must decide within 24 hours of the detention whether there is enough evidence to proceed with an arrest. The investigating judge then has 48 hours to confirm the arrest and recommend whether to prosecute. In terrorism cases, authorities may hold suspects 48 hours before bringing the case before a magistrate.

Authorities generally respected the right to a prompt judicial determination. The law entitles detainees to prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigent persons. In exceptional circumstances, usually in cases of organized crime figures, where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to five days to interrogate the accused before the accused is allowed to contact an attorney. Some human rights organizations asserted that the terrorism law is deficient in due process and in some cases resulted in the deportation or return of alien suspects to countries where they had reason to fear persecution. The law allows for increased surveillance and enhanced police powers to gather evidence in terrorism cases, for example DNA for purposes of identification (see Section 2 d.)

Despite restrictions on lengthy pretrial detention, it remained a serious problem. During the first half of the year, 33 percent of all prisoners were in pretrial detention and 18 percent were awaiting a final sentence. The maximum term of pretrial incarceration is two years for a crime with a maximum penalty of six years in prison, four years for a crime with a maximum penalty of 20 years, and six years for a crime with a maximum penalty of more than 20 years. According to some judicial experts, a few prosecutors used the prospect of lengthy pretrial detention as pressure to obtain confessions.

There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, detainees may request that a panel of judges (liberty tribunals) review their cases on a regular basis and determine whether continued detention is warranted.

Authorities may impose preventive detention as a last resort, if there is clear and convincing evidence of a serious felony or the crime is associated with the Mafia or terrorism. Except in the most extraordinary situations, preventive detention is prohibited for pregnant women, single parents of children under age three, persons over age 70, and those who are seriously ill.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, most court cases involved long trial delays.

There were some reports of judicial corruption. On July 18, authorities arrested a judge in Caltanissetta and charged him with corruption. On June 10, prosecutors requested a trial for two magistrates of the Court of Cassation (the final court of appeals) and the Supreme Administrative Court, Lanfranco Balucani and Vincenzo Maccarrone, arrested in 2007 by financial police for corruption in Perugia. Prosecutors accused them of multiple violations of rules of procedure, including jury tampering, in an attempt to unduly influence the investigations of two entrepreneurs who rewarded them with gifts. There were no further reports on the status of these prosecutions.

Pressure on the judicial system, primarily in the form of intimidation of judges by organized crime groups, further complicated the judicial process. For example, on August 6, unknown arsonists set fire to the door of the house of a Sicilian prosecutor, Serafina Cannata, who tried Mafia cases.

There are three levels of courts. At the first level, either a single judge or a court, which may be a panel of judges or include a jury, hears cases. At the second level, separate courts with juries hear civil and criminal appeals. Both sides may appeal decisions of the court of appeals to the highest court, the Court of Cassation in Rome. Prosecutors may in some instances challenge acquittals by appealing directly to the Court of Cassation, bypassing the intermediary appellate level. Such appeals may be based on the court's application of the law or, in some cases, on the evidence. A separate Constitutional Court hears cases involving conflicts between laws and the constitution or over the duties or powers of different units of government.

Nine military tribunals and nine prosecutors' offices are in charge of military crimes committed by members of the armed forces, such as treason, unauthorized release of state secrets, and espionage. An appeals court reviews challenges brought by defendants or prosecutors.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Defendants have access to an attorney in a timely manner to prepare a defense. Defendants may confront and question witnesses against them and may present witnesses and evidence on their own behalf. Prosecutors must make evidence available to defendants and their attorneys upon request. The law grants defendants the presumption of innocence. Defendants have the right to appeal verdicts.

Domestic and European institutions continued to criticize the slow pace of justice in the country. At the end of 2007, 2,900 petitions seeking compensation from the Government for excessively long proceedings were pending in the ECHR. In addition, according to the Court of Cassation, about 21,000 new cases were initiated at the national level in 2006, and in 2007 the Court of Cassation rendered 5,014 judgments against the Government for excessively protracted proceedings. Observers cited several reasons for delays, including the absence of effective limits on the length of pretrial investigations; the large number of minor offenses covered by the penal code; unclear and contradictory legal provisions; insufficient resources, including an inadequate number of judges; and strikes by judges and lawyers.

In 2006 the chief prosecutor of the Court of Cassation estimated that a criminal trial took an average of 300 to 400 days and an appeal took 900 days. There has been some slow progress; the average length of time between the scheduling of a defendant's first court appearance to completion of the case was 902 days in 2006, compared with 966 days in 2005.

Courts had significant leeway to determine when the statute of limitations should apply, and defendants often took advantage of the slow pace of justice to delay trials through extensive pleas and appeals.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent and impartial judiciary in civil matters. Administrative remedies are determined by law, and arbitration is allowed and regulated by contracts. Often citizens and companies turned to arbitration because of trial delays. In 2006 the average time required to complete a civil trial was 887 days, with 1,020 days required to complete an initial appeal and another 719 days to appeal to the Court of Cassation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Searches and electronic monitoring were generally permissible with judicial warrants and in carefully defined circumstances. The Court of Cassation's lead prosecutor may authorize wiretaps of terrorism suspects at the request of the prime minister.

The media published leaked transcripts of both legal and illegal government wiretaps during the year. For example, on June 26, the weekly magazine L'Espresso published wiretaps of a telephone conversation between Prime Minister Berlusconi and an executive of public broadcast television. In 2006 parliament enacted a decree allowing magistrates to destroy illegal wiretaps discovered by police. On July 2, the Chamber of Deputies denied authorization to enter wiretaps of one of its members into evidence in a corruption investigation. In the course of investigations, prosecutors eavesdropped on the telephone calls of politicians and their advisors, including Prime Minister Berlusconi, former prime minister Romano Prodi, and other national leaders.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

The independent media were active and expressed a wide variety of views. However, disputes over partisanship on the airwaves continued to prompt frequent political debate, and NGOs contended that media ownership was concentrated in too few hands. The prime minister is the major shareholder of the country's largest private television company, Mediaset, its largest magazine publisher, Mondadori, and its largest advertising company, Publitalia. His brother owns one of the country's nationwide dailies, *Il Giornale*.

The NGO Reporters without Borders and the journalists' union criticized several judicial actions against journalists who refused to name confidential sources during the year.

On October 21, police searched the office, home, and car of journalist Ilaria Cavo, of the national television broadcaster Mediaset, who had published wiretaps of a suspected murderer. In December 2007 police searched the home of journalist Giuseppe d'Avanzo of the daily newspaper *La Repubblica* after he revealed that prosecutors were opening a corruption investigation into then opposition leader Silvio Berlusconi.

Prosecutors continued to investigate two journalists suspected of having disclosed confidential information in the case of a senator suspected of money laundering. The offices and homes of the journalists were searched in June 2007. The National Federation of the Italian Press condemned what they described as excessive restrictions on freedom of expression.

During the year public officials continued to bring cases against journalists under the country's libel laws. On May 12, the president of the Senate, Renato Schifani, sued journalist Marco Travaglio for libel after he hinted at ties between Schifani and criminals during a program aired by the public television network, Radiotelevisione Italiana (RAI). On September 5, a Milan court acquitted the British weekly journal *The Economist* in a suit brought by Prime Minister Berlusconi after the publication in 2001 of an article that characterized Berlusconi as unfit to lead the country. Suits filed in 2007 by Deputy Prime Minister Francesco Rutelli against the weekly magazine *L'Espresso* and by parliamentarian Ferdinando Adornato against the national newspaper *Il Giornale* were in the courts at year's end. In the view of most observers, the risk of such suits did not affect adversely the willingness of the press to report on politically sensitive subjects.

Internet Freedom.—There were no government restrictions on access to the Internet; however, a special unit of the police monitored Web sites for crimes involving child pornography online. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail; however, the Government could request other governments to block foreign based Internet sites if they contravened national laws. As an antiterrorism measure, authorities required that Internet cafe operators obtain licenses. In January a survey conducted by ISTAT, the official government statistical agency, found that 43 percent of citizens had access to the Internet and 29 percent used broadband connections.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no state religion; however, an accord between the Roman Catholic Church and the Government gives the Catholic Church certain privileges. For example, it may select Catholic religion teachers, whose earnings were paid by the Government. In accordance with the law, government had understandings with organizations representing non Catholic religions pursuant to accords that allow the Government to give them support (including financial); some non Catholic confessions have such accords. In April 2007 authorities signed accords with several others, including the Buddhist Union, Jehovah's Witnesses, the Church of Jesus Christ of Latter day Saints, the Apostolic Church, the Orthodox Church of the Constantinople Patriarchate, and the Hindu community. These accords were submitted to parliament for ratification, but no action was taken by the end of the year. Divisions among the country's Muslim organizations, as well as the large number of Muslim

immigrant groups, hindered the Muslim community's efforts to conclude an accord with the Government, although some Muslims attributed the lack of an accord to a lack of political will.

On August 18, police arrested and subsequently deported Abdelmajid Zergout, the imam of a mosque in Varese, at the request of Moroccan authorities, who sought him on charges of "participating in acts of terrorism," including suicide bombings in Casablanca in 2003.

Muslims in some locations continued to encounter difficulties in getting permission to construct mosques and other community buildings. In Milan local officials stated in July that the Viale Jenner Mosque would be closed and offered a local stadium to Muslims to use four times a week provided they paid upon entry, a proposal rejected by the mosque. Opposition to the construction of mosques was not limited to urban communities; Muslims in rural Tuscany also were having difficulties getting permission to build a mosque. Although local officials usually cited other grounds for refusing building permits, some Muslims asserted that hostility toward their religion underlay the difficulties. The efforts of Northern League members of parliament to seek legislation to restrict further building of mosques furthered a hostile attitude toward Muslims.

There were occasional reports that government officials or the public objected to women wearing garments that completely cover the face and body. On August 25, a woman wearing a headdress that covered her face was refused entrance to a museum in Venice. The director of the museum later apologized and stated that a guard had erred in barring her.

The presence of Catholic symbols, such as crucifixes, in courtrooms, schools, and other public buildings continued to be a source of criticism and lawsuits.

Societal Abuses and Discrimination.—The country's approximately 30,000 Jews maintained synagogues in 21 cities. No violent anti-Semitic attacks were reported during the year, but societal prejudices persisted, manifested largely by anti-Semitic graffiti in a number of cities, and small extremist fringe groups were responsible for anti-Semitic acts.

On November 11, police arrested a person accused of displaying banners containing anti-Semitic writing and denying the Holocaust during the celebration of the 65th anniversary of the raid in the ghetto of Rome and in a separate location. The far right group "Militia" claimed responsibility for both episodes.

On July 31, graffiti with the text "Jewish people are revolting dogs, the Shoa (the Hebrew word for the Holocaust) doesn't exist" was written on a wall in front of a prison in Milan.

Denial of the Holocaust is a crime punishable by up to four years in prison. Officials confiscated materials that displayed symbols associated with Nazi Germany. For example, on October 1, officials in the north seized wine bottles whose labels depicted Adolf Hitler and other Nazis.

During the year, the Government continued to host meetings to increase educational awareness of the Holocaust and to combat anti-Semitism.

There were also instances of discrimination and violence against Muslims. On February 1, A hand-made bomb injured two persons when it was thrown into a mosque in Battipaglia, Campania. Police subsequently arrested and deported one of the injured men, citing his lack of residence papers. There were no reports of progress in the investigation of the attack. In June, two hand made bombs were thrown at the Milan Islamic Center, damaging the main gate. This was the latest in a series of attacks against Islamic centers in the Milan area during the past two years. Some Muslims expressed fear of using public transportation and reported a hostile atmosphere in schools, and non Muslims feared walking near illegal immigrants' encampments, or taking busses at night.

For a more detailed discussion, see the 2008 Report on International Religious Freedom at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the UNHCR and other humanitarian organizations to give protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The country is a party to the Dublin II Instruction,

whose adherents generally transfer asylum applications to the first member country in which the applicant was present. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, providing it to 5,920 persons in 2007. The top three countries of origin of persons granted temporary protection were Eritrea, Cote d'Ivoire, and Somalia.

The Government provided temporary protection to refugees fleeing hostilities or natural disasters. The Government granted such refugees temporary residence permits, which had to be renewed periodically and did not ensure future permanent residence.

Between January and July, authorities identified 15,400 individuals who came ashore illegally from North Africa, compared to 12,400 in 2006. Those who were apprehended were sent to temporary detention centers for processing, and a magistrate determined whether they would be deported (if their identity could be ascertained), issued an order to depart (if their identity could not be ascertained), or accepted for asylum processing.

According to AI, approximately 10 percent of migrants who came ashore in 2007 were minors. The Interior Ministry equipped special sections of identification centers to host minors. In a June 2007 report, AI stated that the Government improved the treatment of minors, i.e., reducing the length of detention of unaccompanied minors and applying better identification procedures.

On May 21, as part of a security package, the Government adopted an emergency decree that increased the penalties for crimes perpetrated by illegal immigrants by one third and provided for the expulsion of foreigners sentenced to two years or more. On May 30, the Government issued an order requiring the prefects of Milan, Rome, and Naples to identify and collect biometric data from persons living in encampments, including minors. The measure was widely understood to target Roma. Following criticism from the COE's commissioner for human rights, the media, and NGOs, the Government decided to fingerprint only those without identification documents, and persons who were at least 14 years old.

In November 2007 Human Rights Watch claimed that the Government's targeting of Romanians, and particularly those of Romani origin, for expulsion violated its international human rights obligations. Although the May security package covered the citizens of any member state of the European Union (EU), the political debate and official action in the country focused almost exclusively on Romanians, and in particular Roma from that country. Romanians were the country's largest immigrant group, estimated at approximately 600,000 persons, or 1 percent of the population. An estimated 60,000 of these were Roma.

Following the adoption of the security package, police and local authorities evacuated and bulldozed some illegal Romani encampments in Rome, Milan, and Naples.

In June the COE's commissioner for human rights visited some camps in Rome and expressed concerns about the living conditions of Roma and the general climate of intolerance toward Roma, Romanians, and illegal immigrants.

The 20 temporary detention centers for illegal immigrants continued to be overcrowded.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Executive authority is vested in the Council of Ministers, headed by the president of the council (the prime minister). The president, who is the head of state, nominates the prime minister after consulting with the leaders of all political forces in parliament. National and international experts, including the Organization for Security and Cooperation in Europe, considered the April national parliamentary elections free and fair.

There were numerous political parties, which functioned without government restrictions or outside interference.

There were 58 women in the 322 seat Senate and 134 women in the 630 seat Chamber of Deputies. Women held four of 22 positions in the Council of Ministers.

The only legally defined minorities are linguistic: the French speaking Valdostani and the German speaking Altoatesini/Suedtiroler. There were four members of these groups in the 322 seat Senate and three in the 630 seat Chamber of Deputies. In a largely monolithic society, immigrants represented approximately 5 percent of the population, and fewer than half of these qualified as ethnic/racial minorities. Two

members of immigrant groups (of Moroccan and Congolese origin) were elected to the Chamber of Deputies.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

On August 22, the Government abolished the independent Task Force on Corruption and transferred its powers to the Ministry of Public Administration. From January through April, financial police arrested 93 persons charged with such crimes as corruption, graft, abuse of power, and embezzlement. In 2006 authorities referred 6,200 crimes to prosecutors and arrested 250 persons; the value of seized assets was 150 million euros (approximately \$210 million).

There continued to be isolated reports of government corruption during the year. According to the ministries of Interior and Justice, in 2006 prosecutors charged 925 individuals with corruption; courts convicted 130 persons of corruption. Prosecutors charged 2,725 persons with abuse of authority; courts convicted 45 persons of abuse of authority, prosecutors charged 2,725 with embezzlement. From December 2005 through November 2006, a special tribunal dealing with financial matters reported 193 cases of corruption, bribery, or graft in public administration. There was no information on the number of cases referred to a prosecutor for further action.

On September 27, a Milan court temporarily suspended the trial of Prime Minister Berlusconi on charges of corruption for paying allegedly a lawyer to falsify his testimony in two other cases. Judges have questioned the constitutionality of legislation that grants immunity from prosecution to the four highest government officials: the president, prime minister, and the presidents of the Senate and Chamber of Deputies. Parliament enacted the legislation on July 22.

On March 8, nine public officers of the prefecture of Milan were sentenced to 32 to 36 months' imprisonment and fined for visa fraud and facilitating illegal immigration. They had illegally issued 120 residence permits and allowed the unlawful entry of more than 300 aliens.

On July 14, authorities arrested Abruzzo governor Ottaviano Del Turco and a number of other local officials and charged them with corruption, embezzlement, fraud, and abuse of power in a case allegedly involving 12.8 million euros (approximately \$18 million) in the health care sector.

In July 2007 the Court of Cassation sentenced parliamentarian Cesare Previti, previously Prime Minister Berlusconi's lawyer and later minister of defense, to 18 months in prison and barred him from holding public office in a case that involved the possible corruption of a judge.

The law gives citizens the right to access government documents and to be informed of administrative processes. With some exceptions, described as security related, the Government and local authorities respected this right in practice for citizens, noncitizens, and the foreign press.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, ethnic background, and political opinion and provides some protection against discrimination based on disability, language, or social status. The Government generally enforced these prohibitions; however, some societal discrimination continued against women, persons with disabilities, immigrants, and Roma.

Women.—Rape, including spousal rape, is illegal, and the Government enforced the law effectively. In 2005, 4,020 cases of rape were reported, and 1,344 individuals were convicted.

Violence against women, including spousal abuse, remained a problem. In 2007 ISTAT reported that 6.7 million women aged 16 to 70, or 31.9 percent of all women, had been victims of violence at least once in their lives. Five million women were victims of sexual violence, one million of them of rape or attempted rape. ISTAT estimated that in 2006 there were 74,000 cases of rape or attempted rape, of which 4,500 were reported to the police. Partners reportedly committed approximately 23 percent of sexual abuses.

The law criminalizes the physical abuse of women, including by family members; allows for the prosecution of perpetrators of violence against women; and helps abused women avoid publicity. Law enforcement and judicial authorities prosecuted

perpetrators of violence against women, but victims frequently declined to press charges due to fear, shame, or ignorance of the law. In 2006 the Ministry of Equal Opportunity established a hot line for victims of violence seeking immediate assistance and temporary shelter. From March 2006 through 2007, 16,700 women reported episodes of violence to this hot line, and half of them requested assistance. The NGO ACMID Donna established a toll free number for abused Muslim women and received 3,600 calls from November 2007 through May. Approximately 56 percent of those cases involved violence or other mistreatment by husbands or relatives, including unwillingly being in a polygamous marriage, a situation affecting an estimated 14,000 women.

On April 10, authorities arrested a Moroccan man in Turin and charged him with kidnapping, raping, and using other forms of violence against his 17 year old wife, whom he had sequestered at home since March 10. He had asked her parents for a ransom of 3,000 euros (approximately \$4,200). In September 2007 a 20 year old Moroccan woman escaped from the apartment in Genoa where she had been confined by her husband and mother in law for almost three years. In September 2007 an immigrant Indian woman, age 31, committed suicide, allegedly to avoid an arranged marriage.

There were occasional reports of "honor crimes" and forced marriage.

The Government created an interagency committee to combat female genital mutilation, and the Department of Equal Opportunity, in cooperation with local authorities, implemented a prevention program that included an awareness campaign for immigrants, an analysis of risks, and training of cultural mediators.

Prostitution is legal in private residences; the law prohibits pimping, brothels, and similar commercial enterprises. The trafficking of women for sexual exploitation remained a problem.

The law permits domestic courts to try citizens and permanent residents who engage in sex tourism outside of the country, even if the offense is not a crime in the country in which it occurred. The NGO ECPAT Italy estimated that in 2006, 80,000 to 100,000 Italian men traveled to Kenya, Thailand, Brazil, and other Latin American countries for sex tourism. According to a 2006 report by the UN Children's Fund (UNICEF), 18 percent of the clients of Kenyan sex workers were Italian.

The country has a code of conduct for tourist agencies to help combat sex tourism. In June the Ministry of Foreign Affairs and ECPATG Italy organized a training course for diplomats on preventing sex tourism and on relevant domestic and international criminal law.

Sexual harassment is illegal, and the Government effectively enforced the law. By government decree, emotional abuse based on gender discrimination is a crime. From November 2007 to May 2008, ACMID Donna received about 3,600 calls from immigrant women who reported episodes of violence.

The law gives women the same rights as men, including rights under family law, property law, and in the judicial system.

According to the European Commission, the overall gap between salaries for men and women was 7 percent. Women were underrepresented in many fields, including management, entrepreneurial business, and the professions. Only 10 percent of hospital department heads and 5 percent of deans of faculties of medicine were women.

A number of government offices worked to ensure women's rights, including the Ministry for Equal Opportunity and the Equal Opportunity Commission in the Prime Minister's Office. The Ministry of Labor and Welfare has a similar commission that focuses on women's rights and discrimination in the workplace. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

Children.—The Government demonstrated a commitment to children's rights and welfare.

There were incidents of child abuse. From January 1 through September 6, Telefono Azzurro, an NGO that advocates for children's rights, received approximately 3,500 calls and 923 requests for assistance. Of these, approximately 12 percent involved sexual abuse, 32 percent physical violence, and 34 percent psychological exploitation. In 55 percent of the cases, the victims were female; 57 percent of the victims were younger than 11. In 2006 authorities registered approximately 170 reports of sexual intercourse with minors, 290 reports of production of child pornography, and 180 reports of possession of child pornography.

NGOs estimated that approximately 10 percent of persons engaged in prostitution were minors. In 2007 an independent research center estimated that approximately 2,000 minors engaged in this activity on the streets, three fourths of them trafficked into the country and forced into prostitution.

On July 9, police in Rome freed three Romanian girls and arrested three Romanian men who had seized the girls' documents, held them prisoner for a month, and forced them into prostitution. The men were charged with enslavement, kidnapping, and the forced prostitution of minors.

On July 24, seven persons charged with coercing children into having sexual intercourse with adults in exchange for small gifts were sentenced to imprisonment of seven to fifteen years.

In 2007 four persons accused of organizing tours to Brazil that included the sexual services of 12 to 17 year old girls were put on trial; the trials were ongoing at year's end. The first case applying extraterritoriality in cases of sex tourism concluded on March 8, when a court sentenced a man to 14 years in prison for pornography and the exploitation of minors, based on acts he committed in Thailand from 2003 through 2005.

In April 2007 four Italians and three Romanians were sentenced to three to 12 years for the forced prostitution and exploitation of 200 Roma minors from 2004 through 2006.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and China continued to enter the country.

A special unit of the police monitored 20,000 Web sites from May 15, 2007 through June 2008; they investigated 372 persons for crimes involving child pornography online, arrested 20, and closed down 22 websites.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, trafficking in persons was a problem. Persons were trafficked to, from, and within the country. According to NGO sources, approximately 2,800 new victims were trafficked in 2007.

Between one quarter and one third of women trafficked for prostitution came from Romania, according to the Ministry for Equal Opportunity. NGOs estimated that the large majority of persons engaged in prostitution were immigrants, primarily from Romania, Nigeria, Bulgaria, Ukraine, China, and Moldova. A large number of women entered the country voluntarily and were subsequently obliged to engage in prostitution in order to repay smugglers. The average age of victims declined, and an increasing number of victims were trafficked for labor outside the sex industry, particularly in the agriculture and service sectors. Immigrants, mostly from Nigeria, North Africa, China, and Eastern Europe, played a major role in trafficking for the purpose of sexual exploitation, both as traffickers and as victims, although citizens were also involved.

In January the national anti Mafia prosecutor announced the results of "Operation Viola," which led to the arrest of 66 Nigerians accused of trafficking in drugs and persons. They were affiliated with a criminal ring based in the Netherlands that had approximately 300 members working in various European countries.

After the accession of Bulgaria and Romania to the EU, individual, unaffiliated, smugglers from those countries began to traffic women one at a time, replacing some of the trafficking organizations that had been easier to target because of their larger size. After the smuggler makes his initial profit, he often sells the victims to domestic pimps. Women from Romania and Bulgaria do not need residence permits and frequently did not cooperate with police investigators. On August 27, police disrupted a ring of Romanians who were exploiting at least 100 women and arrested six of them in Rome and three in Romania. The victims had been obliged to pay the gang half their daily earnings plus a fee for occupying a parcel of sidewalk they controlled; the gang "fined" the most reluctant or threatened them with death.

The law provides prison sentences of eight to 20 years for trafficking or enslavement. If the victims are minors, sentences increase by one third to one half. The law mandates special prison conditions for traffickers that limit their ability to continue their operations while incarcerated.

According to the Ministry of Justice, authorities investigated 2,296 persons for trafficking in 2007 and arrested 513; trial courts convicted 178 persons and appeal courts convicted 104.

The Government cooperated with foreign governments, including those of Romania, Nigeria, Ukraine, Bulgaria, and Moldova, to investigate and prosecute trafficking cases. Because in some trafficking cases it was difficult for police to meet the law's evidentiary standards, authorities relied on enforcement of immigration law to stop trafficking.

There were no reports during the year that government officials participated in, facilitated, or condoned trafficking.

The law provides temporary residence or work permits to trafficked persons seeking to escape their exploiters. Authorities and NGOs encouraged trafficking victims to file complaints, and there were no legal impediments to their doing so. Unlike

most other illegal immigrants, who face deportation if apprehended, persons who qualify as trafficking victims under the law receive benefits, including legal residence, whether or not they file a complaint. However, NGOs alleged that the Government did not always allow enough time between apprehension and deportation of illegal immigrants to screen them for trafficking victims.

The Government provided legal and medical assistance, access to shelters, and job training to persons identified by authorities as victims of trafficking. In 2006 the Government assisted 7,300 women. There were also assistance and incentive programs for those willing to return to their native countries; in 2006, 62 victims who chose to return to their home countries were repatriated. The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors.

The law empowers magistrates to seize convicted traffickers' assets to finance legal assistance, vocational training, and other social integration assistance for trafficking victims.

The Government worked with foreign governments and NGOs to organize trafficking awareness campaigns. The law directs the Foreign Ministry, working with the Ministry of Equal Opportunity, to conclude anti trafficking agreements with trafficking source countries.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The Government effectively enforced these provisions, but there was some societal discrimination.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities.

ISTAT estimated that there were approximately three million persons with disabilities. The Governmental research center Isfol reported that their employment rate (of those between the ages of 15 to 64) was about 45 percent in 2007, while 35 percent received social benefits. Of the 712,000 workers with disabilities registered at public employment centers during the year, only 4.4 percent found work in 2007. At the same time, 65,000 positions reserved for them by law remained vacant.

National/Racial/Ethnic Minorities.—There continued to be reports that police mistreated Roma. The NGOs Opera Nomadi and the Community of Sant'Egidio reported cases of discrimination, particularly in housing and evictions, deportations, and government efforts to remove Romani children from their parents for their protection. Government officials at the national and local levels, including those from the Interior Ministry and the Ministry of Equal Opportunity, met periodically with Roma and their representatives.

In May the Interior Ministry initiated a campaign to crack down on illegal immigration and to close down illegal encampments, based on an emergency decree on security and immigration approved on May 21. Authorities arrested or expelled several hundred foreigners and took the names of others who lived in encampments near major cities. Other measures aimed at cracking down on street prostitution, begging, and selling counterfeit goods, also focused in practice largely on illegal immigrants.

There were a number of violent attacks against Roma, and some camps were set afire. On July 29, the commissioner for human rights of the COE expressed concern about violence against Roma and for the unacceptable living conditions observed in some camps. On June 6, a 16 year old pregnant Romani girl was attacked while she was begging in Rimini. On June 9, unknown persons attacked and burned a settlement of approximately 100 Romanian Roma in Catania.

On May 10, a woman from the Naples suburb of Ponticelli discovered a 16 year old Roma girl in her home holding the woman's six month old baby. When the girl attempted to flee, a mob surrounded her and threatened to lynch her. The girl was arrested. Anti Roma reactions in Ponticelli were immediate. Several hours after the alleged attempted kidnapping, a group of about 20 individuals attacked a Romanian laborer, who was beaten and stabbed once. On May 12, three individuals doused the entrance to a Ponticelli Roma camp with gasoline and set it on fire. Several other isolated shacks that were home to Roma were set on fire in the evenings of May 12 and 13. On May 13, 300 to 400 local residents assaulted one of the largest Roma camps in the area, home to 48 families. Hooded men armed with metal bars pulled down a fence, shouted insults and threats, threw stones, and overturned some cars. Authorities evacuated encampments and relocated former residents to a larger camp

protected by police. On May 14, two abandoned groups of shacks were set afire, presumably by the same group of vandals, and with the approval of some local residents, who heckled firefighters when they arrived. By May 15, all Roma in the area had been forced to leave the Ponticelli camps to go to camps and a school in other districts. On December 1, police arrested two individuals in connection with the Ponticelli attacks.

In 2006 the European Committee of Social Rights ruled that the country systematically violated the right to adequate housing for Roma by not providing sufficient camping sites, not providing permanent housing, and evicting Roma from housing. In 2007 the cities of Rome and Milan created some equipped camps, but they proved to be insufficient.

There were no accurate statistics on the number of Roma in the country. NGOs estimated that there were approximately 150,000, including 75,000 citizens, concentrated on the fringes of urban areas in the central and southern parts of the country. Roma live in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities, and inconsistent police presence.

There were also instances of discrimination and violence against African immigrants and residents of African descent. On August 18, unknown assailants opened fire on the home of Teddy Egonwman, the president of the Nigerian Association in Campania, severely wounding him, his wife, and three friends. On September 19, suspected mobsters killed six African immigrants in a drive by shooting in the Naples suburb of Castel Volturno. Despite conjecture that the killings were related to drug trade rivalries, officials stated there was no evidence the victims were criminals and that racism may have been a motive. Hundreds of Africans rioted the next day, claiming that the murders were hate crimes. Less than a week later, African residents of another Naples suburb who claimed they were being illegally forced out of their housing found threatening racist graffiti on walls around the town.

The Government's Office to Combat Racial and Ethnic Discrimination in the Ministry of Equal Opportunity assisted victims of discrimination. In 2007 the office received about 8,000 calls on its national hot line. The majority of complaints related to labor conditions, wages, and discrimination in the provision of public services. The office provided legal assistance and helped mediate disputes.

Other Societal Abuses and Discrimination.—There were reports of societal discrimination based on sexual orientation. On September 15, an NGO reported that unknown persons painted swastikas and graffiti saying "gays in ovens" in a Rome neighborhood popular with gays. On July 7, a gay couple was insulted and beaten by a group of youths near Naples.

On July 12, a court ordered the ministries of Transportation and Defense to pay 100,000 euros (approximately \$140,000) in compensation for having requested the revocation of a person's driver's license based on his sexual orientation.

There were no reports of violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorization or excessive requirements, and workers exercised these rights in practice. The law prohibits union organization in the armed forces. Unions claimed to represent between 35 and 40 percent of the workforce.

The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The law restricts strikes affecting essential public services (such as transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right of workers to organize and bargain collectively, and workers exercised this right. Employers and unions concluded more than 300 collective agreements, which also covered nonunionized workers. Approximately 35 percent of the workforce worked under collective bargaining agreements.

Antiunion discrimination is illegal and the Government effectively enforced labor laws; employees fired for union activity have the right to request their reinstatement. There were no reported cases of discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and the Government enforced such laws; however, there were reports such practices occurred. Women were trafficked for sexual

exploitation, children for sexual exploitation and begging, and workers for agricultural labor or to work in sweatshops manufacturing counterfeit products.

An independent research center, PARSEC, estimated that in 2007 approximately 500 victims of labor trafficking worked outside the sex industry, mainly in domestic or agricultural labor and in the service sector. Forced labor occurred primarily in the agricultural sector and mostly in the south where, according to the NGO Doctors without Borders, 90 percent of the foreign seasonal workers were unregistered and about two thirds of them did not hold residence permits. The top five source countries for agricultural workers were Poland, Romania, Pakistan, Albania, and Cote d'Ivoire.

Trafficking victims in the Tuscany region who worked in sweatshops may have been exposed to dangerous chemicals in the leather industry.

On March 10, authorities arrested a Chinese entrepreneur and charged him with abetting illegal immigration and exploiting unregistered workers. Police found 47 Chinese victims of forced labor, including six minors and two pregnant women, working and living in a sweatshop near Reggio Emilia.

On February 22, 17 Poles, Ukrainians, Algerians, and Italians who were arrested in July 2006 received sentences of four to 10 years for trafficking up to 1,000 Poles over several years for forced agricultural labor. The traffickers hired the workers out to local farmers. Victims reportedly responded to an advertisement for migrant workers, paid a travel fee, received three euros (\$4.20) per hour, and were kept in penury by the traffickers, who charged them for food, water, and squalid sleeping quarters.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government sought to enforce laws and policies designed to protect children from exploitation in the workplace; however, there were a number of reports of child labor.

The law prohibits employment of children under age 15 with some limited exceptions, and there are specific restrictions on employment in hazardous or unhealthy occupations for boys under the age of 18 and girls under the age of 21. Enforcement was generally effective in the formal economy; however, it was difficult in the extensive informal economy. In 2006 an independent research center, Censis, estimated that over 400,000 children between the ages of seven and 14 worked at least occasionally and that 147,000 of them were exploited. Many of these children worked in family owned farms and businesses, which is illegal if it interferes with education.

Illegal immigrant child laborers, mostly from 15 to 18 years old, continued to enter the country from northern Africa, the Philippines, Albania, and China. They worked primarily in the manufacturing and services industries. Most arrived with their parents; however, there were significant numbers of unaccompanied minors.

Children were trafficked for sexual exploitation and begging. Minors represented about 15 percent of the total victims of trafficking and smuggling from Romania; most were engaged in prostitution. In 2007 about 300 minors were trafficking victims, according to the Ministry for Equal Opportunity. National and local authorities provide minor victims automatic residency permits (valid until age 18) and access to education and other assistance programs. In 2006, 266 minors entered social protection programs.

The Government, employers' associations, and unions continued their tripartite cooperation to combat child labor. The Ministry of Labor and Welfare, working with police and Carabinieri, is responsible for enforcement of child labor laws, but their efforts were often ineffective.

e. Acceptable Conditions of Work.—The law does not specify the amount of the minimum wage; it provides for it to be set through collective bargaining agreements on a sector by sector basis. The minimum wage in most industries provided a decent standard of living for a worker and family. Courts effectively enforced the wages set through collective bargaining agreements, but workers in the informal sector often worked for less than the minimum wage.

The legal workweek is 40 hours. Overtime work may not exceed two hours per day or an average of 12 hours per week. Unless limited by a collective bargaining agreement, the law sets maximum overtime hours in industrial sector firms at no more than 80 per quarter and 250 annually. The law requires rest periods of one day per week and 11 hours per day. Premium pay is required for overtime. These standards were effectively enforced.

The law sets basic health and safety standards and guidelines for compensation for on the job injuries. There were labor inspectors in both the public health service and the Ministry of Labor and Welfare, but their numbers were insufficient to ensure adequate enforcement of health and safety standards. The standards were not enforced in the informal economy. According to the Workmen's Compensation Insti-

tute, there were 779 work related deaths from January through September. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and the Government effectively enforced this right.

KOSOVO

Kosovo declared independence from Serbia on February 17. The country has a population of approximately 2.2 million. The UN Interim Administrative Mission in Kosovo (UNMIK) administered Kosovo under the authority of UN Security Council (UNSC) Resolution 1244 of 1999 until June 15, when the country's constitution entered into effect. The constitution establishes a parliamentary democracy and incorporates international human rights conventions and treaties. Multiparty elections in November 2007 for the Assembly generally reflected the will of the voters. Prior to February 17, Kosovo was administered under the civil authority of UNMIK, led by a special representative of the UN secretary-general (SRSG). The Government gradually assumed authority and responsibilities in most areas during the year. With the promulgation of the constitution in June, the UNMIK role in the administration of Kosovo was supplanted by other internationally-sponsored mechanisms envisioned under the Ahtisaari plan, including the International Civilian Office and the EU Rule of Law Mission (EULEX), which replaced UNMIK police on December 9. The Government, UNMIK international civilian authorities, and the UN-authorized North Atlantic Treaty Organization peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces.

The Government and UNMIK generally respected the human rights of residents; however, there were problems in some areas, particularly relating to minority communities. The most serious of these were deaths and injuries from unexploded ordnance or landmines; corruption and government interference in security forces and the judiciary; lengthy pretrial detention and lack of judicial due process; cases of politically and ethnically motivated violence; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons to their homes; government corruption; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against homosexuals; and child labor in the informal sector.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government, UNMIK, or its agents committed arbitrary or unlawful killings. Unlike in previous years, UNMIK forces did not kill any individuals during demonstrations.

On April 4, Human Rights Watch wrote to the governments of Kosovo and Albania requesting that the governments investigate alleged organ trafficking of civilians from Kosovo to Albania during the 1999 Kosovo conflict. Both governments rejected the allegations. In 2004 allegations first arose that in 1999 traffickers kidnapped civilians from Kosovo and brought them to Albania, where some were killed and their organs sold. At that time UNMIK and the International Criminal Tribunal for the Former Yugoslavia (ICTY) conducted preliminary investigations into the matter, which resulted in no further action. Albanian authorities stated that they cooperated in those investigations. In July the Council of Europe appointed a special rapporteur to report on the allegations. In October Albanian prosecutors met with their Serbian counterparts in Tirana to discuss the issue. They were unable to agree on joint next steps.

During the year UNMIK authorities completed their investigation in the case of UNMIK security forces who shot and killed two protesters and seriously wounded two others with rubber bullets during a February 2007 demonstration by the Self-Determination Movement in which protestors became violent. The UNMIK Department of Justice concluded the loss of life was unjustified and that the facts gave reasonable suspicion of criminal acts among security personnel who had fired the rubber bullets. The UNMIK Department of Justice also concluded that insufficient evidence existed for charges to be lodged against any particular officers.

There were reports of politically motivated attacks and threats against Kosovo Albanian political and institutional figures during the year.

On January 8, prosecutors charged Kosovo Serbs Milic Milicevic, Milivoje Zdravkovic, Radojko Dunjic and Dusan Manjolic for assaulting members of SRSJ Joachim Ruecker's and KFOR Commander General Xavier de Marnhac's security detail in Gorazhdec/Gorazdevac, Peje/Pec in December 2007. According to media accounts, some Kosovo Serb villagers were angry that Ruecker and de Marnhac had chosen to meet with two Kosovo Serbs working for the Kosovo government whom the attackers believed did not represent the broader community. There were no reports of injuries.

During the year there were reports of two deaths and three injuries from landmines or unexploded ordnance from the 1998–99 conflict.

There were developments in the February 2007 incident in which shots were fired at Anton Berisha, the head of the Telecommunications Regulation Authority, as he traveled on the Pristina-Peje/Pec highway. On April 22, the Pristina District Court placed suspects Agron Haradinaj, Mentor Qela, Agim Hoti, and Driton Spahiu in pretrial detention. Police also arrested and subsequently released three others suspected of involvement. The trial of the four defendants continued at year's end.

There were no developments in the 2007 killing of Kosovo Police Service (KPS) officer Ayni Kosumi; a police investigation remained ongoing at year's end.

There were no developments during the year in the December 2006 case of Hetem Sadri Rexhaj, who was killed in police custody in Peje/Pec. There were also no developments in the investigations of the following killings that may have been politically motivated: the 2006 killing of Mark Oroshi, who was suspected of killing attorney and Istog/Istok Democratic League of Kosovo (LDK) political activist Shaban Manaj in 2001, or the 2006 killing of Kosovo Serb Dragan Popovic, who was shot and killed in his home in the ethnically mixed Kline/Klina municipality.

On April 17, the Prizren District Court convicted Osman Zyberaj and Shyqeri Shala for the 2005 murder of Hasan Rustemi and the attempted murder of Nezim Rustemi. Both victims were witnesses in the then-ongoing trial of Selim Krasniqi, a Kosovo Protection Corps (KPC) officer charged with war crimes against Kosovo Albanian civilians in the Drenoc/Drenovac Detention Camp in Prizren in 1998. Krasniqi and one codefendant were convicted and sentenced to 7 years' imprisonment in 2006.

On June 6, Florim Ejupi was found guilty for the "Nis Express" bus bombing case and sentenced to 40 years' imprisonment. Ejupi had been indicted on charges that he and accomplices planned and executed the 2001 bombing near Podujeve/Podujevo that killed 11 Kosovo Serbs and injured 40 others.

b. Disappearance.—There were no reports of politically motivated disappearances; however, there were still thousands of persons missing from the 1998–99 conflict whose remains had not been identified or whereabouts determined.

According to the International Committee of the Red Cross (ICRC), as of November there were 1,919 persons still listed as unaccounted for since the 1998–99 conflict, of whom 70 percent were Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities.

During the year the Ministry of Justice and the Office on Missing Persons and Forensics (OMPF) continued to identify the remains of missing persons. On December 9, EULEX joined their operations. Since 2002 the OMPF, in coordination with the Ministry of Justice, performed 642 field operations and exhumations, 71 of which took place from January to November. Since 2002 the OMPF recovered the remains of over 3,800 missing persons and focused on identifying 1,570 sets of human remains discovered in Kosovo, along with approximately 900 sets from Serbia.

By the end of November, 396 unidentified sets of remains were in OMPF custody (354 bodies were exhumed in Kosovo and 42 were transferred from Serbia). Through November the OMPF received 101 positive DNA match reports, representing 54 identifiable individuals. During that same period, the OMPF and the International Commission on Missing Persons worked on the identification of 12 cases of missing persons for which there were not enough blood donors to provide information for a match. DNA information and traditional methods were combined to confirm identification of remains. During the first 11 months of the year, the OMPF conducted 71 field operations, recovering 60 unidentified remains and transferring them to the mortuary for autopsy and identification.

In 2006 the Serbian government transferred the last sets of identified remains of Kosovo Albanian victims of the 1998–99 conflict found in mass graves in Serbia. These remains were returned to families for burial. Families of the missing continued to request that the Serbian government provide access to records that might indicate locations of additional mass graves or places where bodies may have been incinerated.

During the year, officials from Kosovo and Serbia met three times in a working group on missing persons, chaired by the ICRC and under the auspices of the SRSG. Although a sub-working group on forensic issues met three times during the year and the parties conducted several teleconferences on forensic issues, hundreds of sets of human remains in the Pristina morgue remained unidentified.

According to the ICRC, during the period between January and August, the OMPF handed over 75 identified sets of human remains to families, including nine victims from ethnic minority communities. Forty-one were transferred through the OMPF from Serbia to Kosovo; 16 were transferred from Kosovo to Serbia (exhumed in Kosovo and handed over to families in Serbia), and 98 were transferred within Kosovo (exhumed in Kosovo and handed over to families in Kosovo).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law and constitution prohibit such practices. Unlike the previous year, there were no reports that the Government, UNMIK (which maintained oversight and executive authority in police functions through December 9), EULEX, or KFOR (which has limited arrest and detention authority) engaged in such practices.

In April 2007 a KPS-led raid in the Serb-majority municipality of Shterpce/Strpce, conducted solely by ethnic Albanian police officers, resulted in injuries to several Kosovo Serb suspects and credible allegations of excessive use of force and inappropriate behavior. As a result, the KPS launched an investigation of 11 officers. The KPS issued formal disciplinary letters to five of the officers and cleared the remaining six officers of wrongdoing. Following this incident, KPS implemented a new requirement that at least one KPS officer who belongs to the ethnic group targeted by a police operation participate in planning. Additionally, new guidelines require that an officer who speaks the language of the suspects must be present at all times to translate.

Prison and Detention Center Conditions.—Prisons and detention centers reportedly met international standards; and the Government permitted visits by independent human rights observers. During the year there were some allegations of abuse and mistreatment of prisoners. The Kosovo Rehabilitation Centre for Torture Victims (KRCT), an NGO that visited and monitored Kosovo prisons during the year, reported in December that Kosovo Correctional Service (KCS) staff physically and verbally abused prisoners at the Dubrave/Dubrava prison. The KRCT also reported on additional allegations of mistreatment regarding the Lipjan/Lipljan prison.

In August 2007, a group of prisoners incarcerated for terrorism, murder, attempted murder, and robbery escaped from Dubrave/Dubrava prison. Police subsequently arrested three escapees. Macedonian police subsequently killed three other escapees near Tetovo, Macedonia, in November 2007. On March 25, the KPS confirmed the arrest of three additional escapees. At year's end, two escapees remained at large.

UNMIK reported bringing disciplinary proceedings against KCS members during the year. Through November 30, 22 KCS staff members were dismissed from the service, three received written warnings, and one staff member was demoted.

During the year the average monthly prison population at Dubrave/Dubrava was 744 inmates, below its total capacity of 1,104. The Dubrave/Dubrava and Lipjan/Lipljan prisons and six detention centers operated during the year, including the newly renovated Lipjan/Lipljan detention center.

During the year UNMIK completed transfer of responsibility for administering Kosovo's prisons to the KCS, which operates under the Ministry of Justice. The KCS managed daily operations at the Dubrave/Dubrava prison, with the exception of the 32-prisoner high-risk section, which remained under international supervision. UNMIK retained a limited monitoring and mentoring role in the prisons and relinquished its previous authority to take control of the prison system during emergencies.

UNMIK permitted ICRC and ombudsman visits and monitoring of the country's prisons and detention centers. In February 2007 the Ministry of Justice granted the Council for Defense of Human Rights and Freedoms (CDHRF), a local NGO, full access to all prisons, detention centers, and correction centers. The CDHRF had previously complained that it was denied access on some occasions. The CDHRF, along with the ICRC, the ombudsman, and the Kosovo Center for the Rehabilitation of Torture Survivors inspected Dubrave/Dubrava prison during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government, UNMIK, and KFOR generally observed these prohibitions.

Role of the Police and Security Apparatus.—Local security forces included the KPS and the KPC, a civilian emergency response organization that functioned under the authority of the SRSG. Through early December, UNMIK maintained oversight and intervention authority over the police but continued to transfer police authority and functions to the KPS. On December 9, EULEX took over UNMIK's mandate to monitor, mentor, and advise local judicial and law enforcement institutions. EULEX also possessed limited executive authority in areas including war crimes, witness protection, the Financial Intelligence Unit, and international police.

Through early December, an international commissioner of police directed both UNMIK police and the KPS. After December 9, the head of the EULEX police component assumed responsibility for monitoring, mentoring, and advising the KPS. Members of ethnic minorities comprised 15.5 percent of 7,050 KPS officers at year's end; 10 percent of KPS officers were Kosovo Serbs. Following the February 17 declaration of independence, 347 Kosovo Serb officers began boycotting the KPS in protest, largely at the behest of Serbian authorities; however, the Ministry of Internal Affairs continued to pay the boycotting officers. Women accounted for approximately 15 percent of KPS officers.

Executive authority over the KPS was shared among the Government, UNMIK, and EULEX. The KPS was responsible for all day-to-day police operations in all areas of the country except the northern regions of Zubin Potok, Zvecan, Leposaviq/Leposavic, and Mitrovica/Mitrovica. In those regions Kosovo Serb KPS units worked directly for UNMIK until EULEX supplanted UNMIK on December 9. Specialized police units on war crimes, counterterrorism and hostage rescue, and the witness protection program remained staffed by international UN police officers and operated independently of the KPS due to the sensitivity of those functions. Units on criminal intelligence and organized crime were operated jointly. Both the international police and the judiciary have broad discretion to intervene in any particular criminal matter. As a practical matter, most policing duties and responsibilities were in the hands of the KPS.

Corruption and government influence remained problems in the security forces. For example, in September police arrested seven members of the Customs Service for their involvement in a ring smuggling pharmaceuticals into the country. There was no further information available at year's end.

The Police Inspectorate of Kosovo (PIK) operates as an independent body under the Ministry of Internal Affairs, designed to promote police efficiency and effectiveness, hold police accountable for their actions, and investigate alleged legal violations. The PIK forwards the results of investigations revealing violations to the Senior Police Appointment and Disciplinary Committee (SPADC) for possible further action. During the year the PIK investigated 2024 active cases, of which 789 were based on complaints from citizens, and 1,235 were from the KPS itself. Of those cases, 168 were being investigated further, 323 were deemed unfounded, 482 investigations were completed and forwarded to SPADC, and 781 were turned over to the Professional Standards Unit (PSU), which focused on investigating and punishing minor police offenses. The remaining 270 cases were still under investigation. Forty-three percent of serious violations were for conduct unbecoming an officer, while 30 percent were for insubordination. Nine percent of investigations involved allegations of inappropriate use of force, 5 percent focused on allegations of criminal offenses, and 1.5 percent concerned complaints of corruption.

The PSU handles the investigation and punishment of minor police offenses and is run by the KPS. During the year, the PSU opened 989 cases, most commonly involving unauthorized absence from duty, leaving the area of assignment, and damage or loss of police property. As of year's end, 716 of these cases were completed, 500 were deemed to have merit, 212 were deemed unfounded, and four remained open. The PSU closed one case without investigative measures due to the resignation of the accused officer. Sanctions ranged from dismissal to temporary suspension or mandatory training. As of December, a total of 273 cases were still under investigation; in cases involving violations of the criminal code, many of the employees were suspended temporarily pending a court decision.

Arrest and Detention.—Police generally made arrests openly using a warrant issued by a judge or prosecutor; however, in some cases, masked or undercover officers conducted arrests. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours. The majority of the year's arrests were carried out by the KPS. There were no reports that the KPS abused the 7-hour rule; authorities generally charged arrestees within six hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain

defense counsel and to have defense counsel provided if they cannot afford one; to receive medical and psychiatric treatment; and to notify a family member. KPS and UNMIK police generally respected these rights in practice.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can detain individuals for 72 hours, renewable for a second 7-hour period. After 144 hours, KFOR must then release a detainee. There were no reports that KFOR arrested persons without a warrant during the year.

KPS and UNMIK police may hold individuals for up to 72 hours without a court order. The court may hold individuals in pretrial detention for 30 days from the day of arrest but can extend detention up to a total of 18 months. The law allows for house arrest, confiscation of travel documents, and expanded use of bail as alternatives to pretrial detention, but these were applied in only a handful of cases. Defendants could also appeal their detention on remand.

Lengthy detentions, both before and during judicial proceedings, remained a problem. The law provides that a judge may impose this extraordinary measure only when ordinary measures, such as house arrest, are insufficient to secure the defendant's presence during criminal proceedings and enable proper administration of the criminal proceedings. In practice judges routinely used detention on remand without showing any evidentiary justification.

Trial delays were caused by factors including judicial inefficiency and corruption.

e. Denial of Fair Public Trial.—The constitution, the previous constitutional framework, and the Government provide for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient.

Until December 9, legal authority was held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors; UNMIK continued to transfer some reserved competencies to the Ministry of Justice, the Ministry of Internal Affairs, and the KJC until it was replaced by EULEX. The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities. In mid-March protests against Kosovo's independence, Kosovo Serb protesters forced the closure of the district and municipal courts in Mitrovica/Mitrovica and municipal courts in Leposaviq/Leposavic and Zubin Potok. On October 3, UNMIK announced the reopening of the Mitrovica/Mitrovica District Court. On December 9 EULEX deployed three judges, three prosecutors, and three legal officers to the Mitrovica/Mitrovica District Court. The municipal courts remained closed at year's end.

The court system includes a Supreme Court, five District Courts, including a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. At year's end there were eight UNMIK-appointed international judges and seven international prosecutors. The Government maintained a central public prosecutor's office, five district prosecutors, and seven municipal prosecutors. The Kosovo Special Prosecutors Office continued to operate under UNMIK oversight, and included six special prosecutors focused on serious crimes including human trafficking, corruption, and counterterrorism.

While the law provides that a panel of two professional and three lay judges try serious cases, an UNMIK regulation authorizes international prosecutors to try cases of a sensitive ethnic or political nature before a panel of three international judges. Since beginning their work in 2000, international prosecutors completed 513 of the 727 cases assigned to them.

During the year UNMIK divided its Judicial Inspection Unit into two distinct units: the Office of the Disciplinary Counsel (ODC) and the Judicial Audit Unit (JAU). The ODC was responsible for investigating the activities of judges, prosecutors, and lay judges and for prosecuting cases of misconduct before the Kosovo Judicial Council (KJC). The JAU analyzed and evaluated the functioning of the courts and public prosecutors' offices, and submitted reports and recommendations to the KJC, Ministry of Justice, and the Assembly. Since 2001 the ODC processed a total of 2,482 complaints, including 399 during the year. Of those 399, the unit rejected 221 cases and completed 50 investigations. During the year the ODC referred 40 cases to the KJC, which had a total of 59 cases pending at year's end. The KJC convened one disciplinary hearing before the Judicial Disciplinary Committee. During the year the JAU completed three audit reports.

Trial Procedures.—Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation. Representation may be provided at public expense if necessary;

however, this procedure was used rarely in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

In 2007 the Government established a Legal Aid Commission, an independent government agency that provides free legal assistance to low-income individuals. The commission began operations in January. As of June 30, it had provided legal assistance to 538 persons through the five district Legal Aid bureaus. The commission provided assistance to 272 persons in administrative matters, 207 in civil matters and 59 in criminal matters. Of all persons receiving assistance, 207 (38 percent) were female and 48 (9 percent) were minorities, including members of the Roma, Turkish, Bosniak, Serbian, and Egyptian communities. The commission referred 79 cases (15 percent) to advocates from the national bar association for legal aid-funded court representation while legal aid officers handled the remaining cases. The most common types of legal disputes included social assistance and pension cases, property and family law cases, and inheritance disputes.

The Ministry of Justice-operated judicial integration section continued to address judicial system problems affecting minorities. In addition, the ministry operated 11 court liaison offices to assist minority communities in Kosovo Serb-majority areas by accompanying members of minorities to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs). In response to past criticism by legal experts and human rights observers of a lack of fairness in criminal trials involving ethnic minorities, international judges and prosecutors—rather than Kosovo Albanians—tried and prosecuted cases involving Kosovo Serbs.

Kosovo's justice system and the ICTY continued to identify and punish perpetrators of war crimes from the 1998–99 conflict; however, many cases remained unresolved.

On May 27, Pristina police arrested Gjelosh Krasniqi, one of four men implicated in the 1999 disappearance of police officer Mark Luli, and charged Krasniqi with war crimes, kidnapping, robbery, and murder. Prosecutors alleged that Krasniqi and three unknown armed suspects entered Luli's home dressed in German KFOR uniforms and ordered Luli to accompany them; Luli was never seen again. Krasniqi remained in custody awaiting trial at year's end.

On October 10, an international prosecutor indicted Momcilo Jovanovic for war crimes in the Peje/Pec District Court. Jovanovic was charged with murder and other violations of the laws of war for incidents that took place in 1998 and 1999 in the village of Katundi i Ri/Vitomirca. Further court proceedings were pending at year's end.

Political Prisoners and Detainees.—There were no reports that the Government, KFOR, or UNMIK held political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies.—According to a 2006 Organization for Security and Cooperation in Europe (OSCE) report, interference by municipal authorities and the UNMIK Department of Justice hampered judicial independence in civil matters. The OSCE cited instances in which municipal authorities plainly obstructed court proceedings, pressured judges in cases to which authorities were party, and influenced third parties to prevent courts from exercising their authority. The OSCE also reported that the UNMIK Department of Justice instructed judges not to process claims for compensation for property damages caused by KFOR, UNMIK, or the municipalities. During the year the OSCE reported some progress in this area but not enough to reduce the backlog. The UNMIK Department of Justice claimed that it did not pursue such compensation claims because the logistical challenges they posed were insurmountable. It also claimed that an influx of property-related claims would hinder the courts' work, increase their already large backlog of cases, and require special planning and coordination, since it would be necessary to provide security escorts to a large number of Kosovo Serb claimants. In July 2007 the OSCE reported that UNMIK and municipal authorities improperly interfered with judicial independence in the proposed sale of property in the Roma settlement in the Mitrovica/Mitrovica region.

In November the Commission of the European Communities reported that the Kosovo judicial system remained weak at all levels. The Commission report cited the low public confidence in the justice system as well as the continuing existence of three parallel sources of legislation: ex-Yugoslav law, UNMIK regulations, and Kosovo law as particular problems. The Commission also noted that the backlog of court cases remained a serious problem.

There were no reports of difficulty in enforcing court orders resulting from civil litigation. However, according to a 2006 survey, only 14 percent of the pending cases

to affect a civil order resulted from civil litigation; 69 percent of such cases dealt with debt collection by utility companies.

Property Restitution.—The Kosovo Property Agency (KPA) is responsible for the resolution of residential, commercial, and agricultural property claims arising from the Kosovo conflict.

As of December the KPA administered 4,146 properties; 3,173 upon the request of a successful claimant, and 973 based on ex officio interventions by the Housing and Property Claims Commission (HPCC, the predecessor adjudication agency to the KPA). Of these cases, 135 were subjects of repossession requests. As of December, the agency had received 40,065 total claims: 35,955 for agricultural property, 1,011 for commercial property, and 3,099 for residential property. Kosovo Serbs in the northern part of Mitrovica/Mitrovica continued to occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part occupied and denied Kosovo Serbs access to their property.

The KPA's mandate includes supervising the rental of specific, abandoned properties in Kosovo, most of which belonged to Kosovo Serbs. To that end, the agency managed a rental scheme for properties under its administration, enabling property holders to receive rental income. At year's end, a total of 897 properties were being rented, 158 of which were rented ex officio. The KPA collected 653,562 euros (approximately \$892,852) in rent through this program.

The KPA remained unable to enforce 10 remaining HPCC decisions (of approximately 30,000 total) for properties located in northern Mitrovica/Mitrovica, due to concern by authorities that attempts at enforcement would lead to violence. Similar difficulties hindered enforcement of the rental scheme in the north Mitrovica/Mitrovica.

On May 15, the SRSG reconstituted the HPCC under the KPA to examine requests for reconsideration in instances where the original claim had been denied. The HPCC resolved 12 requests for reconsideration originating from the old HPD mandate in its June and August meetings. Additionally, the Kosovo Property Claims Commission, a quasi-judicial arm of the KPA acting under the KPA mandate, resolved 14,088 claims by the end of August.

In June the law was amended to bring the KPA under the control of the Government; the Serbian government subsequently suspended the KPA's access to cadastral and other relevant property records located in Serbia. The Serbian government announced that the suspension would continue until UNMIK reasserted its authority over the KPA. The suspension of the KPA's operations in Serbia significantly reduced the agency's ability to fulfill its mandate, since 90 percent of the claimants were located outside of the country. The suspension prevented access to the relevant archives and caused delays in claims adjudication.

The backlog of property-related claims in municipal courts remained high, with some 21,000 outstanding at year's end, representing almost exclusively monetary claims by Kosovo Serbs for war-related damage.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government, UNMIK, and KFOR generally respected these prohibitions in practice. KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government and UNMIK generally respected these rights in practice. However, there were reports of intimidation of reporters, including by officials in the public sector and government and by politicians and businesses. The media also encountered difficulties and obstructions in obtaining information from the Government and public institutions. The law on broadcast media prohibits hate speech and speech that incites ethnic violence.

Individuals generally could criticize authorities publicly or privately without reprisal.

According to the Association of Professional Journalists of Kosovo, media outlets' financial difficulties left their editorial independence and journalistic professionalism vulnerable to outside influence and pressure. Some newspapers were financially self-sufficient or operated through aid donations and thus were able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, who provided financial support in exchange for positive coverage. During the year

there were no reports that the Government or UNMIK pressured or influenced the independent print media.

Print media were self-regulated by a press code of conduct adopted by the Press Council of Kosovo, an organization composed of print editors and publishers. The council's complaint board may impose fines for breaches of the code of conduct, including penalties of up to 2,000 euros (\$2,600) for serious violations, such as hate speech and defamation.

During the year the country had 113 licensed broadcasters (45 of which broadcast in minority languages), and these broadcasters expressed a wide variety of views. Of the 68 broadcasters whose primary language was Albanian, the three public television stations of the government-funded RTK group (TV, Radio Kosova, and Radio Blue Sky), also broadcast daily in minority languages.

Journalists reported pressure from politicians and organized crime, which frequently resulted in indirect forms of censorship. Some journalists refrained from critical investigative reporting out of fear for their personal security. Journalists were occasionally offered financial benefits in exchange for positive reporting or for abandoning an investigation; some were verbally threatened by government officials and suspected criminals for perceived negative reporting on them. According to editors, government agencies withdrew regular advertising from newspapers that had published critical coverage of them.

The Assembly directly oversaw Radio Television Kosovo (RTK), the country's public broadcaster, and the Ministry of Finance controlled its budget. The law provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to minority communities in their respective languages on a proportional basis.

The Independent Media Commission implemented regulations and enforced codes of conduct governing broadcast media. The commission is a permanent body overseen by a seven-member governing council that includes two international members.

On May 14, the Independent Media Commission Council expressed concern over a request from the prime minister's office to national broadcasters, asking them to broadcast and rebroadcast an April 16 speech, at specific times and in a coordinated manner. The council noted that the tone of the request, with explicit instructions, could only be interpreted as pressure by the Government on independent media.

Following public criticism, the newspaper Infopress stopped publishing lists of Kosovo Serbs drafted into the Yugoslav Army during the 1998–99 conflict.

Unlike in previous years, there were no altercations reported between journalists and police. However, during the year the Association of Professional Journalists of Kosovo reported 13 instances of press freedom abuses. Those included verbal threats to journalists and their agencies by subjects affected by negative media coverage, and pressure not to publish certain materials and articles.

During the year there were several incidents of violence or harassment directed at the media.

On January 6, a group of over 20 Kosovo Serb men attacked a four person KTV crew filming the celebration of Orthodox Christmas near the Kosovo Serb enclave of Gracanica/Gracanica. The attack took place when the group learned that crew members were Kosovo Albanians. The group obstructed the cameraman while he was filming and punched him twice in the head. Police intervened on behalf of the crew and escorted them out of the village. The case was referred to the police, but there were no further developments in the matter.

On February 21, a locally hired cameraman of the Tirana-based Top Channel TV was attacked while filming an anti-independence protest in north Mitrovica/Mitrovica. A group of protestors, led by a masked man, approached the cameraman, beat him, and destroyed his camera within view of KPS and UNMIK police. Following the incident, a KPS spokesperson told reporters that he regretted the assault on the cameraman, adding that he urged the reporters and the cameraman to stay away from the crowd. The case was reported to the police but no arrests followed.

On June 6, crew members from the Balkan Investigative Reporting Network (BIRN) were intimidated and assaulted by security personnel at the KJC building. The television crew was preparing a story on local courts' unpaid electricity bills when a KJC security guard twisted the cameraman's hand, damaging the camera, and detained the cameraman for an hour inside the building. The guard accused the crew of attempting to secretly film the building. There were no further developments in this case by year's end.

There were no developments in the following 2007 cases: the March 2007 assault on Lajm reporter Enis Veliu; and the September arson at the home of journalist Milaim Zeka, who had written reports about controversial cases, including high-profile killings and corruption.

Internet Freedom.—There were no government, UNMIK, or KFOR restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In September the Telecommunications Regulatory Authority reported that approximately 23 percent of citizens used the Internet daily.

Academic Freedom and Cultural Events.—There were no government, UNMIK, or KFOR restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and the Government, UNMIK, and KFOR generally respected this right in practice. An UNMIK regulation required that demonstration organizers give 48 hours advance notice for police coordination.

On February 19, ethnic Serb protestors from Kosovo and Serbia attacked the Gate 1 and Gate 31 border crossings between Kosovo and Serbia to protest the independence declaration. After the protestors departed, KFOR units regained control of the gates and closed them to border crossings for 24 hours. On February 20, authorities reopened the gates without the presence of customs officers, but with UNMIK, KFOR, and the KPS present. By year's end EULEX customs officers had begun performing limited customs duties at those sites.

On February 22 a group of Kosovo Serbs in northern Mitrovica/Mitrovica protested the country's independence declaration and the EULEX mission by throwing fireworks and rocks towards police officers deployed on the northern side of the Ibar/Ibar Bridge. The crowd dispersed after two hours of protests.

On February 25 Serbian Army reservists protesting Kosovo independence injured 19 KPS members by throwing rocks at them at the Gate 4 border crossing between Kosovo and Serbia. Police reopened the crossing the following day.

The KPS used force on a few occasions to disperse demonstrations and beat demonstrators while making arrests.

On March 14, Kosovo Serb protesters stormed the district and municipal court in north Mitrovica/Mitrovica, forcing their way past 45 police officers in riot gear. On March 17, UNMIK police, supported by KFOR, retook the courthouse using tear gas and rubber bullets. During the operation, 47 UNMIK personnel were injured, and Ihor Kynal, a Ukrainian international police officer, was killed by a hand grenade thrown by an unidentified protester. During the melee, two Kosovo Serb KPS officers who were participating in the protest were injured.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government, UNMIK, and KFOR generally respected this right in practice.

The OSCE Mission in Kosovo routinely registered political parties under UNMIK auspices, and the Ministry of Public Services registered NGOs. Following independence, this authority transferred to the Central Election Commission.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government and UNMIK generally respected this right in practice. The constitution incorporates international human rights conventions and includes provisions that protect religious freedom and prohibit religion-based discrimination.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations. Religious groups complained that NGO status did not adequately reflect their religious character, and the Protestant Evangelical Church refused to register as an NGO.

At a June 5 meeting, the Decan/Decani municipal assembly unanimously rejected an SRSG decision which maintained the monastery's ownership over disputed property in the area pending a court decision.

Pursuant to a 2002 law requiring public education institutions to refrain from religious instruction or other activities promoting any specific religion, the Ministry of Education prohibited the wearing of headscarves. The ministry continued to enforce this prohibition, particularly at schools with obligatory uniforms, despite a 2004 opinion by the ombudsman that the rule should apply only to teachers and school officials, not students.

On February 26, the ombudsman received a complaint from a student in a secondary school in Viti/Vitina municipality that she was ordered by her principal not to attend school with her headscarf. The ombudsman requested that the Education Ministry allow her to attend with a headscarf, and on September 1, the student resumed attending classes while wearing her headscarf. During the year two women

also complained to the ombudsman that they applied for teaching positions in two separate secondary schools but were not hired because they wore headscarves. In both cases the ombudsman advised the complainants to pursue their cases in court.

Protestant groups continued to report that they experienced discrimination in media access, particularly by public television station RTK. The Protestant Evangelical Church in Kosovo, known as the Fellowship of the Lord's People, reported in 2006 that Decan/Decani municipality, citing negative reaction from local citizens, denied it permission to build a church facility on land the church purchased previously. The case remained pending before the Supreme Court at year's end.

While several Protestant churches were burglarized during the reporting period, community leaders did not consider these incidents to be motivated by religious discrimination. However, individual Protestants alleged verbal discrimination directed against them.

The Islamic community continued to assert that UNMIK's denial of a radio frequency for an Islamic radio station and the national library's closure of its prayer room constituted violations of religious freedom.

Societal Abuses and Discrimination.—Societal violence decreased marginally, but tensions between ethnic communities remained high, especially following the February 17 declaration of independence.

Security concerns continued to affect the Kosovo Serb community and its freedom to worship. Some Kosovo Serbs asserted that they were unable to travel freely to practice their faith.

Unlike in previous years, there were no reported incidents of rock throwing and other assaults against Serbian Orthodox clergy traveling outside of their monasteries. However, pilgrims traveling by bus from Serbia to attend services at Decan/Decani Monastery often had rocks thrown at their vehicles, usually by children. In the western municipalities of Peje/Pec, Decan/Decani, Gjakove/Djakovica, Istog/Istok, Kline/Klina, Skenderaj/Srbica, and south Mitrovice/Mitrovica, clergy requested and received KFOR vehicle escorts. Clergy stated that they could not visit church members in the west (where the most important Serbian Orthodox holy sites were located) without an escort, and members cited threats to their security as impediments to their ability to visit holy sites. Monks and nuns at some monasteries reportedly did not use parts of monastery property—often land outside the monastery walls—due to safety concerns.

During the year, prosecutors decided to pursue charges against a Kosovo Albanian man from Zvecan municipality who threatened a Serbian Orthodox nun from the Sokolica monastery in July 2007. A trial was pending at year's end.

There were no further developments in a 2006 case in which unknown attackers shot at a car driven by Serbian Orthodox priest Srđan Stankovic in Zvecan municipality. UNMIK charged a Kosovo Serb police officer in connection with the incident. The case was turned over to an international prosecutor.

During the year there were numerous cases of vandalism and theft directed against Serbian Orthodox Church property. Many cases involved theft of objects made of precious metals, while others involved vandalism, often of newly reconstructed churches.

Early in the year, the KPS adopted new operating procedures to provide greater protection for Serbian Orthodox religious and cultural sites. As part of this effort, the Government approved 50,000 euros (\$65,000) to fund the expansion and enhancement of KPS protection, including private security guards, cameras, and lighting at the most vulnerable sites.

On February 25, Jeton Mulaj, suspected of firing a rocket-propelled grenade at Decan/Decani Monastery in March 2007, surrendered voluntarily to the police. The special prosecutor indicted him on March 19; on September 18 the Peje/Pec District Court convicted Mulaj of charges including unlawful weapons possession and damaging a protected monument. The court sentenced Mulaj to three-and-a-half years in prison.

On March 1, four unknown individuals stole the bell from the Serbian Orthodox church in Novake, Prizren. KPS subsequently found the bell in a forest a few hundred yards from the church. Police made no arrests, and an investigation continued at year's end.

On June 5 in Kacanik, Ferizaj/Urosevac, KFOR reported to the police that unknown persons had damaged the entrance door of the church in Kacanik/Kacanik; an investigation continued at year's end.

There were no further developments in the February 2007 incident in which unknown perpetrators damaged the interior of the Orthodox Church in Mire/Lepi village and stole approximately 30,000 Serbian dinars (\$560) or the March 2007 case in which unknown persons vandalized the Church of St. John in Peje/Pec.

The Serbian Orthodox church expressed concern about the status of the green space of the main park of Gjakove/Djakovica, a part of the park the church considers its property. At year's end, discussions were underway between the various stakeholders involved to resolve this issue.

The government-funded Reconstruction Implementation Commission (RIC) completed extensive renovations on 19 of 34 Serbian Orthodox religious sites damaged during the March 2004 riots. This work included additional construction at several previously identified sites as well as some new sites, including the Church of St. Andrew at Podujeve/Podujevo and the Church of Saints Peter and Paul in Istog/Istok. During the year progress on RIC projects was delayed for reasons related to Kosovo's declaration of independence. Nevertheless, on September 16, the Serbian Orthodox Church accepted the keys to two reconstructed church properties in Prizren, the diocesan bishop's residence and the Orthodox seminary.

During the year Kosovo Muslims reported numerous incidents directed against their community, including theft, vandalism, and threats. For example, on April 22, KPS officers on a routine patrol in Gjilan/Gnjilane discovered that an estimated 30 Muslim gravestones in a local cemetery had been damaged. On June 17 police arrested two suspects. The case was forwarded to the prosecutor's office.

On June 26, Kosovo Serbs and Roma clashed with Kosovo Albanians in the village of Berivojce/Berivojce, Kamenice/Kamenica municipality where work on building of a mosque was expected to start. The proposed mosque building site was located in the Serb part of the ethnically-mixed village, and the Serb community had traditionally used the land for gatherings. The proposed construction did not adhere to legal procedures designed to ensure community consent for construction on land where that community lives.

There were no reports of anti-Semitic acts. Approximately 40 individuals from two families in Prizren had some Jewish roots, but there were neither synagogues nor Jewish institutions in the country other than a small cemetery in Pristina.

There were no developments in the August 2007 case in which 14 Jewish gravestones were deliberately damaged.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government and UNMIK generally respected these rights; however, interethnic tensions and real and perceived security concerns restricted freedom of movement in practice. During the year the Government, UNMIK, and KFOR generally maintained the protection of these rights for minority communities as compared to the previous year. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Police continued to assess the security situation as stable but fragile. No crimes related to freedom of movement were reported to police. Nevertheless, members of all ethnic communities continued to remain largely within or travel between areas where their group comprised the majority. Rock-throwing and other forms of intimidation continued to affect Kosovo Serbs when traveling outside Kosovo Serb majority areas.

There were attacks during the year on vehicles carrying Serbs and other ethnic minorities. For example, on January 25, the KPS reported that Kosovo Albanian youths threw stones at a car driven by a Kosovo Serb living in Gjilan/Gnjilane. The suspects escaped from the scene. On February 1, masked, armed men stopped a bus that routinely carries Kosovo Serbs to Serbia near Podujeve/Podujevo and demanded 20,000 euros (\$26,000). The suspects also took the keys of the bus. Police subsequently arrested a Kosovo Albanian man. A police investigation continued at year's end. On July 5, the KPS reported that five or six Kosovo Albanian youths in Suhodoll/Suvi Dol village in Mitrovica/Mitrovica threw stones at a vehicle operated by a Kosovo Serb. The KPS reported that police issued a warning to the juveniles' parents.

There were no developments in the October 2007 case in which a bus carrying a group of ethnic Serbs from Kosovo and Serbia was stoned on the way to the Decan/Decani Monastery.

There were no developments in the November 2007 case in which unknown persons threw stones at a bus carrying 30 professors and students from the Warsaw Theological Seminary to Zocishte/Zociste Monastery while the bus was parked in the middle of a majority Kosovo Albanian village.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for Kosovo Albanians in northern Kosovo. The Government and UNMIK enhanced efforts to facilitate minority travel, but real and perceived risks deterred many minorities from traveling outside their neighborhoods, especially after the country declared independence.

On February 28, Kosovo Albanian residents of villages in Leposaviq/Leposavic sent a letter to domestic and international authorities requesting police escort for their minibus when transporting residents of these villages to and from Mitrovica/Mitrovica. The residents said they did not feel safe travelling outside of their villages through Serb-majority areas without police protection.

During the year UNMIK discontinued a program that had previously offered no-fee Kosovo license plates to Kosovo Serbs who had already registered their vehicles in Serbia. In practice, Serbs traveling north of the Iber/Ibar River into north Mitrovica/Mitrovica generally removed their Kosovo license plates and drove without license plates in northern areas of the country. Persons travelling into Serbia removed their Kosovo license plates at the Serbian border, and border police issued them temporary Serbian license plates.

During the year there were incidents targeting infrastructure used by minorities. For example, on March 6 Kosovo Serbs reported to police in Gjilan/Gnjilane that unknown suspects had demolished and then stolen parts of a metallic pedestrian bridge in a Serb village. Police identified four Kosovo Albanian suspects and arrested three of them. An investigation continued at year's end. On June 26, a pedestrian discovered unexploded ordnance along the railway in Old Kacanik Village in Ferizaj/Urosevac. On July 7, a passerby discovered an explosive device under a railway bridge in Mitrovica/Mitrovica.

There were no developments in the following 2007 cases: the March discovery by hunters of an unexploded grenade near a transmitter in Mitrovica/Mitrovica; the April discovery of an explosive device on a bridge in Gjilan/Gnjilane; and the April discovery of unexploded ordnance under a bridge in Vrbovc/Vrbovac village in Gjilan/Gnjilane. There were also no developments in the 2007 incidents in Leposaviq/Leposavic municipality in which explosive devices were placed along the road leading to the ethnic Albanian villages of Koshtove/Kostova, Bistrica/Bistrica, and Ceraje/Ceraja.

On March 3, the Serbian news agency RTS reported that Serbian Railways took control of the railroad infrastructure in northern Kosovo after nine years of UNMIK management. Branislav Ristic, the president of the board of Serbian Railways, stated the move would provide higher quality transportation than UNMIK Railways had offered, adding that once the railway met the Serbian Railway standards, service would resume. The same day, Kosovo Serbs in Leshak/Lesake blocked the movement of the train to protest the country's independence. On March 4, KFOR stopped the train from running to Leshak/Lesake from Fushe Kosove/Kosovo Polje. Rail service had not been restored by year's end.

The Government regulated movement in and out of Kosovo. The law provides that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. On July 23, UNMIK confirmed that it would no longer issue UNMIK travel documents to Kosovo citizens. The Government began issuing Kosovo passports on July 30.

The law prohibits forced exile, and authorities did not use it.

Internally Displaced Persons (IDPs).—According to the UNHCR, 205,855 persons from Kosovo remained displaced in Serbia and 16,077 in Montenegro as a consequence of the 1998–99 conflict. Of the 4,100 persons displaced by riots in 2004, approximately 1,200 remained IDPs. There were 19,978 persons displaced within Kosovo, 52 percent of whom were Kosovo Serbs and 38 percent were Kosovo Albanians.

Due to the country's declaration of independence, relatively few persons returned during the year. Between January and November, UNHCR registered only 533 returnees, considerably fewer than the 1,815 who returned in 2007 or the 1,669 who returned in 2006. The greatest number of returnees came from Serbia (323 returnees), followed by Montenegro (85) and Macedonia (36), with 15 returnees from all other countries. Seventy-four persons returned from displacement inside Kosovo. Most returns were concentrated in Peje/Pec and Pristina regions. While municipal governments generally supported returns, obstacles remained for Kosovo Serb returnees.

As of November, overall minority returns since 2000 stood at 18,527 persons. Kosovo Serbs comprised approximately 28 percent of returnees during the year, compared with 32 percent in 2007. Roma (including Ashkali and Egyptians) contin-

ued to return, comprising 48 percent of the overall number of returns compared to 49 percent in 2007. In Mitrovica/Mitrovica, Kosovo Serbs in the north and Kosovo Albanians in the south continued to illegally occupy each others' properties, hindering potential returns.

As of August, 37 Roma families (144 persons) remained at the lead-polluted Cesmin Lug camp for IDPs. Osterode, a medical treatment facility also in north Mitrovica/Mitrovica, housed 98 families (395 persons) who were relocated from Cesmin Lug and two other polluted camps in 2006.

UNMIK continued to make slow progress rebuilding the original Roma settlement in south Mitrovica/Mitrovica destroyed in 1999 by Kosovo Albanians. Displaced persons began returning to the neighborhood in 2006; by the end of 2007, 368 inhabitants—307 Roma, 59 Ashkali, and two Serbs—had returned.

Protection of Refugees.—The law provides for the granting of asylum and refugee status in accordance with the 1951 Convention relating to the Status of Refugees or its 1967 protocol. The asylum law entered into effect on June 15; however, regulations to implement this law had not been adopted by year's end. During the year UNHCR assisted the newly-formed Department of Borders, Asylum, and Migration in building its capacity to adjudicate claims, to provide training to border police to help identify and process individuals in need of protection at ports of entry, and to prevent refolement.

In practice the Government and UNMIK provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The constitution and law provide residents with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The country declared independence on February 17. Over the course of the year, local authorities gradually assumed authority and responsibilities in most areas of governance. The law provides for a 120-member Assembly, which has the authority to select a president, a prime minister, and other ministers and government officials.

Elections and Political Participation.—International and domestic observers determined that the November 2007 Kosovo Assembly elections generally reflected the will of the voters, although few Kosovo Serbs participated, largely due to Serbian government pressure to boycott. No significant irregularities were reported. Kosovo had a multiparty system dominated by five Kosovo Albanian parties with several minority parties and coalitions.

The law provides that individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. Party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

There were 38 women in the 120-seat Assembly. The law requires that women occupy every third spot on each political party's candidate list. There were no women on the eight-member Assembly presidency and only two female ministers and three female deputy ministers. Women represented 31.6 percent of the elected municipal representatives.

Following the November 2007 elections, there were 24 ethnic minority members in the 120-seat Assembly, including 10 Kosovo Serbs and 14 members of other groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three minority government ministers—two Kosovo Serbs and one Kosovo Bosniak—and two Serb and two Bosniak deputy ministers. One Kosovo Bosniak; one Kosovo Turk; and a representative of the Roma, Ashkali, and Egyptian communities held a rotating seat on the Assembly presidency. Kosovo Serbs from several political parties won the 10 set-aside Assembly seats in the 2007 election. Before that election, the holders of those seats did not claim their set-aside cabinet posts and continued to boycott Assembly votes, although they did participate in committees. A Kosovo Serb led the Ministry of Returns. The constitution requires that the Assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level where there were no similar quotas.

The overall electoral system did not change significantly compared to the one in place during UNMIK's tenure. On June 5, the Assembly passed an election law, which the president signed on June 15. The new law provides that the country is

a single, multi-member electoral district; elections will be held with open lists according to a proportional-majority system; a quota system ensures adequate representation for women and minorities in the Assembly; and parties must overcome a five percent threshold to enter the Assembly.

On May 11, Kosovo Serbs held elections in enclaves and in Kosovo Serb-majority municipalities to establish parallel municipal governments, and began to establish these parallel authorities in June. On April 9, UNMIK stated that organizing elections for these parallel structures was a violation of UNSC Resolution 1244. On May 14, UNMIK declared that the parallel municipal structures arising from these elections were illegitimate, and that UNMIK would not cooperate with them. The Government also declared that parallel institutions to be illegal and invalid.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

There was widespread public perception of corruption in both the Government and UNMIK. International organizations and NGOs continued to report that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the Government. Despite its diminishing mandate, UNMIK continued to adjudicate many sensitive cases related to corruption and interethnic crimes.

In its November report, the Commission of the European Communities noted that corruption was widespread and remained a major problem in the country. The report contended that the existing institutional legislative framework addressing corruption was unclear and recommended the adoption of more anticorruption legislation as well as improved enforcement. The Commission also noted that the weak judicial system inhibited progress in combating corruption.

The Office of the Auditor General, an independent body, reviewed fiscal management and accountability in the central government, municipal authorities, and publicly owned enterprises. During the year the office audited every ministry, the president's office, and the Assembly. Most reports were critical of government administrative, fiscal management, and procurement practices.

The Government took steps to combat corruption. Beginning March 26, the law required government officials to disclose all gifts they receive. On March 11, the Kosovo Anticorruption Agency (KAA) announced that it had received 61 reports of corruption in 2007, and that corruption in 2007 was estimated to have cost the Government 31 million euros (approximately \$40 million). On July 17, the KAA estimated that corruption had cost the Government 6 million euros (\$7.8 million) during the first half of the year.

On January 8, KosovoLive reported that internal auditors of ministries, municipalities, and agencies of Kosovo requested that Kosovo institutions implement the 2006 law on internal auditing. The Head of the Auditing Office in the Ministry of Trade and Industry (MTI), Adem Zogiani, said that the Auditing Office was prevented from implementing the law since June 2007.

On June 3, the Peje/Pec prosecutor's office announced charges against six former international UNMIK officials and one local citizen on suspicion of misusing 230,000 euros (\$300,000) dedicated for humanitarian projects.

On June 26, police arrested Judge Elez Hoxha of the Pristina District Court on suspicion of bribery, following a 4-month investigation. At year's end Hoxha remained under house arrest, awaiting further court proceedings.

On August 7, the Ministry for Communities and Returns indefinitely suspended Emilija Rexhepi from her post as director of the Department of Administration due to conflicts of interest. Using another name, Rexhepi allegedly ensured a tender from the ministry worth approximately 90,000 euros (\$117,000) was awarded to the NGO Equality which she previously directed. Police has not opened an investigation by year's end.

The Peje/Pec prosecutor's investigation into the conduct of 11 international and eight local employees of Radoniqi Hydro-System in its dealings with the Kosovo Electric Company continued during the year. On August 15, the Peje/Pec District Court authorized a six-month extension in the investigation.

On January 22, the Pristina District Court convicted Sanije Gashi of misappropriating 43,387 euros (\$59,233) in her capacity as the budget and finance manager of the Pristina Tax Administration. On May 23, the Supreme Court heard Gashi's appeal and on June 23, reduced her term of imprisonment from four years to two and a half. The court also prohibited Gashi from serving in the Government for three years after her release, and ordered her to pay costs of the criminal proceedings and reimburse the 43,387 euros (\$59,233) to the Kosovo Tax Administration.

There were no further developments in the investigation of the 2006 assault on the independent international auditor general, which took place after his office released a critical report on Pristina municipality.

The 2006 audit ordered by Assembly leader Kole Berisha to investigate the tenure of his predecessor, Nexhat Daci, uncovered serious mismanagement, misuse of public funds, and procurement irregularities. In December 2007 the Pristina District Court indicted Daci on three counts of embezzlement. On March 21, an international judge confirmed the indictment, and Daci awaited trial at year's end.

There were also developments in the case of Ahmet Alishani, Daci's senior advisor, arrested in 2006 on suspicion of fraud and bribery. On March 21, Alishani was indicted on charges of fraud and bribery, and entered a plea of not guilty. He was released pending trial, which had not begun by year's end.

On April 14, the trial of Leme Xhema, former Director of the Post and Telecommunications of Kosovo (PTK); Roger Reynolds, former divisional manager at Kosovo Trust Agency; Mustafa Neziri, former director of Norway Invest; Ronnen Sorensen, former managing director and chairman of Norway Invest, and Ove Johansen commenced in Pristina before international judges. The defendants were charged in connection with the alleged misuse of 300,000 euros (\$390,000). Johansen, who was arrested on April 5 in Montenegro, allegedly arranged the fraudulent transfer of these funds from PTK to a phantom company headquartered in Norway.

There were developments in the case of Sabajdin Llonqari and Fitim Maksutaj, two former finance officers at Dubrave/Dubrava Prison, who were arrested in 2006 for abusing their official position and falsifying documents. On August 19, the Supreme Court confirmed the judgment by the Peje/Pec District Court prohibiting the defendants from entering or approaching the Dubrave/Dubrava Detention Center, or in any way contacting various witnesses and prison finance office employees until August 29.

The law provides for access to official government documents but does not include penalties for failure to comply; in practice ministries rarely granted access during the year. There is no law that provides public access to official UNMIK documents and in practice, members of the public were unable to access these documents.

During the year the media complained regularly about lack of access to official documents. Journalists also criticized the 15-day window for compliance, which effectively meant that journalists could never obtain official documents in time to meet their own publishing deadlines. On May 14, the NGO IREX reported that during the year only 14.7 percent of journalists' requests for information were honored, even fewer than the 24.5 percent honored the previous year. IREX reported that the majority of institutions either did not understand their legal obligations or simply ignored them.

In August 2007 the Association of Professional Journalists of Kosovo reported that a survey measuring the responsiveness of government and public institutions to media requests for official documents indicated that only 23 percent of requests were successfully completed. The survey also indicated that none of the institutions approached by journalists provided the petitioner with a register of available documents.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government, UNMIK, and KFOR were occasionally cooperative and responsive to their views.

On March 29, unknown assailants in Mitrovice/Mitrovica threw a Molotov cocktail outside the headquarters of humanitarian organization Norwegian Church Aid, causing minor damage. A police investigation continued at year's end.

An ombudsman was responsible for investigating allegations of government abuses of international human rights laws. Former deputy ombudsman Hilmi Jashari continued to serve as acting ombudsman during the year. While the ombudsman actively issued intervention letters, reports, and recommendations, his recommendations were not always followed by the Government, local courts, or the KPS. The ombudsman investigated cases concerning property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues involving the length of court proceedings and the execution of court decisions, employment-related disputes, and impunity. In September, OSCE noted that although every ministry had established a human rights unit, approximately half of the units lacked qualified staff and sufficient budgets.

In 2006 the ombudsman's mandate was changed to exclude UNMIK from its purview; a new Human Rights Advisory Panel within UNMIK was established in April 2007 and charged with UNMIK oversight. At year's end the Assembly had not yet appointed a new ombudsman, and an acting ombudsman remained in place.

On July 21, the ombudsman reported that the courts and ministries were the most frequent violators of human rights in the country. The ombudsman also noted that recent reforms in the judiciary were insufficient, and the system still suffered from grave defects.

The Government, UNMIK, and KFOR generally cooperated with ICTY. On April 4, ICTY acquitted former Prime Minister Ramush Haradinaj and codefendant Idriz Balaj of all charges stemming from the alleged murder, persecution, rape, and torture of Kosovo Serb civilians in 1998. The court convicted codefendant Lahi Brahimaj of torture and mistreatment of prisoners and sentenced him to six years in prison.

On April 28, ICTY commenced trial of Astrit Haraqija, the former minister of culture, youth, and sports; and Bajrush Morina, his political advisor. The two were charged with threatening a witness who planned to testify against Haradinaj. On December 17, the ICTY sentenced Haraqija to five months imprisonment and Morina to three months.

On July 24, ICTY convicted journalist Baton Haxhiu of contempt for publishing the names of protected witnesses during the Haradinaj trial. The court fined Haxhiu 7,000 euros (\$9,100).

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law specifically prohibits discrimination on the basis of race, gender, ethnic origin, disability, or language; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

Women.—The law criminalizes rape; however, spousal rape is not specifically addressed. Under the criminal code, rape is punishable by one to 10 years in prison; statutory rape (sexual intercourse with a child under 14) is punishable by five to 15 years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to the Ministry of Justice, victim advocates provided services to victims in approximately 34 cases of rape from January to September. UNMIK police reported that, during the same time period, 35 people were arrested for rape and five were convicted.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. The law prohibits domestic violence, and convictions carry prison terms of six months to five years. When victims did press charges, KPS domestic violence units conducted investigations and transferred cases to prosecutors. According to UNMIK, family loyalties, close-knit communities, and the backlog of cases in both civil and criminal courts added to the low rate of prosecution.

As with rape, domestic violence remained a significant problem that was underreported. In July 2007 the OSCE issued a report on domestic violence that highlighted problems in the adjudication of domestic violence cases, including unlawful delays in reviewing applications for protection orders. The OSCE also expressed concern over appellate procedures in domestic violence cases; in some cases, courts unlawfully noted in their decisions that an appeal by the defendant would stay the execution of a protection order.

The KPS reported that 21 domestic violence victims were housed in shelters between January 1 and June 30. The Center for Protection of Women and Children provided assistance to 63 victims of domestic and sexual violence between January and September 24. The Ministry of Justice Victim Advocate and Assistance Unit was involved in 646 domestic violence cases between January and June. Convictions in such cases were rare, and sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. The Ministry of Labor and Social Welfare provided some financial support to NGOs running shelters for domestic violence victims, which also accommodated some trafficking victims. The ministry provided social services through social welfare centers. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

During the year a 24-hour anonymous hotline for reporting domestic abuse operated in Pristina, Gjilan/Gnjilane, Peje/Pec, Prizren, and Mitrovice/Mitrovica. The hotline provided assistance to 582 victims during the year; it received 446 calls related to domestic violence, 27 to trafficking cases, 25 to child mistreatment, and 35

to sexual mistreatment. The hotline informed callers of their rights, available shelters, and related information.

The KPS training school offered special courses on domestic violence and rape. There were no reports that the KPS responded inappropriately to rape or domestic abuse allegations.

Although the law prohibits prostitution, it remained prevalent. During the year the UNMIK police prostitution investigation unit turned over its responsibilities to the KPS. UNMIK continued to monitor and mentor the KPS.

There is no specific law against sexual harassment, which was a common problem. Women's rights organizations indicated that sexual harassment commonly occurred on the job, but went unreported due to fear of expulsion or physical retaliation. Public awareness of sexual harassment remained low, and few cases were reported.

Women possess the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management positions in business, the KPS, or government. While the number of employed women continued to increase, female unemployment remained at around 80 percent, 25 to 30 percent higher than the rate for men. Women represented less than 30 percent of the Government workforce.

Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While the law makes no gender distinction in the right to inherit property, family property customarily passes only to men. Kosovo Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

Children.—While education is free and compulsory up to age 15, statistics from 2005, the most recent year for which data was available, indicated that only 77 percent of children between the ages of seven and 14 from non-Serb minority communities (Roma, Ashkali, Egyptian, Turkish, Bosniak, Gorani, and others) attended school. Girls from non-Serb minorities attended school at a rate of 69 percent. In contrast, 97.5 percent of Kosovo Albanian and 99 percent of Kosovo Serb children were enrolled in primary school. During the year the Government for the first time purchased books for pupils through the fifth grade. Less than 10 percent of children aged two to five attended preschool.

The UN Children's Fund (UNICEF) reported that the lack of facilities for minority education in parts of Kosovo made it difficult for some IDPs to return to their homes.

UNICEF estimated that less than 75 percent of children who completed compulsory basic education enrolled in secondary school and the continuation rate for Kosovo Albanian girls was less than 55 percent. Among girls from non-Serb minority communities, only about 40 percent enrolled in secondary schools.

The law requires equal conditions for school children regardless of mother tongue and provides the right to native-language public education for minority students through secondary school. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both Kosovo Serb and Kosovo Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both Kosovo Serb and Kosovo Albanian pupils, who studied different curricula and rotated class schedules.

Roma, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian children but reportedly faced intimidation and bullying in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Romani children were also disadvantaged by having to learn another language to attend school since many spoke Romani at home. Some Kosovo Bosniak children in predominantly Bosniak areas occasionally were able to obtain primary education in their language, but those outside such areas received instruction in Albanian.

A 2006 study by UNICEF and the Ministry of Education on the prevalence of violence in schools found that violence against children was condoned. Corporal punishment was an accepted practice in homes and schools. Those who lived far from school reported they were afraid to travel the distance due to the threat of peer violence. Children reported that persons close to them were perpetrators of violence; that boys were at higher risk for physical violence and that girls were at higher risk of verbal abuse.

Trafficking in children was a problem. On August 7, the OSCE Mission in Kosovo and the international NGO Terre des Hommes launched a public information campaign against child trafficking and begging.

In response to this report, the Government created a "safe and nonviolent schools" project, which included the creation of a nationwide violence prevention network. Activities included the drafting of a national action plan to ensure a safe, non-violent and friendly environment in society and schools, and various awareness-raising activities and workshops. On February 11, the Ministries of Education, Interior, Justice, and Labor and Social Welfare established a commission aimed at preventing violence in the schools.

Orphans were housed in various residential placements including extended family care, foster care, and community-based homes. However, because domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Children with disabilities were often hidden away without proper care, particularly in rural areas. On March 5, the Education Ministry began a three-month campaign to increase public awareness of school-aged children with disabilities and determine ways to improve their living conditions.

During the year, the Ministry of Labor and Social Welfare operated 32 social welfare centers that assisted 1,486 orphans and 1,585 delinquent children. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the ministry, during the year, a total of 79 children were living in foster homes and the government-funded community homes under 24-hour care. Seven other children lived in the Pristina Clinical and University Hospital.

There were 19 abandoned children with disabilities, ranging in age from three to 18 years, living in two government-funded community homes under 24-hour care.

There was anecdotal evidence of child marriage, particularly in the Roma, Ashkali, Egyptian, and Kosovo Albanian communities. The Government and NGOs did not compile statistics, so the extent of the problem was unclear.

Trafficking in Persons.—The constitution and law prohibit all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country. Trafficking of women and children remained a serious problem, although a lack of statistics made it difficult to estimate the magnitude of trafficking in children.

The country was a source, transit, and destination point for trafficked persons, and internal trafficking was a growing problem. Victims were women and children trafficked internally or from Eastern Europe and other Balkan countries into Kosovo, primarily for commercial sexual exploitation but also for domestic servitude or forced labor in bars and restaurants. Victims were also trafficked through the country to Albania, Macedonia, Montenegro, and countries in Western Europe.

According to the KPS and the IOM, trafficking in persons was an increasing problem. Although IOM and KPS numbers differed slightly, both organizations' statistics indicated that roughly 60 percent of trafficking victims were internally trafficked, with the remaining victims originating in Moldova (approximately 20 percent), Albania (10 percent), and Bulgaria and Serbia (5 percent each). Estimates of the total number of trafficking cases during the year ranged from 20 to 27.

Since 1999, of the foreign victims IOM assisted, over 50 percent were from Moldova, 19 percent were from Romania, 13 percent were from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia, and Nigeria. The majority of these victims were women between the ages of 18 and 25. IOM figures indicated that over 82 percent of Kosovo victims were internally trafficked, while 7 percent were trafficked to Macedonia, 3 percent each to Albania and Italy, and less than 1 percent to the United Kingdom, Switzerland, Germany, Belgium, and Montenegro.

The overall number of trafficking cases involving minors decreased from 2007. During the year, the IOM assisted one foreign minor victim, and five internally trafficked minor victims. The KPS reported four trafficking victims were minors, all from Kosovo. Children and young girls from backgrounds with a high level of poverty, unemployment, family abuse, and illiteracy were particularly at risk of being trafficked. The IOM reported that 11 percent of local victims were not enrolled in school; 34 percent had only finished primary school (fifth grade); 44 percent had finished elementary school (ninth grade); 11 percent had completed secondary education (high school); and fewer than 1 percent had attended university.

The KPS reported great difficulty in identifying trafficking victims due to their reluctance to come forward and report the crimes to the police. Cultural taboos and the threat of social discrimination caused most internally trafficked victims to re-

main silent about their experiences. Another continuing difficulty was the inability of the KPS to recruit Kosovo Serb officers for the antitrafficking unit, which prevented undercover operations from taking place in northern Kosovo and in Kosovo Serb enclaves.

Trafficking victims were exploited primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences and through call girl services. None reported that they were aware they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings and rape, denied access to health care, and had their travel and identity documents confiscated. Victims were often found in poor physical and psychological condition.

UNMIK reported that traffickers often worked with Kosovo Serb and Kosovo Albanian organized crime elements, and some women were trafficked from or through Serbia into the country. The KPS reported that most women were trafficked into the country through the Pristina airport. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking continued to increase in sophistication. In reaction to an aggressive eradication campaign by local and international authorities, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where operations were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance.

The IOM reported that, of the 589 mainly international victims it assisted since 1999, close to 75 percent fell prey to traffickers after accepting a bogus job offer abroad, 3.7 percent claimed to have been kidnapped, and 3.9 percent were promised marriage. In 83.5 percent of cases, recruiting was through personal contacts; the recruiter was an acquaintance of the victim in 28.8 percent of the cases and a friend or family friend in approximately 18 percent. The KPS reported that recruiters were equally likely to be men or women. The IOM and the KPS reported that trafficked persons often had work contracts that enabled them to enter the country legally and obtain residence permits. This made it difficult to detect and prove trafficking.

Under the criminal law trafficking is punishable by a maximum of 20 years' imprisonment. Engaging in trafficking is punishable by two to 12 years' imprisonment, or up to 18 years if the victim is a minor; organizing a group to engage in trafficking is punishable by seven to 20 years' imprisonment and a fine up to 500,000 euros (\$650,000); facilitating trafficking through negligence is punishable by six months to five years imprisonment. A person convicted of engaging in sex with a person known to be a trafficking victim may be imprisoned from three months to five years, while sex with a minor known to be a trafficking victim carries a penalty of two to 10 years' imprisonment. Facilitating prostitution is punishable by a fine or imprisonment up to three years, and up to five years if it occurs within a 350-meter radius of a school or other location used by children. When the offense of prostitution involves victims who are minors, the term of imprisonment can be up to 12 years. Prostitution is punished as a minor offense; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation unless the "prostitute" is a victim of trafficking.

During the year the KPS maintained primary responsibility for combating human trafficking and conducted 82 surveillance operations. The KPS also closed one business establishment used for trafficking. KPS arrested 48 men and 19 women for trafficking, ten persons for pimping, 13 for prostitution, and eight on trafficking-related charges such as illegal weapons possession and counterfeiting. It also identified 27 trafficking victims, 22 of whom received needed assistance, including safe accommodation, counseling, and professional training for return and social reintegration. The remaining five declined treatment, stating they were not trafficked. At least one shelter provided medical care pursuant to its agreements with health care providers. During the year, the prosecutor's office filed 27 criminal trafficking charges; 50 additional cases from previous years remained open. Fourteen of the cases were completed, resulting in 13 convictions. In one case, the defendant was acquitted.

Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although means were employed to provide anonymity during trial testimony), reluctance of victims to cooperate with authorities, inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution, illegal entry, presence, or work in the country.

The KPS shared responsibility for combating trafficking with UNMIK, border police, the OSCE, the Ministry of Internal Affairs, prosecutors, judges, and the ministries of Health, Education, Public Services, and Labor and Social Welfare. NGOs and international organizations, particularly the IOM, handled protection and prevention-related antitrafficking activities.

There was anecdotal evidence during the year that a complex set of financial relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking.

There were a number of arrests and police actions against traffickers during the year. For example, on January 31, the KPS, acting in cooperation with the special prosecutor's office, conducted early morning searches on six locations in Gjakove/Djakovica, detaining 15 persons. Police arrested five persons and sent four women to shelters. At the initial court hearing the judge ordered two local traffickers and one Moldovan woman, who appeared to be involved with the management of the other women, to be held on 30 days detention. A trial date has not yet been set. At year's end the two men remained in jail while the woman was released after six months in prison.

On April 14 in Ferizaj/Urosevac, police arrested a Kosovo Ashkali man for trafficking a 14-year-old girl and pimping her. The victim was taken to a shelter and then returned home. Police detained the trafficker until Jul 14, and then released him under house arrest. Police arrested a second man in conjunction with the case on May 7; a trial date was pending at year's end.

On May 27, the Peje/Pec District Court convicted Aleksander Pitaqi, Pal Pitaqi, Veronica Dragan, and Elena Pislaru, all members of the Pitaqi crime ring, on charges of human trafficking, money laundering, and facilitating prostitution. The court found that the traffickers, composed of both men and women, led an organized criminal group that recruited and held women from Moldova for sexual exploitation. The traffickers received fines of up to 85,874 euros (\$118,713) and five- to six-year prison sentences.

There was no additional information available in the January 2007 arrest of two Kosovo Albanian men who ran the Suka and Suka 1 cafes in Prizren.

During the year police arrested the sixth and final man wanted in connection with a trafficking ring operating out of a private residence in Gjilan/Gnjilane. The KPS arrested five other suspects in the March 2007.

International and local NGOs funded by foreign donors were the main source of assistance to trafficking victims. Local NGOs, such as the Center for Protection of Victims and Prevention of Trafficking in Humans and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. The NGO Hope and Homes for Children operated a shelter for child victims of trafficking, and the Ministry of Labor and Social Welfare, in cooperation with UNMIK and the OSCE, ran a semi-independent group housing unit for minors who were victims of trafficking and domestic violence. Some domestic violence shelters, such as Liria in Gjilan/Gnjilane, offered short-term shelter and referral services to low security risk victims. A Ministry of Justice interim facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, the situation of persons with disabilities remained difficult. There was considerable discrimination in practice, and ensuring the rights of persons with disabilities was not a government priority.

Although the law mandates access to official buildings, it was not enforced and such access was rarely available in practice.

According to local disability rights NGO HandiKos, existing laws relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services.

According to the Education Ministry, there were 14–15,000 children with disabilities nationwide. There were six special residential schools for children with disabilities and 70 special needs classrooms attached to regular schools. The ministry reported that 877 pupils were receiving special education.

There were no special legal protections for children with disabilities. In May the Assembly passed a "Law on Material Support for Families of Children with Perma-

ment Disability,” which entered into force in June. The law provides a definition of children with disabilities and permits the legal guardians of such children to apply to the Ministry of Labor and Social Welfare for material support. However, the law had not been implemented by year’s end.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there was no law to regulate the process of committing persons to psychiatric or social care facilities or to protect their rights within institutions. On occasion individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; MDRI reported an estimated 50,000 persons with mental disabilities living outside institutions. According to MDRI, such persons lived isolated and stigmatized lives.

The National Council on Disabled People existed as an advisory organization to government authorities and the Assembly. Although the council’s chief stated priority was the drafting of a national platform on persons with disabilities, it had not done so by year’s end.

In 2006, MDRI reported that the government-operated Shtime/Stimlje Institute, which MDRI had previously reported for patient abuse and mistreatment, had been separated into a facility for the developmentally disabled with 74 residents and a psychiatric facility with 68 residents. The majority of residents at Shtime/Stimlje were Kosovo Serbs and members of other minorities. The total number of residents in these facilities decreased, addressing MDRI’s concerns about overcrowding. Both continued to admit new patients during the year. MDRI urged the Government to improve community support and increase public awareness of the rights of people with mental disabilities.

During the year the Ministry of Health operated eight integration and community homes throughout the country, each hosting 10 mentally ill patients. The ministry also ran an integration center with 60 patients in Shtimje/Stimje. Nevertheless, MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of returning to the community. According to a 2006 WHO report, there were not enough facilities to provide care for persons with mental disabilities and employment opportunities for persons with mental disabilities were limited.

National/Racial/Ethnic Minorities.—Official and societal discrimination persisted against Kosovo Serb, Roma, Ashkali, and Egyptian communities in employment, social services, language use, freedom of movement, the right to return, and other basic rights. Members of the Kosovo Bosniak and Gorani communities also complained of discrimination. During the year violence and other crimes directed at minorities and their property increased from 2007. Minority employment in public institutions continued to be low and was generally confined to lower levels of the Government; members of minorities occupied 10.4 percent of government jobs despite a government target of more than 16 percent.

In July 2007 the human rights ombudsman issued a report that concluded ethnic discrimination was a prevalent and constant problem, particularly in the areas of health care and employment. The report also noted that minority groups continued to face regular threats.

Between January 1 and August 31, UNMIK police reported 798 cases of inter-ethnic crime; 617 involved Serbs as victims or suspects. According to UNMIK, underreporting of interethnic incidents persisted as a consequence of the KPS policy of assigning low priority to them and persistent mistrust between minorities with the Kosovo Albanian majority.

There were multiple reports of violence against Kosovo Serbs during the year which were usually investigated by UNMIK police. For example, on April 23, in Gjilan/Gnjilane, a Kosovo Albanian man assaulted a Kosovo Serb man, who sustained slight bodily injuries.

On June 2, OSCE reported that a Kosovo Serb man attempted to visit his property in Decan/Decani with members of a UNDP team planning to help reconstruct his home. However, when the man arrived at his property, a Kosovo Albanian neighbor, who was unlawfully using the property in the owner’s absence, prevented the group from entering. Although the local mayor attempted to mediate the dispute, the parties reached no resolution by year’s end.

On July 1, in Gjilan/Gnjilane, three unidentified Kosovo Albanian women physically assaulted and injured a Kosovo Serb woman. Police made no arrests, and an investigation continued at year’s end.

On July 17 in Istog/Istok, an unidentified Kosovo Albanian man punched and kicked Zarko Orovic, a prospective Kosovo Serb returnee visiting from Montenegro, and robbed him of 350 euros (\$450). Orovic was hospitalized and released; a police investigation continued at year's end.

On December 30, two Kosovo Albanian youths from southern Mitrovica/Mitrovica stabbed a 16-year-old Kosovo Serb in northern Mitrovica/Mitrovica during a confrontation with Serbian youths. The two Kosovo Albanians fled to the southern part of the city where they were arrested by police. In the hours after this incident, inter-ethnic violence erupted in three multiethnic communities in northern Mitrovica. This violence included automatic weapons fire, physical attacks, vandalism of cars, and arson. During the violence, a Kosovo Albanian man was shot. In response to the situation, KFOR, EULEX police, and KPS sealed the bridge over the Ibar River that separates the northern and southern parts of the divided city. After approximately two hours, conditions returned to normal. Police and prosecutors were investigating the incidents at year's end.

There was no further information available during the year on investigations into the February 2007 stabbing of a Kosovo Serb woman behind a cafe in Mitrovica/Mitrovica or the June 2007 indictment of Sabri Haziri, who was accused of assisting in planting a bomb on a railway bridge in April 2003 near the village of Llozishte/Loziste in Zvecan.

There was no new information available in the following 2006 cases: the March stabbing of a Kosovo Serb youth by two Kosovo Albanian youths near the main bridge in northern Mitrovica/Mitrovica; and the December explosion on a railway line frequently used by members of the Serb minority in Vushtrri/Vucitrn municipality.

During the year KPS reported that it had arrested and imprisoned the persons who had fired gunshots at the homes of Kosovo Serb returnees in Llug/Lug village in Istog/Istok in 2006. The defendants received two to three month prison sentences.

During the year there were regular reports of Kosovo Albanians destroying private property belonging to Kosovo Serbs; some violence against Kosovo Serbs may have been attempts to force them to sell their property. An UNMIK regulation prevents the wholesale buy-out of many Kosovo Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. There were numerous reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. For example, on June 16 in Vushtrri/Vucitrn, a Kosovo Serb reported to the KPS that a Kosovo Albanian man had been illegally occupying his farmland for the previous eight years and that he could not access it. Police brought the suspect to the station and subsequently released him after an interview.

On April 2 in Kline/Klina, a Kosovo Serb reported that his property had been taken over by a Kosovo Albanian man. No further information on this case was available.

In some cases Kosovo Serb property was reportedly sold by persons falsely claiming to be their attorneys and presenting forged documents in court; in situations where the rightful owners did not live in Kosovo, such fraud went undiscovered for months.

In 2006 the Kosovo Serb-majority municipalities of Zvecan, Mitrovica/Mitrovica, Zubin Potok, and Leposaviq/Leposavic suspended their relations with the Government. Following local elections on May 11, the Kosovo Serb parallel authorities continued this policy, and had no interaction with the Government during the year.

There were a number of clashes between groups of Kosovo Albanians and Kosovo Serbs during the year. For example, on June 26, Kosovo Serbs held a protest in the ethnically mixed village of Berivojce over the building of a mosque. KPS reported that, during the protest, groups of Kosovo Albanians and Serbs began to fight with one another. Police and KFOR intervened when participants began throwing rocks, and two officers received minor head injuries. Some protesters were also injured.

On July 4, Kosovo Serbs and Kosovo Albanians clashed in the Mitrovica/Mitrovica Three Towers and Suhodoll/Suvi Dol neighborhoods following Kosovo Serb protests against the installation of water pipes in a Kosovo Albanian area of Suhodoll/Suvi Dol. Several participants and a Kosovo Serb police officer were injured. Four Kosovo Albanian men were arrested in connection with the incident.

On July 7 in the Three Towers neighborhood, a group of roughly 20 Kosovo Albanians and Kosovo Serbs began throwing stones at each other. One Kosovo Serb was seriously injured. Later in the day, about 15 Kosovo Serbs gathered and blocked the road between Mitrovica/Mitrovica and Suhodoll/Suvi Dol. Police intervened and dispersed the group.

During the year the OSCE reported that the criminal justice system still faced difficulties in handling cases from March 2004 riots. The report noted continued dif-

difficulties in securing witness statements, widespread failure to sentence alleged perpetrators to appropriate criminal punishments, and long delays in proceedings. In many cases the courts did not properly account for ethnic motives as an aggravating factor. The report concluded that there had been no significant progress in handling these cases since the OSCE's previous report on the subject in December 2005.

There were developments in the cases of several persons involved in the 2004 riots. In January, the Pristina District Court convicted Skender Islami, Mustafa Islami, Ramadan Islami, Omer Sylejmani, and Gazmend Morina of setting fire to a hospital, school, and a number of Kosovo Serb homes and vehicles. The court sentenced the defendants to between two and seven years in prison and ordered them to pay a total of 73,000 euros (\$95,000) in damages.

The trial of Zlyhaje Avdullahu, charged with participating in a Kosovo Albanian mob that looted and burned Kosovo Serb homes and attacked Kosovo Serbs during the 2004 riots, remained pending at year's end.

Unlike in previous years, there were no reports of ethnically motivated violence against members of non-Kosovo Serb minority communities during the year.

There were no developments in the January 2007 Peje/Pec incident, in which two Kosovo Albanian men assaulted and seriously injured a Kosovo Egyptian man, or the May 2007 assault by a Kosovo Albanian on a Kosovo Bosniak. In the second case, the victim was hospitalized with serious injuries, and police apprehended a suspect.

There were no developments in the 2006 cases involving the assault of Kosovo Montenegrin IDP Vuko Danilovic by a group of Kosovo Albanians and the bomb attack against the home of a Gorani representative of Belgrade's Coordination Center for Kosovo and Metohija.

Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vushtrri/Vucitrn, security concerns remained.

On June 12, the OSCE reported that three Romani returnee families would not be charged for water and water services supplied to their homes in Kosovo while the families were displaced in Macedonia from 1999 to 2007. Following their return in 2007 the Gjilan/Gnjilane public utility company demanded payment for services delivered to the families' properties, which were occupied during their displacement. The UNHCR intervened and assisted the families in providing the necessary documents proving their displacement. As a result, the utility company eventually agreed to drop its claims against the returning families.

Kosovo Bosniak leaders complained that thousands of their community members had left the country as a result of discrimination and lack of economic opportunities.

Other Societal Abuses and Discrimination.—The constitution and law prohibit discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against gays and lesbians.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. There were fewer threats reported than in previous years; however, this may have been due to greater caution taken by gays and lesbians in their activities. The print media at times reinforced negative attitudes by publishing articles about homosexuality that characterized gays and lesbians as mentally ill. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

There were no developments in the May 2007 case in which four males, three wearing dresses, were harassed by KPS officers. The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, stated that there were a number of other cases of discrimination against homosexuals during the year but that victims refused to allow it to present their cases publicly out of fear of discrimination.

There were no developments in the 2006 assault case involving unknown persons who severely beat two men they observed engaging in homosexual acts.

There were anecdotal reports of discrimination against persons with HIV/AIDS during the year.

Section 6. Worker Rights

a. Right of Association.—UNMIK regulations allow workers to form and join independent unions of their choice without previous authorization or excessive requirements, but this right was sometimes impeded by companies that threatened their employees when they joined or established unions. UNMIK regulations do not recognize the right to strike; however, strikes were generally permitted in practice, and

few strikes occurred during the year. The Government did not pass labor laws by year's end, so UNMIK regulations remained in force.

The only significant unions were the Association of Independent Trade Unions of Kosovo (BSPK), and the Confederation of Free Unions (CFU).

b. The Right to Organize and Bargain Collectively.—The law and UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the Government did not restrict this right in practice; however, no collective bargaining took place during the year. The law and UNMIK regulations allow unions to conduct their activities without interference, and the Government and UNMIK protected this right in practice.

UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law and UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation, domestic servitude, and forced labor in bars and restaurants.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and UNMIK regulations prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, the Government and UNMIK rarely challenged these practices. Trafficking of children, primarily for commercial sexual exploitation, was a serious problem, though a lack of statistical data made it difficult to estimate its magnitude.

UNMIK regulations set the age of 16 as the minimum for employment and the age of 18 as the minimum for any work likely to jeopardize the health, safety, or morals of a young person but permit children to work at age 15, provided it is not harmful or prejudicial to school attendance. The law requires children between ages six and 15 to attend school.

Child labor remained a serious problem. According to UNICEF, in recent years the number of children working on the streets of towns and cities was rising, although the overall number of working children remained unknown. Poverty was the most common reason children entered the workforce. While most children were not their families' main income earners, child labor served as a major contributor to many families. Problems with the education system, including low quality and inaccessibility of schools, contributed to the problem of child labor.

In rural areas young children typically assisted their families in agricultural labor. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. The numbers of such children grew relative to 2007, although no statistics were available. According to the Ministry of Labor and Social Welfare, the Government has not acted to address this common form of informal child labor. Some children were also engaged in physical labor, such as transporting goods. International NGOs active in the country continued to report serious labor violations during the year, including child labor. The Ministry for Labor and Social Welfare coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children. The ministry did not conduct any inspections during the year.

e. Acceptable Work Conditions.—There is no law establishing a minimum wage, and the Assembly did not adopt any labor laws during the year. The average monthly salary in Kosovo was 220 euros (\$310) in the public sector and 275 euros (\$388) in the private sector. The unofficial minimum wage was 80 euros (\$112). The law and UNMIK regulations provide for a standard 4-hour workweek; require rest periods; limit the number of regular hours worked to 12 hours per day; limit overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime. Employers often failed to abide by these regulations due to a lack of government enforcement.

The BSPK reported serious labor violations during the year, including lack of a standard work week and compulsory and unpaid overtime; employees did not report such violations due to fear of reprisals. According to BSPK, many individuals worked long hours in the private sector as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause and in violation of existing laws and being denied holidays. Women's rights organizations indicated that sexual abuse occurred on the job but went unreported due to fear of expulsion or physical retaliation. According

to union officials, workers in the public sector commonly faced similar mistreatment, including sexual abuse and the loss of employment due to political party affiliation.

A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. However, the inspectorate primarily advised employers and, although the inspectorate issued over a thousand citations during the year for various labor standard violations, fines remained unpaid pending litigation. The inspectorate is responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

Although there is a law to protect employees' health and working conditions, many private and public institutions continued to violate it. Labor inspectorate officials reported difficulties in obtaining accurate information since workers rarely disclosed the problems themselves, in spite of legal protections.

LATVIA

The Republic of Latvia, with a population of approximately 2.25 million, is a parliamentary, multiparty democracy. Legislative authority is vested in the unicameral Saeima. Elections for the 100 seat Saeima in 2006 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas. These included: serious police abuse of detainees and arrestees; poor conditions at police detention facilities; poor prison conditions and overcrowding; judicial corruption; obstacles to due process; official pressure to limit freedom of speech; violence against women; child abuse; trafficking in persons; incidents of violence against ethnic minorities; and societal violence and incidents of government discrimination against homosexuals.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings.

In previous years individuals were alleged to have died because of mistreatment by security forces. The suspected 2007 killing of a businessman by two police officers in a detention cell of the Sigulda police station remained under investigation. The officers involved were suspended from all duties. In October they were charged with exceeding official authority, failure to act by a state official, and intentional serious bodily injury. Their cases are awaiting trial.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were reports that government officials employed them.

Reports continued that police severely abused persons in custody. The ombudsman's office reported receiving multiple complaints alleging police violence. Independent local and international sources continued to voice concerns about police behavior. The ombudsman's office received seven complaints regarding treatment by police and seven about treatment by prison officials. Internal police statistics listed 289 complaints of police violence in the first eight months of the year, although there may have been multiple complaints about a single incident. During the year complaints about police behavior resulted in 21 criminal investigations and 18 internal investigations, none of which found breaches of the law. Authorities dismissed the remaining complaints without opening an investigation, transferred them to other government agencies without taking action, or were considering whether to open an official investigation.

There has been little progress in the investigation of the high-profile case of alleged mistreatment of former security officer Edgars Gulbis in 2007. Authorities held Gulbis in police custody for a month due to his alleged involvement in a car bomb attack against the chief antimuggling officer. Gulbis was later rearrested and at some point left the police car and either fell, jumped, or was pushed off a bridge into a river. Gulbis remained in jail throughout the year awaiting trial. The ombudsman's office indicated that, due to a number of shortcomings, the police internal

investigation of the incident did not provide adequate explanation of Gulbis' treatment.

Prison and Detention Center Conditions.—Prison and detention cell conditions remained poor. The Government took no significant measures to improve prison and detention center conditions following 2007 reports by the Council of Europe (COE) human rights commissioner, by the COE Committee for the Prevention of Torture (CPT) on its 2004 periodic visit to the country, and by the Latvian Center on Human Rights (LCHR). The 2007 LCHR report on prisons and detention centers described a number of key problems, including prison overcrowding, violence among prisoners, and health problems (a high incidence of tuberculosis, drug addiction, and HIV infection). One prison closed in November, increasing pressure on other already crowded facilities.

The LCHR also reported poor conditions at the detention center for illegal immigrants, including degraded infrastructure with no ventilation system.

There were 10 deaths of prisoners while in custody during the first eight months of the year. Authorities indicated that two were suicides and eight resulted from natural causes. The ombudsman reported only one case during the year that could be connected to behavior of officials in prisons or detention centers. On September 5, Sergey Danilin was found dead in his cell in the Daugavpils prison, having reportedly asphyxiated on his own vomit. Prison administrators indicated that guards might have pushed Danilin as he was being transported. A prison chaplain stated that Danilin's death might have resulted from a severe beating by a prison guard. Administrators have since opened an investigation into the case and declined to comment further. There was no further progress by year's end.

The ombudsman's office stated that it received 42 complaints during the year about conditions in detention facilities, primarily about inadequate light, heat, or ventilation in cells, sanitary facilities, or insufficient exercise areas.

The Government generally permitted independent monitoring of prisons and detention centers by international and local human rights groups; however, there were no independent monitoring visits to prisons and detention centers reported during the year. The CPT carried out its most recent periodic visit to the country in November and December of 2007. The CPT had not released its report on that visit by year's end.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The national police, security police, special immigration police, border guards, and other services were subordinate to the Interior Ministry. Municipal police were under local government control. The Military Counterintelligence Service and a protective service, as well as the National Guard, were subordinate to the Ministry of Defense.

Allegations of corruption and bribery within law enforcement ranks were frequent and continued to affect the public's perception of police effectiveness. During the year, the Bureau for the Prevention and Combating of Corruption (KNAB) pursued investigations of several security officials for bribery or extortion.

In September the Riga District Court sentenced the chief of the Riga city traffic police to six years in prison and confiscation of property for repeatedly accepting bribes.

In August authorities revoked the security clearance of Vladimirs Vaskevics, the head of the criminal investigative service of the customs service, following an extensive corruption investigation.

In April the Supreme Court sentenced the head of a division of the state police central criminal police department to seven years' imprisonment and confiscation of property for bribery.

In March the prosecutor general's office started prosecution of an officer from the Saldus district criminal police board for demanding and accepting bribes and an officer from the financial police for attempted intermediation of bribery. Both were convicted, but their sentences were suspended and they did not spend any time in jail.

Arbitrary Arrest and Detention.—The law requires that persons be arrested openly and with warrants issued by a duly authorized judicial official, and the Government generally respected this requirement in practice. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. Detainees were promptly informed of charges against them. The law requires the prosecutor's office to make a formal decision whether to charge or release an individual under arrest within 48 hours. This requirement was not always followed due to a backlog in the court sys-

tem. A bail system exists; however, it was infrequently used and applied most often in cases of economic crimes.

Detainees have the right to have an attorney present at any time; however, authorities did not always respect this right in practice. Investigators conducted unscheduled interrogations of detainees without legal counsel. The ombudsman's office report on the Gulbis case noted that Gulbis was regularly subjected to such unscheduled "talks."

The Government provided an attorney for indigent defendants. Authorities permitted detainees prompt access to family members. These rights were subject to judicial review but only at the time of trial.

While the law limits pretrial detention to no more than 18 months from the first filing of the case for the most serious crimes, and less for minor offenses, lengthy pretrial detention remained a concern of human rights groups. During the year the country's most common violations of the European Convention on Human Rights, as found by the European Court of Human Rights (ECHR), related to lengthy pretrial detention.

In July the ECHR ruled in favor of a former Red Army partisan, Vasilij Kononovs, in his complaint that the courts had imprisoned him for acts that were legal at the time he committed them. In 1944 Kononovs led a raid in support of the Soviet Army against a village claimed to be aiding the Nazis. Kononovs argued that the villagers were a legitimate military target, while the court found his actions to be war crimes conducted by an occupying force. The ECHR also noted the time that had passed between the act and the conviction, while the Government replied that it could not try the case during the period of Soviet occupation. The Government appealed the decision.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice; however, there were significant problems, including inefficiency and corruption.

The judicial system is composed of district (city) courts; regional courts, which hear appeals from District Courts and can also serve as courts of first instance; a separate administrative court, which adjudicates administrative violations; the Supreme Court, which is the highest appeals court; and the seven member Constitutional Court, which hears cases involving constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated.

On February 7, the Riga regional court sentenced two District Court judges, Irena Polikarpova and Beatrise Talere, to eight years' imprisonment for bribery. Polikarpova and Talere appealed the sentence to the Supreme Court.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and most judges enforced this right; however, the fairness of individual court decisions and of judges and the court system in general remained a concern.

Trials are generally public; however, they may be closed to protect government secrets or the interests of minors. A single trial judge hears most cases, although for more serious criminal cases, at the district and regional levels, two lay assessors join the professional judge on the bench. In some criminal cases, modified juries consisting of randomly selected members of the public participate in the tribunal in a limited way. Defendants have the right to be present at their trials. At closed trials, defendants are subject to criminal sanction if they reveal any details of the case outside the courtroom. Defendants have the right to consult with an attorney in a timely manner, at government expense if they are indigent. Defendants have the right to read charges and confront witnesses against them, and may call witnesses and offer evidence to support their cases. Defendants and their attorneys have access to government held evidence relevant to their cases. Defendants enjoy a presumption of innocence and may appeal to the highest levels in the judicial system.

During the year a special parliamentary commission was formed to investigate the judiciary and the judicial decisions mentioned in the controversial book *Litigation Kitchen* published by journalist Lato Lapsa in August 2007. The book included a series of transcripts of allegedly wiretapped telephone conversations, sparking allegations of unethical and illegal behavior among some judges, including discussing cases outside of court and inappropriate influence on judges from the political elite and businesses, between prominent figures in the judiciary from 1998 to 2000. The commission released an interim report in September that was inconclusive in regards to the specific allegations of the book, but claimed general improvement in the judiciary since the time of the incidents alleged in the book. Three judges have stepped down because of the allegations, but none have been charged with a crime.

In April the Saeima established an independent judicial ethics committee, and the annual congress of judges elected its members.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law provides for an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. The Government generally upheld the law concerning civil procedures.

Property Restitution.—In September the Government established a task force to study outstanding claims for the restitution of pre Holocaust Jewish communal property. The task force had not publicly released any findings by the end of the year. The Jewish community also sought compensation for private property last owned by Jews before the Holocaust that could not be regained by the community upon the restoration of independence because there were no identifiable heirs.

There was no further progress on restitution for either communal or heirless properties. Members of the international Jewish community complained that national and local authorities delayed or ignored claims by Jews regarding property restitution.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice.

Observers expressed concern about freedom of speech after two persons were detained for comments interpreted as advice to remove holdings from banks. In November security police detained economist Dmitrijs Smirnovs for two days of questioning after a newspaper published his comments suggesting that the banking system was unstable and that the lat (the currency) might be devalued. Pop musician Valters Fridenbergs was also taken in for questioning for comments he made about bank stability during a concert. The law criminalizes spreading false information about the financial system. Both individuals were released without being charged.

The law criminalizes incitement to racial or ethnic hatred.

In October the Supreme Court rejected the prosecutor's office's appeal of the court's 2007 ruling that the publisher of an anti Semitic and anti Russian newspaper was not guilty of interethnic incitement. The paper had published articles referring to Jews as "kikes" and containing numerous derogatory statements about Russians living in the country. In rejecting the appeal, the Supreme Court noted that the newspaper's actions were unethical but not illegal.

The country has one state owned television station, Latvian National Television (LTV), and one radio station, Latvian National Radio. A number of privately owned television and radio outlets thrived.

Independent media were active and expressed a wide variety of views without restriction. The three largest Latvian language dailies were privately owned. Russian language print and electronic media were also large and active. There was one government owned newspaper, which primarily published official records of government actions and decisions. Other newspapers were widely believed to be associated with political or economic interests; complete information on media ownership was not publicly available.

The law governing broadcast media contains a number of restrictive provisions regulating the content and language of broadcasts. Primary broadcast radio and television stations are required to use the state language (Latvian), and secondary broadcasters are allotted up to 20 percent of total broadcast time for non-Latvian language programming. Non-Latvian television broadcasts are required to have Latvian subtitles. However, these laws only apply to terrestrial broadcasts, as opposed to satellite or cable television. Extensive Russian language programming was available on both traditional channels and cable networks. These restrictions do not apply to the print media.

There was no official censorship of content of public or private media; however, the ruling political forces at times reportedly attempted to influence the content of public television broadcasts.

On May 14, the Latvian National Security Committee of the Saeima questioned Edgars Kots, the director of LTV, in a closed hearing. The media reported that committee members criticized the overall content and tone of LTV's broadcasts as biased against the Government and overly negative about general developments in the country. The head of the committee stated publicly that the committee did discuss the tone and content of broadcasts of LTV and justified the hearing by asserting,

"LTV influences the views of society, which in turn influence the overall security of society." Representatives of the media and the opposition New Era party criticized the hearing as an unacceptable attempt to pressure LTV.

The Government's appeal of an approximately 100,000 lat (approximately \$200,000) civil award for invading the privacy of LTV journalist Ilze Jaunalksne remained pending after the Government was granted more time for investigation. Results from an internal investigation into wrongdoing by financial police involved in Jaunalksne's case were sent to the prosecutor's office for review and for determination as to whether criminal conduct had occurred. The report was considered confidential. As of the end of the year, criminal proceedings were in process against some of the officials involved.

In 2007 the Government asked LTV reporters who broadcast a story describing a "search in connection with criminal charges" brought against influential regional politician Aivars Lembergs to reveal their sources. They refused the request. No action was taken on the case during the year, and there were no indications that the matter would be pursued further.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was widely used by the public.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and law provide for freedom of assembly, and authorities may not prohibit public gatherings except in very limited cases related to public safety; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as to prevent public disorder. Numerous demonstrations took place peacefully and without government interference during the year. However, some observers continued to criticize a provision of the law requiring notification of a planned protest 10 days in advance and what they characterized as vague procedures for holding a protest without prior notice.

After denying a permit in 2006, authorities issued, for a second year, a permit for a gay pride parade in Riga. While the parade was held on May 31, its organizers questioned the extremely high level of security measures taken by authorities, which organizers believed discouraged participation and limited visibility of the event.

Freedom of Association.—The constitution and law provide for freedom of association, and the Government generally respected this right in practice; however, the law bars the registration of Communist, Nazi, or other organizations whose activities would contravene the constitution, for example, by advocating the overthrow of the existing form of government. Nevertheless, some nationalist organizations using fascist era slogans and rhetoric operated openly.

Under the law, members of the country's large noncitizen community are prohibited from joining and participating in any political party of 400 or more members in which less than half the party members are citizens.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. However, by law, "traditional" religious groups (Lutheran, Roman Catholic, Orthodox, Old Believer, Baptist, Seventh Day Adventist and Jewish) enjoy a number of specific rights not available to "new" religions. For example, representatives of traditional religious groups may teach their religion to public school students who sign up to take classes, conduct official marriages, provide religious services for the army, and have representation in the National Ecclesiastical Council, which provides advice on religious matters to the Government. New religions did not have these rights and were subject to some bureaucratic regulations and paperwork requirements not applicable to traditional religions.

In November the Government passed laws regulating state relations with the Russian Orthodox and Lutheran churches, similar to laws that came into effect in May regarding the Adventist, Baptist, Jewish, Methodist, and Old Believer Orthodox churches.

Although the Government does not require religious groups to register, the law accords registered religious organizations certain rights and privileges, including separate legal status for owning property or for other financial transactions, and tax benefits for donors. Single congregations that do not belong to a registered religious organization must reregister each year for 10 years. Ten or more congregations of

the same denomination and with permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries.

According to Ministry of Justice officials, most registration applications were approved once proper documents were submitted. The law does not permit simultaneous registration of more than one religious group (church) in a single confession. Ten congregations appealed this limitation; two of these appeals were administratively rejected during the year, the remaining eight remained pending at year's end.

The law denies foreign evangelists and missionaries the right to hold meetings and to proselytize unless registered domestic religious organizations invite them to conduct such activities. Some foreign religious denominations criticized this provision.

Societal Abuses and Discrimination.—The Jewish community numbers approximately 11,000 and is largely secular and Russian speaking. There was one active synagogue in Riga and one in Daugavpils. There were no reported incidents of violent attacks targeting Jews. However, there were occasional acts of vandalism in Jewish cemeteries and anti-Semitic statements in public spaces, such as Internet fora.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum-seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. During the year the Government received 51 applications for asylum; two individuals were granted the status of refugees. In practice, the Government provided some protection against the expulsion or return of refugees to a country where their lives or freedom would be threatened. However, there were continued reports that authorities systematically turned away persons attempting to enter the country at border checkpoints without establishing whether they may have been refugees or asylum seekers.

The Government also provided temporary protection (“alternative status”) to individuals who might not qualify as refugees under the 1951 convention and 1967 protocol. During the year the Government granted alternative status to one person.

The 2007 LCHR report on detention facilities noted that the failure of authorities to provide information to irregular migrants and asylum seekers concerning their rights and governmental procedures was a significant human rights problem. The LCHR also found shortcomings in legislation in this field; for instance, the law governing immigration does not provide clear provisions on immigrant detention and appeal procedures, resulting in a wide variety of court decisions in apparently similar cases. Neither does the law specifically regulate the protection of rights of detained illegal immigrants and asylum seekers.

In 2007 police opened a criminal investigation following a violent attack by unidentified persons on two Somali refugees. The security police continued to investigate the case.

Stateless Persons.—Citizenship is derived from one's parents (*jus sanguinis*). According to UNHCR data, there were 372,622 stateless persons at the end of 2007, which included 372,421 stateless persons who were considered resident noncitizens and 201 other stateless persons who did not have the rights available to resident noncitizens. The Government recognized as stateless only those individuals who did not have a claim to foreign citizenship and were not eligible to apply for naturalization in Latvia. The stateless persons reflected in the UNHCR total consisted primarily of individuals of Slavic origin who moved to the country during the Soviet occupation and their descendants. They were not given automatic citizenship when the country regained its sovereignty in 1991. There are laws and procedures for granting citizenship to the noncitizen population, and more than 120,000 persons have become citizens through naturalization since the process became possible in 1995.

The UNHCR notes that the country's laws grant a transitional legal status to permanently residing persons (noncitizens) entitling them to a set of rights and obligations beyond the minimum rights prescribed by the 1954 Convention relating to the Status of Stateless Persons and identical to those attached to the possession of nationality, with the exception of certain limited civil and political rights.

As of year's end, most of the remaining 372,000 noncitizens were legally eligible for citizenship but had not applied for it. Noncitizens most frequently said their reason for not applying was the perceived "unfairness" of the requirements and resentment at having to apply for citizenship rather than having it automatically granted at the time of the restoration of independence. The citizenship exam included a Latvian language test and examination on various aspects of the constitution and history of the country. Resident noncitizens have permanent residence status, consular protection abroad, and the right to return to Latvia.

Resident noncitizens have full rights to employment, except for some government jobs and positions related to national security, and to most government social benefits; however, they cannot vote in local or national elections and cannot organize a political party without the participation of an equal number of citizens. Authorities reported that the number of naturalizations dropped significantly in January 2007 after the European Union (EU) granted noncitizen residents visa-free travel and work rights within the EU. The Government claimed that Russia's June decision to allow these individuals to visit Russia without a visa would similarly depress the rate of naturalization. In contrast to 10,581 naturalization applications in 2006, but similar to 3,308 applications in 2007, there were 2,601 applications during the year. During the year 3,004 persons were granted citizenship through naturalization.

The European Commission against Racism and Intolerance (ECRI) noted in its 2008 report that the naturalization process remained slow and there was an urgent need to solve the problems linked to the status of noncitizens which made the persons concerned feel like second class citizens. The Government response, included as an appendix to the report, argued that the Government already provides a path to citizenship for almost all noncitizen residents, but many noncitizens had chosen not to pursue citizenship for personal or ideological reasons; and that granting additional rights to noncitizens would only diminish the incentive to naturalize.

The Organization for Security and Cooperation in Europe (OSCE) high commissioner on national minorities visited the country in April and provided recommendations to improve the naturalization process, "by granting automatic citizenship to all children born in the country after 1991 and to the newly born children of noncitizens." He further advised authorities to "grant resident noncitizens the right to vote in local elections."

The Latvian Center for Human Rights noted in its 2008 alternative report, which mirrored the ECRI report, that although international organizations and state officials on several occasions acknowledged the need to reduce the number of noncitizens, the Government has neither provided sufficient funds, nor implemented consistent activities, to promote naturalization.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Free and fair elections for the Saeima were held in 2006; the Saeima elected a new president in May 2007.

On April 25, the KNAB asked five political parties to pay to the state the amounts by which they exceeded campaign-spending limits during the 2006 election campaign. According to the KNAB's final calculations, the People's Party owed the largest amount, 791,510 lats (approximately \$1,570,000). The second largest of the alleged violators of campaign spending limits, Latvia's First Party/Latvia's Way, re-registered as a new party in 2007, thereby avoiding legal liability for the payment.

On August 2, the country held a referendum on whether to amend the constitution to give the public the right to initiate procedures to dismiss the Saeima directly. Forty-three percent of eligible voters took part in the referendum. The constitution requires that at least 50 percent of eligible voters vote in favor of the amendment for the referendum to be valid, so the amendment did not take effect. Of those who participated, 93 percent supported the draft amendments.

Citizens can organize political parties without restriction; however, the country's approximately 372,000 noncitizen residents were prohibited by law from organizing political parties without the participation of an equal number of citizens in the party. The election law prohibits persons who remained active in the Communist Party or various other pro Soviet organizations after 1991 or who worked for such

institutions as the former Soviet Committee for State Security (KGB) from holding office.

Janis Adamsons, a former KGB employee, was barred by the Central Election Commission from running for a seat in the Saeima in the 2002 election due to his former involvement in a Soviet security organization. The courts upheld the commission's decision. On June 24, the ECHR ruled that Adamsons' right to participate in elections had been violated and that the legal provision under which Adamsons was disqualified was too broad. The ECHR ruling noted that Adamsons had held a number of important government positions since 1991 and over that period he had not conducted any antidemocratic activities. The Government appealed the decision, but its repeal was rejected and the decision became final in December.

At year's end, there were 21 women in the 100 member Saeima, and four women in the 19 member Cabinet of Ministers.

Members of minorities, including ethnic Russians and Poles, served in various elected bodies. However, the Saeima no longer publicly tracks the ethnicity of its members.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. There was a widespread perception that corruption existed at all levels of government, and according to the World Bank's Worldwide Governance Indicators, government corruption was a problem. During the first half of the year the KNAB initiated 14 criminal cases against government officials (including members of the judiciary), compared with 30 in all of 2007 and 51 in all of 2006. The KNAB forwarded eight criminal cases involving 25 individuals to the prosecutor's office. Seven officers of various law enforcement bodies were suspects in corruption related cases, most on suspicion of taking bribes.

In May 2007, the Kuldiga District Court found Ventspils mayor Aivars Lembergs not guilty of charges of abuse of power and making false statements in connection with the operation of the Ventspils port. The Government's appeal was denied, and Lembergs sued the Ministry of Justice, the prosecutor general's office and the Ministry of Finance for damages, and won a reduced settlement from the Ministry of Finance. Several of Lembergs' business and political associates were arrested and charged with related crimes, but none had been tried by year's end. During the year Lembergs had a limited voice in the Ventspils City government. In the fall the prosecutor general forwarded the 2007 case against Lembergs on charges of large-scale money laundering, bribery, abuse of office, and failure to declare property for tax purposes to the Riga Regional Court. The case had not been heard by year's end.

In 2007 the KNAB forwarded evidence to the prosecutor's office accusing a division chief of the Daugavpils City land register of accepting 31 bribes. During the year the Supreme Court sentenced the division chief to two years' imprisonment and confiscation of property.

In August authorities revoked the security clearance of Vladimirs Vaskevics, the head of the criminal investigative service of the customs service, following an extensive corruption investigation. He was reassigned to the more senior position of deputy director of the State Revenue Service. The KNAB forwarded evidence in his case to the prosecutor's office, but the prosecutor's office had not formally charged Vaskevics with a criminal offense.

In October 2007 the prosecutor's office filed charges against 20 individuals, including Jurgis Liepnieks (former head of Prime Minister Kalvitis' office), who was accused of participating in a fraudulent scheme to secure an agreement with a foreign firm to introduce digital television. At year's end the trial had not begun due to a change in the presiding judge. Liepnieks asserted that former prime minister Andris Skele was also involved in the scheme; however, no charges had been brought against Skele by the end of the year.

The law requires public officials to file income declarations annually and irregularities are carefully researched. During 2007 there was a partial relaxation of rules on the acceptance of gifts by public officials. Limits were raised on the value of gifts that could be accepted by officials, provided they were not directly connected to the duties of public office. Anticorruption groups claimed that the new rules provide a loophole that could allow officials, especially elected officials, to accept large gifts as long as there was no direct beneficiary relationship between the gift giver and decisions taken by the official.

The state auditor annually reviews all governmental agency financial records, both classified and unclassified, and documents irregularities. Reports are forwarded to the prime minister. The KNAB is responsible for combating government corruption.

To combat corruption, authorities arranged training and seminars for approximately 1,400 personnel during the year on various aspects of conflict of interest and internal controls against corruption.

A Cabinet of Ministers' regulation provides a mechanism for public access to government information, and the Government generally provided access to citizens in practice. There were no indications that noncitizens and the foreign press were denied access.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials met with domestic NGO monitors and responded to their inquiries; however, the Government often lacked the political will or resources to act on NGO reports or recommendations. A parliamentary Human Rights Committee did not enjoy the confidence of human rights NGOs.

Only a few NGOs claimed to address the broad range of human rights problems. Among the most visible was the LCHR. Several NGOs dealt with specific issues: Apeirons was concerned with persons with physical disabilities; Marta focused on the protection of women's rights; Providus, the Center for Public Policy, and Delna (the national branch of Transparency International) focused on combating corruption; and Zelda focused on mental disability. None of these NGOs were closely aligned with the Government or political parties.

The Government cooperated with international organizations and permitted visits by their representatives. During the year few international organizations published reports on or visited the country.

In February the ECRI released a report on the country, based largely on a visit in March 2007. The report noted progress in some areas, but indicated that the number of racially motivated attacks targeting visible minorities had increased at the time of their visit and the Government response had been inadequate; racist discourse geared toward newcomers and certain ethnic and religious groups by some politicians and in the media remained a problem; and problems persisted with the full integration of the Russian speaking population, partly due to alleged job discrimination and to obstacles to Russian speakers' participation in public and political life in the country. In its response, the Government argued that racially motivated violence was limited to isolated incidents and that both changes to the law in 2007 and training had helped police better respond to incidents when they happen.

The OSCE high commissioner on national minorities visited the country in April and provided recommendations to improve the naturalization process, "by granting automatic citizenship to all children born in Latvia after 1991 and to the newly born children of noncitizens." He further advised the Government to "grant resident noncitizens the right to vote in local elections."

During the year the Government strengthened the ombudsman's office, which was established in 2007 to protect the rights of individual citizens in relation to the Government, by providing a longer term of office for the ombudsman, granting the ombudsman the right to propose changes to legislation, and requiring an annual ombudsman's report to the Saeima. During the year the ombudsman's office represented a person in court for the first time, in a case of discrimination against a woman due to pregnancy. The ombudsman's office noted that procedural constraints made it difficult for it to participate in many discrimination cases. None of the ombudsman's recommendations to parliamentary commissions were adopted in legislation. Local human rights organizations continued to voice concern over the office's limited response to human rights issues.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, language, disability, or social status; however, violence against women and racial minorities, societal discrimination against women and homosexuals, child abuse, and trafficking in persons were problems.

Women.—The law specifically criminalizes rape but does not recognize spousal rape. Criminal penalties vary depending on the nature of the crime, the age of the victim, and the criminal history of the offender. Such penalties range from probation to life imprisonment.

A local NGO, the Skalbes Crisis Center, reported that rape laws were ineffective and that rapes were underreported due to a tendency by police to blame the victim. Police reported that the number of criminal cases involving rape had remained sta-

ble in recent years and that few rapes were committed by individuals who were strangers to the victims.

Violence against women is against the law; however, there are no laws that deal specifically with spousal abuse. Although NGOs and police agreed that domestic violence was a significant problem, the law was not effectively enforced because abuse was underreported. Victims of abuse were often uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, did not always take domestic violence cases seriously. Police stated they could only make arrests if either the victim or a witness agreed to file charges or if police actually caught someone in the act of committing the abuse.

There were no shelters designed specifically for battered or abused women. Women who experienced violence could seek help in family crisis centers; however, these centers had limited capacity and gave priority to women with children. There were no dedicated rape or assault hotlines; however, NGOs managed approximately five general crisis hotlines. The NGO Marta Center operated Web sites that provided information and legal assistance for female victims of violence.

Prostitution is legal, although procurement is not. Prostitution was widespread and was often linked to organized crime. Riga was an increasingly popular destination for sex tourism.

Sexual harassment is illegal; however, in the absence of complaints, the Government was unable to enforce the law. Sexual harassment of women in the workplace reportedly was common. Cultural factors tended to discourage women from filing complaints of harassment.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The law prohibits employment discrimination; however, in practice women frequently faced hiring and pay discrimination, particularly in the private sector. The law also prohibits women from performing physically demanding jobs in unhealthy conditions, which are specified in a list agreed upon by the Cabinet of Ministers.

The law prohibits work and wage discrimination based on gender and requires employers to set equal pay for equal work; however, government regulatory agencies lacked the skills and resources to implement the law fully. Some progress was made during the year. For example, the Ministry of Welfare implemented an awareness campaign that encouraged primary education teachers to portray more women as professionals and more men as childcare providers.

Children.—The Government was committed to children's rights and welfare; however, in practice authorities did not fully enforce constitutional provisions and laws related to children.

A local NGO working with abused children, the Dardedze Center Against Violence, stated that the number of reported instances of child abuse, including sexual abuse, had increased in the past several years. The center attributed this largely to better reporting due to increased awareness of the problem. Laws against child abuse were enforced effectively, although the center observed that coordination among agencies involved in the protection of children's rights was weak. Children from families that were unable to care for them had access to government funded boarding schools that provided adequate living conditions; however, these schools had lower educational standards than regular state schools.

Police expressed concern about an increase in the number of children subjected to commercial sexual exploitation and "traveling pedophiles" in the country for the purpose of sex tourism.

In October the UN special rapporteur on the sale of children, child prostitution, and child pornography visited the country. In preliminary findings, she noted a low number of reported incidents, but expressed concern about an increase in pornography and child sex tourism, at times facilitated by the Internet, and potentially exacerbated by the country's economic downturn.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country for commercial sexual exploitation and from the country for forced labor.

The country was a source for women destined for the commercial sex trade in Cyprus, Denmark, Germany, Greece, Italy, the Netherlands, Norway, Spain, and the United Kingdom; women and teenage girls were also trafficked within the country for commercial sexual exploitation. At least one case of trafficking of men and women to the United Kingdom for agricultural work was still being prosecuted. In one known case, the country served as a destination for trafficking victims from Thailand.

The number of trafficking victims was impossible to ascertain. Relaxed travel regulations within the EU allowed traffickers to target Latvian nationals more easily. Tens of thousands of men and women departed the country in search of economic opportunities created by the country's entry into the EU labor market. Reports indicated that some of these persons might have become victims of labor traffickers. Those most at risk were persons from unstable families and unemployed or marginally employed women from 17–25 years old with poor education and from economically underdeveloped areas.

Police believed that most traffickers were small-scale criminal groups with well-established contacts in destination countries. Law enforcement agencies reported that, because of the country's strict law enforcement since 2006, trafficking organizers were sending persons who began as trafficking victims to recruit their family and friends, rather than risk attempting to recruit in person.

Recruitment over the Internet and through marriage agencies was also popular. The country's antitrafficking squad reported that traffickers usually avoided threatening or applying force when recruiting their victims. Although trafficking victims often consented to being transported abroad, they were usually misled by recruiters with offers of marriage or jobs as dancers.

The law provides for prison sentences of up to 15 years for trafficking. Most perpetrators continued to be prosecuted under a statute that prohibits persons being sent abroad for sexual exploitation. This law, like the antitrafficking statute, carries a prison sentence of up to 15 years. The legal definition of trafficking in persons includes internal trafficking and trafficking for labor exploitation.

Three Chinese nationals were smuggled into the country in August. Investigation of the incident led to 11 arrests, including 10 Latvian nationals and one Lebanese national. Charges for alien smuggling in an organized group have been brought against them, although they had not been tried by year's end. A similar case during the year involving smuggling of Syrian nationals led to five more arrests.

During the year, police finalized investigations of 11 cases for sending persons abroad for sexual exploitation, a form of human trafficking criminalized by the Latvian Criminal Law. All 11 cases were submitted to courts.

During the year courts convicted 11 traffickers for activities during or prior to 2008. Three convictions resulted in prison terms from three to 10 years and confiscation of property. For seven traffickers the conviction resulted in conditional sentences and no imprisonment. Three of the conditionally sentenced traffickers were subject to property confiscation. For one trafficker the conviction resulted in a fine.

In many cases, a lack of recognition among the judiciary of the severity and impact of trafficking led to minimal or suspended sentences for traffickers.

There were no reports during the year that officials were involved in trafficking.

The country maintained several facilities to care for domestic and foreign victims of trafficking. The Marta Center remained the principal provider of assistance to trafficking victims. In November 2007 the Government created the Shelter Association Safe Home, which used 27,665 lats (approximately \$48,000) in government funds to provide assistance and shelter to trafficking victims throughout the year. Both facilities had the capacity to accommodate and provide services to up to 14 victims at a time. The Shelter Association Safe Home rehabilitated four trafficking victims identified during the year. The Marta Center provided services to fewer victims than in the past, and in November the Government ended financial support of the Marta Center's programs, including maintenance of its antitrafficking hot line.

The Government systematically monitored antitrafficking efforts and focused mainly on prosecution, victim protection, and prevention. The Ministry of Interior worked with local NGOs and international organizations to develop and implement an antitrafficking project called "Open Labor Market for Women" and maintained an antitrafficking Web portal both to educate the public and provide information resources to specialists, such as law enforcement staff, educators, and social workers. Trafficking victims and witnesses were able to use the Web portal to report instances of trafficking. The Ministry of Interior led a government working group that held regular sessions to coordinate the antitrafficking activities of ministries, government agencies, and NGOs.

Under the national action plan to combat trafficking, the Ministry of Education is in charge of trafficking prevention. Trafficking prevention is part of the social sciences curriculum at the elementary and secondary school levels. The Attistiba College of Social Work and Social Pedagogy and the Latvian Police Academy offered courses, approved by the ministry, to educate future social workers and law enforcement specialists on how to prevent trafficking and assist victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and other state services, and the Government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

A report on “closed” institutions released in 2007 by the LCHR summarized a number of problems in psychiatric hospitals and social care homes for persons with mental disabilities, including restrictions on privacy, violation of rights to a private life, and inhumane treatment by personnel that ranged from negligence to emotional and physical violence. NGOs noted no changes in these conditions during the year.

National/Racial/Ethnic Minorities.—Attacks against racial minorities continued to be a problem, though fewer cases were reported than in previous years. In contrast with 16 registered cases in 2007, there were six registered complaints of abusive behavior against ethnic or racial minorities during the first eight months of the year.

Of these, one was an allegedly racially motivated violent attack against an ethnic minority and the remaining five were incidents that involved hate speech. NGOs representing minority groups claimed that these statistics underreported the actual number of incidents. The ombudsman’s office received 17 written complaints of racial or ethnic discrimination and 14 complaints regarding discrimination on the basis of language.

In August the European Agency for Fundamental Rights’ annual report criticized the “limited” capacity of the country’s system to collect data on incidents of racial crime or discrimination.

In a 2007 report, the UN Economic and Social Council (ECOSOC) expressed concern that the law mandating the use of the Latvian language in all dealings with public institutions, including with local authorities, may discriminate against linguistic minorities, including the Russian speaking minority, which in 2007 constituted approximately 35 percent of the population. In particular, ECOSOC expressed concern that older members of linguistic minorities may be disadvantaged in receiving public services.

The Government acknowledged that the Romani community faced high levels of unemployment and illiteracy, as well as widespread societal discrimination. In January 2007 the Government began implementing a national action plan to address problems faced by the country’s estimated more than 8,000 Roma with respect to employment, education, and human rights. The action plan was criticized for lacking the funding necessary to achieve substantial improvement in conditions for Roma. During the year 28 members of the Romani community were trained as teacher’s assistants in an effort to improve access and participation in the educational system. Two of those 28 were working in schools.

On July 29, the Government expanded the list of professions in which persons are required to have a minimum level of proficiency in Latvian.

The Government eliminated the position of special assignment minister for integration and transferred responsibility for some of the functions formerly conducted by the secretariat to the Ministry for Child and Family Affairs.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination against homosexuals; however, the population at large appeared to have little tolerance for homosexuality.

During the year the city of Riga permitted a gay pride event under heavy police protection. There were reports of verbal harassment by opponents from outside the security perimeter, but there were only minor violations of public order. Organizers of the event questioned the severe security measures imposed by the authorities, which they believed discouraged participation and limited visibility of the event.

In April the minister for the Secretariat of Social Integration removed a list of “vulnerable groups” from the national program on the promotion of tolerance after his consultations with church representatives. Some human rights NGOs believed that the list was removed because it included the Lesbian Gay Bisexual and Transgender (LGBT) community.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers, except for the uniformed military, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 15 percent of the workforce was unionized during the year.

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law recognizes the right to strike, subject to limitations that include obligatory, prolonged prestrike procedures and the prohibition of some types of solidarity strikes and political strikes. While most workers were free to exercise the right to strike within these parameters, labor regulations prohibit judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel from striking. A labor law addressing disputes identifies arbitration mechanisms that unions and members of those professions forbidden from striking, may use in lieu of striking.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right in practice. There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. Women and children were trafficked abroad and within the country for commercial sexual exploitation; men and women were trafficked to the United Kingdom for forced labor. Three women were trafficked to the country from Thailand to work as masseuses; they complained to authorities that work conditions and compensation were not what they had been led to expect. After filing the complaint, the women were briefly provided government funded victims' assistance services but were subsequently deported on short notice.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and policies protect children from exploitation in the workplace, including policies regarding acceptable working conditions, and the Government generally implemented these laws and policies in practice. However, there were reports that children were trafficked for commercial sexual exploitation. The law restricts employment of those under the age of 18 by prohibiting night shift or overtime work. The statutory minimum age for employment is 15, although children between the ages of 13 and 15 may work in certain jobs outside of school hours with written permission from a parent.

Inspectors from the Ministry of Welfare's State Labor Inspectorate are responsible for enforcing the child labor laws, and they did so effectively.

e. Acceptable Conditions of Work.—The legally mandated monthly minimum wage of 160 lats (approximately \$317) did not provide a decent standard of living for a worker and family. As of July, the average monthly wage was approximately 385 lats (approximately \$762). The State Revenue Service is responsible for enforcing minimum wage regulations, and it did so effectively.

The law provides for a mandatory 40 hour maximum workweek with at least one 42 hour rest period weekly. The maximum permitted overtime is 200 hours per calendar year. Excessive compulsory overtime is forbidden. The law requires premium pay in compensation for overtime, unless other forms of compensation are agreed to in a contract. By law an employee working overtime receives premium pay that is at least equal to the regular pay rate. These standards were generally respected for both citizens and noncitizen workers.

The law establishes minimum occupational health and safety standards for the workplace, which were effectively enforced. Workers have the legal right to remove themselves from situations that endangered health or safety without endangering their continued employment; however, authorities did not enforce this right.

LIECHTENSTEIN

The Principality of Liechtenstein, with a population of approximately 35,400, is a constitutional monarchy with a parliamentary government. The unicameral Landtag (parliament) nominates, and the monarch appoints, the members of the Government. A two party coalition government was formed after free and fair parliamentary elections in 2005. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were isolated reports of excessive force by police, societal discrimination against minorities, violence against women, including spousal abuse, and child abuse.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that government officials employed them. In September a member of a special police unit was accused of injuring one person during a raid on an illegal gambling establishment. The police disputed the accusation and the case remained under review by the state prosecutor at year's end.

Prison and Detention Center Conditions.—Prison and detention center conditions generally met international standards. The Government permitted visits by independent human rights observers.

A new law, effective January 1, renewed the legal basis for the penitentiary system and established an independent body to monitor prison conditions.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the regular and auxiliary police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order release; authorities respected this right in practice. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspect is a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing during pretrial detention, and counsel was provided at government expense to indigent persons. However, the law grants the suspect access to a lawyer only after an examining magistrate has filed formal charges. During police detention, visits are commonly not allowed, although in practice suspects may contact family members. During investigative detention, visits can be monitored to prevent tampering with evidence.

The revised code of criminal procedure's regulations on investigative detention entered into force on January 1. It introduced a system of strict time limits and tight judicial review and granted detainees improved access to legal counsel.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury. The law grants defendants the right during trial to legal counsel of their own choosing; counsel is provided at government expense for indigent persons. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. Defendants are presumed innocent and have access to government held evidence relevant to their cases. Those convicted have the right to appeal, ultimately to the Supreme Court.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, and access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in

practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Over 80 percent of households had broadband access to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

The Roman Catholic Church is the official state church; its finances are integrated directly into the budgets of the national and local governments, and it is favored over other religious communities in the distribution of state subsidies. The Government also provided financial support to the Protestant, Christian Orthodox, and Muslim communities. Smaller religious groups are eligible to apply for grants as associations of foreigners or for specific projects. After both the Council of Europe and the UN High Commissioner for Refugees (UNHCR) criticized the Government for the special financial subsidies granted the Roman Catholic Church, the Government proposed legislation that would amend the constitution and reform church-state relations. In June the legislation was referred to the public for review, which concluded in November. At year's end, the Government was reviewing the comments received during the public review.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted individual exemptions for children whose parents requested them. At the secondary school level, parents and pupils chose between traditional confessional religious education and the non-confessional subject "Religion and Culture." In 2007 the Government introduced Muslim religious education classes in public primary schools.

Societal Abuses and Discrimination.—In a report released on April 29, the European Commission against Racism and Intolerance said it had received reports of instances of verbal and physical abuse against Muslims, particularly against women wearing headscarves.

There were no reports of anti-Semitic acts. The Jewish community in the country is small and does not have a formal organizational structure.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not prohibit forced exile, but the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In principle, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. There were no cases in which asylum was granted during the year. The Government also has a system for providing temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. There were no such cases during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The monarchy is hereditary in the male line. Prince Hans Adam II is the head of state. Since 2004 Hereditary Prince Alois has taken on the duties of head of state,

exercising the rights of office on behalf of the reigning prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

Elections and Political Participation.—Parliamentary elections, considered free and fair, were held in 2005. Individuals and parties could freely declare their candidacy and stand for election.

There were six women in the 25 member parliament and one woman in the five seat cabinet. There were no known members of minorities in the Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of government corruption during the year.

A law that entered into force in July prohibits public officials from requesting or accepting gifts or benefits in connection with their duties, and places restrictions on public officials engaging in private commercial activities. The police and the prosecutor's office, respectively, are responsible for investigating and prosecuting official corruption. The police have an organizationally independent special investigative unit for corruption cases. An interdepartmental working group chaired by the Ministry of Foreign Affairs coordinates measures to prevent and combat corruption.

Public officials are not subject to comprehensive financial disclosure laws.

The law requires the Government to inform the public of its activities, and government information was freely available to all persons living in the country, including domestic and foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The Government generally enforced these prohibitions effectively.

Women.—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. Spousal rape has the same penalties as rape under other circumstances. The sentence may be reduced if the victim decides to remain with the abusive spouse. There were four investigations for rape during the year; two were closed without charges being brought, and two remained pending at year's end. Police statistics do not record spousal rape separately.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. However, there were reports of violence against women, including spousal abuse. According to police, there were 15 police interventions in cases of domestic violence during the year. The Government may file charges without a complaint from the victim. Women and children may seek refuge and receive counseling at Frauenhaus, a women's shelter.

In August 2007 a new provision of the penal code entered into force making stalking a criminal offense. On April 1, a new law on victim protection also entered into force. Under the provisions of this bill, the Government established centers that provide single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence.

Prostitution is illegal; however, police tolerated it in the country's few nightclubs, as long as it did not cause public offense. Leading a person into prostitution is punishable by up to six months in prison, heavy fines, or both, and up to three years in prison if the victim was under 18. There were no reported arrests or prosecutions during the year.

Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the Government effectively enforced these prohibitions. Employers are required to take reasonable measures to prevent sexual harassment; failing to do so may entail damages to a victim of up to 40,000 Swiss francs (approximately \$33,300). No cases were reported during the year.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equal Opportunity Office and the Commission on Equality between Women and Men worked to eliminate all forms of gender discrimination. However, societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than

women, and women generally did not receive equal pay for equal work. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

Children.—The Government was committed to children's rights and welfare and amply funded a system of public education and health care.

There were some reports of abuse of children. The commission for the coordination of professionals in cases of sexual offenses against children reported that it was contacted concerning 10 cases of suspected sexual abuse during the year. Possession of child pornographic material is a criminal offense. The Code of Criminal Procedure specifies that children affected by sexual crimes are to be questioned in a sensitive procedure separate from the suspect.

The Government supported programs to protect the rights of children and made financial contributions to three NGOs that monitored children's rights. The Office for Social Services oversaw the implementation of government supported programs for children and youth.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons and provides for extraterritorial jurisdiction. There were no reports that persons were trafficked to, from, or within the country; however, some observers believed that trafficking in women occurred but was not reported.

Trafficking in persons is punishable by a prison sentence of up to three years, or up to five years if the trafficker used or threatened violence. If the victim is a minor or the trafficker belongs to a criminal organization, uses excessive violence, or jeopardizes the life of the victim, the sentence may be up to 10 years. No arrests or prosecutions for trafficking offenses were reported during the year.

The Government's law enforcement, immigration, foreign affairs, and social welfare authorities, together with the NGO Frauenhaus, have established a consultation process and referral mechanism for victims of trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The 2007 Equal Opportunity Law for Persons with Disabilities prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services; the Government effectively enforced these provisions. The new law mandates that all public kindergartens and schools as well as public transportation systems must be accessible to persons with disabilities within five years. Recently constructed public buildings must become barrier free within 20 years; older public buildings within a period of 12 years.

National/Racial/Ethnic Minorities.—The Government continued to monitor right wing groups. In 2003 it established the Commission for Protection from Violence to analyze and develop strategies against all forms of violence. Police estimated the number of violent right-wing extremists, including skinheads, to be not more than 30 to 40. On September 20, at a public festival in the town of Mauren, a group of about 20 Swiss and Liechtenstein skinheads carrying stones and sticks set off a violent confrontation with Turkish visitors. The clashes ultimately involved several dozen people. The local police intervened to stop the violence; a police officer and a festival visitor required emergency medical treatment for injuries sustained in the violence. Ten right-wing extremists were detained, eight of whom were released from custody soon thereafter. Two Swiss skinheads were later convicted and sentenced to seven months' imprisonment, converted to fines of 1,800 Swiss francs (approximately \$1,500) and a three year probation period. According to the prosecutor's office, further investigations were ongoing on at year's end.

Other Societal Abuses and Discrimination.—A government-contracted study published in December 2007 found evidence of discrimination based on sexual orientation.

There also were reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including foreigners, are free to form and join independent unions of their choice and select their own union representatives, and workers exercised these rights in practice. The law allows unions to conduct their activities without government interference, and the Government protected this right in practice. There was only one trade union, which represented approximately 3 percent of the workforce. The law does not prohibit antiunion discrimination, but there were no reports that antiunion discrimination occurred. The right to strike is not recognized explicitly in the constitution and labor

law. Civil servants are prohibited from going on strike. No strikes occurred during the year.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and bargain collectively. Approximately 25 percent of workers were covered by collective bargaining agreements.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the Government effectively enforced these laws. The law prohibits the employment of children younger than 16 years of age; exceptions may be made for the limited employment of children age 14 and over and for those who leave school after completing nine years of compulsory education. Children age 14 and older may be employed in light duties for not more than nine hours per week during the school year and 15 hours per week at other times.

The law prohibits labor that subjects children to physical, psychological, moral, or sexual abuse. There were no reports that any cases were brought under the law during the year.

The Government devoted adequate resources and oversight to child labor policies, and the Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

e. Acceptable Conditions of Work.—There is no national minimum wage. The average daily wage provided a decent standard of living for a worker and family.

The law sets the maximum workweek at 45 hours for white collar workers and employees of industrial firms and sales personnel, and 48 hours for other workers. The law provides for a daily mandatory one hour break and an 11 hour rest period for full time workers; with few exceptions, Sunday work is not allowed. Pay for overtime is required to be at least 25 percent higher than the standard rate and overtime is generally restricted to two hours per day. The average work week including overtime may not exceed 48 hours over a period of four months. Thousands of workers commute from neighboring countries daily and are covered by the same standards.

The law sets occupational health and safety standards, and the Department for Worker Safety generally enforced these provisions effectively. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and workers exercised this right in practice.

LITHUANIA

The Republic of Lithuania, population approximately 3.2 million, is a constitutional, multiparty, parliamentary democracy; legislative authority is vested in the unicameral Seimas (parliament). Free and fair parliamentary elections on October 12 and October 26 led to the formation of a center right coalition government in December. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in a number of areas, including poor prison conditions, police and government corruption, domestic violence and child abuse, and trafficking in women and girls. The number of reports of racial or ethnic violence and intolerance continued to grow.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The prosecutor's office continued approximately 80 investigations involving allegations of crimes against humanity and war crimes, including 20 related to the Holocaust. Courts found three persons former Soviet officers guilty of crimes against humanity committed during the Soviet occupation. They sentenced two of the defendants to five and eight years in prison and pardoned the third, who was considered infirm. Prosecutors also forwarded to the courts two cases involving former Soviet

military officers charged in connection with the deportation of individuals to Siberia during the Soviet occupation. One case involved the deportation of 15 individuals, the other of 37. From January through September, the prosecutor's office initiated seven additional investigations of possible crimes against humanity.

On July 4, the Court of Appeals upheld a lower court ruling that kept Nazi collaborator Algimantas Mykolas Dailide out of prison and declared him not dangerous to society. The Government brought criminal charges against Dailide in 2005, alleging collaboration with the Nazis and persecution of Jews. In 2006 the Vilnius District Court convicted him of crimes against Jews during the World War II Nazi occupation but did not impose a sentence due to the 85 year old convict's age and infirmity.

On September 19, the prosecutor's office terminated its investigation of Yitzhak Arad for what it characterized as possible crimes against humanity while an anti Nazi partisan in Lithuania and Belarus during World War II. Arad is a former director of the Israeli Holocaust Remembrance Authority, Yad Vashem. Prosecutors had sought to question Arad about the killing of Lithuanian partisans and civilians.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits inhuman or degrading treatment or punishment; however, there were reports that police physically mistreated detainees.

During the year the human rights ombudsman's office received five complaints that officials used force and psychological pressure to obtain evidence in an investigation. Two complaints were found groundless, two were terminated because pretrial investigations were initiated, and one remained under investigation in January 2009. The ombudsman's office received four complaints in 2007.

Military police opened 10 cases related to military hazing during the year, compared with 17 in 2007. They forwarded six of the 10 to the courts, terminated two due to lack of evidence, and continued to investigate the other two. Most reports of hazing alleged that draftees physically abused each other or subjected each other to psychological pressure.

Prison and Detention Center Conditions.—Domestic human rights advocates reported that prison conditions remained poor, although government measures to upgrade prisons brought them closer to meeting international standards.

During the year the parliamentary ombudsman received 309 prisoner complaints, compared to 317 in 2007. Most related to the failure of prison administrators to give proper attention to prisoners' grievances, which included poor prison conditions; mistreatment by prison department personnel; restrictions on prisoners' rights, e.g. by censoring their correspondence or failing to allow family visitors; inadequate medical services; and poor working conditions. The ombudsman's investigators found 46 complaints to be justified, while the others were outside the ombudsman's purview. The ombudsman received seven complaints during the year alleging that working inmates were paid less than they were supposed to be paid. The ombudsman found two of these complaints to be justified. One complaint was under investigation at year's end.

In 2006 the European Court of Human Rights (ECHR) ruled that officials' monitoring of a Siauliai prison inmate's correspondence with his wife was inappropriate and that the country should amend its regulations on monitoring inmate correspondence.

Through September, 22 prison and detention center inmates died, compared with 30 in 2007. According to authorities five deaths were suicides, 16 were due to natural causes, and one was accidental. In the same period, 40 inmates were injured by other inmates, compared to 34 in 2007. Reported self-inflicted injuries numbered 149 compared to 94 in 2007.

The Government renovated the Vilnius prison hospital and six other facilities. However, three correctional institutions remained overcrowded. For example, the facility in Siauliai had a capacity of 408 inmates after a recent remodeling, but held 525.

The Government permitted independent human rights observers and researchers to visit prisons. The parliament's office of the ombudsman made eight visits to prisons. Media representatives also visited prisons. The International Committee of the Red Cross did not visit any prisons in the country.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Nevertheless, there were complaints of illegally prolonged pretrial detention.

Role of the Police and Security Apparatus.—A unified national police force is responsible for law enforcement and operates under the authority of the Ministry of

the Interior. Police officers and other government officials who exceed their official authority are subject to prosecution or punishment. The State Security Department is responsible for internal security, intelligence operations, and investigation of some economic crimes. It reports to parliament and the president.

Corruption in the police force remained a problem. There is a broad legal and institutional anticorruption framework and a system for investigating public corruption; however, media, nongovernmental organizations (NGOs), and public opinion polls indicated that corruption was a lingering problem.

In the first nine months of the year, 11 police officers were accused of abuse of power, compared with 18 in all of 2007. The ombudsman investigated 146 complaints about police activities, compared to 226 in 2007, and determined 51 to be valid, compared to 75 in 2007. In all cases where complaints were found to be valid, authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions, such as demotion or reprimand.

On July 15, the ECHR agreed to hear the appeal of Danuta Iljina and her daughter, Evelina Sarulienė, who contended that in 2004 police violated their dignity with unnecessary physical force, requiring Iljina to undress in front of neighbors and strangers. Police had suspected them of theft. They sought compensation of over one million litas (approximately \$415,000) for family members' health treatment, travel expenses, lawyer fees, and pain and suffering.

Arrest and Detention.—Warrants are required for arrest and must be granted by judges upon the presentation of reliable evidence of criminal activity. Police may detain suspects for up to 48 hours before charging them. There were no complaints of failure to inform detainees of the charges against them. Bail was available and was used widely. The law provides the right to an attorney from the moment of detention and, if the detainee is indigent, to one provided at state expense; however, this right was not always respected in practice. The law entitles a detained person to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice.

Judges may only order pretrial detention to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests. They may do so, however, only in the case of an individual suspected of a felony. The pretrial judge may order a suspect's detention for up to three months. In some cases the detention may be extended to 18 months (12 months for juveniles), subject to appeal to a higher court; such extensions were frequent. The law provides for civil liability for damage caused by the unlawful actions of investigating officials, prosecutors, judges, and courts. During the year the average length of pretrial detention was approximately seven months, and approximately 10 percent of the incarcerated population consisted of pretrial detainees.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government respected this provision in practice.

Trial Procedures.—Defendants enjoy the presumption of innocence. The law provides for public trials; juries are not used. While defendants have the right to be present, the law permits trials in absentia when a defendant is outside the country and avoids trial. The law establishes the right to legal counsel for defendants upon arrest. It provides for legal assistance for indigent persons; however, as of September 30, the human rights ombudsman had received 47 complaints that authorities failed to provide such counsel. Defendants have access to government evidence and the right to present evidence and witnesses and confront or question witnesses against them. Defendants have the right to appeal. The law extends these rights to all citizens. Local human rights experts criticized the practice of holding trials in absentia because defendants could not cross examine witnesses or present evidence in their own defense.

In February the ECHR ruled that the country's courts had not violated the European Convention on Human Rights by convicting three Communist Party officials in 1998 of attempting a coup d'état in 1991.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The judicial system provides for an independent and impartial judiciary in civil matters. Plaintiffs may sue for legal or injunctive relief based on human rights violations. Apart from redress in the court system, victims of human rights abuses may appeal to the parliamentary ombudsman for a determination on the merits of their claims. Although the ombudsman may only make recommendations to the offending institution, his findings are commonly honored in practice.

Property Restitution.—The law on restitution places significant restrictions on claims for communal property, and as a result the Jewish community has regained only a fraction of the communal property owned by the country's prewar Jewish population of more than 200,000. Fewer than 30 properties have been restituted to the Jewish community under the law, which applies only to the restitution of religious properties.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits arbitrary interference in an individual's personal correspondence or private and family life; however, there were reports that the Government did not respect these prohibitions in practice.

The law requires a judge's authorization to search an individual's premises and prohibits indiscriminate monitoring of the correspondence or communications of citizens. However, local human rights groups alleged that the Government did not properly enforce these laws. In the first nine months of the year, the State Data Protection Inspectorate investigated 97 allegations of arbitrary interference by officials with privacy, compared to 129 investigated complaints in 2007. The inspectorate also conducted 102 audits of government agencies, unrelated to complaints, compared with 97 such audits in 2007. Most complaints involved claims by individuals that government agencies were collecting or using their personal data, such as personal identity numbers, without a legal basis or justification.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

On June 17, parliament amended the Administrative Law to ban the distribution or display in public gatherings of Soviet or Nazi related symbols. On September 4, a court fined a woman in Vilnius 500 litas (approximately \$207) for selling souvenirs containing Soviet symbols.

Instigating hate through the mass media is a crime punishable by up to two years' imprisonment. The number of hate speech investigations opened by prosecutors continued to increase. During the year the prosecutor's office opened investigations involving 99 allegations of instigation of hate (including over the Internet), and one for discrimination, compared to 37 in 2007. It forwarded 25 cases to the courts for trial. Courts completed 15 of these and convicted 12 persons, imposing fines of 400 to 3,000 litas (approximately \$166 to \$1,244). Sixteen of the 99 investigations were terminated for lack of evidence; the remaining 83 investigations and eight court cases (including some from previous years) were ongoing. Most of the hate allegations related to racist, anti-Semitic, or homophobic expression. The deputy prosecutor general, Gintaras Jasaitis, ascribed the increase in incidents to the spread of the Internet, which facilitated widespread, anonymous publishing.

On July 23, Vilnius Mayor Juozas Imbrasas stated that as long as he was mayor, "there will be no (public) advertising for sexual minorities." On August 20, the Vilnius municipality refused to issue a permit that would have allowed the European Commission's mobile display, "For Diversity. Against Discrimination," advocating tolerance for all, including gays, to hold an event at the Old City Hall Square. The event was held instead in the less centrally located private parking lot of a shopping center. After a permit was withheld for a similar event in 2007, the equal opportunities ombudsman opened an investigation to determine if the municipality acted legally by cancelling the prodiversity event; however, the ombudsman later terminated the investigation due to a lack of information. NGOs, European Commission officials, and some government officials criticized the withholding of the permit.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism. The independent media were active and expressed a wide variety of views. Radio and television included a mix of independent and public stations. International media generally operated without restriction.

On September 22, the Vilnius Regional Administrative Court upheld a 2007 decision of the Lithuanian Radio and Television Commission that fined the director of the music television channel MTV Lithuania 3,000 litas (approximately \$1,244) for broadcasting the cartoon series *Popetown*, which satirizes the Roman Catholic Church and the Pope and was broadcast in the early evening when children could view it. The commission's decision followed a report by the Inspector of Journalistic Ethics, which concluded that the series also instigated religious hate; however, the commission based its fine on the narrower grounds of inappropriateness for children.

The law prohibits the dissemination of information that is both untrue and damaging to an individual's honor and dignity. Libel is punishable by a fine or imprisonment.

ment of up to one year, or up to two years for dissemination of libelous material through the mass media. No cases were reported during the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e mail; however, persons were subject to criminal prosecution for posting to Web sites material that authorities deemed as instigating hate.

According to the Department of Statistics, 47 percent of the country's residents between the ages of 16 and 74 had access to the Internet in the first quarter of the year, up from 40 percent in the same period in 2007.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law and constitution provide for the right to assemble peacefully, and the Government generally respected this right in practice for most groups; however, the Government denied parade permits to gay rights groups on several occasions during the year.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice; however, the Government continued to ban the Communist Party and other organizations associated with the former Soviet regime.

c. Freedom of Religion.—The constitution and the law provide for the free practice of religion, and the Government generally respected this right in practice. There is no state religion; however, some religious groups enjoyed special government benefits. There were no reports that less favored groups were prevented from worshipping or seeking members.

On July 15, parliament granted the Seventh day Adventists the status of a state recognized religious association, which gives them, among other benefits, the right to offer religious instruction in the public schools to students who wish to receive it. Applications for the same status from the United Methodist Church of Lithuania (applied in 2001), the New Apostolic Church (applied in 2003), and the Pentecostals (Evangelical Belief Christian Union, applied in 2002) were pending.

The law stipulates that only traditional and other state recognized religions may offer religious instruction in public educational institutions. Participation in religious classes is not mandatory; parents may choose either religious instruction or secular ethics classes for their children.

On June 17, parliament approved amendments to the Law on Equal Rights, which added prohibitions against discrimination based on ethnicity, religion, sexual orientation, age, and disability to the already existing prohibitions of discrimination based on gender, race, nationality, language, origin, social status, beliefs, or creed. However, these prohibitions do not apply to schools established by religious groups, which may, for example, hire teachers only of that religion.

On September 22, the Vilnius Regional Administrative Court upheld a 2007 decision of the Lithuanian Radio and Television Commission to fine the director of the music television channel MTV Lithuania 3,000 litas (approximately \$1,244) for broadcasting the cartoon series *Popetown*, which satirizes the Roman Catholic Church and the Pope, in the early evening when children could view it. The commission's decision followed a report by the Inspector of Journalistic Ethics that concluded that the series instigated religious hatred as well as that it was inappropriate for young children; however the commission based its fine on the narrower grounds of inappropriateness for children.

During the year construction was completed of a residential and commercial complex located on or near the site of a historic Jewish cemetery in Vilnius. Negotiations between the Government and Jewish groups continued over the correct historical perimeter of the cemetery, how to treat the portion that has not been built upon, and how to memorialize the location.

Societal Abuses and Discrimination.—Anti-Semitism was manifested in a number of acts of vandalism against Jewish graves and monuments, displays of neo Nazi sentiment, and public anti-Semitic comments.

In the first 10 months of the year, at least 12 anti-Semitic incidents were reported. Senior officials condemned, although not always promptly, such incidents, and police were active in investigating them. On June 17, a Vilnius court fined two persons 1,300 litas (approximately \$539) each and one person 2,990 litas (approximately \$1,249) for taking part in an unsanctioned skinhead march on March 11, during which participants shouted anti-Semitic and anti-Russian slogans. Investigations of other participants were continuing.

On August 10, the Jewish community center in Vilnius and the Jewish community center in Panevezys were vandalized with anti Semitic symbols and language. Police immediately began an investigation, which continued at year's end.

On October 16, a forest ranger in the Kelme Region, near the village of Pluskiai, reported that vandals broke stones and painted anti Semitic graffiti on a Holocaust Memorial. An investigation of the incident continued.

Police investigations did not identify any suspects in the March 2007 vandalism of 12 headstones in the Suderve Jewish cemetery in Vilnius, the vandalism of the Jewish cemetery in Rokiskis region, or the 2006 incident in which persons in Nazi style uniforms yelled pro Hitler and anti Semitic slogans while riding past a synagogue.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Asylum seekers coming from a safe country of transit were prohibited from entering the country and were returned to the transit country without a review of the substantive merits of their applications. According to the Migration Department, authorities did not have a list of safe third countries, but defined such countries as ones in which the person's life or liberty would not be threatened on account of membership in one of the categories specified in the 1951 UN refugee convention and its 1967 protocol, and from which the individual would not be sent to another country in contravention of his rights under these agreements.

The Government can grant "temporary protection" in the event of mass influx of aliens, but an individual alien has no right to apply for this protection. No persons were granted temporary protection during the year. An additional form of protection, "subsidiary protection," may be granted to an individual alien who does not qualify as a refugee but who cannot return to his country of origin because of fear of torture or inhuman treatment, prevailing violence or military conflict, or systematic violation of human rights in that country would endanger his basic rights or fundamental freedoms. Between 1997 and 2007 more than 500 persons were granted subsidiary protection.

Stateless Persons.—Citizenship law incorporates both territorial (*jus soli*) and kinship (*jus sanguinis*) elements, with the emphasis on the former. According to UNHCR statistics, in 2005 there were approximately 8,700 stateless persons, of whom 7,500 had permanent residence permits. In 2007 the number of stateless persons was approximately 5,900, of whom 4,100 held permanent residence permits.

Virtually all of the stateless persons were individuals who resided in the country at the dissolution of the Soviet Union but did not qualify for automatic citizenship; however, according to the director of the Lithuanian Migration Department, they were entitled to apply for citizenship but did not do so.

The law permits the naturalization of an individual living in the country for at least 10 years who has an unlimited residence permit, passes an official language test and an examination on the basic provisions of the constitution, takes an oath of allegiance, and is able to defray his living costs.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Parliamentary elections, held in October, were free and fair. Several complaints about irregularities, mostly alleging minor in-

fractions, were filed after the elections, and some of those cases remained under investigation at year's end, while others had been dismissed.

The Government continued to ban the Communist Party; other political parties could operate without restriction or outside interference.

In February 2007 the Constitutional Court announced that the Law on Municipal Elections, which allowed election to municipal councils only by party lists, contradicted the constitution. The decision did not affect the February 2007 municipal elections, but it obliged parliament to prepare a law that would allow citizens not on party lists to run for municipal councils. Parliament did not pass such a law during the year.

At year's end there were 26 women in the 141 seat parliament and one woman in the 14 member Council of Ministers. Women accounted for 5 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors.

There were three members of ethnic minorities in parliament and no members of ethnic minorities in the Council of Ministers.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government often did not implement the law effectively, and corruption was a problem. Although some officials were convicted and punished for corruption, the penalties were usually minor, and many investigations did not result in convictions. The World Bank's worldwide governance indicators reflected that corruption was a problem.

A number of government officials were under investigation, facing trial, or convicted and sentenced, for corruption during the year. For example, in February the Special Investigation Service began an investigation of the mayor, deputy mayor, and the head of administration of the Trakai municipality. They were suspected of receiving bribes of 200,000 litas (approximately \$82,900) in connection with the development of a shopping and entertainment center. The officials were dismissed from their posts pending the outcome of investigation.

On March 20, Vilnius city council member and former mayor Arturas Zuokas was convicted of attempting to bribe a city council member prior to a no confidence vote in 2003. The court's decision forced him to resign from the city council. Zuokas has appealed.

On March 31, parliamentary speaker Viktoras Muntianas resigned amid allegations that he bribed a deputy governor of Kaunas County to obtain assistance with a relative's business. An investigation was underway at year's end. The deputy governor also resigned, on March 26, and was subsequently sentenced to six months' house arrest.

On April 24, a deputy mayor of Vilnius and two other city council members were questioned by the Special Investigations Service on corruption charges. The investigation was ongoing at year's end.

Political developments initially halted a court case against Viktor Uspaskich, leader of the Labor Party, who faced charges of fraudulent accounting for party funds and providing false information to election commission officials. In 2006, when the allegations were initially made, Uspaskich sought asylum in Russia, but in September 2007 he returned and was under house arrest until April 2008. In October Uspaskich was elected to parliament, giving him immunity from prosecution. On November 27, the prosecutor general asked parliament to waive immunity for Uspaskich, another parliamentarian implicated in the same case, and a third man who faced charges in an unrelated matter, and on December 9, parliament waived the immunity of all three men.

The law provides for public access to government information, and government institutions generally provided access in practice. From January through September, the parliamentary ombudsman received 70 complaints of delays by government offices in providing information and found 47 of them to be valid. The ombudsman asked heads of institutions and other unit supervisors to consider disciplinary action against the officials involved. Although the ombudsman's recommendations are not binding, in the first nine months of the year officials took disciplinary action in over 90 percent of complaints forwarded to them by the ombudsman.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits and provides penalties for discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and prohibitions, discrimination against women and minorities persisted.

Women.—The law criminalizes rape, including spousal rape. Convicted rapists generally received sentences of three to five years' imprisonment. In the first nine months of the year, 102 rapes were reported compared to a twelve-month total of 189 in 2007. Societal violence against women, particularly alcohol related domestic violence, remained a serious problem.

The law does not criminalize domestic violence specifically, but instead prosecutes it under general assault laws. To initiate an investigation into cases of domestic abuse, the victim must file a complaint. The maximum penalty the courts imposed was two years' imprisonment. According to the Ministry of Social Affairs, police reported receiving 33 calls regarding household conflicts in 2007. Slightly more than half the reports had come from women. The Interior Ministry estimated that 514 women suffered from domestic violence in 2007, including 418 inflicted by a partner and 96 from violence by children.

In August 2007 a video recording of a man beating a woman appeared on a popular Web site. Police opened an investigation and located the victim, but she declined to testify. The man was sentenced to one year in prison; however, the sentence was suspended.

Municipal governments and NGOs funded and operated 39 shelters that provided assistance to domestic violence victims. As of the end of September, the Vilnius based Shelter for Children and Mothers provided assistance to more than 160 victims of domestic violence, forced prostitution, and human trafficking.

On June 3, parliament approved amendments to the Civil Code that require the offender, as opposed to the victim, to leave the family domicile in cases of domestic violence.

Prostitution is illegal but remained a problem. The penalty is a fine of 300 to 500 litas (approximately \$124 to \$207) for a single offense and up to 1,000 litas (\$415) for repeat offenses. In the first eight months of the year, police charged 72 women with administrative violations for prostitution.

The law prohibits sexual harassment. According to the Equal Opportunities Ombudsman's Office, approximately 20 percent of women experienced sexual harassment. In the first eleven months of the year the equal opportunity ombudsman received one complaint of sexual harassment, as had been the case in 2007. According to the ombudsman's office, women remained reluctant to approach police or other institutions in cases of sexual harassment.

Men and women have the same legal rights in the judicial system, including family and property law. Women nevertheless continued to face discrimination. Government policy requires equal pay for equal work; however, women often earned less than their male counterparts. In 2007 women earned an average of 80 percent of what men earned in comparable jobs; the figure was 78 percent in the public sector. Women were significantly underrepresented at the managerial level.

During the year, as part of the National Strategy for Reduction of Domestic Violence Against Women for 2007-09, the Government continued funding prevention, education, and victim assistance programs. Most programs were implemented by NGOs financed by the Government and European Union (EU) structural funds. The Government operated a mobile information center to educate persons about domestic violence.

Children.—The Government was committed to children's rights and welfare.

Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, in 2007 approximately 36,500 children lived in 16,400 abusive or dysfunctional families. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, were common. Authorities reported that child abuse caused the death of five children between January and September. The children's rights ombudsman reported 245 complaints during the same period, compared to 387 in all of 2007, and 316 in 2006; authorities initiated 199 investigations, compared to 147 in 2007.

The penalty for violence or cruelty against minors is a one to two year prison sentence. In addition, authorities may remove abused children from their families and place them in foster care. Despite efforts to combat child abuse and to aid abused children, the ombudsman reported that insufficient assistance was provided.

There are 113 orphanages and 35 foster homes. Orphanages still house the vast majority of orphans and other children in need of care. In the first eight months

of the year, the children's rights ombudsman initiated 12 investigations of possible violations of children's rights in orphanages. No complaints were received about foster homes.

The law provides for up to 13 years' imprisonment for sexual abuse of a child; however, sexual abuse of children remained a problem. By September 1, the Interior Ministry had registered 41 cases of child sexual abuse (excluding child rape), compared to 49 cases in all of 2007. The Government operated a children's rehabilitation center to provide special care for sexually abused children.

In 2007 the Child Line (a children's hot line) received more than 70,000 telephone calls and 2,000 letters from children who complained about problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

Between January and September 1, the controller for the protection of children's rights received eight complaints regarding sexual exploitation of a child. In six cases the victims were transferred to law enforcement institutions. Two investigations were cancelled because the crime was committed by a minor (up to 14 years old) and four were ongoing as of December 1. In 2007 the controller investigated seven cases of reported sexual exploitation of a child; he determined that four of them were groundless. Three cases resulted in further investigation.

In September parliament adopted a law on the monitoring and care of children that created monitoring groups in schools to prevent violence and the exploitation of children. In 2007 authorities established 556 new social worker positions throughout the country to strengthen social protection for children most vulnerable to trafficking or sexual abuse.

Several thousand children reportedly lived on the street. Sixty regional government children's rights protection agencies, other institutions, and numerous NGOs routinely assisted these children. Street children, who are mostly runaways or from dysfunctional families, had full access to free government sponsored services.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that women and girls were trafficked to, in, through, and from the country.

Women were trafficked within the country and to the United Kingdom, Germany, Spain, Italy, Denmark, Norway, and the Netherlands. The country was a transit point for women trafficked from Belarus, Russia, and Ukraine.

Traffickers targeted the most vulnerable social groups, particularly young women from poor or unstable families. Traffickers commonly targeted young women from boarding schools that also served as orphanages. Many were lured by deceptive offers of employment as household helpers, bar dancers, nannies, nurses, models, or waitresses or through false marriage advertisements. In many cases close relatives or friends made the offers. Victims' compliance was ensured through threats and the withholding of their personal documents. Families often were unaware of the victims' predicament and believed that they had been kidnapped.

Police reported that nearly half of traffickers were linked to organized crime, including international groups.

The law provides penalties for trafficking in persons of two to 12 years' imprisonment and for trafficking in children (minors or juveniles) of two to 15 years' imprisonment. During the year the Government opened 11 criminal trafficking cases and referred six of these to the criminal court system. Three prosecutions ended in convictions, with eight persons sentenced to prison terms ranging from 21 months to eight years.

Authorities cooperated with other European governments on several trafficking cases. In the first eleven months of the year, police identified 18 persons, including two minors, as victims of trafficking; investigations in other cases continued. In 2006 the International Organization for Migration established a database with information from some key NGOs on assisted trafficking victims in the country. As of December 1, 35 women, including two juveniles, had been added to this database, compared to 54 women in 2007. NGOs maintained that many additional victims remained unidentified.

The ministries of Interior, Justice, Social Security and Labor, and Education and Science, the police department, the State Border Guard Service, the general prosecutor's office, and the National Courts Administration are responsible for enforcement of trafficking laws. On March 30, the Government appointed an undersecretary level official at the Interior Ministry to coordinate government wide antitrafficking activities.

Police cooperate regularly with their British, German, and Scandinavian counterparts on trafficking in persons. No persons were extradited from the country on trafficking offenses during the year.

During the year prosecutors investigated nine suspects in an organized crime gang charged with transporting nearly 100 young women to the United Kingdom. Charges were brought against seven suspects. On December 10, the Siauliai Regional Court sentenced the head of one modeling agency, Jolanta Razmiene, to five years in prison for selling 11 young women. Four other defendants received shorter prison terms, but all of them were sentenced to at least 21 months in jail. The sentences also required the traffickers to pay 50,000 litas (approximately \$20,000) to 10 of the victims (the remaining victim would not take any money). Charges against one suspect were dropped because he testified against the others. One suspect was acquitted, but the prosecutor appealed the decision. Those convicted also appealed.

In 2005 police arrested five employees of modeling agencies on allegations that the agencies were fronts for human trafficking to Western Europe and the United Arab Emirates. On November 10, the Vilnius District Court sentenced one woman to 36 months in prison. Two other women were fined 37,500 litas (approximately \$15,547) and 31,250 litas (approximately \$12,955).

The Government partially funded 15 day-centers that assisted various groups at risk, including trafficking victims. It also provided grants to 13 NGOs that offered trafficking victims assistance or temporary shelter. During the year authorities implemented formal screening and referral procedures for trafficking victims.

The Government continued implementing a prevention campaign that included seminars, posters, television and radio public service announcements, videos for schools, and antitrafficking brochures. Authorities also assisted NGOs and international organizations with prevention programs.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. During the year the equal opportunities ombudsman investigated eight cases of alleged discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities; however, the Government generally did not enforce this provision in practice. Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of the Disabled are the two primary governmental organizations with responsibility for developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of, and augmenting the social security net for, persons with disabilities.

National/Racial/Ethnic Minorities.—The law prohibits discrimination against ethnic or national minorities; however, intolerance and societal discrimination persisted. Minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites, constituted approximately 16.5 percent of the population. Reports of racial or ethnic violence and intolerance continued to increase during the year. Between January and September, the prosecutor's office initiated 84 investigations related to discrimination or incitement to racial or ethnic hatred, compared to 37 in 2007 and 17 in 2006.

For example, on April 9, in Vilnius, a group of young persons attacked a popular singer, Berneen, a South African of Indian descent. On April 28, a drunken stranger verbally assaulted two black athletes in Kaunas. On May 2, posters with the slogan "no to the culture of black people" were displayed in a park in Klaipeda city. Investigation of all three incidents continued at year's end.

Investigations continued into a number of incidents that occurred in 2007, including: assaults on several foreign students, among them two Africans, of the Lithuanian Christian College in Klaipeda; a fight between Lithuanian and Nigerian youths in May and an attack on a man from Ghana two days later, both in Vilnius; an August attack on an Italian exchange student by assailants who apparently thought he was a Muslim; and the December death in Vilnius of a former Somali student at Kaunas Medical University after he was beaten in October, allegedly because he spoke on television about racial violence he had experienced in the country.

The small Romani community (approximately 3,000 persons) continued to experience problems; including discrimination in access to education, housing, healthcare and other services; in employment (an unemployment rate of 50 percent); and in contacts with police, although there were no official charges of police abuse. Minority advocates continued to criticize the Vilnius city government for focusing on law enforcement in the Romani community but doing little to integrate Roma into the broader community. On September 26, following appeals, the Supreme Administrative Court returned a case involving Romani housing in Vilnius to the Vilnius regional court for further investigation. The regional court had awarded 100,000 litas

(approximately \$41,457) to Romani neighborhood inhabitants for residential and nonresidential housing torn down in 2004 but rejected their 5.6 million litas (approximately \$2.3 million) claim for compensation for the value of the buildings themselves. Both the city and the Roma community appealed the parts of the decision that went against them. The case was pending at year's end.

A study by the EU Agency for Fundamental Rights concluded in August 2007 that responses to cases of ethnic discrimination registered in the country were ineffective and that insufficient attention was given to the problem. According to the research, the law provides possibilities to complain about ethnic discrimination; however, the sanctions usually applied in such cases were insufficient, and victims received insufficient or no compensation. The Government was revising its National Anti Discrimination Program to address increased levels of discrimination.

Other Societal Abuses and Discrimination.—Local human rights organizations and members of the gay community reported that physical abuse on the street, discrimination, and persistent social exclusion of homosexuals were problems.

In July the Government paid 40,000 euros (approximately \$56,000) to a transsexual woman after the ECHR ruled in September 2007 that authorities had violated her privacy rights. The ruling also ordered the state to pass a sex change law within three months of its ruling; however, no such law was passed.

In the first eight months of the year, the equal opportunity ombudsman investigated 12 cases of age discrimination, compared to 17 in all of 2007. Most complaints concerned discrimination in obtaining insurance, loans, or leases.

There were no reports of discrimination against persons with HIV/AIDs.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, including members of the police and armed forces, to form and join independent unions of their choice, and workers exercised this right in practice. Unions represented approximately 10 percent of the workforce.

To register, unions must have at least 30 founding members in large enterprises or a membership of one fifth of all employees in small enterprises.

The law provides that trade unions shall be freely established and function independently. While the law authorizes unions to conduct their activities without interference, the Government only partly protected this right in practice. Employers sometimes discriminated against union members.

b. The Right to Organize and Bargain Collectively.—The law protects collective bargaining for all workers except government employees involved in law enforcement and other security related work. The Lithuanian Tripartite Council, consisting of representatives from labor, business, and government, estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements. The law provides for the right to strike, except for workers in essential services; however, labor code procedures made it difficult for some to exercise this right. The law provides that only a union or a union's strike committee may call a strike; leaving nonunion employees unable to strike legally. According to the Department of Statistics, there were 111 legal strikes during the year. For example, on March 3, teachers at approximately 200 schools and kindergartens went on strike as the teachers union demanded a 50 percent pay raise. The strike ended when the Government and teachers agreed to a 35 percent raise in two increments. On October 7, employees of higher educational institutions went on strike, demanding a pay raise. The average length of a strike was 6.65 workdays.

The law prohibits employer discrimination against union organizers and members; however, this prohibition was often ineffective in practice, and there were instances when employees were punished for attempting to organize. According to the International Trade Union Confederation, no employer has ever faced the penal sanctions foreseen by law for antiunion discrimination. Some large retail stores hired short term contract labor and sometimes did not renew contracts of union members.

Managers often determined wages without regard to union preferences, except in large factories with well organized unions. The Government periodically issued guidelines for state enterprise management in setting wage scales.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation. Trafficked women and girls in forced prostitution worked on streets, in illegal brothels, or as call girls.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law prohibits exploitation of children in the workplace, and the Government generally en-

forced these prohibitions effectively. Statistics from 2007 indicated that 8 percent of children working did so illegally, mostly in the agricultural sector, where children sometimes received unlawfully low compensation. There were reports that children 15 to 17 years old were trafficked for commercial sexual exploitation.

The law sets the minimum employment age at 16, but allows employment of 14 year olds for light labor with the written consent of the child's parents and school. The law mandates reduced work hours for children, allowing up to two hours per day or 12 hours per week during the school year and up to seven hours per day or 32 hours per week when school is not in session. Authorities generally enforced these laws.

According to a few media reports, a number of school age children performed farm fieldwork without contracts and received very little or no payment for their work; however, no official complaints were filed concerning such practices.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. In the first eight months of the year, the inspectorate received five complaints of illegal child labor and determined one of them to be valid. Courts initiated an investigation of this case.

The ministries of Social Security and Labor, Education and Science, Health, and the Interior administered programs to protect children's rights.

e. Acceptable Conditions of Work.—The legal minimum wage of 800 litas (approximately \$332) per month did not provide a decent standard of living for a worker and family. The minimum wage is set by the Government with the involvement of the Tripartite Council and is based on social and economic indicators.

The law provides that the maximum time worked in any seven day period, including overtime, may not exceed 48 hours. Overtime is allowed only in cases stipulated by law, and both overtime and night work must be compensated by at least 1.5 times the hourly wage. The labor laws apply to both local and foreign workers.

The State Labor Inspectorate is responsible for implementing labor laws. In the first seven months of the year it conducted approximately 9,000 inspections of companies. The most numerous abuses involved wage arrears, illegal employment, violation of labor contracts, faulty accounting for time off and hours worked, worker safety, and unsatisfactory investigation of accidents. Workers dissatisfied with the result of an investigation could appeal to the court system.

The law provides that workers have the right to safe and healthy working conditions, and this was generally enforced. During the year, the state labor inspection service recorded 82 fatal accidents at work, compared to 99 in 2007. These occurred mostly in construction work. To address this, the state labor inspection service provided training, various prevention materials, and best practice examples to construction companies. Workers have the legal right to remove themselves from dangerous work environments without jeopardizing their continued employment and did so in practice.

LUXEMBOURG

The Grand Duchy of Luxembourg, with a population of approximately 480,000, is a constitutional monarchy with a democratic, parliamentary form of government. The role of the grand duke is mainly ceremonial and administrative. Legislative authority is vested in the unicameral Chamber of Deputies. The prime minister is the leader of the dominant party in the popularly elected parliament. In 2004 generally free and fair parliamentary elections took place. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Some prison overcrowding, domestic violence, and child abuse were reported, as were cases of human trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers, although no visits were reported during the year. Overcrowding in the Schrassig prison remained a problem. Legislation adopted in 2007 appropriated funding for the construction of a new detention center for refused asylum seekers to relieve prison overcrowding. (Refused asylum seekers are imprisoned if they fail to depart voluntarily within a specified time period. They may be imprisoned for a maximum of four months while arrangements are made to deport them.) Although the legislation identified the site for this center, construction did not commence during the year.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the Grand Ducal Police and the judiciary police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Warrants issued by a duly authorized official are required for arrests in most cases. Within 24 hours of arrest the police must inform detainees of charges against them and bring them before a judge for determination of the legality of the detention. There is a functioning bail system, which judges freely employ. Detainees are given immediate access to an attorney, at government expense for indigents. Detainees are allowed prompt access to family members.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public except for those involving sexual or child abuse. There are no jury trials. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants may confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right of appeal.

A legal basis exists for the establishment of religious and military courts on an ad hoc basis, but no such action has occurred in the last sixty years.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and provide access to individuals who bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. A majority of the population had connections to the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right.

There is no state religion, but the Government paid the salaries and pensions of clergy of those religious groups that have signed conventions with the Government:

Roman Catholic; Greek-, Russian-, Romanian-, and Serbian Orthodox; Anglican, some Protestant denominations, and Jewish congregations. Several local governments also maintained sectarian religious facilities. In 2003 the Muslim community, desiring to receive similar government funding, named a national representative and single interlocutor for negotiations with the Government. At year's end, a draft proposal reflecting the consensus of four of the five Islamic Center Councils was under consideration by parliament.

Societal Abuses and Discrimination.—There were no reported acts of violence or discrimination against religious minorities during the year. There were no reports of anti-Semitic acts. The Jewish community numbered approximately 1,000 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The 2006 asylum law cancelled the right of appeal for previously denied asylum seekers and the provisions for holding refused asylum seekers awaiting repatriation.

The law provides for the possibility to grant temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol. The Government did not grant such protection during the year.

The Luxembourg Red Cross traditionally accompanies refused asylum-seekers on their repatriation flights. During the year Red Cross workers accompanied eight such flights. On September 10, however, the Red Cross was unable to accompany a flight carrying 19 refused asylum-seekers to Kosovo-allegedly because of the Government's late notification. The Red Cross also complained that the police conducted themselves in an intimidating manner during these operations. Late in the year representatives of the ministries of foreign affairs and justice met with the Red Cross to address the organization's concerns.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—National parliamentary elections are held at least every five years. The most recent national parliamentary elections, held in 2004, were considered generally free and fair. Political parties could operate without restrictions or outside interference.

There were 14 women in the 60-member Chamber of Deputies and three women in the 15-member cabinet. There were 15 women in the 32-member Supreme Court.

There was one citizen member of a minority group in the Chamber of Deputies and one citizen member of a minority group in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of government corruption during the year. The Ministry of Justice is responsible for combating government corruption. Public officials are not subject to financial disclosure laws.

There is no law providing public access to government information; in practice the Government sometimes granted access of government information to public inquiries.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government effectively enforced it.

Women.—The law prohibits rape, including spousal rape, and the Government enforced the law effectively. The legal penalties range from five to ten years' imprisonment.

The law prohibits domestic violence, and the Government effectively enforced it. The law is gender neutral and provides that an abuser will be removed from the residence for 10 days; this can be extended an additional three months. Penalties may include fines and imprisonment. If a person approaches a nongovernmental organization (NGO) for assistance, the police are required to investigate. In 2007 there were approximately 435 cases of police intervention relating to spousal abuse and 216 police expulsions of the abusing spouse.

The Government funded organizations that provided shelter, counseling, and hot lines. There are three hot lines for abused women. In 2007 government-sponsored NGO shelters provided refuge to approximately 300 women and 310 children. The Government also provided financial assistance to domestic violence victims.

Prostitution is legal and was common, but the activities associated with organized prostitution, such as profiting from, aiding, or trafficking prostitutes are punishable by law.

The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. The law prohibits gender-based job discrimination and harassment of subordinates by superiors. A variety of disciplinary measures against offenders are available, including dismissal. An employer's failure to take measures to protect employees from sexual harassment is considered a breach of contract, and an affected employee has the right to paid leave until the situation is rectified. Sexual harassment in the workplace was not widely considered a problem.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The law mandates equal pay for equal work; however, according to government reports, women were paid 14 to 16 percent less than men for comparable work. The Ministry of Equal Opportunity is responsible for protecting the legal and social rights of women. The Government continued a gender mainstreaming media campaign that began in 2005; for example, every household receives a brochure describing which authorities to contact in case of abuse.

In December 2007 the Chamber of Deputies adopted a law on the principle of equal pay for men and women, conforming to a European Union directive requiring member states to adopt such legislation.

Children.—The Government was strongly committed to children's rights and welfare. A law adopted on November 20 establishes a national children's bureau and strengthens support for assistance measures and services to assist children and their families.

A physicians' organization estimated that approximately 200 cases of child abuse were reported in 2006, the latest year for which statistical data was available, resulting in about 60 children receiving medical treatment. A special police unit is responsible for the protection of minors, and two call centers—one government-run, the other NGO-administered—are available to child victims of abuse.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons. The law criminalizes trafficking in human beings for sexual exploitation, but does not offer a comprehensive and workable definition of the offense and omits some forms of exploitation, such as forced labor. The penal code provides for fines of 500 to 125,000 euros (approximately \$700 to \$175,000) and prison terms of one month to three years for facilitating a foreigner's illegal entry and residence through direct or indirect assistance; authorities may apply this law in cases of trafficking for purposes other than sexual exploitation. The law provides penalties from six months' to three years' imprisonment and monetary fines for trafficking. If there are aggravating circumstances, prison sentences can range up to ten years. Authorities indicated that laws against organized crime may also be used in trafficking cases.

The country is a destination for women trafficked transnationally for the purpose of sexual exploitation. Source countries during the year primarily included Romania and Ukraine. During the year the Government identified nine victims of trafficking. At year's end authorities were prosecuting one perpetrator for trafficking, and had tried and convicted nine others for procuring prostitution and human trafficking.

There were several trafficking cases during the year that resulted in conviction, fines, and prison sentences. For example, in April an Italian and a Romanian pimp charged with procuring prostitution and human trafficking were each sentenced to three years' imprisonment and a 4,000 euro (\$5,600) fine.

In April an Italian and a French pimp arrested in 2004 and charged with procuring prostitution and human trafficking were sentenced, respectively, to 100 days' imprisonment and a 5,000 euro (\$7,000) fine, and 60 days and a 3,000 euro (\$4,200) fine.

In May two Italian pimps arrested in 2006 and charged with procuring prostitution and human trafficking were each sentenced to two years' imprisonment and a 5,000 euro (\$7,000) fine.

There are no government services specifically for victims of trafficking; however, two NGOs which were fully financed by the Government provided shelter and counseling assistance to women in distress. Although the country has no formal witness protection program, the Government took substantial measures to protect victims' physical safety and identities. After the court proceedings had finished, a criminal investigative unit specialized in trafficking in persons' investigations assisted victims in creating new identities and settling them abroad.

The Ministry of Justice was responsible for the Government's antitrafficking efforts, in cooperation with the ministries of foreign affairs and equal opportunity as well as NGOs.

In April the Government launched a public outreach campaign about trafficking in persons, highlighted by advertisements at bus stops depicting a nude girl under shrink wrap, as though she were for sale at a grocery store meat or fish counter, with the slogan: "If you hire a prostitute, you are financing human trafficking." In November all newspapers again published the advertisement. The ads were widely discussed.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the Government subsidized builders to construct "disabled friendly" structures. Despite these incentives, only a small proportion of buildings and public transportation vehicles had been modified to accommodate persons with disabilities. Aid for Handicapped Children, an NGO, advocates for the protection of the rights of persons with disabilities.

There are laws establishing quotas requiring businesses that employ more than 25 persons to hire workers with disabilities and pay them prevailing wages, but the Government acknowledged that these laws were not applied or enforced consistently.

Other Societal Abuses and Discrimination.—There were no reports of official or societal discrimination based on sexual orientation.

There were no reports of official or societal discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Approximately 50 percent of the workforce (including trans-border workers) was unionized. The law provides for the right to strike, except for government workers who provide essential services, but no strikes occurred during the year. Legal strikes may occur only after a lengthy conciliation procedure between the parties. For a strike to be legal the Government's national conciliation office must certify that conciliation efforts have ended.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to collective bargaining, and workers exercised this right freely. Approximately 66 percent of workers were under collective bargaining agreements. There were no reported examples of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports of trafficking in women for sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The ministries of labor and education effectively enforced the child labor laws.

e. Acceptable Conditions of Work.—The national minimum wage for a single worker over the age of 18 was 1,609 euros (approximately \$2,225) per month for unskilled workers and 1,931 euros (\$2,700) for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Sunday employment is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries must request permission for Sunday work, which the Government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage or with compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. The labor inspection court and then the Superior Court of Justice are responsible for enforcing these laws.

The law mandates a safe working environment. An inspection system provided penalties for infractions. The labor inspectorate of the Ministry of Labor and the accident insurance agency of the social security ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

MACEDONIA

The Republic of Macedonia is a parliamentary democracy with a population of approximately 2.1 million. The president, who is popularly elected, is head of state and commander in chief of the armed forces. A unicameral parliament (Sobranie) exercises legislative authority. The June 1 parliamentary elections failed to meet key Organization for Security and Cooperation in Europe (OSCE) commitments due to incidents of violence, intimidation, and electoral irregularities. The country held two additional rounds of elections on June 15 and June 29 in polling stations in which votes were invalidated, primarily in northwestern Macedonia. The election reconfirmed Prime Minister Nikola Gruevski, who headed a multiethnic governing coalition. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Rule of law problems were seen in judicial and police procedures, including criminal detentions. Enactment of judicial reforms continued to be delayed, and political pressure and intimidation hindered the effectiveness of the judiciary. Harsh government criticism of media coverage viewed as “antipatriotic” negatively impacted freedom of the press. Tensions between the ethnic Macedonian and Albanian populations continued to impact areas including education, employment, and political participation.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were credible reports that police at times used excessive force during the apprehension of criminal suspects and that they abused prisoners.

During the year the Professional Standards Unit (PSU) conducted investigations in four cases of use of excessive force by police officers. In February the PSU visited 20 police stations and made recommendations on measures to prevent possible police misconduct.

In August the PSU began an investigation in an August 1 case of a police inspector from the Tetovo Sector for Internal Affairs (SVR) alleged to have used excessive force against a citizen. The PSU recommended that the Chief of the Tetovo SVR initiate a disciplinary procedure against the police inspector, which was ongoing at year's end.

In late March the PSU began an investigation of a citizen's complaint that an officer beat him in a Resen police station on March 21. Due to difficulties in documenting the case, the PSU sent a special report to the public prosecutor, and at year's end was awaiting the prosecutor's decision on possible criminal proceedings against the officer.

On February 1, the PSU began an investigation of an officer from the Police Protection Department for physically abusing a citizen in a Skopje coffee bar on January 28. The PSU recommended suspending the officer from the police force. The Ministry of Interior's Suspension Commission fined the officer by decreasing his salary 15 percent for a period of six months.

From December 2007 throughout January, the PSU investigated a Prilep police officer accused of using excessive force and verbal threats against a citizen in police custody in December 2007, causing him bodily injuries. The PSU recommended that the Suspension Commission of the Ministry of Interior determine criminal liability. The commission fined the officer with a 15 percent salary reduction for a period of nine months.

The PSU reported that citizens filed 137 complaints of police misconduct during the year, including 64 alleging excessive force. Citizens filed 243 complaints related to police conduct with the Office of the Ombudsman during the year.

Prison and Detention Center Conditions.—Prison conditions barely met international standards. Significant problems noted by international observers included poor hygienic conditions and medical care, inadequate state funding and staffing, and overcrowding, including at the Skopje detention center. International observers indicated that there was increased funding for improvement of prison conditions, including expansion and refurbishment projects at several detention facilities, but that conditions for prisoners had not yet improved.

On November 4, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its June 30 to July 3 visit to the country's prison and detention facilities. The report criticized the country's lack of progress in addressing previous CPT concerns, such as the use of chains and insufficient supervision of inmates, and characterized the treatment in Idrizovo prison as "inhuman and degrading."

On September 10, the CPT published a report of its October 2007 visit to the country's prisons and detention facilities. The report stated that the conditions were deplorable. The group cited chaining prisoners as a means of constraint as a particular problem.

In the pretrial detention facility in Skopje, juveniles and adults shared the same common spaces.

Three prisoners died in Idrizovo prison during the year and one prisoner died in Tetovo prison. In the Idrizovo deaths, prisoners and family members of the deceased cited delays in medical treatment in the cases.

On June 23, journalist Vlado Tanevski, who was in Tetovo prison in pretrial detention on multiple murder charges, reportedly committed suicide. Prison officials found Tanevski drowned in a bucket of water. Prison officials have not made the results of the forensics investigation public.

The Government usually granted independent humanitarian organizations permission to visit convicted prisoners, including the CPT and the International Committee of the Red Cross (ICRC), and the ombudsman's office. The law allows family members, physicians, diplomatic representatives, and representatives from the CPT and ICRC access to pretrial detainees with the approval of the investigative judge. Judges usually granted permission, but sometimes did not do so in a timely manner.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

Role of the Police and Security Apparatus.—The national police are a centralized force, under the Ministry of the Interior, consisting of uniformed police, criminal (civilian) police, and border police. Ethnic imbalance remained in the police force. At year's end, 20.3 percent of the force consisted of ethnic minorities, short of the Government's 25 percent recruiting quota for minority officers. Ethnic Albanians made

up 25 percent of the population and constituted approximately 16 percent of the police force.

International observers and local nongovernmental organization (NGOs) cited corruption, lack of transparency, and political pressure within the Ministry of the Interior (MOI) as hindering efforts to fight crime, particularly organized crime. International organizations focused their assistance programs on police reform and training to professionalize the Ministry and aid in fighting corruption.

Police impunity remained a problem, although there were improvements. More aggressive internal investigations, coupled with the work of the ombudsman, reduced impunity again this year.

The PSU conducts all internal affairs investigations and allegations of police misconduct. Unit officials were slow to complete investigations and bring charges in outstanding human rights cases from previous years. Nevertheless, international observers noted continued improvements in the Interior Ministry's response to new cases of individual police misconduct and more frequent and consistent disciplining of officers found guilty.

During the year the PSU recommended disciplinary action against officers in 90 cases. Of these, the MOI punished employees by reducing their pay (in 57 cases involving 96 employees), suspending them from the police force (in 10 cases involving 39 employees), and reassigning them (in 24 cases involving 53 employees). During the year the PSU submitted criminal charges against 75 employees for 70 criminal acts. The MOI has not confirmed how many of these charges the prosecutor accepted. Representatives from a number of international organizations, including the OSCE, the European Union (EU), and foreign governments continued to monitor police operations and advise the MOI on police reforms.

Arrest and Detention.—The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed those requirements in practice.

The law provides that prosecutors must arraign a detainee within 24 hours of arrest. Only an investigative judge, at the request of a prosecutor, may order detention of suspects for longer than 24 hours. The judge may approve two additional 24-hour periods. Police generally adhered to these procedures in practice.

The law permits a detainee to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings; in practice, the requirement that visits be approved by the investigative judge and comply with general visitation hours rules of the detention facilities hindered detainees' access to their lawyers. The law requires that authorities give indigent defendants access to attorneys, and authorities generally respected this requirement in practice.

The law permits immediate family members access to detainees and access was generally provided, although it was not always prompt. As in the case of lawyers, the investigative judge must approve access.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. Most allegations of this practice involved accusations that police targeted the individuals for political reasons. Police did not arrest the individuals, nor hold them for extended periods of time.

The MOI investigated a March 18 incident in which police took 12 primary school students to a police station for "investigative talks" in a vandalism case without notifying their parents. The ministry initiated proceedings against the five officers involved in the case before the Dismissal Committee. The Committee decreased the five officer's salaries by 10 percent for a period of three months.

There was a functioning bail system. The law sets the initial length of pretrial detention at 30 days, with possible extension to 180 days if a council of three judges orders a 60-day extension for further investigation and a superior court offers an additional 90-day extension, allowed only in cases for which the crime under investigation is subject to a sentencing guideline of at least five years. However, individuals and some local NGOs alleged that judges increasingly abused their detention authority by ordering pretrial detention in cases where they could have utilized other means of guaranteeing the presence of defendants at trial (bail, home confinement, or relinquishment of the defendant's passport). During the year OSCE representatives reviewed a sample of 600 pretrial detentions and found that authorities properly documented only an estimated five percent of cases. In addition, there were some reports of government pressure on judges to order pretrial detention in certain instances, including against members of the political opposition. The increasing length of pretrial detention was a contributing factor in overcrowding in the detention facility in Skopje.

e. Denial of Fair Public Trial.—The constitution and laws provide for an independent judiciary; however, the Government, political pressure, intimidation, and corruption influenced the judicial branch. Some judicial officials accused the Government of using its budgetary authority and modest allocations to the court system as instruments to exert control over the judiciary. The annual judiciary budget as a portion of the national budget declined from approximately 2 percent to 1.2 percent from 2004–2008. During the year the judiciary budget was cut 34 percent in the “goods and services” category, making it difficult for the courts to purchase necessary equipment and supplies to support regular court operations. Chronic underfunding resulted in serious operational difficulties in the courts and hindered the delivery of timely and effective justice services to the public.

The country has a three-tiered court system composed of trial courts, appellate courts, and the administrative court and the Supreme Court. The Constitutional Court, which was not considered part of the judicial branch, deals with matters of constitutional interpretation and certain human rights protection issues.

The Government continued to delay the implementation of a number of judicial reform laws enacted in 2006 to enhance the independence and efficiency of the judiciary, resulting in reduced efficiency of the judiciary. Delays in the election of the Judicial Council, the body responsible for election, disciplining and removal of judges, postponed the establishment of both the new administrative court and an appellate court in Gostivar. Based on unofficial reports from government authorities, through June, trial courts decided only 30.6 percent of the 1.1 million cases on their books. The Law on Enforcement was amended on January 9 to transfer the backlog of enforcement cases the private bailiff system.

Trial Procedures.—The law provides for the presumption of innocence. Court proceedings are open to the public with some exceptions, such as trials involving minors, sexual offenses, or in which the personal safety of the defendant is at risk. The country does not use juries. Judges preside over trials; two lay judges assist each judge in determining the verdict, although the judge generally makes the final decision regarding the sentence. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. Authorities respected this right in practice at times; however, authorities sometimes did not grant access to attorneys in a timely manner. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement in practice. Defendants may question witnesses and present evidence on their own behalf. Defendants and their attorneys are entitled to have access to government-held evidence, but this did not always occur in practice. Defendants have a right to appeal guilty verdicts.

The law provides that courts may try defendants in absentia as long as they repeat the trials if convicted individuals later become accessible to justice officials.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There was a partially independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. The law provides for designated trial courts of extended jurisdiction, i.e., the appellate courts, the Supreme Court, and the new administrative court, to adjudicate citizens’ lawsuits for various types of human rights violations. The administrative court, created to hear cases against state institutions, became operational in December 2007. Changes to the Law on Courts enacted on March 11 provided for improved protection of citizens’ right to timely adjudication of their court cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, the law prohibits speech that incites national, religious, or ethnic hatred, and the law provides penalties for broadcasters who violate these laws.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism.

Media institutions and reporting were divided along ethnic and political lines, with the most striking divisions visible in reporting on controversial political issues. There were complaints and allegations of government pressure and even threats against media outlets that did not report favorably on the Government. Facing criticism for pressuring the media, ruling party VMRO-DPMNE announced on December

29 that it was dropping slander charges against twelve journalists. On June 22, the prime minister criticized Macedonian correspondents in Brussels for “speculating at the expense of their own country” and suggested the media should work in the country’s interests. His statement triggered harsh criticism from the Macedonian Association of Journalists and the Vienna-based South East European Media Organization, citing interference with media independence.

The independent media were active and expressed a wide variety of views without restriction. However, several commentaries and editorials on International Press Freedom Day (May 3) noted pressure from political and business interests as an impediment to a more independent press in the country. There were six major daily newspapers in Macedonian, one of which was distributed without cost, as well as three dailies in Albanian. None of these newspapers or other media were officially government controlled.

International newspapers and magazines were available throughout the country. Macedonian Radio and Television (MRTV), which generally favored the Government’s views on political issues, was the country’s sole public broadcaster. There were five private television broadcasters with national coverage and 46 private local and regional television stations. In addition, the National Broadcasting Council issued ten licenses for satellite television broadcasting in August. Most of them broadcast news programs and reflected a variety of viewpoints. There were many independent radio stations. The number of news agencies and news portals continued to grow and all major broadcast and print media offered up-to-date web editions.

The courts dealt with several cases of defamation, libel, and slander in accordance with 2007 legal changes that partially decriminalized these offenses, allowing only fines as penalties in such cases. In several cases, the court did not fine accused offenders who apologized before the court. On January 24, the Bitola basic court fined a journalist 720,000 denars (approximately \$16,800) for publishing a police fine issued to a judge for driving under the influence of alcohol. The journalist appealed the court ruling on April 7 and the case was ongoing at year’s end. On December 22, a Skopje court fined law professor Ljubomir Frckoski 1.9 million denars (approximately \$45,600) for slandering Prime Minister Nikola Gruevski in a column he published in the daily *Dnevnik* in 2007, criticizing Gruevski’s handling of the sale of a state-owned oil refinery when he was finance minister. NGO Reporters Without Borders criticized the decision as harmful to freedom of the press.

On January 25, two assailants beat Goran Gavrilov, the owner of national radio station Kanal 77 and a cofounder of the Association of Private Electronic Media in Macedonia, in front of his home. Police pressed charges against three persons, including the owner of cable television stations Robi and Telekabel, for ordering the attack and for attempted murder. Gavrilov indicated the attack against him was due to Kanal 77’s reporting on the conditions at cable station Telekabel, as well his efforts to regulate relations between cable operators and private broadcast media. In April, following a two-week trial, the court acquitted all three defendants due to lack of evidence. On October 14, the appellate court upheld the acquittals.

On November 14, the trial began of the police officer accused of an attack on Alsat Television cameraman Igor Ljubocevski while he was filming police stopping a vehicle of a member of parliament in September 2007. Authorities suspended, but did not charge, three other officers in the incident.

The trial proceedings in the September 2007 case of a security guard of political party Democratic Union for Integration (DUI) slapping A1 television journalist Lirim Dullovi while he covered developments in the parliament had not yet begun by the end of the year.

On May 24, during the height of the preelection campaign, thieves stole six television transmitters belonging to Alsat Television and local television named “Art” outside of Tetovo. The Association of Journalists of Macedonia and international community representatives condemned the crime, characterizing it as an attempt to silence the media and deny citizens information about elections. The investigation into the cases was ongoing at the end of the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Government has sought to increase Internet use among the population. The Government operated state-owned internet cafes in almost every major city and town in the country that provided free Internet access to persons under the age of 27, women over the age of 62, and men over the age of 64. However, affordable Internet access remained out of reach for many. As of

June Internet World Stats estimated that the country had about 685,000 Internet users, equal to 33 percent of the population.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. For public gatherings of any kind, the organizers must notify the MOI so that the venue can be made secure.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The constitution and a new law that entered into force on May 1, on the Legal Status of Churches, Religious Communities and Religious Groups provide for freedom of religion, and the Government generally respected this right in practice. The new religion law removes previous restrictions on the registration of religious organizations and allows for more than one religious community of any major faith tradition to be officially registered with the state and granted legal status. The law does not require a group or individual be part of a legally registered religious community in order to practice religion in public or in private. Implementation of the new law was lagging.

The new law passed responsibility for approving registration applications of religious groups and communities from the State Commission for Relations with Religious Communities and Groups to the Skopje II basic court. The court assigned a single judge to handle the registration applications. By year's end the court received 10 applications for new registrations of religious communities. In September the court had missed the 15-day deadline mandated by law for ensuring that applications were complete for all of the six applications received by that time. Following a determination that an application is complete, the law allows only eight days for registration of a new applicant. In September the presiding judge could not estimate when decisions would be made on the pending applications, and by year's end she had not approved any of the 10 applications.

The law requires all entities, including religious ones, obtain permits to build a religious or other facility. In practice the Government generally did not take action against groups that constructed buildings without permits. A 2007 conflict related to ownership and use of a property by members of the Jehovah's Witnesses was resolved to the group's satisfaction with assistance of the State Commission on Relations with Religious Groups and Communities.

The new religion law removed previous restrictions on establishment of places of worship, eliminating a previous requirement that a permit be obtained at least 15 days in advance for services in places not specified in the law.

Members of the "Orthodox Archbishopric of Ohrid," a group recognized by the Serbian Orthodox Church but without legal status, continued to claim undue monitoring and harassment based on its religious beliefs. Nuns and bishops of the community cited excessive delays at border crossings and reported that a border agent stated that the delays were due to their religious affiliation. In April 2007 authorities freed the group's leader, Jovan Vraniskovski, imprisoned since August 2006 on embezzlement charges. Vraniskovski faces a third trial stemming from the 2006 embezzlement case. On March 17, the Veles court issued a detention order for Vraniskovski for failing to appear in court. Members of his church reported that he remained abroad.

The law requires that foreigners entering the country with the intent to carry out religious work or perform religious rites receive approval from the State Commission on Relations with Religious Communities and Groups. When applying for visas, persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country to the commission. The commission then issues a letter of approval to be submitted with the visa request. The commission normally issued approvals within one week.

The restitution of religious properties expropriated by the former Yugoslav government was not fully resolved. The Government returned virtually all churches and many mosques to the ownership of the appropriate religious community, but not other properties, such as larger parcels of land or community centers. Because properties had changed hands many times or had been developed restitution and compensation claims were often complicated. The Islamic Community of Macedonia (ICM) claimed it was not able to regain rightful use of several mosques that the Government agreed to return. In addition, the community alleged that in some cases the Government delayed the process of restitution by selling or starting new construction on disputed property and by disputing the historical legal claim of the

community to religious properties. The Islamic community and the Macedonian Orthodox Church cited greater difficulty in regaining possession of previously owned property if it was in a desirable location for investors or business owners, particularly in urban areas. All properties/religious facilities that belonged to the Jewish community were restituted in 2002. In a groundbreaking agreement concluded in December 2007, the Jewish community agreed to accept 17 million euros (approximately \$24 million) from the Government as compensation for all heirless Jewish property in the country after World War II. The Jewish community planned to use the funds to complete a Holocaust memorial and art center in Skopje.

Societal Abuses and Discrimination.—There were isolated reports of societal abuses or discrimination based on religious affiliation, belief, or practice. However, unlike the previous year, there were no reports of vandalism of religious sites.

On March 28, a pamphlet purporting to have been authored by the Prespa-Pelagonia Eparchate of the Macedonian Orthodox Church was delivered to an unknown number of homes in Bitola advising residents to ignore or threaten Jehovah's Witnesses who knocked on their doors.

The Jewish community estimated that approximately 250 to 300 Jews lived in the country during the year. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not use forced exile, internal or external.

Internally Displaced Persons (IDPs).—The Government reported 736 persons displaced during the 2001 internal conflict remained displaced. Of these, 324 lived in collective centers, and 412 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy (MLSP), but had few opportunities for engaging in income-generating activities due to the high overall unemployment rate in the country. The Government allowed IDPs access to domestic and international humanitarian organizations, and allowed them to accept assistance provided by those groups.

During the year the Government continued to encourage IDPs to return to their homes of origin in areas the authorities considered safe. Some IDPs continued to assert that the Government was not providing adequate support to enable them to do so.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

A total of 1,772 asylum seekers, refugees, persons under humanitarian protection, and other persons of concern remained in the country from the 1999 conflict in Kosovo, most of them Roma.

The Government granted refugee status in one case during the year. Since 2003, the Government has also granted asylum for humanitarian protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. At year's end, 1,128 persons from Kosovo were living under this status, subject to periodic review. There was a decline in the number of registered asylum seekers from 171 to 100 due to grants of asylum for humanitarian protection to 75 persons, some voluntary repatriation and departures to unknown destinations, and some final rejections of asylum cases.

According to UNHCR, 2007 and 2008 amendments to the asylum legislation decreased legal safeguards for asylum seekers. UNHCR characterized the quality of the refugee status determination mechanism as low and indicated that its two-stage appeals process was ineffective and resulted only in confirmations of first instance negative decisions. However, the Government did not deport any Roma asylum seekers whose asylum applications were rejected. Moreover, UNCHR reported overall progress in the fields of citizenship and reduction of de facto statelessness.

The Government began to issue identity documents to asylum seekers, recognized refugees and persons under humanitarian protection and opened a new reception center for asylum seekers on June 4. The center provides shelter for new asylum seekers, but lacked a full range of support services. The law allows refugees and asylum seekers access to employment. Issuance of identity documents to asylum seekers, recognized refugees and persons under humanitarian protection removed one barrier to employment.

On December 29, the Government adopted an integration strategy for refugees and persons under humanitarian protection.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free and fair elections held on the basis of universal suffrage. While the election code provides a generally sound basis for the conduct of democratic elections, it contains some incomplete and inconsistent provisions, especially those related to appeals processes.

Elections and Political Participation.—On June 1, the country held national parliamentary elections. The country held two additional rounds of elections in 187 polling stations on June 15, and in 15 polling stations on June 29—as a result of a review by the State Election Commission (SEC) of reports of violence, intimidation, and serious irregularities. International observers characterized the elections as flawed, and the OSCE Election Observation Mission in Macedonia reported that the parliamentary elections did not meet key OSCE commitments. OSCE reported that the Government procedurally administered the elections well in most of the country, but cited a failure of some election stakeholders and relevant authorities to prevent violent acts in predominantly ethnic Albanian areas. OSCE and other international observers noted that voters in many locations were not able to freely express their will due to limited and selective enforcement of laws and organized efforts to violently disrupt the elections.

During the campaign period, the security environment varied significantly between predominantly ethnic Albanian areas and the rest of the country. The OSCE report stated that the lack of a police response to numerous acts of violence and intimidation in predominantly ethnic Albanian areas created an atmosphere of impunity. Violent incidents in predominantly ethnic Albanian areas marred the June 1 round of elections, with one person killed and several others injured. The security situation improved for rounds two and three of the elections, preventing violent incidents like those of June 1.

Discrepancies between the 2006 election code and several laws passed since that time affected the appeals process in the parliamentary elections. OSCE noted that discrepancies in the judicial appeals process resulted in gaps in the protection of rights of electoral candidates, due to lack of clarity about which body was responsible for deciding on appeals as well as which specific actions by election bodies constitute final administrative acts and could thus be appealed.

Some women from more traditional communities, particularly ethnic Albanians, were disenfranchised due to the practice of family or proxy voting by male family members on their behalf.

There were 38 women in the 120-seat parliament and two women in the 22-member Council of Ministers. The law requires that one in every three positions on each political party's list in both national and municipal elections must be from the less-represented gender.

There were 29 ethnic Albanians, four Serbs, two Vlachs, one Turk, one Roma, and one Bosniak in the 120-seat parliament. There were eight members of minorities in the 22-member Council of Ministers.

Due to political disputes, opposition parties stayed out of the parliament for a number of months. The opposition ethnic Macedonian party Social Democratic Alliance of Macedonia left the parliament on July 17 following the arrest of the party's vice president, Zoran Zaev, on corruption charges. The party called his arrest politically motivated, citing the MOI's alerting the media in order to subject him to a high-profile "perp walk" and manipulation of the judicial process to ensure he remained in preventive detention even when the presiding judge ordered authorities to release him. The party returned to the parliament on August 4 after the president, who also belonged to SDSM, pardoned Zaev.

Ethnic Albanian opposition party Democratic Party of Albanians did not participate in the new parliament, which held its constitutive session on June 21, until October 9 in protest of the parliament's rushing through more than 150 laws using an emergency procedure, snuffing out any chance for debate.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Instances of corruption in the police and judicial systems were of particular concern. On July 3, a Stip court sentenced Metodi Gocevski, a judge in the Vinica trial court, to one year in prison and sentenced state attorney Jordan Danilov to eight months in prison for abuse of position. The Judicial Council was in the process of reviewing misconduct allegations against seven other judges. Authorities brought criminal charges against four judges of the Stip trial court for mishandling of a bankruptcy case. The case was ongoing at year's end. On March 1, the Stip appellate court reversed a May 2007 decision to sentence Zoran Trajanov, chairman of the Kocani trial court, to one-year in prison for abuse of position, due to procedural deficiencies. The judge sentenced Trajanov to eight months in prison in the retrial.

During the year authorities filed or prosecuted several high profile cases of corruption. On February 26, a Skopje court found Metodija Smilenski, the former director of the bankrupt Export Import Bank, and Ljube Trpeski, the former governor of the Macedonian National Bank, guilty of corruption and sentenced them to four-and-a-half years in prison.

On December 9, a Skopje court sentenced former Prime Minister Vlado Buckovski to 42 months in prison for abuse of authority. Buckovski immediately announced his intention to appeal the verdict. Since the sentence is less than five years, under the criminal code he can remain free while appealing the case.

On May 22, authorities detained the former director general of the electric power supply company Elektrostopanstvo na Makedonija, Pande Lazarov, on charges of misuse of official position to gain kickbacks in procurement and money laundering. The investigation finished in late November, and the case will go to trial in early 2009. Lazarov began serving a home detention on November 11, pledging 500,000 euros (approximately \$704,000) in property as bond.

On February 22, a Skopje court sentenced former director of the Public Revenue Office Petra Miteva to three years in prison on charges of "unethical operations." According to the charges, Miteva improperly purchased office space, leaving 35 million denars (approximately \$820,000) unaccounted for. The appeal was pending at year's end.

The State Commission for the Prevention of Corruption was responsible for investigating charges of corruption as well as complaints submitted by citizens. During the year the commission received 767 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases.

Members of parliament and high-ranking public officials were subject to financial disclosure laws.

The law provides for public access to government information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

There are 4,429 domestic and internationally registered NGOs operated in the country, including Forum, Most, the Macedonian Helsinki Committee, and NGOs devoted to specific causes, including Romani rights, human trafficking, and voters' rights. NGO leaders expressed concern that the Government is seeking to serve as its own watchdog by creating parallel organizations to counter or replace the work of independent NGOs, specifically citing areas such as election monitoring, and monitoring the independence and effectiveness of the judiciary and the parliament.

The OSCE-led international community efforts to engage the Government on human rights issues, and OSCE and EU monitoring missions continued to implement projects to improve relations between ethnic Macedonians and ethnic Albanians.

The ombudsman's office has a mandate to reduce discrimination against minority communities and promote their equitable representation in public life. The ombudsman's office operated six local branch offices around the country. Its representatives have the legal right to visit all detained persons, including those in pretrial detention; individuals exercised this right without restraint during the year. The ombudsman found that government institutions violated individuals' rights in 499 cases out of the 3,022 complaints received during the year. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The Government acted on the ombudsman's recommendations in over 80 percent of these cases but in some instances did not provide information that the ombudsman's office re-

quested in the course of its investigations. For a second consecutive year, the ombudsman's office noted increased cooperation and communication with the Government compared to previous years, but reported that while government responses to its inquiries were usually timely, they were often not substantive.

The Government generally cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). On July 10, the ICTY acquitted former interior minister Ljube Boskovski and sentenced former police officer Johan Tarculovski to 12 years in prison on charges of complicity in the 2001 killing of ethnic Albanian civilians in Ljuboten. The ICTY also returned four files to the country's chief public prosecutor in cases against citizens of the country that the ICTY did not pursue.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on gender, race, disability, religion, or national, social, or political affiliation, and the Government generally enforced these provisions. Societal discrimination against ethnic minorities persisted and inadequate protection of women's rights remained a problem.

Women.—While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim; however, legal sanctions were not a significant deterrent. The requirements for proof were more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from one to 15 years' imprisonment. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. An NGO that maintained centers for victims of domestic violence reported increased use of their facilities by victims of domestic violence. MOI statistics for the first six months of the year also indicated an increase of reports of criminal acts and complaints of violence against women, as well as a decrease in actual offences, compared to the same period in 2007. There were 130 reports of physical violence, 1,409 reports of psychological violence, as well as three cases of rape reported in the first six months of the year.

Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence rarely filed criminal charges. Although the law specifically criminalizes domestic violence and prescribes substantial punishments for violators, authorities rarely applied the law in practice. While the law provides for civil restraining orders to protect potential victims, there were reports that police officers were unaware of provisions of the law that allowed them to act to protect victims of family violence. Police often did not respond to allegations of domestic violence. The Government did not require domestic violence training for police, prosecutors, or judges; however, international organizations provided such training to a number of law enforcement officials.

The Government operated six limited-capacity shelters for women at risk and assisted in funding a national NGO-operated hot line for victims of domestic violence in Skopje. In addition, there was an NGO-operated shelter as well as a crisis center for temporary (24- to 4-hour) shelter for victims of domestic violence. Local NGOs working to combat domestic violence relied to a large extent on international donor assistance. Public concern about violence against women was not generally evident in the media, although some women's groups worked to raise awareness of the problem.

Prostitution is illegal; however, authorities did not always enforce the law. The Government deported some foreign women accused of prostitution and prosecuted some men for "mediating" in prostitution.

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Although the law does not specifically address sexual harassment, authorities could prosecute it as a criminal act under antidiscrimination laws; however, this did not occur in practice. Although women remained underrepresented in the higher levels of the Government and the private sector, there were several prominent professional women in the public sector, including the interior and culture ministers.

The Department of Gender Equality in the MLSP was responsible for ensuring the legal rights of women. There were gender commissions at the municipal council level.

Although the law requires men and women to be paid equally for equal work, wage discrimination against women remained pervasive, particularly in the private sector. While the law prohibits dismissal of women on maternity leave, discrimination against pregnant women continued in practice.

Women from parts of the ethnic Albanian and Romani communities did not have equal opportunities for employment and education due to traditional or religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, the practice of men voting on behalf of female family members disenfranchised women.

Among other activities, women's advocacy groups worked to combat domestic violence through awareness-raising campaigns, increase women's political involvement by training female candidates for local elected office, improve women's access to legal services, and promote the establishment of small and medium enterprises owned by women.

Children.—The Government was committed to the rights and welfare of children but provided only limited resources to this end. The ombudsman's office has a special unit for children that investigated complaints of violations of children's rights. The MLSP was responsible for children's welfare.

In September secondary education became mandatory, and the law required students to attend school until the age of 18. Previously, the law required students to enroll only through the eighth grade or to the age of 16. The Ministry of Education reported that over 95 percent of children were enrolled in primary school; no official statistics were available on school attendance or the number of children who did not have access to education. While primary and secondary education is free, students had to provide their own books and other materials, except for families who benefited from social welfare. NGO programs and grants helped provide books and other school resources for Romani students.

The Ministry of Education reported that over 95 percent of children who finished primary school continued to newly-mandatory secondary school. Minority students traditionally had lower attendance rates in secondary school due to lack of classes in minority languages at the secondary level and to the belief in many rural, ethnic Albanian families that girls should be withdrawn from school at age 14.

According to Romani community leaders, up to 10 percent of Romani children never enrolled in school. Of those who did, 50 percent dropped out by the fifth grade, and only 25–32 percent finished the eighth grade. In ethnically mixed schools, educators taught Romani children in classes with other pupils, but in classes in the predominantly Romani neighborhood of Suto Orizari in Skopje, 95 percent of the students were Roma. At times officials sent Romani students to schools for children with special needs because educators judged that they lacked the minimum preparation to enter regular primary school.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the rural parts of the country. Students sometimes protested these conditions by refusing to attend school. Boys and girls generally had equal access to education, although there were isolated instances of discrimination against girls in educational institutions in some ethnic Albanian areas.

Child abuse was a problem in some areas. During the year, according to MOI statistics, 96 cases of sexual abuse against children were reported, of which there were 52 cases of sexual assault, 15 cases of rape, 11 cases involving satisfying sexual urges in front of others, three cases of showing pornography to minors, and three cases of incest with a minor. The Center for Social Work of the MLSP and the Department for Juvenile Delinquency of the MOI were responsible for addressing child abuse. NGOs were also active in this area.

Child marriage occurred with some frequency in the Romani community and less frequently in the ethnic Albanian community. It was difficult to estimate the extent of underage marriage in the Romani community because the Romani frequently did not register such marriages.

Romani adults often organized their children into groups to beg for money at busy intersections, on street corners, and in restaurants and cafes.

According to some estimates there were between 500 and 1,000 street children in the country; most of them were Roma. With international support, the MLSP operated a day center for street children.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, within, and from the country.

Women and children were trafficked internally, mostly from the rural eastern part of the country to urban bars in the western part of the country. The majority of victims trafficked into the country were from Serbia, Kosovo, and Albania. Macedonian victims and victims transiting through Macedonia were trafficked to South Central and Western Europe, including Greece, Bosnia, Serbia, Italy, and Sweden.

Authoritative statistics on the scope of trafficking were difficult to obtain due to the changed modus operandi of the traffickers. Less than one-third of all potential victims accepted assistance offered by the Government. Police raids and testimony by victims confirmed that traffickers subjected a small number of trafficking victims to threats and physical or psychological abuse. However, NGOs and international community representatives reported that, to ensure that they did not identify themselves as trafficked victims if police questioned them, traffickers increasingly arranged for their victims to reside in the country legally, paid them some money for their services, and granted them limited freedom of movement.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, or slavery. On January 15, the Government amended the criminal code, adding harsher penalties for those who traffic or attempt to traffic minors and for those who use the services of trafficked victims. The new law specifies a minimum sentence of eight years for persons convicted of the trafficking of minors or complicity in trafficking of minors for sexual exploitation, and a minimum of ten years for forced prostitution.

The Government's National Commission for Prevention and Suppression of Trafficking in Persons and Illegal Migration was the lead coordinator for antitrafficking efforts. The MOI was the primary ministry involved in enforcement efforts, while the MLSP had primary victim protection responsibilities. Eight other ministries, the Chief Public Prosecutor's Office and court representatives also participated.

The Government increased its law enforcement efforts related to trafficking and its aggressive prosecution efforts resulted in an increased number of arrests and convictions. Authorities discovered most victims of trafficking during police raids on bars and nightclubs. During the year police conducted 16 raids of suspicious bars in the western part of the country as well as makeshift apartments in towns near the southern border and discovered 99 potential trafficking victims. Local NGOs participated in the post-raid interviews and confirmed the police numbers.

By the end of the year, 57 trafficking-related cases had been prosecuted, and 184 individual suspects had been put on trial for involvement in trafficking.

NGOs, international organizations such as the International Organization for Migration, and a number of foreign embassies in Skopje participated in an antitrafficking steering committee led by the Government's antitrafficking commission.

Since 2006, the Government considerably increased its efforts to identify trafficking victims. It identified 184 potential victims over the course of the year as well as 152 potential victims in 2007, up from 17 victims in 2006. The Government offered potential victims assistance, including shelter, legal and medical assistance, witness protection, psychological assistance, and vocational training. The law provides for an extended two-month resident permit and reflection period for foreign victims to allow them more time to receive assistance and decide whether to testify against their traffickers. The permit includes the option of an additional six-month extension once criminal proceedings are underway. To date, no foreign trafficking victims have utilized the reflection period nor requested the residency permit. On January 24, the Government formally adopted a new victim-centered set of standard operating procedures for victim identification. The Government expanded its assistance to trafficking-related NGOs.

The Government proactively implemented an antitrafficking plan that included financial and personnel support for NGOs conducting antitrafficking prevention and awareness-raising campaigns, legislating tougher penalties for known clients of trafficking victims, and providing antitrafficking training to its military forces deployed abroad.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination on the basis of disability; however, persons with disabilities faced discrimination in employment, education, access to health care, and other state services. Laws require only that new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection procedures also resulted in construction of new facilities that were not accessible for persons with disabilities.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented them from fully integrating into society.

Some members of parliament and NGOs continued to push for legislation to improve the circumstances of persons with disabilities, but there was little support from the Government.

The MLSP is responsible for the integration of persons with disabilities into economic life and the payment of benefits. In practice the benefits that persons with disabilities received did not cover their cost of living and medical care. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

National/Racial/Ethnic Minorities.—According to the 2002 census, the population was 64.2 percent ethnic Macedonian, 25.2 percent ethnic Albanian, 3.9 percent ethnic Turkish, 2.7 percent Romani, 1.8 percent ethnic Serb, 0.8 percent Bosniak, and 0.5 percent Vlach.

Unlike the previous year, there were no reports of police violence against ethnic Roma and Albanian minorities. During the year, investigators uncovered additional details and the media released the police video that was leaked of the “Mountain Storm” police operation in the village of Brodec that confirmed reports of injuries to detainees due to beatings while they were arrested and in detention. The MOI opened an investigation, through its Sector for Internal Control and Professional Standards, covering both the treatment of the detainees and the leak. The MOI did not find that excessive force was used and did not bring charges against any of the officers involved. ICRC representatives visited the Brodec detainees in May, but did not release any information on the visit.

According to the Romani NGO DROM (Roma Community Center), societal hostility toward Roma continued, but instances of direct attacks on Roma diminished significantly.

Relations between the ethnic Macedonian majority and the ethnic Albanian minority continued to be strained. Interethnic tensions in secondary schools in Struga resulted in a month-long boycott by ethnic Macedonian students who sought ethnically separated shifts and classes in March. High-level government involvement in a series of community and school board meetings and a Ministry of Education decision to impose sanctions including expulsion or annulment of the academic year resulted in the students’ return to classes before the end of the 2007–2008 academic year. Struga students again protested at the start of the 2008–2009 school year in support for ethnic separation in their schools, but returned to classes under a second temporary agreement.

Students from different ethnic groups sometimes studied in separate shifts or at separate facilities, either due to use of different languages of instruction or at their parents’ request.

Ethnic Albanians continued to complain of official discrimination. They were concerned about the slow progress in reaching what they considered to be equitable representation in government ministries, while ethnic Macedonians often claimed that employers targeted them for reverse discrimination downsizing regardless of job performance. Some ethnic Albanians claimed that discrimination in citizenship decisions effectively disenfranchised them.

The Government includes a deputy prime minister for implementation of the 2001 Ohrid Framework Agreement, which provides for protection of minority rights and integration of all sectors of society. The Government also includes a secretariat that has authority to hold accountable those state institutions that do not comply with the strategy for equitable minority representation.

According to the secretariat, there were 575 new public administration jobs advertised and 245 new jobs offered to ethnic minorities during the year under the equitable representation requirements of the Ohrid Framework Agreement. Ethnic minorities account for 16.5 percent of employees of state institutions. Only one quarter of the budgeted 240 million denars (approximately \$5.6 million) was used by the secretariat during the year. The Government adopted a budget of 222 million denars (\$5.2 million) the secretariat for 2009.

Ethnic Albanians remained underrepresented in the military and police, especially in the intelligence and counterintelligence agencies, although special efforts were made to recruit qualified minority candidates.

On July 25, the Government adopted a new language law that consolidated previous language use provisions from a variety of laws and regulations and provided that a minority language could, for the first time, be used in chairing committees of the parliament and in documents distributed in the parliament. The new law incorporates previously existing provisions that require the languages of ethnic minorities to be recognized as additional official languages in areas where those minorities comprise at least 20 percent of the population. In those areas citizens have the right to communicate with local offices of the central government in the language of the minority group and to receive responses and personal documents in the same language; however, this did not always occur in practice. Under the law those

accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; this did not always occur in practice.

The law provides for primary and secondary education in the languages of the ethnic minorities, and primary education was available in Macedonian, Albanian, Turkish, and Serbian. The number of minority students who received secondary education in their native languages continued to increase, especially after secondary education became mandatory.

Ethnic minorities remained underrepresented at the university level, although there has been progress in increasing the number of minority students since the 2004 recognition of the predominantly ethnic Albanian Tetovo State University.

Ethnic Turks also complained of governmental, societal, and cultural discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of Turkish majority municipalities in the 2004 municipal redistricting, and the inadequacy of Turkish-language education and media.

Roma complained of widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities. These experts also indicated that Roma lacked access to public welfare funds. Romani NGOs also reported that in some parts of the country, proprietors occasionally denied Roma entrance to establishments such as restaurants, cafes, and public swimming pools.

Roma had the highest rate of unemployment and the lowest personal and family incomes, were the least educated, and had the highest mortality rates of any ethnic group.

In August the MLSP established a Unit for the implementation of the national strategy the Roma Decade. For the first time since developing an action plan for the Roma Decade in 2005, the Government committed funding—24 million denars (approximately \$560,000)—to programs to assist the Romani community in areas of education, housing, employment, and infrastructure development. The Government also continued to fund Roma information centers in eight cities that directed Romani individuals to educational and health care resources and to sources of social welfare funds.

Increased NGO and government funding to eliminate barriers to education for Romani students resulted in a sharp increase in school attendance among Romani students at the start of the 2008–2009 academic year.

Other Societal Abuses and Discrimination.—Activists representing the rights of homosexuals reported incidents of societal prejudice against homosexuals, including harassment or discrimination by employers and state officials. The press carried antigay articles and television stories.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join independent unions, and workers did so in practice.

Unions may freely register with the MLSP. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector. There were two major union federations, the Confederation of Trade Unions of Macedonia (SSM) and the Confederation of Free Trade Unions (KSS). Several unions were not affiliated with either of the two confederations, including unions of journalists, police officers, farmers, financial sector workers, and health care workers.

The law provides for the right to strike, and workers exercised this right in practice. The law allows members of the military and police to strike, but only if they adhere to restrictive guidelines and continue to perform essential services. However, the law on labor relations allows private employers to “exclude” or temporarily release up to two percent of a company’s workers during a strike if the company considers these workers to be potentially violent or disruptive. The released workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference; however, the Government did not always actively enforce these laws in practice. The law protects the right of employees to bargain collectively, and most branch and local unions had collective bargaining agreements. All legally employed workers were covered by one of two collective bargaining agreements, one for public sector employees and the other for private sector employees. Although collective bargaining took place, employees had very little practical negotiating leverage due to the country’s weak economic environment, and many collective bargaining agreements failed to keep pace with changes in the environment and workplace.

In the private sector, branch unions negotiated at the national level with the respective branches of the chambers of commerce, and local unions negotiated with individual companies. The law prohibits antiunion discrimination; however, it existed in practice. In some cases former employees accused private companies of firing workers for participation in union activities, although the companies usually had other justifications. Because of the delays in the court system, it could take a worker who was unjustly fired two to three years to regain employment through legal action.

Employers were rumored at times to have interfered in the internal affairs of unions by dominating union election campaigns or running their own candidates in union elections.

There is one export processing zone where one foreign-owned company began operating this year, and where four other companies were in the process of building factories. There were no special laws or exemptions from regular labor laws in the zone.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were media reports that such practices occurred. Women and children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—While there are laws and policies to protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor, government enforcement was uneven. The law mandates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

The minimum age for employment is 15 years. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors under the age of 18 from working nights or more than 40 hours per week.

There were no official reports of illegal child labor during the year; however, there was evidence that such labor was used in the gray economy, primarily involving children who begged and sold cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night. The children involved in these activities were primarily Roma and most often worked for their parents. Officials did not punish such violations, and children remained vulnerable to exploitation. A 2005 report funded by the UN Children's Fund estimated that approximately 500 children worked in such activities.

Minors were sometimes trafficked for commercial sexual exploitation.

The MLSP was responsible for enforcing laws regulating the employment of children. Government efforts to eliminate child labor abuse have been largely ineffective; while the necessary laws are in place, there has been little practical implementation of the policy and laws.

During the year the Government funded two centers in Skopje that provided education, medical, and psychological services to children who work on the street. NGOs funded two additional centers for children in Skopje with support from the Government. International donors supported programs to prevent children from working on the street and to increase school enrollment of children at risk for such work.

e. Acceptable Conditions of Work.—The country does not have a national minimum wage established by law. The average monthly wage at the end of 2007 according to official statistics was estimated to be 15,759 denars (approximately \$369), which did not provide a decent standard of living for a worker and family. The Government statistics office estimated that approximately 30 percent of the population lived below the poverty line in 2006, the most recent year for which data were available.

The law establishes a 4-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees may not legally work more than 10 hours of overtime per week, 20 hours per month, or 190 hours per year. According to the collective agreement between the Government and the SSM, employees have a right to overtime pay of 135 percent of regular pay. In addition, employees who work more than 150 hours of overtime per year are entitled to a bonus of one month's salary. However, high unemployment and difficult economic conditions led many employees to accept work that did not comply with the law. In particular, small retail businesses often required employees to work well beyond the legal limits. During the year the Labor Inspectorate of the MLSP filed complaints against several private businesses for forcing workers to work long hours without the breaks required by law and for not legally registering all employees. In the case of such violations, labor inspectors have the legal authority to close an establishment until the violations are corrected. In cases of repeated violations, the owners can be fined.

During the year authorities temporarily closed over 1,000 companies due to labor violations and nonregistered workers. No record of the number of employers fined was available.

The MLSP did not strictly enforce laws and regulations on worker safety. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right in practice.

MALTA

Malta is a constitutional republic and parliamentary democracy with a population of approximately 400,000. The president is the head of state and is appointed by the unicameral parliament. The president appoints as prime minister the leader of the party that gains a majority of seats in parliamentary elections. General elections held on March 8 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were reports that the Government detained irregular migrants under poor conditions. Societal problems included child abuse and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

Following the death of an escaped detainee in April, two independent inquiries concluded that he had not been assaulted while in police custody and that his injuries were compatible with a fall from a substantial height which took place after his escape.

b. Disappearance.—There were no reports of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices. However, authorities charged four prison wardens at the Government correctional facility with assault in an August incident that left a prisoner seriously injured after he was returned to the facility following an escape attempt.

An investigation continued into allegations that police beat two migrants in June. Authorities suspended one officer, and four others were under investigation. The press reported that formal charges against the officers might be forthcoming, but none were filed by year's end.

During the year the Office of the UN High Commissioner for Refugees (UNHCR) worked with authorities to provide additional training on handling detainees. This was a follow up to a September 2007 report by the Council of Europe's Committee for the Prevention of Torture (CPT), which cited evidence that soldiers used excessive force to break up a 2005 demonstration by 80 to 90 irregular migrants who were in detention.

Prison and Detention Center Conditions.—While prison conditions generally met international standards, there continued to be reports that conditions in government run detention centers for irregular migrants were in poor condition. Irregular migrants, in this case, were persons seeking to emigrate from Africa to the European Union (EU) who were intercepted and brought to the country by the Armed Forces of Malta.

Several European and international organizations, including the CPT, the UNHCR, and the EU, criticized the conditions in which irregular migrants were held. Problems reported included overcrowded and unsanitary prison space, guards insensitive to the lack of separation of men and women in confined spaces, the absence of meaningful vocational or recreational activity within the centers, and the lack of access to legal counsel. The UNHCR and the CPT made recommendations to rectify these problems, and the Government took some action. It completed renovating two of the four warehouses at Safi Barracks, where approximately 1,000 of the irregular migrant detainees were being held as of August, and it provided all detainees with their own mattresses. UNHCR representatives regularly met with government officials concerning detention conditions and formed a working group to address the situation, although the group had not met as of year's end.

There was no reported follow up on the assertion in the CPT's 2007 report that individuals who had sought and been denied asylum were detained for up to 40 days in the basement of Luqa International Airport in a room that should not have been used for periods of detention longer than 24 hours.

The Government generally permitted visits to detention centers by independent human rights observers, although no visits were reported during the year. Press and foreign government officials were granted access to the Safi Barracks.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the police force, the Security Service, and the armed forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reported problems related to impunity within the police force or Security Service.

Arrest and Detention.—An arrest warrant issued by a magistrate is generally necessary to detain a person for questioning and may be issued on the basis of reasonable suspicion. According to the constitution, police must either file charges or release a suspect within 48 hours; in all cases authorities must inform detainees of the grounds for their arrest. These requirements were generally respected in practice. During the 48 hour detention period, arrested persons have neither the right to legal counsel nor to meetings with family members. Once charges are filed, pre-trial detainees are granted access to counsel and family visits. Authorities adjudicated bail requests on a case by case basis but normally granted them.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Trial Procedures.—The constitution provides for the right to a fair and public jury trial, and an independent judiciary generally enforced this right. Defendants have the right to counsel of their choice or, if they cannot afford counsel, to court appointed counsel at public expense. Defendants and their lawyers have access to government held evidence relevant to their case. Defendants may confront witnesses and present evidence; defendants enjoy a presumption of innocence and have the right to appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution provides for an independent and impartial court in civil matters, including for the determination of civil rights or obligations, and for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Access in the case of a breach of human rights is also covered under the European Convention Act, which incorporates the European Convention of Human Rights. The Government generally respected these rights.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The law prohibits foreign financial support, speakers, equipment, or printed materials for political groups during election campaigns, although this provision was rarely enforced. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

On March 27 Norman Lowell, who represented a far right political party, was given a suspended jail sentence and fined 500 euros (approximately \$700) on three charges of inciting racial hatred. A similar charge against Paul Salomone, arising from allegedly racist comments he made at a 2006 protest against immigration, was pending in the courts at year's end.

George Tabone, information secretary for the far right Azzjoni Nazzjonli (AN), accepted responsibility and paid a fine of 870 euros (approximately \$1200) for comments made by AN's international secretary, Keith Caruana, on a television program that Tabone was hosting. The subject of the program was "Is Multiculturalism a Threat?" Caruana described asylum seekers as "a bunch of criminals."

The independent media were active and expressed a wide variety of views without restriction. International media operated freely.

The Times of Malta reported on December 31 that police warned participants in a December 30 demonstration against the Israeli bombing of Gaza, that if they did not cease chanting such slogans as “Down with the USA” and “Down with Israel,” the demonstration would be terminated.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. Internet use was widespread; an estimated 53 percent of households and 90 percent of schools (state, church, and private) had Internet access. Several Internet cafes and many blogs operated freely throughout the island.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. The constitution establishes Roman Catholicism as the state religion; however, numerous non Catholic religious groups, including an Islamic community, various Protestant denominations, and a small Jewish community, practiced their faiths freely.

Societal Abuses and Discrimination.—There were no reports of anti Semitic acts during the year. The Jewish community numbered approximately 120 persons.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons and other persons of concern.

The constitution prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for granting asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided a secondtier status, granting some asylum seekers humanitarian protection but not family reunification, a path to citizenship, or other benefits of refugee status under the 1951 Convention.

The Government generally excluded asylum requests by nationals of countries of origin it considered safe. Such applicants may apply to the refugee commissioner for reconsideration within seven days of notification by authorities. In such cases, the Office of the Refugee Commissioner calls applicants for a full interview and examination of their claims before ruling on their application.

In practice, the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be potentially threatened.

The Government also provided temporary humanitarian protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol; temporary humanitarian protection was granted to 1,257 persons from January through October.

Authorities detained irregular migrants for up to 12 months after they arrived in the country. Such migrants had two months to file asylum claims and were detained while their cases were processed. Authorities could detain irregular migrants who had not applied for asylum and those whose asylum applications and appeals had been rejected, only during the first 18 months following their arrival in the country; after 18 months they were released, whether or not police had arranged to repatriate them.

Individuals awaiting decisions on their cases occasionally protested their detention or attempted to escape from detention centers. In February a group of irregular migrants staged a protest at the Ta’Kandja detention center. They were protesting the country’s lengthy detention practices. There were no reported injuries and police made no arrests.

Authorities usually moved children, pregnant women, elderly persons, and parents with infants to “open centers” where they were free to move about shortly after their arrival in the country. The armed forces are responsible for the management of the closed detention centers and report directly to the Ministry for Justice and

Home Affairs, while the Organization for the Integration and Welfare of Asylum Seekers (OIWAS), a part of the Ministry for Social Policy, has responsibility for the welfare and accommodation of persons transferred from detention centers to the open centers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on the basis of universal suffrage.

Elections and Political Participation.—Parliamentary elections on March 8 were free and fair. Political parties operated without restriction or outside interference.

There were six women in the 65 seat parliament and two in the 14 member Cabinet of Ministers. Approximately 13 percent of senior government officials were women, and two women held ambassadorial rank. There were six female magistrates.

There were no members of minorities in the Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

During the year two public officials of the Malta Environmental and Planning Authority, Philip Azzopardi and Anthony Mifsud, and a Malta Tourism Authority consultant, George Micallef, were charged with irregularities in the case of a discotheque development project. The officials resigned their positions.

Government officials were subject to financial disclosure laws; the court has the right to order financial disclosure, depending on its judgment of the circumstances. The police and the Permanent Commission against Corruption were responsible for combating official corruption.

There were no laws providing general access to government information. The law provides access for the press and the public to certain government held information. The Government retained discretion to release information that does not fall under these sector specific laws and generally provided access to such information.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating human rights abuses. Government officials were cooperative and generally responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced the law effectively. There were incidents of child abuse and trafficking in persons.

Women.—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted such crimes. The crimes of rape, spousal rape, and indecent assault carry sentences of up to 10 years in prison. Rape was not perceived to be a widespread problem. However, there were convictions for rape during the year.

From January through July, the police domestic violence unit received 224 reports of domestic violence, up from 183 during the same period in 2007. The law prohibits domestic violence, and the Government effectively enforced it. Penalties ranged from three months to 20 years in prison. Some nongovernmental organizations (NGOs) and victims' assistance advocates asserted that domestic violence was underreported, primarily because of societal attitudes and the attitudes of law enforcement and medical service personnel. According to the NGOs, women were afraid to report the crime because they feared that they would not be believed or protected.

A special police unit and several voluntary organizations provided support to victims of domestic violence. There was a hot line to assist victims of abuse through counseling and shelter referrals. The Government also supported victims through the Ministry for Social Policy. A government supported shelter for women and children was in operation throughout the year; the Government also provided financial support to other shelters, including one operated by the Catholic Church.

The law prohibits prostitution, and the Government effectively enforced it. The law provides for sentences of several months to two years in prison. From January through June, the police arraigned 27 persons on 49 charges (counting repeat arrests) for offences related to prostitution. There were a number of prosecutions during the year.

Sexual harassment is unlawful and is punishable by a 2,329 euro fine (approximately \$3,260), six months' imprisonment, or both.

Women enjoy the same legal rights as men in the judicial system, including, but not limited to, family and property law. Redress in the courts for sexual discrimination was available. The Ministry for Social Policy and the National Commission for the Promotion of Equality were responsible for gender equality and focused on broader integration of women into society and advising the Government on the implementation of policies promoting equality of women and men.

Although women constituted a growing proportion of higher education graduates and of the workforce, they were underrepresented in management and generally earned less than their male counterparts. According to second quarter statistics, the unemployment rate for women was 6.1 percent compared with a rate of 6.0 percent for men.

Children.—The Government was strongly committed to children's rights and welfare.

Between January and mid June, Appogg, the Ministry for Social Policy's agency responsible for social welfare services, received 394 reports of child abuse. Individuals were convicted in a number of cases involving sexual abuse of minors. A number of sources consistently claimed that authorities did not pursue cases of alleged sexual abuse of children by Catholic clerics unless a parent or adult filed a formal complaint, but instead allowed the church to handle the matter internally. If a formal complaint was filed, however, authorities followed the same police investigations and judicial process as for other such complaints.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to the country.

The country is a destination for women trafficked for commercial sexual exploitation. On July 6 authorities charged three men with forcing a Swedish woman into prostitution. According to police, two separate investigations in 2007 led to the arrest of seven persons for the trafficking of eight Russian and Ukrainian women for the purpose of sexual exploitation. There was also anecdotal evidence that women from Serbia, Romania, and other eastern European countries may have been trafficked to the country for forced prostitution.

Most traffickers appeared to be Maltese nationals acting independently.

The criminal code prohibits trafficking. It makes the offense punishable by two to nine years in prison. Punishment is more severe if the offense is accompanied by grievous bodily harm, generates proceeds of more than 11,646 euros (approximately \$16,300), or is organized by a criminal network. Persons can be charged if the offense took place within the country regardless of the citizenship status of the suspect. The law states that a person who forces another person over the age of 21 to leave the country by violence, threat, or deceit for the purpose of prostitution can be imprisoned for up to two years; the maximum sentence increases to four years for trafficking persons under 21.

Authorities made five arrests for trafficking or related offenses during the year.

In January a court of appeals confirmed a suspended sentence for a convicted trafficker for trafficking two women into prostitution. A 2006 case in which four persons were tried for trafficking a Romanian woman for commercial sexual exploitation remained pending; the judge heard the case in March 2007.

There were no reports that authorities condoned or facilitated trafficking in persons during the year; however, a police officer convicted of complicity in trafficking in 2005 remained free on appeal.

Authorities arrested suspected traffickers and offered protection to trafficking victims. They provided protection to witnesses and encouraged victims to assist in the investigation and prosecution of traffickers; victims were willing to testify only in closed hearings. Once victims provided evidence, they were typically returned to the care of social services, at which time they asked to be repatriated to their countries of origin.

The Government offered shelter for trafficking victims in homes used primarily for victims of domestic violence. Authorities also offered assistance through the social welfare system.

In March police and the Ministry for Social Policy signed a memorandum of understanding to formalize a screening process for all arrested persons engaged in prostitution to determine whether they were victims of trafficking or other abuses.

All migrants are interviewed by NGOs, who seek to determine whether they might be potential victims of trafficking. Jesuit Refugee Services (JRS) identified four cases of Nigerian women who might have been at risk of trafficking if they had reached Italy; however, JRS did not consider these individuals to be vulnerable to trafficking while in Malta.

The Government cooperated with other governments in the investigation of trafficking. Police cooperated with INTERPOL and Russian authorities to arrest individuals in Moscow based on information gathered through local trafficking investigations.

The Government published brochures and supported a Web site with links to a hot line to educate the public on prevention of trafficking. In 2007 law enforcement officials participated in training on the identification and processing of trafficking victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits both the public and private sectors from discriminating against persons with disabilities in employment, education, health care, access to goods and services, housing, and insurance; and the Government effectively enforced these provisions. As of the end of September, the National Commission for Persons with Disabilities (NCPD), the agency responsible for enforcement of this law, was working on 85 discrimination complaints pending from previous years. From October 2007 through September 2008, the NCPD opened investigations into 98 new cases; 70 cases were satisfactorily concluded.

National/Racial/Ethnic Minorities.—A few thousand persons of Arab, African, and eastern European origin lived in the country. There continued to be isolated reports that owners of some bars and discos periodically discouraged or prohibited darker skinned persons, particularly of African or Arab origin, from entering their establishments. There were no reports of charges being pressed.

On March 27 Norman Lowell, who represented a far right political party, was given a suspended jail sentence and fined 500 euros (approximately \$700) on three charges of inciting racial hatred. A similar charge against Paul Salomone, arising from allegedly racist comments he made at a 2006 protest against immigration, was pending in the courts at year's end.

George Tabone, information secretary for the AN, accepted responsibility and paid a fine of 870 euros (approximately \$1,200) for comments made by AN's international secretary, Keith Caruana, on a television program that Tabone was hosting. The subject of the program was "Is Multiculturalism a Threat?" Caruana described asylum seekers as "a bunch of criminals."

Other Societal Abuses and Discrimination.—There were no reports of discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The constitution provides for workers to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. The law does not allow uniformed military and police personnel to join unions. Approximately 65 percent of the workforce was unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Workers, with the exception of uniformed military and police personnel, have the right to strike, and they exercised this right by conducting legal strikes during the year.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and it was freely practiced. Many employees without the right to strike or join unions participated in associations, such as the police association, through which they sought to protect their interests.

Trade unions are governed by the Industrial and Employment Relations acts. Collective bargaining is protected under the law. There were no reported cases of antiunion discrimination or other forms of employer interference in union activities.

There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

c. Prohibition of Forced or Compulsory Labor.—The constitution prohibits forced or compulsory labor, including by children; however there were some reports that women were trafficked, primarily from abroad, for purposes of prostitution.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace, and the Government generally implemented them effectively; however, there were reports that some underage children were employed as domestic labor, restaurant kitchen help, or vendors and, during the summer, in family owned businesses.

The law prohibits the employment of children younger than age 16. The Employment Training Corporation (ETC), a government entity under the Ministry for Social Policy, is responsible for labor and employment issues. It generally enforced the

law effectively in most sectors of the economy, but allowed summer employment of underage youth in businesses operated by their families. No assessment was available of the effectiveness of monitoring by the ETC of the (often unregistered) employment of children as domestics, restaurant workers, and street vendors.

e. Acceptable Conditions of Work.—The national weekly minimum wage of 142.39 euros (approximately \$200), combined with an annual mandatory bonus of 270.28 euros (approximately \$375), and an annual cost of living increase, automatically adjusted for inflation (242 euros- approximately \$340 -for the year), provided a decent standard of living for a worker and family.

Irregular migrant workers did not always benefit from these conditions. The press reported that in September the General Workers' Union issued a report documenting what it called the "exploitation" of migrant workers. The General Secretary of the General Workers' Union told a press conference that such workers were often employed in the most hazardous of occupations and at less than the minimum wage. He called on the authorities to address the problem. The prime minister reportedly noted that this was a problem that the Government needed to address. In November OIWAS, in coordination with the ETC, established informational programs to help individuals understand how to pursue employment and obtain work permits.

The standard workweek was 40 hours, but in some trades it was 43 or 45 hours. Government regulations provided for a daily rest period, which is normally one hour, and one day of rest per week. Premium pay is required for overtime. Excessive compulsory overtime is prohibited, and workers cannot be obligated to work more than 48 hours, inclusive of overtime. Authorities generally enforced these requirements effectively.

The Occupational Health and Safety Authority, a government entity composed of representatives of the Government, unions, and employers, conducted regular inspections at work sites and cited a number of offenders. Enforcement of health and safety standards continued to be uneven; industrial accidents remained frequent, mostly in the manufacturing and building and construction sectors. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their employment, and OHSA generally enforced this right.

MOLDOVA

Moldova* is a republic with a form of parliamentary democracy. The country has an estimated total population of 3.57 million, including 528,600 in the secessionist-controlled region of Transnistria. An estimated 900,000 citizens, including approximately 250,000 Transnistrians, live outside the country. The constitution provides for a multiparty government with power shared by the president, the executive, a unicameral parliament, and the judiciary; however, in practice, the three branches of government were heavily influenced by the president. Parliamentary elections in 2005 generally complied with most international standards for democratic elections. Communist Party leader Vladimir Voronin was reelected by parliament in 2005 as president for a second and final term. Civilian authorities generally maintained effective control of the security forces.

* Unless otherwise noted, all references in this report exclude the secessionist region of Transnistria.

The Government generally respected the human rights of its citizens; however, security forces beat persons in custody and held persons in incommunicado detention. Prison conditions remained harsh, and security forces occasionally harassed and intimidated the political opposition. There were reports of judicial and police corruption, arbitrary detention by police, and occasional illegal searches. The Government attempted to influence the media and intimidate journalists, maintained some restrictions on freedom of assembly, and refused official registration to some religious groups. Persistent societal violence and discrimination against women and children; trafficking in women and girls for sexual exploitation; discrimination against Roma; difficulties registering minority religious groups; limits on workers' rights; and child labor problems were also reported.

In 1990 separatists supported by Soviet military forces declared a "Transdniester Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. The central government had very limited authority in the region, and Transnistrian authorities governed through parallel administrative structures. The most commonly spoken language in the region was Russian, although many Transnistrians spoke Romanian and Ukrainian as their mother tongue. A 1992 cease-fire agreement established a tripartite peacekeeping force composed of

Moldovan, Russian, and Transnistrian units. Although voting in the 2005 Moldovan parliamentary election did not take place in Transnistria, over 8,000 residents of Transnistria voted at polling stations in government-controlled areas. Transnistrian authorities held “legislative” elections in 2005 and “presidential” elections in 2006. Transnistrian elections were neither recognized nor monitored by international organizations.

The human rights record of the Transnistrian authorities remained poor. Authorities imposed some restrictions on the ability of residents to freely change their government and interfered with the ability of Moldovan citizens to vote in Moldovan elections. Transnistrian residents were expected to vote in the 2005 and 2006 Transnistrian elections, but were unable to stand without hindrance as candidates, while authorities prevented the media from reporting freely on candidates or issues. Torture and arbitrary arrest and detention continued to be problems, and prison conditions remained harsh. Transnistrian authorities continued to harass independent media and opposition lawmakers, restrict freedom of association, movement, and religion, and discriminate against Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings in the country, including Transnistria.

b. Disappearance.—There were no reports of politically motivated disappearances during the year in the country, including Transnistria.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices and criminalizes inhuman treatment and torture; however, there were credible reports that police used cruel and degrading arrest and interrogation methods and that guards beat prison inmates. Under the law, inhuman treatment carries a sentence of eight to 15 years’ imprisonment; torture carries a sentence of 16 to 25 years. The law provides enhanced punishments for torture committed in wartime. Coercing an individual to testify is punishable by up to three years’ imprisonment, and if such coercion involves cruel, inhumane or degrading treatment, it is punishable by three to eight years’ imprisonment. Torture inflicted by an official in order to punish, intimidate, or obtain information from a person is punishable by two to five years’ imprisonment.

The local Helsinki Committee reported that on April 3 Alexander Ivanovich Malina, an employee of the Taraclia penitentiary insulted, threatened, and beat prisoner Serghei Bezman. Bezman claimed that guards kicked him in the chest for writing complaints to officials, and they then forced him to eat his written complaint.

During the year the Helsinki Committee reported that a German citizen prisoner suffered malnutrition and was forced to repair his jail cell out of his own funds. Prison authorities transferred the man to four different prisons during the year; each time he repaired his cell, he was transferred again.

An ombudsman who visited Cricova Penitentiary in February interviewed two inmates who showed signs of torture. The inmates accused penitentiary officer Sergiu Perdeleanu of being responsible for their injuries. On an unannounced visit several days later, the ombudsman encountered Perdeleanu instructing the inmates to write letters to penitentiary officials denying that they had been tortured. As a result of the ombudsman’s efforts, the Prosecutor General’s Office (PGO) opened a criminal investigation on September 21. No charges were filed by year’s end, and Perdeleanu remained on duty.

In July the UN special rapporteur on torture stated that police mistreatment remained common and that prosecutors, judges, medical staff, and staff at penitentiaries failed to promptly investigate allegations of mistreatment and torture. Torture methods included severe beatings, electro-shock, asphyxiation through gas masks, and putting needles under fingernails.

In November 2007 the Council of Europe Committee for the Prevention of Torture (CPT) reported that approximately one-third of the persons interviewed during CPT’s prison visits made credible allegations of torture and other mistreatment. International and local NGOs stated that judicial authorities tacitly condoned the use of torture, and that officials engaging in torture remained unpunished. Guards accused of torture were occasionally dismissed from their jobs or transferred to other prisons.

According to the UN special rapporteur on torture, mistreatment of suspects during their initial period in police custody was widespread. Torture was often used to obtain confessions from suspects, including in the Transnistrian region.

Although the law provides victims of torture and mistreatment the right to file complaints, in practice, they had little chance of being heard. At times courts declined to hear their complaints, and long delays in legal process caused petitioners to abandon their claims. Victims carried the burden of proving that they had been mistreated, which was difficult since prisoners often remained in detention for months before having access to courts. By the time they were able to appear in court, the physical evidence of abuse had disappeared.

On January 31, Gagauz activist and separatist Ivan Burgudji, who had been imprisoned on charges of misappropriating funds, was released from prison. In June 2007 Burgudji complained to visiting officials from the Organization for Security and Cooperation in Europe (OSCE) that, during his interrogation, authorities mistreated and subjected him to humiliation and that prison officials refused to provide him with prompt medical treatment for severe back pain. Burgudji was released after the charges against him were downgraded, and he received full amnesty.

On June 17, the European Court of Human Rights (ECHR) ruled against the country in a case involving inhuman treatment of Victor Savitchi while he was under arrest in 2000. The ECHR ordered the Government to pay Savitchi, a former police inspector, 8,000 euros (approximately \$12,177) in damages. A videotape of the incident showed five police officers kicking Savitchi in the chest and lower back while his hands were tied, after which they arrested him on charges of bribery.

In the separatist region of Transnistria, torture and mistreatment took place in detention centers. Mistreatment of military conscripts was also reported. NGOs and international bodies working in the region reported that local "prosecutor's offices" failed to examine detainee complaints of torture and did not initiate criminal cases against police officers engaging in torture. An independent torture monitoring mechanism did not exist in the region.

In Transnistria, the closed military court system regularly ignored reports of alleged hazing and abuse of conscripts in the Transnistrian "army." According to a Chisinau-based NGO, some conscripts were forced to march and run in boots that were several sizes too small.

On January 2, Anatol Mospan died in a military unit in Tiraspol. Although local doctors noted heart failure as the cause of death, photographs released to the media revealed marks on his body consistent with physical abuse. Local NGOs reported that separatist authorities placed Mospan's family under surveillance for having asked central government authorities to investigate the matter. Following an investigation, the Prosecutor General's Office (PGO) in Chisinau and the Supreme Soviet in Tiraspol separately announced that Mospan's heart failure was due to natural causes due resulting from heart disease.

On February 6, the body of 19-year-old Ukrainian citizen Eugen Kolobyshko, who served in a Transnistrian military unit, was found in the Dniester River. Kolobyshko's relatives reported to NGOs that his body bore signs of violent injuries and that he had complained that others in his military unit were humiliating and insulting him and extorting money from him. Following the death, the military unit offered Kolobyshko's parents 7,000 euros (approximately \$9,800) in compensation. A PGO investigation was ongoing at year's end.

There were no further developments in the 2006 case of Mihai Corsacov, who accused two police officers of torture. In 2006 the ECHR ruled in favor of Corsacov; the PGO opened a criminal investigation of the officers and passed the findings to the Hincesti court to examine their merits.

Prison and Detention Center Conditions.—Conditions in most prisons, including those in Transnistria, remained harsh, dangerously overcrowded, and in some instances life-threatening, notably in the Balti and Tiraspol prisons. Both prisons and pretrial detention facilities fell far short of meeting international standards.

Conditions were particularly harsh in pretrial and presentencing facilities, where suspects were sometimes held for months or years awaiting trial. Pretrial detention facilities remained dark and overcrowded. Inmates' access to healthcare was also inadequate. Juveniles were routinely held together with adults, and prisoners suffered from insufficient ventilation and low quality food. Prisons did not provide for recreational activities. Cell sizes did not conform to local law or international standards. Incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons.

During the year the UN special rapporteur on torture noted slight improvements in the treatment of pretrial detainees and an increase in space for prisoners after the Government built additional facilities. According to the rapporteur, prisoners

and advocates made fewer complaints of mistreatment involving Ministry of Justice-administered detention centers; most complaints of mistreatment involved the pre-trial detention center administered by the Ministry of the Interior (MOI).

According to the rapporteur, the practice of placing some prisoners serving life sentences in year-long solitary confinement amounted to inhumane treatment. Such prisoners were placed in solitary confinement if prison officials believed they presented a threat to other inmates or as punishment for violating prison regulations.

The Government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to interview inmates in private. The Government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices.

According to the UN special rapporteur on torture, who conducted research in the country in July, the Government was generally cooperative, responded to information requests, and allowed visits to all detention facilities. The rapporteur also noted that reprisals were a problem, as prisoners had at times been punished for speaking to the rapporteur.

In July Transnistrian authorities allowed the special rapporteur to visit detention facilities. The rapporteur expressed concern about the practice of permanent solitary confinement for persons sentenced to life imprisonment or execution.

Transnistrian civil society representatives complained that it was extremely difficult to gain access to Transnistrian detention facilities. Conditions in those facilities were grave, particularly in Tiraspol prison. Sick and contagious prisoners shared quarters with healthy prisoners.

d. Arbitrary Arrest or Detention.—While the law prohibits arbitrary arrest and detention, authorities did not observe these prohibitions in practice.

An ombudsman regularly visited various places of detention, including police stations and detention rooms at psychiatric hospitals, railway stations, and the Chisinau airport. The ombudsman found that many arrestees were not registered in log books, and that railway police arbitrarily arrested citizens before their trains departed and released them after their trains left the station. Police at the airport often detained travelers for document checks, and then released them without explanation. Most of the persons placed in detention at police stations were arrested for petty crimes, insulting policemen, or for document checks, even though they were carrying valid documents.

On May 29, Moldovan border police allegedly detained and verbally harassed the chairperson of the Transnistrian youth organization Proryv as she traveled to the Transnistrian region; she was held for two hours at a Moldovan checkpoint near the city of Bender.

On May 22, in the government-controlled village of Dorotcaia, Transnistrian authorities arrested 26-year-old Stefan Berzan for allegedly passing counterfeit currency. Berzan had earlier reported the counterfeit currency to Transnistrian police, who directed him to accompany them to the separatist-controlled city of Grigoriopol, denying his request that Moldovan police also accompany him. According to NGO reports, Berzan was mistreated during detention and was forced to confess to the crime. On August 11, the Grigoriopol court convicted Berzan and sentenced him to six years in prison, but released him with five years' probation. On September 5, the Ministry of the Interior fired Berzan from his job as a fireman because of the criminal conviction.

Role of the Police and Security Apparatus.—The national police force is the primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinated to the MOI. Police corruption remained a problem.

The PGO is responsible for investigating police activities. According to PGO staff, the MOI often ignored, or only superficially examined, their reports of violations by police. An internal affairs unit that reported to the ministry investigated incidents of impunity and corruption.

A Transparency International survey conducted between February and March reported that 51 percent of the persons interviewed said they paid bribes to the police. In 2007, according to the latest available statistics, 600 citizens lodged complaints regarding abusive police behavior with prosecutors' offices. Following the complaints, 258 criminal cases were opened, 32 police officers were dismissed, 12 were prosecuted for bribery, and 24 former officers were imprisoned.

Arrest and Detention.—The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained

without charge for 72 hours. Although the law provides accused persons the right to a court hearing, these rights were not always respected in practice.

Once charged, a detainee may be released on personal recognizance pending trial. The law provides for bail, but it was rarely permitted, and the bail system did not function well. Authorities generally did not authorize bail for detainees accused of violent or serious crimes.

Detainees have the right to a defense attorney; at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. Police often told persons that they were witnesses in a case, questioned them without a lawyer present and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer present. The Government required the local bar association to provide an attorney to indigent defendants but did not pay legal fees; such defendants often did not have adequate counsel. Detainees were generally allowed access to family members.

The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention for up to 12 months, depending on the severity of the charges. Pretrial detentions lasting several months were common.

According to a November 2006 OSCE report, trials were frequently postponed because of the absence of a key participant. In over half of the trials that were monitored, prosecutors, defense attorneys, victims, or witnesses failed to appear in court without explanation or prior notification.

Amnesty.—The Government generally granted amnesty to persons sentenced to less than four years in prison, which meant that such persons rarely served jail time. On July 18, the Government issued a one-time amnesty for persons under the age of 21, mothers with custody of children under the age of eight, and pregnant women who had committed minor infractions.

On February 4, a court in Gagauzia granted amnesty to Gagauz activist and separatist Ivan Burgudji, who was sentenced in June 2007 to 12 years in prison on charges of embezzling 81,900 lei (approximately \$7,874) in 2002 from the Gagauz regional budget and using the funds to operate an office in the Transnistrian city of Tiraspol. Moldovan police arrested Burgudji in 2006 without a warrant and did not promptly inform him of the charges against him.

On April 2, the Supreme Court of Justice reversed a July 2007 Chisinau appeals court decision granting amnesty to former defense minister Valeriu Pasat. Pasat was arrested in 2005 on charges of defrauding the Government of millions of dollars and for unlawfully selling state property. In 2006, following a closed civilian trial, a court sentenced Pasat to 10 years in prison; an appeals court subsequently acquitted Pasat of some of the charges and reduced his sentence to five years. Pasat, who supported opponents of the country's president in the 2005 parliamentary elections, claimed the charges against him were politically motivated.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, official pressure and corruption remained problems. There continued to be credible reports that local prosecutors and judges occasionally asked for bribes in return for reducing charges or sentences, and observers asserted that courts were sometimes politically influenced.

Political factors played a role in the reappointment of judges. According to Freedom House, judges were appointed and promoted on the basis of subjective and non-transparent factors. Younger judges, who held initial five-year appointments, were particularly vulnerable to influence by the executive branch.

On April 22, national bar association president Gheorghe Amihailachioaie stated that lawyers, particularly those involved in actions against the Government and those representing opposition parties, were politicized and discriminated against. Amihailachioaie also claimed that the judicial system favored the prosecution, and that judges favored the ruling authorities. One example in which courts were accused of favoring the prosecution was the case of Fiodor Ghelici. On September 24, Ghelici, owner of a transportation company, accused police of violating his right to free movement. He had been detained and subsequently convicted for a July 2 incident in which he attempted to park his four trucks in front of a government building during a protest rally. His conviction was subsequently overturned on appeal.

Some politicians claimed judicial harassment. Serafim Urechean, leader of the largest opposition political party, was acquitted on May 26 of charges that he abused his office for personal gain while mayor of Chisinau. On September 8, the PGO appealed the decision.

Nicolae Andronic, leader of the Popular Republican Party, reported that the court in Buiucani was again pursuing charges against him for authorizing withdrawal of 200 tons of wheat from the state reserve as a loan to a private company during his term as deputy prime minister in 1998–99. Andronic claimed that the case was a

politically motivated action and aimed at eliminating his party from the 2009 parliamentary election.

Between 1991 and year's end, the Government lost 132 ECHR cases, 58 of which concerned denial of fair trial rights. Of the 28 cases lost during the year, 11 concerned, in part or in whole, denial of a fair public trial.

According to a European Union (EU) report published on April 3, recent positive developments included the development of a judicial code of conduct in November 2007 and the establishment of the Department for Judicial Administration in January. The Department is responsible for monitoring the organizational, administrative, and fiscal effectiveness of the courts and for proposing improvements. The EU report also stated that implementation of reforms was lacking.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases relating to the constitutionality of draft and final legislation, decrees, and other governmental acts. The Constitutional Court was the only court generally regarded as fair and objective. By law the PGO is autonomous and answers to parliament. It is responsible for overseeing criminal investigations, filing charges, and protecting the rule of law and civil freedoms. Prosecutors may open and close an investigation without bringing the matter before a court, which gave them considerable influence over the judicial process. Many NGOs and opposition politicians considered the PGO to be under the political control of the ruling party.

The military court system is separate but generally experienced problems with corruption and inefficiency similar to the civilian courts. The jurisdiction of military courts extends to crimes committed by active duty, reserve, and retired military personnel. Military courts can also try civilians for crimes committed against military personnel.

Trial Procedures.—The law provides that defendants in criminal cases are presumed innocent; however, a prosecutor's recommendation carried considerable weight and limited this right in practice. On some occasions, judges' remarks jeopardized the presumption of innocence. NGOs expressed concern that the practice of keeping defendants in handcuffs and metal cages during court proceedings went beyond what was necessary to secure public order and derogated the presumption of innocence.

Cases are presented to a judge or to panel of judges. Defendants have the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to indigent defendants. The practice of appointing ex officio defense lawyers without allowing them to prepare adequately was common and infringed upon the right to legal assistance. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. The law provides a right to appeal convictions to a higher court.

According to a May OSCE report, legal guarantees of a fair trial functioned only partially. While recent legal reforms helped provide an improved framework for guaranteeing a fair trial, implementation remained a problem.

Although the law provides for defendants to have an interpreter, the OSCE observed a shortage of interpreters, a lack of knowledge of legal terminology, and a tendency to mix Romanian and Russian terms. Nearly 40 percent of court interpreters did not translate in a fully satisfactory manner. The OSCE also noted that judges at times ordered proceedings to be conducted in Russian, even though some participants complained they could not understand the language.

During the year, the OSCE released a report, based on a six-month project that monitored thousands of hearings in hundreds of criminal cases at all levels of the justice system. The report noted that proceedings were often not open to the public; court facilities were inadequate; and a large number of judges, prosecutors, and defense lawyers failed to treat victims and witnesses with respect. A 2006 OSCE report found that 80 judges in Chisinau had access to only 12 courtrooms; as a consequence, 71 percent of trial hearings were held in judges' offices, where they were often interrupted. While most judges acted professionally, others engaged in frequent ex parte communications with prosecutors and defense attorneys, creating an appearance of impropriety. Space limitations during proceedings placed victims and witnesses in close proximity to defendants. Public access to trials was hindered because many judges did not publicly post their calendars or schedules of cases. Most court clerks were not diligent about their duties and some did not properly record trial proceedings. Delays and postponements bred disenchantment and eroded respect for trial proceedings.

On June 27, the Government adopted a witness law to ensure the protection of persons whose life and property are threatened as a result of their participation in trial proceedings.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The law provides for citizens to seek damages in civil courts for human rights violations. Under the constitution, the Government is liable in cases where authorities violate a person's rights by administrative means; fail to reply in a timely manner to an application for relief; or commit misconduct during prosecution. Judgments awarded in such cases were small and frequently not enforced. Citizens may also seek damages for human rights violations in the ECHR. During the year the ECHR issued 28 adverse decisions on human rights violations, bringing the overall total since 1991 to 132.

While the law provides for restitution of property and compensation for victims of political repression, commissions established to receive petitions were not funded to make payments. In Chisinau, where 6 million lei (approximately \$576,823) of funding was allocated for compensation, no commission existed to make payments. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

In June 2007 parliament adopted a mediation law, which established an alternative mechanism for resolving civil and criminal cases voluntarily between parties, and set rules for the status of professional mediators. The law entered into force on July 1.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the law prohibits such actions, the Government did not respect these prohibitions in practice.

It was widely believed that authorities, including the MOI, the PGO, and the Security and Information Service, continued to conduct illegal searches and wiretaps. Judges may authorize legal wiretaps only in cases where a criminal investigation is underway; however, in practice the judiciary lacked the ability to prevent illegal wiretaps by security organizations and police. Courts continued to accept evidence that was obtained illegally.

In contrast to previous years, there were no reports from opposition figures that government authorities illegally monitored their activities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Although the law provides for freedom of speech and of the press, the Government sometimes restricted these rights and on occasion journalists were intimidated into practicing self-censorship. According to an EU report released on April 3, a number of recent laws affecting media freedom had not been implemented in a manner that promoted media plurality. The 2006 broadcasting law requires Teleradio Moldova to be a genuine public institution, although it remained financially dependent on the Government, was widely viewed as strongly pro-government in its programming, and rarely aired opposing viewpoints. The law decriminalizing defamation was widely viewed as allowing pro-government media even greater latitude to insult opposition leaders, while at the same time not being clear enough eliminate the perceived need for self-censorship by independent media, nor prevent spurious lawsuits and investigations against opposition activists and media.

Individuals could generally criticize the Government without restriction; however, members of the media and local NGOs believed that authorities attempted to impede criticism made by influential persons. International NGOs that monitor media practices reported that overall media freedom deteriorated despite some progress with media law reform. Freedom House considered the country's media to be "not free," a situation that remained unchanged since 2003.

The print media expressed diverse political views and commentary. There were 243 newspapers and magazines. The broadcast media were weaker in this regard because local private broadcasting was limited. The Government continued to influence the media through its role in distributing broadcast licenses and its financial support for privatized media outlets, including the public radio and television broadcaster Teleradio Moldova (TRM), which covered most of the country.

The broadcasting code regulates the activity of private television and radio stations, the government-controlled public broadcaster TRM, and the Government's main regulatory authority for broadcasting, the Audiovisual Coordinating Council (ACC). Local media NGOs expressed concern that the code places all public television and radio stations under TRM's control, which could stifle local independent media.

The Government owned the Moldpress News Agency; local and city governments subsidized approximately 25 newspapers. Political parties and professional organizations also published newspapers with circulations of less than 15,000. The Government did not restrict foreign publications, but most were not widely circulated because of high cost. Newspapers from Russia were available; some published special weekly local editions.

Several privatized newspapers, including the formerly government-owned Moldova Suverana and Nezavisimaia Moldova, continued to publish favorable reports about the Government's activities and to exclude reports about opposition figures and alternative viewpoints. Newspapers, such as Flux (owned by the Christian Democratic Party) and the independent Timpul, Jurnal de Chisinau, and Ziarul de Garda, published more diverse views and articles critical of the Government and its policies.

On February 22, parliament passed a public service ethics code as part of a government reform process designed to remove red tape and boost the effectiveness of public service. Media observers expressed concern over a code provision stating that only official spokespersons have the right to communicate with media organizations. Observers feared that this could lead to less transparency in the work of public institutions.

Although libel is no longer a criminal offense and the law limits the amount of fines that can be claimed for slander, some newspapers continued to practice self-censorship and avoid controversial issues out of concern that government officials and other public figures could use civil defamation laws to retaliate against critical news coverage.

On June 26, parliament passed amendments to the editing law, making it illegal to edit and publish literature that contains "denial and defamation of the state and the people; calls to war or aggression, to ethnic, racial or religious hatred; [or] incitement of discrimination, territorial separatism, or public violence." Several private publishing houses opposed the new law, claiming that it imposed censorship.

On February 12 and July 7, the ECHR sanctioned the Government for violating freedom of expression by bringing defamation charges against Flux newspaper, after Flux journalists made statements in 2003 and during the year regarding a former leader of the Party of Communists (PCRM) and a former prosecutor general.

On April 29, a District Court in Chisinau froze the bank account of the Jurnal de Chisinau to sequester funds in a libel case. The case was filed against the newspaper by a former prosecutor, who sued for alleged damages inflicted on him by articles published in 2003 and 2004. The newspaper appealed and, on May 7, the appeals court unblocked the bank account and sent the case back to the Chisinau court for reconsideration.

According to the ACC, the agency that regulates and licenses broadcasters and assigns frequencies, 46 radio stations and 205 television stations and cable providers operated in the country. Most stations rebroadcast programs from Romania, Russia, and Ukraine and offered limited locally produced programming. Other foreign programs, including international news broadcasts, were available by subscription from private cable television operators. Some local governments, including that of Gagauzia, operated television and radio stations and newspapers.

According to NGOs, many of the major television channels were owned by business persons affiliated with the ruling PCRM and displayed a political bias towards the party. As a result, there were fewer outlets for opposing viewpoints.

In joint statements released on May 7, NGOs and media representatives criticized the ACC for disproportionately allocating radio and television frequencies to progovernment stations. In May the ACC distributed 40 provincial television frequencies to two progovernment stations, which significantly expanded their coverage; the ACC did not consider other applications.

Government influence over public broadcaster Teleradio Moldova, one of the few stations with nationwide reach, continued. In February, two Teleradio Moldova board members published an article criticizing the lack of progress in turning Teleradio Moldova into a broadcaster open to and serving all members of the public. The board subsequently prohibited its members from publicly expressing opinions without prior consent of all board members.

In September 2007 the ACC suspended rebroadcasts of the Romanian station TVR1 in the country, despite an existing license agreement. Media observers expressed concern that this was another method to restrict outside views. In February and March, listeners who had called in to the Vocea Basarabiei radio station claimed that they were summoned by the MOI to be interviewed on their participation in the station's live broadcasts.

Opposition members of the Balti municipal council criticized the nontransparent manner in which the public broadcaster Teleradio Balti was being privatized, noting

that the privatization commission was staffed exclusively by councilors belonging to the majority PCRM.

On September 2, the Gagauz people's assembly decided to dissolve the supervisory board of the public company Teleradio Gagauzia, raising major concerns among the company's journalists, who feared that this was an attempt by Gagauz authorities to control regional public television.

Journalists and NGOs reported that the Government denied independent media access to various official events involving the president. On January 18, members of the president's security detail prevented journalists from several media outlets from attending a public event with President Voronin, despite a prior invitation to the media to attend. The president's security detail forced Pro-TV journalists to erase their footage of Voronin. On July 23, the president's security detail denied a reporter from the Romanian news agency NewsIn access to President Voronin's press conference because she lacked accreditation, although she had submitted her accreditation request several months before the event.

Opposition ACC members continued to complain about central government pressure, principally in the form of what they called abusive and arbitrary investigations of extortion.

The ACC reversed its publicly stated position and decided to allow PRO TV and other broadcasters with expiring broadcasting licenses to continue operations until some unspecified time after the parliamentary elections. According to the ACC, doing otherwise would have been seen political interference.

In Transnistria, authorities greatly limited freedom of speech and of the press. Alternative viewpoints were subject to widespread censorship, and residents were wary of voicing alternative opinions and engaging in meaningful debate over key issues affecting the separatist region.

It was difficult to register, maintain, and financially sustain independent newspapers, radio stations, or television stations in Transnistria, though several existed. Most newspapers from government-controlled areas did not circulate widely in Transnistria, although they were available in Tiraspol. Foreign publications, including publications edited in Chisinau, were difficult to obtain as separatist authorities imposed a 100 percent customs duty, doubling their price.

Both of Transnistria's major newspapers, Pridnestrovie and Dnestrovskaya Pravda, were official publications of the separatist administration. One independent weekly newspaper was published in Bender and another in the northern city of Ribnita. According to a study by a western academic researcher, the Ribnita-based Dobryi Den newspaper did not publish any articles critical of Transnistria or separatist authorities. Separatist authorities harassed independent newspapers for critical reporting of the Transnistrian regime. Independent newspapers in the region, such as Novaia Gazeta and Chelovek i yego Prava (Man and His Rights) were published, but had a limited circulation of about 3,000. Authorities controlled all printing houses and at times threatened to cease printing independent newspapers.

Other Transnistrian media that printed reports critical of secessionist authorities also had small circulations and appeared either weekly or monthly. There were few Romanian and Ukrainian language publications available to the ethnic Ukrainians and Moldovans in the region. Apart from the publicly financed Gomin (Ukrainian) and Adevarul Nistorean (Romanian in Cyrillic script), and the political party-controlled newspaper Druhba (Romanian in Cyrillic script), most publications are in the Russian language.

The majority of television and radio stations in Transnistria were controlled by the authorities, who largely dictated editorial policies and financial operations. Some broadcast networks, such as the TSV television station and the INTER-FM radio station, were owned by Transnistria's largest commercial entity, Sheriff Enterprises. The enterprise also effectively controlled the Obnovlenie Party, which held a majority of seats in the region's legislature. The other major television station, Transnistrian Moldovan Republic Television, was operated by the Transnistrian government. While these outlets on occasion expressed alternative views on social and economic policy, Transnistrian authorities sharply criticized any mention of compromise with the central government or questioning of the Transnistrian goal of "independence."

Internet Freedom.—There were no reports of government restrictions on access to the Internet. Government monitoring of e-mail or Internet chat rooms occurred on at least one occasion during the year. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. However, on one occasion, the judiciary took action against a group of teens expressing their views online.

On June 10 and 11, the Chisinau municipal prosecutor's office interrogated 12 teen bloggers, and, on the basis of a June 4 court-issued warrant, seized their computers to ascertain whether they were planning radical, destabilizing events or advocating interethnic violence in Internet postings critical of the Government. The prosecutor's office charged that the postings constituted a public call for the violent overthrow of the constitutional order, incitement to interethnic violence, promotion of unification with Romania, and dissolution of Moldovan statehood.

According to the National Telecommunication Agency regulator, the number of mobile Internet users increased during the year, reaching 1,110,000 persons by year's end. There were 41 Internet service providers in the country. While few could afford computers and private access to the Internet, public access at cafes in major cities around the country was readily available.

In Transnistria, Internet connections were available in most parts of the region, and most residents accessed the Internet through publicly available computers at cafes. One company, Sherriff Enterprises, was the sole Internet service provider in the region.

Academic Freedom and Cultural Events.—There were no government restrictions on academic or cultural events. However, on March 26, Radu Gorincioi, director of the Moldova Information and Documentation Center on the North Atlantic Treaty Organization (NATO), stated that he had been forced to resign by a government official who threatened him with a criminal investigation; the official accused Gorincioi of supporting Romania's irredentist ambitions in Moldova.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, at times the Government limited this right in practice.

On February 22, a new law on public assembly entered into effect. While the previous law required rally organizers to seek authorization from local authorities for holding events, the new law only requires organizers to notify local authorities. Such written notice must be submitted directly to local authorities no less than five days prior to the planned event. In addition, while the previous law allowed public authorities to prohibit rallies, the new law provides that only the courts can do so.

In spite of these changes, NGOs continued to express concern that the Government limited freedom of assembly. On April 22, several NGO leaders publicly stated that the Government frequently violated the right to peaceful assembly and that gaps in the law often led law enforcement bodies to abuse the application of specific legal provisions. On April 22, the day the new law entered into force, a group of five activists attempted to test the law by holding a protest on the steps in front of the president's office. Police arrested them, claiming the steps were part of the presidential premises and that the law does not allow protests on such sites.

On April 30, during a demonstration in front of the National Palace in Chisinau by the NGO Hyde Park, police interrupted the protest and detained four activists at a police station for 22 hours. On May 8, police held Oleg Brega, one of the demonstrators, in detention for 72 hours. On May 10, Ghenadie Brega, Oleg's brother, was detained by the police for 48 hours at the Buiucani police station for insubordination and insulting police officers after initiating a hunger strike in front of a government building.

On May 8, Chisinau municipal authorities barred the gay rights organization GenderDoc-M from holding a pro-tolerance, antidiscrimination rally. Authorities cited the need to avoid societal tensions and religious organizations' disapproval of homosexuality as reasons for the denial. On May 11, security forces observed passively from a distance as hundreds of persons aggressively blocked a bus carrying GenderDoc-M supporters to a public meeting in the National Assembly Square to call for the adoption of an antidiscrimination law. The attackers confiscated GenderDoc-M campaign material and followed the bus to the organization's headquarters.

On May 15, rights organizations criticized the lack of police intervention during the May 11 incident, accusing authorities of discrimination based on the perceived sexual orientation of participants, and called for a government investigation into the lack of police protection. On May 29, the European Commission delegation to the country urged the MOI to analyze the role played by the police during the incident and to address the question of ensuring freedom of assembly in instances when there are conflicting simultaneous assemblies. At year's end no investigation had yet been opened.

During a June 17 pensioners' rally in Chisinau to protest minimal pensions and increasing food prices, a group of unarmed, mostly retired protesters forcefully attempted to enter a government building, and several were injured when they were

pushed back after an unsuccessful attempt to break the police line. At year's end the Government had not initiated an investigation into the incident.

After a subsequent pensioners' rally in Chisinau on July 15, police forcefully escorted seven pensioners and the event organizer to the Buiucani district police headquarters. Police opened criminal investigations against the eight before releasing them. As of year's end, the arrestees had not been charged in relation to their arrests. During the rally, which involved protesters traveling to various government offices and the OSCE building, police admonished the protesters for being noisy, and seized their posters and megaphones.

In Transnistria, authorities generally discouraged free assembly. On those occasions when they issued permits for demonstrations, authorities often harassed organizers and participants and ordered that the demonstrations take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to the authorities.

On May 17, police arrested two members of the Pridnestrovie Communist Party, Oleg Horjan and Nadejda Bondarenko, in Tiraspol as they distributed materials for a antipresidential rally planned that day to protest government policy and the increasing prices of food and utilities. Although the rally was authorized, Transnistrian authorities disrupted it by playing loud music over loudspeakers on Tiraspol's main square. The two party members were later released. Transnistrian authorities denied the Pridnestrovie Communist Party authorization to stage subsequent rallies. On May 30, authorities arrested and detained six members of the party and its leader, Oleg Horjan, for several hours for distributing leaflets without authorization.

Freedom of Association.—The constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations. However, the constitution also prohibits organizations that are “engaged in fighting against political pluralism, the principles of the rule of law, or the sovereignty and independence or territorial integrity” of the country.

Some political parties accused the Government of restricting their freedom of association in advance of spring 2009 parliamentary elections. On May 13, the court of appeals reconfirmed a Justice Ministry decision to deny registration to the European Action Party. Liberal Democratic Party leaders accused the Government of intimidating members of the new party by calling the members in for police questioning. According to the new law, the parties needed to adjust their bylaws to meet new requirements by October 1. By year's end all 28 existing parties had submitted registration requests. According to the ministry, seven parties registered successfully; one party's application was rejected; seven applications were being reviewed by the ministry; and review of the remaining 13 parties was pending.

In Transnistria, separatist authorities granted the legal right of association only to citizens of Transnistria. However, separatist authorities restricted freedom of association in practice, either by intimidation and prosecution for alleged offenses or on the basis of fabricated charges. All associations favoring reintegration with the Moldovan national government are strictly prohibited.

In August 2007 the Transnistrian government promulgated a law that gives the authorities broad and vague powers to fight extremism, which is defined as promotion of mass disorder, public defamation, or acts to change the constitutional order.

In October 2007 the Tiraspol city court gave Pridnestrovie Communist Party leader Oleg Horjan a suspended prison sentence of 18 months and fined him 1,000 Transnistrian rubles (approximately \$120) for organizing unauthorized protest rallies in March and resisting arrest. Horjan was not permitted to participate in election campaigns during the period of his prison sentence and would be subject to mandatory prison time if found guilty of any further offense.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of unregistered religious groups. Although there is no state religion, the Government gave favorable treatment to the Moldovan Orthodox Church. For example, the Metropolitan of Chisinau and All Moldova held a diplomatic passport, a privilege not accorded to any other religious leader.

In Transnistria, separatist authorities continued to deny registration to a number of minority religious groups and harassed their members.

In July 2007 parliament passed a law on religion requiring religious groups to register with the Justice Ministry. Previously, religious groups were required to register with the State Service for Religious Affairs (SSRA). Unregistered religious groups may not buy land or obtain construction permits to build houses of worship or seminaries.

The 2007 law notes the special status of the Moldovan Orthodox Church in the country's history and culture and simplifies registration procedures. However, it includes a requirement that groups must obtain signatures from 100 citizens to register as a new national religious organization. The law allows religious groups greater access to public places, and permits congregations to switch denominational allegiance. It also expands the definition of "abusive proselytism" to include psychological manipulation and subliminal techniques.

The SSRA was dissolved in October 2007. All registration files were to be transferred to the Ministry of Justice within two months and unresolved applications were to be transferred within 15 days to the ministry. Of the 24 groups that submitted applications after October 2007, only the Unification Church registered successfully, on May 25. In its decision to reject the remaining 23 applications, the ministry cited various provisions of the civil code (which normally applies to the conduct of businesses). Religious groups declined to appeal the rejections, arguing that the religion law, rather than the civil code, should govern their activities. The Ukrainian Orthodox Kyiv Patriarchate, the Central Muslim Spiritual Board of Moldova, a variety of Protestant congregations, and the Spiritual Organization of Muslims in Moldova continued to encounter bureaucratic obstacles to registration.

In Transnistria, Jehovah's Witnesses faced significant difficulties operating. Only two of more than 30 Jehovah's Witnesses' congregations had legal status. Court cases brought by Jehovah's Witnesses were prolonged by the Transnistrian officials. Occasional court victories were overturned and new trials ordered.

Despite a 2007 Tiraspol court decision stating that Jehovah's Witnesses should be accredited and permitted to import literature, Transnistrian authorities attacked the legal status of Jehovah's Witnesses by: challenging their 1994 registration in Tiraspol; refusing to accredit the leaders of the Tiraspol community; refusing to register new Jehovah's Witnesses charters in Tiraspol, Ribnita, Grigoriopol, and Tighina; seeking to cancel their tax identification number; confiscating religious literature; illegally confiscating the Ribnita community's registration certificate; interfering with a religious ceremony in Parcani; and fining and sentencing members to one-year probation terms.

Transnistria has no law providing alternative civilian service. Consequently, since 1995 more than 20 Jehovah's Witnesses have been prosecuted because of conscientious objection to military service. Some received probationary sentences of up to one year in prison and others were fined approximately \$450. Some members of Jehovah's Witnesses complained of being summoned before the court repeatedly, although they were already sentenced and had fully complied with the court's orders.

Foreign missionaries, like other foreigners, may enter the country for 90 days on a tourist visa. Although the law prohibits "abusive proselytizing," the Government did not take legal action against individuals or organizations for proselytizing. Police and other local authorities frequently called visiting foreign missionaries into police stations for extensive questioning about religious and charitable services they offered.

The law provides for restitution of property confiscated from religious communities during the Nazi and Soviet regimes. Claims by the Moldovan Orthodox Church were frequently favored over those of other religious groups, and the church had recovered nearly all of its property. In cases where property was destroyed, the Government offered alternative compensation. Property disputes between the majority Moldovan and minority Bessarabian branches of the Orthodox Church remained unresolved; representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. While the Lutheran Church reported that authorities had not returned or provided compensation for any of its pre-World War II properties, the Jewish community had several of its properties restored.

Societal Abuses and Discrimination.—Members of Jehovah's Witnesses complained that local town councils, Orthodox priests, and laypersons continued to impede their ability to freely practice their faith. Jehovah's Witnesses complained that on March 22, in the Transnistrian town of Parcani, local police harassed their members after local inhabitants protested Jehovah's Witnesses' religious services with signs denouncing the religion as a "sect" and opposing the Witnesses' supposed support of the country's NATO membership bid. Local militia members carrying whips accompanied the demonstrators. Shortly after 7:10 p.m. the demonstrators left the scene. Jehovah's Witnesses reported similar incidents in other Transnistrian villages during the year.

In Transnistria, non-Orthodox groups complained that they were generally not allowed to rent property and were often harassed during religious services. They also complained that they were refused permission to construct religious buildings.

The Jewish community has approximately 25,000 members, including 2,600 living in Transnistria. Synagogues functioned openly in the country without harassment.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Transnistrian authorities at times restricted travel of its residents to and from the separatist region. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. On several occasions during the year, Western diplomats stationed in Chisinau were denied entry into the secessionist region for routine visits. However, on other occasions, they were allowed entry.

Transnistrian authorities often stopped and searched vehicles traveling between the region and the government-controlled area. According to the local Helsinki Committee, waits of up to two hours at Transnistrian checkpoints occasionally occurred, as did arbitrary fines and seizures of goods from persons entering or exiting the region.

Short-term visitors from government-controlled areas to Transnistria were permitted to remain for 10 hours. A longer stay required an official letter of invitation and registration at a local passport office. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce.

The law prohibits forced exile, and the Government did not employ it. There were no reports that Transnistrian authorities exiled persons from their territory during the year.

Although citizens generally were able to depart from and return to the country freely, there were some limitations on emigration. Before persons are allowed to emigrate, the law requires that they satisfy all outstanding financial obligations to other persons or legal entities. This requirement was not strictly enforced in practice. The law also provides that close relatives who are financially dependent on a potential emigrant must give their concurrence before the emigrant is allowed to depart the country; however, this law was not enforced in practice.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 UN convention or its 1967 protocol. Through November 30, 49 persons applied for asylum; 23 persons were granted protection (including four who received Convention status and 19 who received humanitarian protection), and 45 persons were rejected. The cases of 26 persons were closed for administrative reasons. As of November 30, 151 refugees were residing in the country (including 66 with humanitarian protection) and 37 persons were awaiting legal or administrative decisions on their applications. Refugees and asylum seekers came from over 20 countries; most, however, originated in the former Soviet Union (Russia, Chechnya, and Armenia), the Middle East, and Africa.

Stateless Persons.—Citizenship is derived by birth within the country's territory and from one's parents. According to UNHCR statistics, there were 1,752 stateless persons in the country at the end of September. At year's end, the Government and UNHCR reported that there were no stateless persons with permanent or temporary residence in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic, generally free and fair elections held on the basis of universal suffrage for those over 18; however, authorities at times harassed and intimidated the political opposition.

In Transnistria, authorities restricted the right of residents to vote in elections and interfered with the right of Moldovan citizens to vote in Moldovan elections.

The constitution provides for a form of parliamentary government. Parliament elects the president by a three-fifths majority vote. The president appoints the

prime minister, who in turn names a cabinet. Parliament must approve both the prime minister and the cabinet.

Some citizens and party representatives reported interference with their political activities during the year. Between March 24 and June 23, the newly created Liberal Democratic Party (PLDM) collected signatures for a petition to amend the constitution to allow direct election of the president. Although the constitution requires 200,000 signatures to initiate a constitutional amendment, on June 21, the Central Election Commission demanded 340,000. Many PLDM members were summoned to local prosecutor's offices for questioning about their political activities after authorities took their contact information from petitions. During the PLDM's registration period in January, some PCRM and Christian Democratic Party mayors refused to recognize the PLDM's petition to establish itself as a new party.

Mihai Tarsa, an opposition official from the village of Criva, claimed that, on June 20, the Criva mayor physically and verbally assaulted him for leading the signature collection effort for the constitutional amendment in the village. An investigation into the matter continued at year's end.

Elections and Political Participation.—Multiparty parliamentary elections in 2005 complied with most international standards for democratic elections. While the balloting was free and fair, an OSCE election observation mission reported that campaign conditions and media coverage preceding the vote "were not satisfactorily equitable." As a result, the elections fell short of meeting standards "central to a genuinely competitive election process." Restrictive legal provisions and interference by authorities, particularly at the local level, hampered the campaigns of some opposition candidates.

There were 21 women and 26 members of ethnic minorities in the 101-seat parliament. Six women, including the prime minister, sat in the 21-member cabinet. Members of ethnic Russian, Ukrainian, Bulgarian, Azeri, and Gagauz communities were represented in parliament.

On May 14, the Government promulgated amendments to the election code that prohibited parties from forming electoral blocs before an election and raised the threshold for a party to enter parliament from four to six percent of the popular vote. The law made it more difficult for small parties to gain parliamentary seats. The amendment also requires holders of dual nationality to declare their non-Moldovan citizenship before running, and give it up if they win election.

The Gagauz Christian Turkic minority enjoyed local autonomy in Gagauzia in the southern part of the country. According to the OSCE and the Council of Europe, the two rounds of voting for governor of Gagauzia in 2006 were held in a generally orderly manner and complied with most international standards.

On March 16, first-round elections for the Gagauzia People's Assembly took place. Campaigns and voting mostly complied with international standards for democratic elections. International observers noted minor problems, including a shortage of ballots at some polling stations and inconsistencies in applying election rules. Problems with the mobile ballot box (taken to the homes of persons physically unable to come to polling stations) occurred in three constituencies during the March 30 runoff elections; international observers noted that some letters requesting the mobile ballot box were written in the same script and that, contrary to law, telephone requests were accepted.

On April 23, the Comrat court of appeals annulled the results of the March 30 election in Tomai because of a finding of fraud. An independent candidate who opposed the PCRM and favored Gagauz Governor Formuzal had won the March 30 election. Following a repeat election on May 25, the Gagauz Election Commission challenged the results of the repeat election, alleging irregularities with the mobile ballot box during the voting. The PCRM candidate won the May 25 election and was subsequently seated.

The Gagauz People's Assembly had difficulties electing a speaker, and the media alleged violations of democratic procedures including violation of the secret ballot.

During the country's local elections in June 2007, Transnistrian authorities aggressively blockaded a polling station at the Transnistrian town of Corjova, which was technically under central government administration, and beat local councilor Iurie Cotofana and detained him for 12 hours. Transnistrian authorities subsequently refused to release details of any charges against him. Police also arrested mayoral candidate Valentin Besleag and a court later sentenced him to 15 days imprisonment for "distribution of propaganda materials" in Transnistria.

In Transnistria, authorities interfered with citizens' ability to vote. Lack of education about voting rights, lack of transparency regarding the location of polling places, restrictions on media, widespread progovernment propaganda, and complex rules for transferring one's right to vote to one's district of residence interfered with

residents exercising their right to vote. Since most election monitoring organizations did not recognize Transnistria or its elections, international monitoring was conducted only on an informal basis by Russian NGOs, and it was difficult to determine whether Transnistrian elections met international standards.

During the 2006 Transnistrian “presidential” elections, authorities interfered with the electoral process and there were indications of vote-rigging. Igor Smirnov was reelected “president” after receiving 82.4 percent of the vote according to official results, while exit polls indicated that he received 63.3 percent of the vote. Although three candidates ran for office, authorities denied registration to a fourth candidate, Andrei Safonov, alleging that some of his signatures of support were forged.

Transnistrian authorities also interfered with the ability of Moldovan citizens living in villages under Transnistrian control to vote in Moldovan elections. Transnistrian residents were expected to vote in the 2005 and 2006 Transnistrian elections, but in one case an individual was unable to stand freely as a candidate, while authorities prevented the tightly controlled media from reporting freely on candidates or issues.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and corruption was reported by various NGOs and international organizations to be pervasive throughout government and society. A Transparency International survey released on April 22 revealed that 39 percent of rural citizens and 53 percent of business people said they gave bribes to customs officers, police, medical and educational institutions, fiscal inspectors, courts, or utility meter-readers.

Corruption in the educational system was also widespread. The law penalizes university rectors, deans, and chairs for acts of corrupt practices including grade buying and influence peddling, with fines or imprisonment of two to seven years. However, the law does not apply to professors and lecturers. Teaching regulations from the Ministry of Education and Youth fail to address corruption explicitly, and the bylaws of the country’s major universities do not provide sanctions for cheating or bribery.

The Government acknowledged that corruption was a major problem and established special law enforcement agencies, such as the Center for Combating Economic Crimes and Corruption (CCECC), and judicial units to fight corruption; NGOs asserted that authorities used these units to harass political opponents.

During an April 22 news conference, a Ministry of the Interior official stated that the head and deputy head of the ministry’s antinarcotics subdivision, the head of the Transport Police Authority, and nine district commissars and police officers had been reprimanded for inefficient work in fighting sales of illegal narcotics.

During the first 11 months of the year, the PGO recorded 233 cases of bribery, 27 allegations of active corruption, and 175 cases of passive corruption, and initiated nine criminal cases based on these allegations. During the year, the PGO reported that 59 criminal investigation officers, 44 public servants, eight customs officers, and 86 other persons were convicted of corruption-related charges. Punishments ranged from imprisonment to fines to community service.

Although the law provides for free public access to official information, implementation remained incomplete. According to a 2006 Freedom House report, 82 percent of ministries and state agencies provided required information. By contrast, only nine percent of town halls, 24 percent of local police stations, and 25 percent of courts responded to requests for information. NGOs complained that gaining access to information required repeated, often unsuccessful, requests to authorities. Court decisions ordering release of information were not implemented fully or in a timely manner.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases. Government agencies were frequently cooperative and responsive to their views.

In contrast to previous years, the International Organization for Migration (IOM) and other local antitrafficking organizations reported that government ministries significantly improved cooperation with NGOs in providing assistance in the repatriation of victims, their secure reception at ports of entry, and rehabilitation upon return.

During the year police prevented members of Hyde Park, an NGO which defends freedom of expression, from holding public protests, and police detained several Hyde Park members when they gathered to test implementation of the new law on

public assembly, which provides the right to gather without authorization from the local authorities.

In March parliament organized public hearings on ECHR decisions against the country and issued a statement noting that the Government failed to ensure the observance of human rights or sanction public officials whose activity led to violations of human rights and fundamental liberties. Parliament also criticized the lack of action by the Superior Council of Magistrates and the Supreme Court of Justice against judges who made rulings that were inconsistent with the law.

In Transnistria, authorities continued to impede activities of human rights groups. For example, the migration service of the “ministry of interior” frequently blocked entry into the region by NGOs seeking to meet human rights counterparts and contacts.

On February 22, Transnistrian police arrested and interrogated Igor Gavrilov, director of the NGO Accord Travel, for illegally downloading NGO-related documents. Although Transnistrian authorities registered the organization in November 2007, they warned the organization to halt its activities on various occasions.

While the Government continued to cooperate with the OSCE, Transnistrian authorities frequently limited OSCE access to the separatist region, including the four-to eight-mile security zone dividing Transnistria from the rest of the country. In August 2007 authorities in Transnistrian-controlled Bender forced the OSCE to close its regional office in the city without explanation. Authorities also intimidated property owners to prevent them from renting new office space to the OSCE. In September 2007 the OSCE found office space near Bender in a building not under Transnistrian control.

The law provides for four parliamentary ombudsmen who make up the independent Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen to examine claims of human rights violations, advise parliament on human rights problems, submit legislation to the constitutional Court for review, and oversee MHRC operations. MHRC personnel also provided training for lawyers and journalists, visited prisons, made recommendations on legislation, and organized round-table discussions.

In July 2007 parliament enhanced the powers of the ombudsmen, granting them authority to independently select the places and persons they visit and to use audiovisual equipment and the assistance of specialists such as physicians, lawyers, and NGOs. In March parliament increased the number of ombudsmen from three to four, with one concentrating on children’s rights.

On March 3, parliament criticized the MHRC for its failures to take more vigorous actions on human rights violations. According to NGOs, cumbersome and non-transparent procedures for appointing new ombudsmen, after one died and the terms of two others expired, created uncertainty and impeded the MHRC’s ability to function effectively.

In 2006 the MHRC reported receiving 1,913 petitions (1,008 of which came from prisoners) and granting 1,715 interviews. The MHRC also received more than 6,000 calls to its hot line and hits on its Web site. The MHRC reported little or no progress in improving access to justice and a fair trial or executing of court decisions, and no improvement in prison conditions.

In Transnistria, authorities continued to control and intimidate NGOs by “inviting” NGO representatives to meetings with security officials and pressuring landlords not to renew leases for office space. Authorities restricted NGOs to providing legal advice and other assistance on apolitical programs, such as domestic disputes, access for the handicapped, and pension rights.

Although Transnistrian authorities no longer prohibited NGOs operating in Transnistria from receiving private funds, the authorities encouraged NGOs to cooperate with Russian, Abkhazian, and South Ossetian organizations, rather than western NGOs and those operating in the rest of Moldova.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, or social status; however, the Government did not enforce the law effectively. Trafficking in persons and societal discrimination against women and some ethnic minorities, particularly Roma, were serious problems.

Women.—The law criminalizes rape or forcible sexual assault; penalties range from three years to life in prison. On September 18, the Law on Preventing and Combating Domestic Violence came into effect. The new law defines domestic violence as a criminal offense, identifies appropriate punishments for perpetrators, defines mechanisms to obtain restraining orders against abusive individuals, and addresses spousal rape. The law extends protection to unmarried individuals and children of unmarried individuals. It also contains a number of important provisions,

such as the possibility of granting protective orders obliging the perpetrator to stay away from the victim; cooperation between public administration and civil society organizations; the protection of the security of the victim as a human rights principle; and the possibility for third parties to file complaints. According to the local NGO La Strada, there are no standards for the quality of services, or for the identification, assessment or monitoring of cases of domestic violence.

Rape remained a problem and there were no specific government activities to combat rape. During the first eleven months of the year, 249 cases of rape were reported to the MOI. Of that number, 147 cases were prosecuted. NGOs believed that many rapes were not reported.

Domestic violence against women and spousal abuse remained widespread problems. Although a law to combat domestic violence entered into effect in March, the Government had not yet adopted effective mechanisms to enforce the law.

A survey conducted during the year indicated that at least 40 percent of women in the country had been victims of a violent act at least once in their lifetime. Domestic violence was closely linked to the problem of human trafficking, as local NGOs reported that at least 80 percent of trafficking victims had previously been victims of domestic violence.

Victims of domestic violence generally endured in silence, as the problem received little recognition from government, society, or women themselves. Unless such violence resulted in serious injuries, it was accepted as a normal aspect of private life by both men and women and not considered a problem warranting legal intervention.

Women's groups continued to assert credibly that incidents of spousal abuse were underreported. According to the MOI, 2,519 cases of spousal abuse were reported in 2007; in 2006, 2,855 domestic violence complaints were reported. The actual numbers were believed to be much higher.

The Government supported education efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials in ways to address the problem. The city of Chisinau operated a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hotline for battered women. Access to such assistance remained difficult for some. Local NGO La Strada reported in 2007 that because of cultural concerns, a large majority of domestic violence victims interviewed did not request assistance for specialized services.

Violence against women and within the family was a widespread phenomenon. Following a July visit, the UN special rapporteur on violence against women noted that government officials and public authorities did not recognize violence against women as a systemic problem; rather, they treated such assaults as a single law enforcement event. Police failed to intervene effectively in cases of violence against women. There was insufficient care available for victims and only one shelter where victims and their children could seek refuge.

In Transnistria, there is no law prohibiting violence against women.

Prostitution is punishable by a fine of 50 to 75 euros (approximately \$65 to \$97) or administrative arrest for up to 20 days. Pimping is a crime with penalties ranging from two to seven years in jail. Advertising prostitution in the media is punished with a fine of 150 euros (\$195).

Sex tourism existed, and the Government failed to implement laws or programs to prevent it. The IOM worked to raise awareness of the problem among hotel staff and owners.

Trafficking in women for commercial sexual exploitation was a serious problem. The law does not prohibit sexual harassment, but it was a common problem.

Although the law provides for full gender equality, in practice, women experienced high levels of unemployment and were concentrated in poorly paid jobs. According to an EU report released on April 3, the country's implementation of a 2006 law on equal opportunities for men and women was slow. Women also encountered strong patriarchal attitudes and deep-rooted stereotypes that served to perpetuate the subordinate position of women in the family and in society.

Children.—The Government remained committed to improving children's rights and welfare; however, conditions for children in the country remained difficult.

Primary education was free and compulsory until the ninth grade, although many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such fees contradicted the Government's policies and resulted in some parents keeping their children at home. Government and local authorities provided annual assistance of 300 lei (\$29) to children from vulnerable families for school supplies.

The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. According to the Ministry of Social Protection, Family, and the Child, during the first five months of the year, the ministry received over 100 reports of children as victims of sexual violence. During the first 11 months of the year, law enforcement agencies registered 459 reports of crimes against children including 118 reports of sexual abuse and 22 reports of serious bodily injuries to children. The MOI was responsible for investigating and prosecuting cases involving child sexual abuse receiving reports of child sexual violence. Although the ministry's Department of Minors and Morals maintained statistics on the extent of the problem, the department declined to release those statistics.

The Ministry of Social Protection, Family, and the Child stated that protection of children was hampered by problems including: inadequate victims' services, lack of reliable data tracking, and insufficient legal mechanisms to prevent such abuse or to provide special protection to victims. According to the ministry, over 25 percent of minors admitted to being beaten by their parents, 20 percent said they experienced parental verbal abuse, and over 15 percent said they lacked food and care. Approximately 10 percent of parents admitted to emotionally or physically abusing their children.

From March 10–14, the Government hosted and participated in a regional conference against child exploitation that focused on fighting child pornography, sex tourism, and other forms of exploitation. Participants from five countries discussed the growing problem of Internet distribution of child pornography and recognized deficiencies in laws that otherwise could be used to combat child pornography and sexual exploitation of children.

Trafficking of children for the purpose of commercial sexual exploitation and begging remained a serious problem. According to the Center for Combating Trafficking in Persons (CCTIP), 28 minors were trafficked in the first 10 months of the year. The actual numbers were believed to be much higher. Police forwarded 19 cases to prosecutors, and prosecutors referred 11 to courts for trial.

Conditions for children in orphanages and other institutions remained generally very poor. Underfunding caused major problems such as inadequate food, "warehousing" of children, lack of heat in winter, and disease. In its 2006 report, the MHRC stated that 85 percent of 10,350 institutionalized children were not orphans; one or both parents were living, and had entrusted their children to institutions because of poverty or departure to work abroad.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons and provides for criminal penalties; however, trafficking was a serious problem, and the country remained a major source, and to a lesser extent, country of transit, for trafficked persons, particularly women and girls for sexual exploitation and labor.

Women and children were trafficked for sexual exploitation to Turkey, Israel, the United Arab Emirates, Ukraine, Russia, Cyprus, Greece, Albania, Romania, Hungary, Slovakia, the Czech Republic, Austria, France, Italy, and Portugal. Men and children were trafficked to Russia and neighboring countries for forced labor and begging. The trafficking of men for work in the construction, agriculture, and service sectors is an increasing problem. Of the approximately 900,000 citizens working abroad, slightly under one percent were believed to be victims of trafficking.

The country was to a lesser extent also a transit point for trafficked victims from Ukraine. There were reports of some internal trafficking of girls from rural areas to Chisinau.

Some victims were trafficked through false newspaper advertisements promising well-paying jobs abroad. NGOs working with trafficking victims noted that, in recent years, face-to-face contact, most frequently with friends or relatives who have worked abroad, had become the leading means of recruitment. The International Labor Organization's (ILO) program for the elimination of child labor reported that in many cases traffickers of children were Roma.

Victims were transported across borders by car, van, train, or on foot. Sometimes false documents were used, but increasingly victims traveled willingly by plane with genuine documents, believing that they were headed for legitimate jobs. Some of the principal traffickers were travel and employment agencies. During the first nine months of 2007, the MOI reported that it conducted 62 raids to inspect 195 travel and employment agencies; it withdrew the licenses of 14 (six travel and eight employment agencies) for suspected trafficking. Fines were levied amounting to 61,900 lei (approximately \$5,951).

The law provides criminal penalties for trafficking ranging from seven years to life imprisonment, depending on the circumstances and severity of the offense.

International organizations and NGOs working with trafficking victims noted a significant decrease in trafficking for commercial sexual exploitation and a possible

decrease in trafficking overall. In 2007 the IOM registered 273 new trafficking cases compared to 295 in 2006 and 265 in 2005. Women and girls made up the bulk of the IOM beneficiaries. A majority of assisted victims in 2007 were trafficked for sexual exploitation, 63 percent of all victims, down from 82 percent in 2005. Trafficking for labor increased from 9 percent of all cases in 2005 to 22 percent of cases in 2007. The Government claimed that trafficking overall was decreasing as a result of better cooperation between government agencies, law enforcement, NGOs and international organizations.

On May 23, the Chisinau court of appeals sentenced Alexandru Covali to 21 years in prison for human trafficking, including trafficking in children and pimping in Moldova, Romania, and Ukraine from 2001 to 2006. Police rescued and identified 24 teenage girls, including 11 minors. Four of Covali's accomplices received sentences ranging from four to 20 years.

According to a November CCTIP report, judicial authorities and police opened 201 trafficking cases during the first 10 months of the year. Of these, 133 cases were referred to prosecutors, who sent 77 to courts for trial. Additionally, authorities opened 28 cases of trafficking in children, and forwarded 19 to prosecutors, who sent 11 to court for trials.

On July 8, the Cahul Court of Appeals convicted six members of a trafficking network to 21 to 23 years in prison. The defendants were found guilty of organizing, creating, and leading a network of traffickers in Moldova, Turkey, and Ukraine. They were also found guilty of recruiting 16 girls, half of whom were minors.

During the first 11 months of 2007, the MOI registered 507 trafficking cases. During the first quarter of the year, the MOI registered 214 trafficking cases, a 23 percent increase compared to the same period in 2007. Of these, 100 criminal cases went to the court, and 35 persons were convicted and sentenced.

There were continued anecdotal reports that both low- and high-ranking government officials, as well as border guards and police officers, were involved in trafficking. International organizations and foreign governments criticized the Government for making insufficient efforts to investigate, prosecute, convict, and sentence complicit officials. During the year the Government increased its efforts to address allegations of officials' complicity in trafficking. The PGO began criminal investigations into allegations that former MOI antitrafficking employees protected some criminal networks under investigation. For example, prosecutors investigated allegations that former ministry employees received bribes in exchange for protecting members of the Covali group convicted on June 20.

On June 30, President Voronin accused the CCTIP of having a poor record, stating that some of its employees protected criminal schemes that trafficked citizens abroad and failed to file or close cases in exchange for monetary compensations. On July 16, the president appointed a new CCTIP director and temporarily suspended CCTIP staff, pending reinvestigation of employees. On September 11, the Government announced the restructuring of the center, increasing total staffing to 105 employees from 63. Of the 63 staff members investigated, only 18 elected to stay or were retained. One of the staff members who left was being investigated for possible corruption.

The MOI also reported that in the first 10 months of 2007, it investigated and closed 33 illegal migration and trafficking networks. Of that number, 18 trafficked for sexual exploitation, two for labor exploitation, one for begging, and two for internal pimping.

The Government had few programs to assist victims, in part because of limited resources. During the year the Government increased hiring of social workers to focus on vulnerable populations, created a pilot program for the referral of trafficking victims to protective services, and approved an antitrafficking action plan stipulating allocation of funds for NGOs. On August 7, the Government approved a new regulation on the repatriation of trafficked persons and victims of illegal migration, with special provisions for minors, victim protection, rehabilitation, and monitoring.

The Government continued to rely primarily on NGOs and international organizations for victim assistance and actively cooperated with NGOs. Several NGOs offered repatriation assistance, temporary housing, medical care, and job training for victims. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGO La Strada provided informational and educational services as well as a national toll free hot line. The IOM continued a public information program aimed at helping citizens going abroad to avoid exploitation. Local NGOs also operated public school programs to educate young women about the dangers of prostitution.

There were reports of a significant amount of trafficking from and through the separatist region of Transnistria. The only major effort in the region to fight traf-

ficking and provide assistance to victims was by the local NGO Interaction. According to Interaction, which operated a hotline, the group received 664 calls during the first six months of the year. Five hundred were for information on the legitimacy of foreign job offers, and 106 were emergency calls. Interaction also provided emergency assistance, help in resettlement, and psychological counseling to victims, close to half of whom were ages 16–18. Authorities in Transnistria neither helped nor hindered Interaction's activities.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities; however, the Government generally did not enforce the law. The local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

Although national strategies existed for reforming the residential child care system, and rehabilitating and integrating persons with disabilities, the Government lacked funds to implement them.

Government regulations mandate access to buildings for persons with disabilities; however, few government resources were devoted to training persons with disabilities. The Social Assistance Division in the Ministry of Social Protection, Family, and Child, and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

On June 10, the deputy minister of the Ministry of Social Protection, Family, and Child stated that the numbers of persons with disabilities in the country was growing, totaling over 170,000. ILO attributed this increase to greater public awareness. She noted that government assistance to persons with disabilities did not satisfy their needs. The director of the Center for Services for Students with Disabilities stated that the structure of educational institutions and the lack of materials for teaching the deaf and blind were examples of the failures to meet the needs of persons with disabilities.

In Transnistria, children with special educational requirements rarely attended school and lacked access to specialized resources for children with special needs.

National/Racial/Ethnic Minorities.—Roma suffered violence, harassment, and discrimination. Romani NGOs reported that Roma were denied medical services, were told that promised jobs are already filled when they reported to employment centers, and were subjected to arbitrary arrests. Roma were the country's poorest minority group and continued to live in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than existed elsewhere in the country. Many Romani children did not attend school, very few received a secondary or higher education, and the Government did not provide education in the Romani language. Romani NGOs estimated that 80 percent of Romani children were illiterate. According to a 2007 UNDP report, 43 percent of Romani children between the ages of seven to 15 did not attend school, compared to approximately 6 percent of non-Romani children.

Official statistics put the number of Roma at 11,600. However, Romani NGOs estimated it to be 200,000, arguing that government census forms allowed persons to only identify with one ethnic group, and that many Roma declined to identify themselves as Roma.

In Transnistria, authorities continued to discriminate against Romanian speakers. Under a temporary arrangement, eight Romanian-language schools were allowed to use the Latin script for instruction. School employees complained that the arrangement, which applied to all Romanian-language schools, could be rescinded arbitrarily at any time by the authorities. Libraries did not stock books in Latin-script Romanian. Approximately 5,000 children attend eight Latin-script Romanian-language schools in Transnistria.

On August 8, Transnistrian police in Dubasari summoned the director of the Romanian-language Harmatca school after an NGO initiated a fundraising drive to repair the building and prepare it for the upcoming school year. Police interrogated him about the July fundraising events and prohibited him from participating in the campaign to collect funds and equipment. Police also threatened and intimidated other school officials.

At year's end negotiations between the central government and local Transnistrian educational authorities on the operation of Romanian-language schools had not resumed, nor was there progress on returning the confiscated school buildings of the Evrica high school in Ribnita and the Stefan cel Mare high school in Grigoriopol. The Evrica high school continued to meet in temporary quarters rented from a local steel plant after authorities confiscated its building just after

the central government finished construction in 2004. The central government provided Grigoriopol students with transportation and facilities in the government-controlled town of Dorotcaia.

In contrast to previous years, there were no reports that nonwhite foreigners were denied entry into Chisinau businesses because of their ethnic origin.

Other Societal Abuses and Discrimination.—There were reports of governmental and societal discrimination based on sexual orientation. According to the gay rights NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, bisexuals, transgendered persons, and their families.

During the year public officials spoke out against homosexuality. In a speech before parliament on May 15, deputy speaker Iurie Rosca stated that Moldovans should respect personal privacy and the freedom to choose sexual orientation, but reject “public displays” of homosexual behavior. He noted that parades and such “public displays” have a negative impact on children’s psychic and moral development.

During a May 11 protest organized by GenderDoc-M, security forces observed from a distance as hundreds of people aggressively blocked the bus carrying GenderDoc-M participants. Police failed to address emergency calls from the participants. According to one participant who called the police emergency line, a police officer said: “Yes, we know you are being attacked; what do you want us to do about it?” Although the Chisinau mayor’s office initially approved the group’s plan for the march, on May 9 Mayor Dorin Chirtoaca withdrew permission, claiming that he did so to avoid violence.

In Transnistria, homosexuality is illegal, and gays and lesbians were subject to governmental and societal discrimination.

Several NGOs reported instances of discrimination against persons with HIV/AIDS, particularly in rural villages.

The NGO Pacifists without Borders accused military centers and conscription commissions of violating the rights of the persons who have reached the age of conscription for military service (18). The NGO stated that, to reach its conscription targets, military centers and conscription commissions declared some young men were physically and mentally fit for conscription without medical exams and without taking into account their beliefs and values.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to form and join independent unions; however, this right was not respected in practice. Approximately 50 percent of the workforce was unionized. The law also provides for the right to strike, except for government workers and workers in essential services such as law enforcement. Healthcare providers and public utility employees were not allowed to strike during duty hours. Workers exercised this right by conducting legal strikes during the year. The law provides for the right for unions to conduct their activities without governmental interference; however, the Government did not always respect these rights in practice.

In June 2007 the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity) merged to form the Moldova National Confederation of Trade Unions (MNCTU). Although the two organizations were at odds and Solidarity was believed to enjoy government support, the merger took place without complaint by members of either organization.

During the year, the Government refused to register a trade union association. On February 3, delegates from 30 workplace organizations convened in Chisinau to establish the Trade Union Association of Public Administration and the Civil Service. However, the Ministry of Justice refused to register the new trade union, asserting that the district organizations of the 30 entities had not been registered. Labor rights groups noted, however, that the law requires only national registration and makes no provision for registration of district trade union associations. After several court cases and appeals, on November 12 the Supreme Court declared that the ministry’s refusal to register the union was legal. Without registration, the union lacked legal personality, and therefore could not operate. This decision was criticized by the International Trade Union Confederation and other international and domestic labor rights organizations.

On February 14, unknown assailants set a fire outside the home of labor activist Grigore Slanina, a leader of the Trade Union Association of Public Administration and Civil Service. Slanina had previously received anonymous threats.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and the right to organize; however, the Government did not always respect these rights in practice.

The law does not stipulate penalties for violating trade union rights. As a result, prosecutors may reject appeals by trade unions against antiunion behavior by employers and the Government; violations of the trade union law remained unpunished.

There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, with exceptions. The laws and a government decision encourage compulsory labor by allowing central and local authorities as well as military bodies to mobilize the adult population under certain conditions, and use such labor to develop the national economy. However, the Government did not use this provision during the year. Men, women, and children were trafficked for commercial sexual exploitation and labor.

The law prohibits forced or compulsory child labor. However, there were anecdotal reports that such practices occurred, particularly in the countryside during the harvest season when some children were compelled to work in fields. According to the Labor Inspection Office (LIO), no cases of forced labor or forced child labor were discovered in the 2006–07 period.

d. Prohibition of Child Labor Practices and Minimum Age for Employment.—Although the law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor, the Government did not effectively enforce these protections. Child labor was a problem. Because of poor economic conditions, parents often sent children to work in fields or to find other work, and those children living in rural areas often assisted in the agricultural sector. According to a 2007 ILO report, two-thirds of rural children were engaged in farm work by the age of 14. There were also reports that farms and agricultural cooperatives signed contracts with school directors to have students help with harvesting during the high season in autumn; the children were paid for the work.

A 2006 UN Children's Fund study on intrafamily violence found that four out of 10 children between the ages of 10 to 16 were unable to complete their homework, rest, or participate in social activities with friends because their families forced them to engage in house and farm work after returning from school.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations. Children aged 15 were permitted to work if they obtain written permission from a parent or guardian. According to figures gathered by the ILO from the National Bureau of Statistics, there were 7,100 persons under the age of 18 in the workforce, or approximately 1 percent of all workers. However, these figures likely understated the problem because labor inspectors visited only 4 percent of all companies. The Government did not track the number of children under 15 who were employed.

There were reports that children were trafficked within and to points outside the country for commercial sexual exploitation, labor, and begging. The law provides for 10 to 15 years' imprisonment for persons involving children in the worst forms of child labor; under aggravated circumstances, the sentence could be life imprisonment.

Efforts to enforce child labor laws did not deter violations. The most common violations involving persons under 18 involved failure to issue work contracts, illegal overtime, scheduling work during school hours, and underpayment or nonpayment of wages. In 2007 the LIO reported that, of 371 child labor cases it investigated, 298 cases concerned hazardous conditions of work. Fifteen of these cases were deemed abusive and involved children working cultivating mushrooms, assembling boxes for agricultural goods, and smoking fish. The cases classified as nonabusive but hazardous involved children working without medical checks; children working evenings, late, or extended hours; and children under the age of 16 working without parental consent. Children also worked illegally in the production of factory goods such as clothing, toys, and automobile electrical parts. Children also commonly worked in theaters, car washes, and in carpentry, agriculture, trade, and transportation.

In December 2007 the Moldovan Council of the National Federation of Employers in Agriculture and Food Industry adopted a code of conduct for eliminating the worst forms of child labor in the agriculture and food industry.

e. Acceptable Conditions of Work.—The legal minimum monthly wage was 400 lei (\$38) per month. According to the National Bureau of Statistics, the average gross salary was 2,609 lei (\$251) per month as of October. The Government estimated that the minimum living wage was 1,315 lei (\$126). Average disposable income was only 1,094 lei (\$105) per month. The LIO is responsible for enforcing the minimum wage. The Government as well as private sector employers often did not pay wages on time.

In 2007 the LIO performed 6,362 checks on state and private workplaces, representing 4 percent of all enterprises in government-controlled areas. Through visits and complaints from the public, LIO registered 63,728 violations of labor laws. Only 78 of these violations were forwarded to the law enforcement bodies. In 2007 the LIO found 140 illegal workers at 40 enterprises.

On July 2, the new labor code entered into force. According to the code, work contracts must be concluded even by private farmers, who have to register their contracts with the mayor's office and send copies to the local labor inspectorate. However, there were no reports of such contracts being entered into, and the central government did not have a mechanism in place to monitor compliance with this requirement.

A thriving labor black market accounted for a majority of the country's economic activity. Analyst Veaceslav Ionita estimated that there was a turnover of some 50 billion lei (approximately \$4.8 billion) in the black labor market and that, while official statistics indicated only 620,000 persons of the 2.3 million labor force were officially employed, over 1.2 million persons were actually working.

The law sets the maximum workweek at 40 hours with extra compensation for overtime, and the law provides for at least one day off per week. LIO field visits led to the sanctioning of violations when discovered, but staff and funding deficiencies limited the frequency of such visits. While the country had few foreign or migrant workers, the law provides equal status to foreign and domestic workers.

The Government is required to establish and monitor safety standards in the workplace, and the LIO was responsible for enforcing health and safety standards. For example, during the first four months of 2007, the LIO conducted 2,001 health and safety inspections. The PGO accused the LIO of limiting its activity to finding violations, while failing to undertake measures necessary to ensure future compliance. Monitoring carried out by prosecutors revealed that the most frequent violations related to citizens' rights to work (including reasonable conditions of work and right to a paid vacation), payment and labor protection, and social and medical assistance.

In April the Government expanded a list of hazardous jobs for which employees receive small amounts of additional compensation. According to the LIO construction, transportation, and agricultural sectors tend to be the most dangerous.

The law provides workers the right to refuse work if conditions represent a serious health or safety threat; there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize on safety equipment and provide inadequate attention to worker safety.

MONACO

The Principality of Monaco, with a population of some 35,000, is a constitutional monarchy in which the sovereign prince plays a leading role in governing the country. The prince appoints the four-member government, headed by a minister of state chosen from a list of candidates proposed by France. The other members are the counselor for the interior, the counselor for public works and social affairs, and the counselor for finance and the economy. Legislative power is shared between the prince and the popularly elected 24-member National Council. The most recent National Council election was conducted on February 3 and was considered free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, citizens did not have the right to change their government.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and there were no reports that officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. The Government permitted visits by human rights monitors.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the national police force and the Carabiniers du Prince. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. The magistrate may extend the initial two-month detention for additional two-month periods indefinitely. The magistrate may permit family members to see detainees, and it is customary for magistrates to do so.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice. Under the law, the prince delegates his judicial powers to the judiciary.

Trial Procedures.—The law provides the right to a fair public trial, and an independent judiciary generally enforced this right. As under French law, in criminal cases a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal. The defendant has the right to be present and the right to counsel, at public expense if necessary. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. After prisoners receive a definitive sentence, they are transferred to a French prison to serve out their terms.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The principality has an independent and impartial judiciary for civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies are available for alleged wrongs, and are regularly used by plaintiffs.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. The penal code, however, prohibits public denunciations of the ruling family, a provision that the media respected in practice. The independent media were active and expressed a wide variety of views without restriction.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet use is widespread, supported by an advanced and robust telecommunications infrastructure.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations must be registered and authorized by the Government, and there were no reports that the Government withheld registration for political or arbitrary reasons.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion. The Government denies permission to operate to religious organizations found on the French Interministerial Mission for Monitoring and Combating Cultic Deviances (MIVILUDES) “cult” list, but there were no reports of any registration applications being received or denied during the year.

There is no law against proselytizing by religious organizations that are formally registered by the Ministry of State; however, proselytizing was strongly discouraged and no missionaries operated in the principality.

Societal Abuses and Discrimination.—There were no reports of societal violence, harassment, or discrimination against members of any religious group. The Jewish community is extremely small, and there were no reports of anti-Semitic acts.

For a more detailed discussion see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government was committed to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. All refugees would be screened by France according to standard Schengen procedures before entering the principality.

Residents moved freely across the country's open borders with France. Nationals can lose their citizenship for specified acts, including if another nationality has been voluntarily acquired or if military service was accomplished within a foreign army. Only the prince can grant or restore nationality, but he is obliged by the constitution to consult the Crown Council on each case before doing so. The Crown Council, consisting of seven citizens appointed to serve for a three-year period, meets at least twice a year to deal with the highest state issues.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of refugee and asylum status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The principality depends on bilateral arrangements with France to provide refugee protection. There were no reported cases of the Government granting refugee status or political asylum during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The sole authority to change the Government and to initiate laws rests with the prince. The 1962 Constitution can be revised by common agreement between the prince and the elected National Council.

Elections and Political Participation.—As head of state, the prince plays an active role in government. He names the minister of state (in effect, the prime minister) from a list of names proposed by the French government. He also names the three counselors of government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. The law prohibits public denunciations of the ruling family.

Only the prince may formally initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the council's assent. Elections for National Council members are held every five years and are based on universal adult suffrage and secret balloting. National Council elections held on February 3 were considered free and fair. Several political parties exist, operate freely, and are active on both the national and municipal level.

There were six women in the 24-member National Council, and two women in the seven-member Crown Council.

There were no members of minorities in the Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year, but no formal proceedings against government officials for corruption. Public officials are not subject to financial disclosure laws.

The law provides for public access to government information and the Government provided access in practice for citizens and noncitizens, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed, nor did foreign groups seek to investigate human rights conditions in the country.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals, including preference in employment, free education, and assistance to the ill or unemployed, and those accorded to all residents, including inviolability of the home. The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced it.

Women.—Rape, including spousal rape, is a criminal offense. There were no prosecutions during the year.

Reported instances of violence against women were rare. Spousal abuse is prohibited by law, and victims may bring criminal charges against their spouses.

Prostitution is illegal, and overt prostitution was uncommon, although it existed to an extent in a well-hidden form. No data was available as to whether there were any arrests during the year.

Sexual harassment is illegal, and the Government effectively enforced the law. There were no reports of sexual harassment during the year.

Although the country has legislated the equality of men and women in the civil code, there is no institution with a mandate to monitor gender inequalities. The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth.

Women were represented fairly well in the professions, but less well in business. While no data were available, observers believed that there was a small-and gradually diminishing-gender pay discrepancy.

Children.—The Government was committed fully to the protection of children's rights and welfare and had well-funded public education and health care programs.

Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—There was no reported governmental or societal discrimination against persons with disabilities. The law requires that public buildings provide access for persons with disabilities, and this goal has been largely accomplished.

Other Societal Abuses and Discrimination.—There were no reports of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—By law, workers are free to form and join independent unions of their choice, but fewer than five percent of workers were unionized. Relatively few workers, unionized or nonunionized, resided in the principality. Unions were independent of both the Government and political parties.

The constitution and law provide for the right to strike; two strikes at major companies were reported during the year. Government workers, however, may not strike.

b. The Right to Organize and Bargain Collectively.—The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. Collective bargaining is protected by law; however, it is used rarely. Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the labor court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The constitution and law prohibit forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. The counselor of government for the interior is responsible for enforcing the child labor laws and regulations, and they were effectively enforced.

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage, 8.71 euros per hour (approximately \$11.80), plus a 5 percent adjustment to compensate for the travel costs of the three-quarters of the workforce that commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum.

The legal work week was 39 hours. The Government allows companies to reduce the work week to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the Government labor inspector.

Workers have the right to remove themselves from dangerous work situations without jeopardy to their employment, and the authorities effectively enforced this right.

MONTENEGRO

Montenegro is a mixed parliamentary and presidential republic with a population of approximately 630,000. A new constitution, approved by the unicameral parliament (the Assembly) in October 2007, retained the country's existing governmental system in which both the Assembly and the president are elected by popular vote. In 2006, following a national referendum, the country declared its independence from the State Union of Serbia and Montenegro. On April 6, Filip Vujanovic, the candidate of the ruling Democratic Party of Socialists (DPS), won reelection as president. Observers of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (COE) stated that "nearly all aspects of the election were found to be in line with international standards for democratic elections." Civilian authorities generally maintained effective control of the security services.

The Government generally respected the human rights of its citizens; however, numerous problems persisted, including police mistreatment of suspects in detention, substandard prison conditions, abusive and arbitrary arrests, police impunity, lengthy pretrial detention, delayed and inefficient trials, widespread perception of corruption in law enforcement agencies and the judiciary, harassment of journalists, discrimination against the large number of internally displaced persons (IDPs), discrimination against women, trafficking in persons, and discrimination against ethnic minorities, particularly Roma.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

Authorities pursued four cases of alleged war crimes during the year. In July the Office of the Chief State Prosecutor indicted eight officers and soldiers of the Podgorica Corps of the former Yugoslav People's Army (JNA) suspected of killing 23 Albanian civilians in Kaludjerski Laz near Rozaje during the 1999 NATO intervention. The Albanians were trying to escape from the war in Kosovo. The Higher Court of Bijelo Polje detained seven of those charged, and an international arrest warrant was issued for the eighth. In December the detainees went on a hunger strike to protest delays in commencing the trial.

On August 15, the Office of the State Prosecutor indicted six former soldiers and reservists of the JNA whom they had investigated for committing war crimes in the Morinj prisoner of war camp. From October 1991 to August 1992, 169 Croats captured near Dubrovnik were detained in Morinj, on Kotor Bay; eight later died, allegedly from torture. Five suspects remained in custody at the end of the year; one remained at large. They were charged with torture, inhuman treatment, and violation of the physical integrity of the Croatian prisoners.

An investigation was pending at year's end into allegations that seven former military and police personnel committed war crimes against Muslims in 1992 and 1993 in the Bukovica region in the north of the country.

The Higher Court in Podgorica completed its investigation of five police officers alleged to have been directly involved in the 1992 deportation of Muslims to Republika Srpska, where they were later killed. The case was forwarded to the Special Prosecutor to decide on further action. There were press reports that the investigation was expanded to include another four police officials. On November 18, the private vehicle of Slobodan Pejovic, a former police inspector from Herceg Novi and a witness in the case, was vandalized. The perpetrators were not found.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, police at times beat and harassed suspects who were being arrested or were detained for questioning.

On June 18, the nongovernmental organization (NGO) Youth Initiative for Human Rights (YIHR) asserted that the number of cases of police misconduct and politically motivated violence had increased during the first four months of the year; however, police denied the assertion, stating that the number accusations of unlawful police conduct decreased. In a later report, covering September through December, YIHR noted fewer cases of police misconduct than in their earlier reports. YIHR also stated that 26 policemen suffered bodily injuries while performing their duties during the reporting period.

According to information authorities provided to the COE's Committee for the Prevention of Torture (CPT) for use in preparation of the initial report on their October visit to the country, 92 cases involving allegations of torture and abuse were forwarded to the state prosecutors' offices in 2007. They processed a total of 157, including cases forwarded in previous years. Of the 92 cases forwarded in 2007, the prosecutors rejected charges against 34 persons and indicted 30 persons, bringing the total indictments, including some from earlier years, to 96. The courts decided 46 cases in 2007 and rendered 25 guilty verdicts, nine acquittals, and 12 dismissals for lack of evidence. Two of the guilty verdicts resulted in prison sentences, five in fines, and 18 in suspended sentences.

Although there is a legally mandated agency to which citizens may address complaints of abuse, the Council for Civilian Control of Police Operations, its actions were limited. Since its establishment in 2004, it reviewed approximately three hundred citizen complaints and responded by forwarding its recommendations to police.

Former boxer Aleksandar Pejanovic claimed that police tortured him while he was in their custody following his arrest for allegedly assaulting a police officer during an October 13 protest against the Government's decision to recognize the independence of Kosovo. An investigation by the police internal affairs unit exonerated the officers; however, the state prosecutor opened an investigation into the matter. Press reports of the incident included photographs showing bruises on Pejanovic's face and body after his release. Following this incident, Police Director Veselin Veljovic subsequently ordered that video cameras be installed in the detention units of the police stations in Podgorica, Bar, Budva, Herceg Novi, Bijelo Polje, Niksic, Berane, and Pljevlja.

Others charging police abuse included Nenad Ivezić from Podgorica, who claimed that on April 13, police beat him without cause. The state prosecutor for Podgorica was investigating the charges at year's end.

Officer Dragan Lazarevic was convicted in the beating of Milenko Pejanovic from Savnik. The Basic Court of Zabljak sentenced Lazarevic to two years' probation. At year's end prosecutors were reviewing the cases of three Budva police officers Milovan Rakocevic, Slobodan Musovic, and Zoran Jancer found by an internal police investigation to have used excessive force against Risto Mijanovic, a minor from Cetinje. The Police Disciplinary Commission had earlier garnished 20 percent of Rakocevic's and Musovic's salaries for the month in which they committed the offense and exonerated Jancer. The legal proceeding was pending with the state prosecutor of Kotor.

Trials were underway or pending in a number of cases involving possible police misconduct, including police officers in Bar Nesko Jaredic, Veselin Buskovic, Rifat Ramusovic, and Ivica Raicevic who were charged with beating Predrag Djukic and Ivan Abramovic in a police station in July 2007. (The state prosecutor also indicted the two alleged victims for assaulting and inflicting serious bodily injury upon a police officer.) Two former police officers charged with abuse of power, extortion, and mistreatment of a flower seller in Herceg Novi were awaiting trial at year's end. The officers were dismissed in 2007.

On October 30, five members of the Special Police Antiterrorist Unit Marko Kalezić, Darko Sekularac, Nenad Scekić, Branko Radicković, and Milorad Mitrović were found guilty of mistreating and inflicting minor injuries on Pjetar Sinistaj, father of two defendants accused of plotting terrorist attacks on the eve of Assembly

elections in 2006. According to media reports, the prosecutor was considering filing charges against other members of the police unit involved once a full investigation was complete.

At year's end, according to media reports, an investigative judge was reviewing evidence that in 2005 the then-police chief of Podgorica, Milan Vujanovic, ordered the beating of the prisoners in Spuz Prison when Montenegrin Special Police raided the prison's detention unit. Several prisoners were hospitalized with severe injuries.

During the year the Basic Court in Berane opened an investigation of police officers Ivan Bojovic, Nebojsa Veljic, and Zeljko Devic, accused of abusing four Kosovo Albanians during their detention in July 2007. The trial had not begun at year's end.

Prison and Detention Center Conditions.—Prisons, especially facilities for pretrial detainees, were dilapidated, overcrowded, and poorly maintained. There were some improvements during the year: detention units in several police stations (Podgorica, Budva, Bar, Herceg Novi, Niksic, Bijelo Polje, Berane, and Pljevlja) were renovated and equipped with air conditioning and video surveillance. The ombudsman and other human rights activists visited these detention units. Authorities completed construction of two new pavilions in the main prison in Spuz to house convicted inmates; they also renovated three existing pavilions, introduced video surveillance, built a local well, and established resocialization workshops. Prison authorities stated that funds had been allocated for a new 16,146 square foot building at Bijelo Polje Prison, located in the northern part of the country.

On September 5, two NGOs and the victim's mother reported that police beat and otherwise mistreated detainee Vladana Kljajic in the female detention unit in Spuz Prison. Prison authorities claimed that Kljajic broke prison rules and was appropriately disciplined rather than beaten. Prison authorities filed charges against Kljajic for assaulting an official, while Kljajic's mother filed charges against the prison warden.

In contrast to previous years, there were no reports of juveniles held in the same cells with adult prisoners.

The Government permitted human rights observers, including the International Committee of the Red Cross (ICRC) and local NGOs, to visit the prisons and detention units to speak with the prisoners without the presence of a guard. Both the ICRC and the Helsinki Committee of Montenegro made repeat visits during the year. Representatives of the human rights ombudsman's office routinely visited prisons without prior notice, meeting with detainees and inmates.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. There were no public reports that police arrested and interrogated human rights activists.

Role of the Police and Security Apparatus.—The national and border police were responsible for law enforcement and maintenance of order. They worked under the supervision of the Interior Ministry and were generally effective. The National Security Agency (ANB) is a separate entity within the Interior Ministry. The parliamentary Committee for Defense and Security held regular meetings with the directors of police and the ANB. Within the Defense Ministry there is a Department for Defense, Security, Communication, and Crypto Protection that deals with intelligence issues.

According to the COE's Commissioner for Human Rights, who visited the country in June, "criminal proceedings against law enforcement officers for extortion of evidence, ill treatment, torture, or abuse of office happen relatively seldom and are not conducted efficiently. Verdicts are reached in a small number of reported cases only to be followed by admonitions, suspended sentences, and fines." During the first nine months of the year, four officers were dismissed and 20 fined for abuse of office and exceeding authority.

Police corruption and inappropriate governmental influence on police behavior remained problems; the small, close knit society discouraged the reporting of corruption and facilitated criminals' access to law enforcement officers. The Interior Ministry's Internal Affairs Unit took disciplinary measures to address those problems.

The Government, with the help of foreign governments and the OSCE, provided training for police, security, and customs officers.

Arrest and Detention.—Arrests require a judicial warrant or a "strong suspicion that the suspect committed an offense." Authorities may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination about the legality of the detention. In practice arraignment generally occurred within the prescribed period. The law pro-

vides for access to an attorney during this initial period. Detainees generally had prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. The law permits authorities to detain suspects up to six months before holding a preliminary hearing and allows a defendant to be detained for up to two years before a verdict is issued. The law permits up to two years of further detention, a period that begins when the appeals court vacates the conviction and returns the case for a new trial in the court of original jurisdiction. These time limits were generally respected.

Long trial delays, combined with difficulty in meeting conditions for bail, frequently led to lengthy pretrial detention. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however such delays occurred regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial, without any apparent reason, and trials themselves were subject to frequent interruptions. Pretrial detainees on average accounted for 50 percent of the prison population. The length of pretrial detention was estimated to be less than one year in 90 percent of cases. In September there were 409 convicted inmates and approximately 500 detainees.

Amnesty.—On July 29, the Assembly adopted a Law on Amnesty that authorizes a 25 percent reduction in sentences for certain crimes committed before May 2006; the law applied to both citizens and foreign nationals serving their sentences in the country.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, some observers charged that the judiciary was not always independent and that government officials at times influenced prosecutors for political and personal reasons. There were reports that some judges had inappropriate ties to business leaders or issued tainted decisions out of fear of reprisals, including the loss of their jobs. Some observers contended that executive and parliamentary branches, through the process of proposing and adopting the budget for the courts, could influence the independence of the judiciary. Some contended that the housing allocations for judges should be regulated more transparently to eliminate any concerns about inappropriate influence. Some observers also asserted that the system of judicial appointments itself contained inadequate protections against political influence on the judiciary.

Insufficient cooperation between police and prosecutors, a large backlog of cases, frequently primitive courtroom facilities, and judicial corruption also remained problems. Cases could take years to be resolved.

The court system consists of basic courts, higher (district) courts, commercial courts, an appeals court, an administrative court, the Supreme Court, and the Constitutional Court.

On August 5, Podgorica Higher Court convicted 17 persons, including four U.S. citizens, of planning a rebellion against the country with a view to creating an autonomous region for ethnic Albanians. They were arrested in a 2006 raid in Tuzi on the eve of parliamentary elections. Police reportedly found a large stash of weapons and plans to attack government buildings, and authorities asserted that police had foiled a terrorist plot. Most of the accused were released briefly following their conviction, but the court decided to rearrest them pending appeals. The defendants claimed that they were physically abused during their initial arrest and were forced to make statements under duress.

On September 15, a Special Department for Suppressing Organized Crime, Corruption, Terrorism, and War Crimes was established within the Chief State Prosecutor's Office.

Trial Procedures.—Criminal trials are generally public, but sessions may be closed during the testimony of a state protected witness. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Defendants have a right to an attorney; an attorney is generally provided at public expense when a defendant is destitute, or following an indictment when the charge carries a possible sentence greater than 10 years in prison. Defendants and their attorneys have the right to access government held evidence relevant to their cases; according to the law, defendants enjoy a presumption of innocence. Both the defense and the prosecution have the right of appeal. Although the Government at times influenced the judiciary, defendants' rights were generally respected and extended to all citizens.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent judiciary in civil matters. Parties have brought suits alleging human rights violations and at times prevailed.

On December 26, a settlement agreement was concluded with the victims and members of their families who sued the Government over the 1992 deportation of Muslims and Bosniaks to Republika Srpska in Bosnia and Herzegovina, where they were subsequently killed or disappeared. Under the agreement, 4.13 million euros (approximately \$5.8 million) were allocated to settle 42 cases. The decision came after several years of litigation in which courts had awarded damages but authorities had appealed the verdicts, avoiding payment of the awards. According to the plaintiffs' attorney, the settlement amount was paid.

Approximately 300 cases involving the country were pending before the European Court for Human Rights (ECHR). Most related to property restitution, property rights, lengthy pretrial detention, media freedom, mistreatment by police, violations of the right to a timely trial, or the right to information.

Property Restitution.—There was no reported progress on the restitution of church property. The Serbian Orthodox Church accused the Government of applying the restitution law in a discriminatory manner. There was no decision in a suit filed by that Church in 2005 with the ECHR alleging that delays in addressing its claims for property taken by the Government after World War II were politically motivated. The Roman Catholic Church and Islamic community also asserted claims to property in several locations. The Law on Restitution envisages that separate legislation would govern property confiscated from religious communities; however, such legislation has not been adopted. Consequently, religious communities may file restitution claims, but authorities can take no action on them. The number of unresolved restitution claims related to religious property was unknown, but the Ministry of Finance confirmed that all three primary religious communities (Orthodox, Catholic, and Muslim) had submitted claims.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. The law requires the National Security Agency (NSA) to obtain court authorization for a wiretap; however, some observers believed that authorities selectively used wiretapping and surveillance against opposition parties and other groups without court authorization. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could request permission to inspect secret files kept on them from 1945 to 1989 by the former State Security Service, the precursor of the NSA. In the first nine months of the year, the NSA received and granted two such requests.

The NGO Network for Affirmation of the NGO Sector (MANS) filed a complaint with the Constitutional Court seeking to revoke regulations in the criminal procedure code that give police direct access to the databases of mobile telephone providers for use in monitoring potential criminal activity. MANS asserted that this violates citizens' rights to privacy; however, police claimed that all types of communications monitoring had to be approved by the competent prosecutor's office.

Unlike in previous years, there were no reports of evictions of Roma from illegal settlements.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice.

Individuals could criticize the Government publicly or privately without reprisal, and there were no reports that the authorities monitored political meetings or otherwise attempted to impede criticism.

The print media consisted of private newspapers and a state owned newspaper that has a national circulation. On July 31, the Government issued a tender for the sale of 51 percent of its shares of the public company that published the state owned newspaper and reportedly was negotiating with a potential purchaser at year's end. A previous tender failed in 2007 when no company placed a bid. The independent media was active and generally expressed a wide variety of political and social views without government restriction. The Government did not restrict the distribution of foreign publications.

The wide variety of public and private broadcasting media included a national public radio and television broadcaster, 14 local public radio and three local public television stations, and 44 private radio and 21 private television stations. In April the Broadcasting Agency allocated a set of free radio and television frequencies to commercial broadcasters through a public tender. According to the Law on Elec-

tronic Communications, which took effect in August, a new Agency for Electronic Communication and Postal Activity was to take responsibility for issuing licenses to the broadcasters. Some local and international observers criticized the Government's decision to replace a system in which only one member of the Broadcasting Agency Council was a government representative with one that would be controlled entirely by the Government.

On May 23, Mladen Stojovic, a journalist of the Serbian daily *Danas* and former stringer for Podgorica based daily *Vijesti*, was attacked by unidentified persons in his apartment in Bar. Stojovic, who was known for writing and speaking about the "football mafia" in Serbia and Montenegro, suffered head and body trauma. Police had not reported any resolution on the case at year's end.

There were developments in two earlier cases. On January 15, the Podgorica Basic Court gave four year prison sentences to two persons who confessed to assaulting Zeljko Ivanovic, director of *Vijesti*, in September 2007. On May 15, the Higher Court reduced the sentences to one year. Ivanovic and several eyewitnesses claimed that the convicted men were not the perpetrators. On September 26, a new trial began for Damir Mandic, charged in the 2004 killing of the editor of the daily newspaper *Dan*, Dusko Jovanovic; the Higher Court overturned his earlier acquittal on April 2.

Police had not identified the perpetrators or the motives behind the November 2007 physical assault on Tufik Softic, a correspondent for the daily newspaper *Republika* and former editor in chief of public Radio Berane. There were no arrests in the 2006 attack on Jevrem Brkovic, a prominent writer, in downtown Podgorica. The attackers killed Brkovic's bodyguard and inflicted serious injuries on Brkovic, who speculated that his book, which dealt with cigarette smuggling and the nexus between politics and organized crime, had provoked the attack.

Slavoljub Scekcic, a police official investigating Jovanovic's death and other unresolved killings, was himself killed in 2005; the trial of 10 persons indicted for his murder began in March 2007 and was underway at year's end.

Officials occasionally threatened to bring, or brought, libel suits against media organizations that accused them of wrongdoing. Some NGOs warned that criminal libel charges against journalists could deter them from reporting candidly on events. Criminal libel charges can carry fines of up to 14,000 euros (approximately \$19,600).

Courts tried a number of libel suits during the year. The trial of Petar Komnenic, a journalist for the weekly newspaper *Monitor*, initiated on February 29, continued at year's end. Ivica Stankovic, president of the Podgorica Higher Court, sued Komnenic over an article that claimed police secretly wiretapped Stankovic at the request of the special prosecutor for organized crime because of his alleged connections with criminals. In August 2007 Court President Stankovic also sued the editor in chief of *Vijesti* for defamation in connection with a May 2007 article alleging that in a closed session of the parliamentary security committee, the police director named the court president as one of the judges who obstructed several police investigations. The trial continued at year's end.

A civil libel suit against *Vijesti* director Zeljko Ivanovic, the newspaper's editor in chief Ljubisa Mitrovic, and the newspaper's publisher Daily Press, continued at year's end. Milo Djukanovic, who was the leader of the ruling DPS and subsequently became prime minister, filed the suit in September 2007 demanding one million euros (approximately \$1.4 million) in compensation for his "damaged dignity and mental suffering." The suit was filed after Ivanovic told reporters he thought Djukanovic had arranged the physical attack on him in retaliation for *Vijesti*'s negative coverage of alleged corruption and mafia influence. On May 19, the Podgorica Basic Court found Ivanovic and Daily Press guilty of defaming Djukanovic and fined them 20,000 euros (approximately \$28,000) while Mitrovic was acquitted. A June 2 appeal to the Higher Court was pending. *Vijesti*'s owners charged that the lawsuit represented an attempt by Djukanovic to suppress freedom of expression.

In a separate case, on December 3, media reported that Veselin Barovic, a local businessman close to Prime Minister Djukanovic, sued the publisher of *Vijesti*, its editor in chief Mitrovic, and reporter Komnen Radevic for "mental pain and suffering" caused by the newspaper's reporting on the murder trial of police officer Scekcic. The newspaper had reported that one of the defendants, according to police reports, used a car owned by Barovic in 2005. Barovic claimed the information was false and was maliciously placed in the newspaper; he requested 100,000 euros (approximately \$140,000) in damages.

Despite these developments, observers noted a modest increase in the willingness of the media to criticize the Government. The prominence of articles and programs critical of the authorities during the year suggested that self censorship was not a major problem; however, observers noted that some journalists were susceptible to

various political and business influences due to their lack of expertise and to their political affiliations.

The law mandates that formerly state owned media be operated as “public” enterprises, insulated from direct party or government control; however, some observers contended that the Government was seeking to maintain control over national public broadcasters. On December 17, the Assembly amended the law on the public broadcaster Radio and Television of Montenegro (RTCG), changing the method of financing RTCG and the manner of selecting the members of its governing council. Instead of the previous, unreliable, system based on radio and television subscription fees, the amended law provides that the RTCG should receive 1.2 percent of the annual state budget. It also empowers the Assembly to appoint the RTCG’s nine member council by majority vote, eliminating the earlier provision under which the Assembly was authorized only to acknowledge candidates proposed by civil society groups. Opposition parliamentarians and some local NGOs claimed that the amended law gave the majority in the Assembly control over the public broadcaster and restricted the role of civil society. However, the OSCE and the London based NGO Article 19 praised the Government’s move to secure a more stable system of financing the public broadcaster. Some observers noted that a large number of the existing council members, chosen under the earlier system, had close ties to the Government and that the public broadcaster clearly favored the Government.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. According to government data, as of October, 36.2 percent of citizens were using the Internet, up from 29 percent in December 2007. According to polls by the Center for Democracy and Human Rights, Internet penetration was more 40 percent.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice. Citing security concerns, police banned a rally scheduled for October 16 by pro Serb protesters who wanted to demonstrate against the country’s recognition of Kosovo’s independence. The ban followed violent clashes between police and pro Serb protesters on October 13 that led to some injuries on both sides.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice. Religious communities are separate from the state, equal under the law, and were free to perform their rituals and services.

In April Serbian Orthodox Bishop Filaret visited the country. In 2007 authorities denied Filaret entry to perform religious duties for Serbian Orthodox Church members, citing the fact that the bishop’s name was on a Hague list of individuals suspected of having aided war criminals. Following a hunger strike by the bishop, the Government subsequently relented, and Filaret stated that he did not experience difficulty gaining admission in April; however, he stated that he was unable to perform services because of a delay in the arrival of his police escort, for which the police apologized. The Serbian Orthodox Church later built a church at the border crossing with Serbia where Filaret had gone on the hunger strike in 2007 to protest his exclusion. Filaret himself consecrated the church.

Societal Abuses and Discrimination.—Religion and ethnicity were closely intertwined, and in many cases it was difficult to tell whether discriminatory acts were primarily religious or ethnic in nature. There continued to be friction between adherents of the Serbian and the Montenegrin Orthodox Churches over official recognition and property ownership.

On August 3, unknown persons knocked down the fence at the St. George Church in Gusinje. On September 20, the church was again broken into and some property damage resulted.

Between October 20 and October 24, unknown perpetrators broke into three churches of the Serbian Orthodox Church in Donji Grbalj, near Tivat, stealing relics and desecrating graves.

On September 21, police briefly arrested 65 of the Serbian Orthodox Church’s followers in the villages of Dragovoljici and Risji Do, who were protesting the building of a monastery of the Montenegrin Orthodox Church in Risji Do. The protesters blocked roads near Niksic to prevent the head of the Montenegrin Orthodox Church and his followers from reaching the building site. Police stated that the demonstra-

tors were warned that they would be charged with violating the public order. A group of protesters who were briefly detained claimed that police used excessive force against them and threatened legal action. Serbian Orthodox Church Metropolitan Amfilohije and pro Serbian parties described the police reaction and arrests as a “brutal act of violence.”

There were fewer reports during the year of verbal clashes between the two Orthodox churches over property. However, the leadership of the Montenegrin Orthodox Church continued to assert ownership of Serbian Orthodox Church property, which they claimed was seized from them after the country united with Serbia in 1918, while the Serbian Orthodox Church continued to seek restitution of property it claimed was taken by the state after World War II.

No new information was available on the August 2007 planting of a bomb in Podgorica’s New Martyrs’ Church of the Serbian Orthodox Church or the September 2007 removal of a plaque identifying the Islamic community office space in Bar.

On October 10, the car of Miodrag Baletic, head of the Montenegrin Orthodox Church chapter in Niksic, was set on fire. In a statement to the media, Baletic accused supporters of the Serbian Orthodox Church of arson. At year’s end the perpetrators had not been identified.

The country’s Jewish community was very small and spread out across the country. A 2004 survey by the Government statistics office concluded that there was no organized Jewish community; an international Jewish NGO reached a similar conclusion. There were no reports of anti Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

A large number of persons lacked any documentation establishing their nationality and thus were at risk of statelessness. According to Amnesty International (AI), the situation of Roma who entered the country as refugees from Kosovo was of particular concern. AI cited UNHCR figures from June indicating that approximately 4,300 refugees of Roma, Ashkali, and Balkan Egyptian ethnicity lived in the country, caught in a legal limbo in which they did not have Montenegrin citizenship and faced difficulties in acquiring citizenship documents from Serbia.

Citizenship is, in principle, derived from one’s parents (*jus sanguinis*). The UNHCR expressed concern that the strict naturalization criteria in a new citizenship law that entered into force on May 5 would limit the opportunity for refugees from the former Yugoslavia (both “Displaced Persons” and “Internally Displaced Persons”) to acquire citizenship.

In addition, according to unofficial sources, a law on aliens was adopted on December 12, but was not published in the Official Gazette by year’s end. Observers noted that the new law did little to promote the integration of persons present in the country without an established nationality or permanent residence. Observers also noted, that the law does not describe “displaced persons” and “internally displaced persons” as permanent residents, but rather permits them to remain without proper residence or domicile. Since the laws defining access to basic rights and related public services (health insurance and treatment, social welfare) generally limit these to citizens, these individuals would remain excluded from access to such rights, without regard to their vulnerability or length of their stay in the country.

Public opinion polls conducted by the local NGO Legal Center of Podgorica, a local partner of the UNHCR, indicated that 46 percent of the 2,168 Roma surveyed in Podgorica experienced problems accessing personal documentation, including birth certificates.

Internally Displaced Persons (IDPs).—The country was host to refugees and displaced persons from several of the other former republics of what was once Yugoslavia who entered the country when it was also part of Yugoslavia. Their juridical status differed. They included approximately 16,000 persons registered as IDPs from Kosovo (mainly ethnic Montenegrins, Serbs, Roma, Ashkali, Balkan Egyptians, Bosniaks, and Albanians), plus an estimated 1,500 who had also filed claims for formal IDP status but awaited decisions from the Bureau for the Care of Refugees and Displaced Persons (BCR), the agency responsible for refugees and IDPs. There were

also 8,529 “displaced persons” (refugees) from Croatia or Bosnia and Herzegovina and approximately two thousand persons who fled Albania in 1991, mainly Serbs and Montenegrins, who had applied for resident status but whose applications were not adjudicated by year’s end.

In keeping with the law on asylum, the Government intended to reregister “displaced persons” from Bosnia and Croatia in one phase and then reregister “internally displaced persons” from Kosovo in a second phase.

The living conditions of IDPs were generally extremely poor. However, authorities gave IDPs access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. The Government neither attacked or targeted IDPs nor forcibly returned or resettled them under dangerous conditions. After many years in the country, the interest among IDPs in voluntary return or resettlement diminished. Approximately 1,372 IDPs have returned to Kosovo since 2001; 93 returned during the year.

IDPs faced official discrimination in employment, as their employers are required to pay additional taxes of 2.5 euros (approximately \$3.50) per day. A law on alien employment, adopted in March and scheduled for implementation in January 2009, establishes a stringent quota on foreign workers, including IDPs and refugees. According to the UNHCR, this law is likely to exacerbate the problem by further limiting their access to employment.

Protection of Refugees.—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The Government established a system for providing protection to displaced person (refugees). In practice the Government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Beginning on January 1, the Government assumed responsibility for refugee status determination that was previously exercised by the UNHCR, although the UNHCR continued to provide technical support.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Most of the others lived in private accommodations; there were many family settlements. Between two and three thousand refugees remained in barely habitable facilities (mainly on the coast) that have been privatized. The new owners were gradually evicting the refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In presidential elections on April 6, the candidate of the ruling party, Filip Vujanovic, was reelected. Observers from the OSCE’s Office for Democratic Institutions and Human Rights and the Parliamentary Assembly of the COE announced that “nearly all aspects” of the country’s first presidential vote since independence were in line with democratic standards. Local observers also noted that, despite some irregularities, the elections took place in a mostly peaceful and fair atmosphere. The irregularities included continued evidence of blurring of state and party structures, the fact that not all aspects of the electoral legislation had been fully harmonized with the new constitution, the fact that campaign finance regulations were not sufficiently delineated to provide adequate transparency and oversight, the absence of legal requirements that the election administration provide voter education or more public awareness of citizens’ rights related to suffrage and polling procedures, and the lack of transparency of media ownership. Observers also expressed some concern over the small number of polling stations, especially in Bijelo Polje.

The constitution states that suffrage is given to citizens, a change from the 1998 election law and the prior constitution, which gave suffrage to “residents” in order to accommodate citizens of the former Yugoslavia residing in the country. Referring to the Law on Voter Registers adopted on June 19, and to the new constitution, local authorities in Podgorica started deleting noncitizens from the voter register. In August the opposition Socialist People’s Party (SNP) appealed that decision to the Administrative Court, which overruled several earlier decisions of the local authorities to remove individuals from the voter register.

Political parties generally operated without restrictions or outside interference.

According to the press, the civil suit of Suad Muratbasic, a former police officer from Rozaje, against the Police Directorate was pending at year's end. Muratbasic sought compensation on the grounds that he was suspended and then terminated because of his refusal to influence his Muslim neighbors to vote for the DPS during the 2006 Assembly elections.

There were nine women in the 81 seat Assembly and one, a deputy prime minister, in the cabinet. There was one female mayor in the country's 21 municipalities. Four out of 14 Assembly parties had female members of the Assembly in their respective caucuses.

There were 16 members of ethnic minorities in the 81 seat Assembly and three members of ethnic minorities in the cabinet. Five assembly seats were reserved by law for ethnic Albanians. They, along with ethnic Serbs, Muslims, Bosniaks, and Croats participated in the political process, and their parties, candidates, and voters participated in all elections. No Roma ran for or held seats in the Assembly, and Roma were significantly underrepresented in the Government; only one person of Romani ethnicity held elective office at any level in the country.

Government Corruption and Transparency.—The law provides criminal penalties for corruption by officials. However, the Government did not consistently implement the provisions, and there was a widespread perception of public sector corruption, particularly in the executive and judicial branches.

Between January 1 and June 30, police forwarded 663 corruption cases to prosecutors; in the same period courts convicted defendants in 37 cases. Local NGOs, media, and political parties accused the Government of not taking sufficient measures against corruption and organized crime.

As in previous years there were reports of authorities hesitating to act in response to allegations of corruption. There were widespread allegations of corruption during the privatization of state assets. Observers noted that a lack of transparency prevented citizens from judging the validity of those allegations. The Government stated that it received 83 requests for information about privatization activities, including 82 from one NGO (MANS), and that it had responded to all of them.

Public officials were subject to financial disclosure under the conflict of interest law. The law requires state officials, including members of the legislature, to disclose their salaries and property; however, there was no legal penalty for noncompliance, and many officials (more than 10 percent) refused to comply by year's end. The legally mandated Commission for Determining Conflicts of Interest published the names of officials who failed to disclose their salaries and property and asked the Government and other state institutions to dismiss them, but the Government, which was not legally obliged to act, ignored the commission's recommendations. On December 27, the Assembly adopted the new Law on Prevention of the Conflict of Interest that included a legal obligation to make financial disclosures; however, some public officials continued to be permitted to serve on the board of directors of state owned companies or work with scientific, humanitarian, or sports associations.

The opposition party, Movement for Change (PzP), accused then state prosecutor Vesna Medenica of selective decision making after she declined to prosecute Police Director Veselin Veljovic for a transaction in which police sold a large tract of land in downtown Podgorica to a private company and then signed a contract with the same company to build and equip a new headquarters worth 13 million euros (approximately \$18.2 million). Both the media and opposition publicly questioned the legality of the transaction, claiming that it was concluded without a public tender and was sold for well below market value. Medenica asserted that the land sale was illegal but the building contract was legal; she declined to pursue the case. The Police Administration claimed that, according to law, it was not obliged to call for a public tender.

No verdict was announced in the Government's appeal of the April 2007 acquittal of two officials charged with violating the tender procedure in the privatization of the national oil company Jugopetrol in 2002.

The Commission for the Regulation of Public Procurement stated that the number of complaints against public procurement practices, especially high-value tenders, was increasing; during the year the commission received 225 complaints, 54 percent more than during the same period in 2007. The commission validated 58 complaints and cancelled 32 tenders.

On December 23, press reported that the COE's Group of States against Corruption (GRECO) examined and adopted the Joint First and Second Round Compliance Report on Montenegro. GRECO stated that the country had made "significant progress" in the fight against corruption, noting that the country had implemented two thirds of GRECO's recommendations.

The constitution and law provide for public access to information; however, the Government's record on access to public information was mixed. Some ministries were reluctant to implement the law fully and at times publicly criticized information requests, while others were supportive. NGOs reported that their requests for information from the Government frequently went unanswered. The NGO MANS reported that from December 2005 to December 2008, institutions provided information in response to 47 percent of their requests; in the last six months of the year, 39 percent of their requests were answered. Authorities usually gave reasons for denials, and these could be appealed to the courts. While the courts usually supported access to information, their orders to the ministries were often ambiguous and, consequently, sometimes ignored.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

On July 31, the Government adopted a "National Report on Human Rights," which was examined on December 3 by the UN Human Rights Council's Universal Periodic Review Working Group. The delegation, led by Justice Minister Miras Radovic, described the country's efforts to fulfill its human rights obligations and commitments. Several NGOs criticized the fact that NGOs were given only 21 days to submit comments, which they charged were ignored.

A number of NGOs and international organizations investigated human rights cases. According to a January 10 report of the UN Human Rights Council Working Group on Enforced or Involuntary Disappearance and Missing Persons, the working group forwarded 16 cases involving disappearances that took place in 1992 and 1993 to the Government for response; the Government provided an explanation in one case; 15 cases remained outstanding.

The Government cooperated with the UN, the COE's Directorate General of Human Rights, and other intergovernmental organizations.

There is an ombudsman for human rights. The office of the ombudsman operated without government or party interference, and the Government provided the office with adequate resources. Upon finding a violation of human rights or freedoms, the ombudsman could initiate disciplinary procedures against the violator, including dismissal. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or with the ombudsman's request to testify at a hearing, is punishable by fines of 10–20 times the minimum monthly wage, or 550–1,100 euros (approximately \$770–\$1,540). During 2007 the ombudsman received 448 complaints, in addition to 199 from 2006. Most complaints concerned the work of the courts, followed by the public administration, prosecutor's offices, public services, local governments, and the police. The Government and the courts generally implemented the ombudsman's recommendations.

On October 22, the Assembly adopted a law on the Constitutional Court, which provides that citizens can appeal their violations of human rights to the Constitutional Court.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the Government did not effectively enforce these prohibitions in practice. Violence and discrimination against women, child abuse, trafficking in persons, and discrimination against ethnic minorities, particularly Roma, were problems.

Women.—Rape, including spousal rape, is illegal; however, enforcement remained a serious problem. Instances of rape were significantly underreported due to the cultural stigma that attaches to victims and even their families. There were no arrests or convictions for spousal rape during the year. Deeply ingrained societal attitudes hampered prosecutions; judges frequently allowed aspersions on a victim's character to be entered into court proceedings. As a result, victims were reluctant to report rape. Punishment for rape, including spousal rape, is one to 10 years in prison; however, authorities can only prosecute the crime if the victim brings charges. According to police statistics, 11 cases of rape were reported in 2006 and seven in 2007.

The NGO SOS, which operated a hot line for the victims of domestic violence, reported that the number of calls significantly increased between July 2007 and July; most calls involved young girls who suffered violence in their relationships, problems with employers, and parental violence. The press reported that during the first nine months of the year, police pressed charges against 366 persons for domestic

violence. According to police, 480 cases were reported in 2007, 7.7 percent more than in 2006. The perpetrators were mainly men (95 percent) and the victims mainly women (70.5 percent). In 2007, 25 criminal cases of sexual molestation were reported. Domestic violence was significantly underreported. Financial dependence, multifamily living arrangements, and the lack of support from extended family discouraged victims from reporting abuses.

During the year official agencies, including the police, and to some extent the judiciary, improved their response to domestic violence; however, efforts remained inadequate. According to the NGO Safe Women's House, many female victims of domestic violence complained about the slow response of social welfare centers to their appeals for help. Domestic violence is a crime punishable by a fine or a prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of three to 12 years in prison.

In its Progress Report on Montenegro, issued in November, the European Commission noted that the country had not adopted a new law on domestic violence, nor was there any financial support for organizations providing services to the victims of domestic violence. According to the commission, the institutional response was not satisfactory, and social welfare centers did not offer professional treatment for victims.

On December 26, the Judicial Council ordered the suspension of the higher court judge from Niksic, Milorad Marotic, who was indicted by the Basic Prosecutor in Niksic for domestic violence. The council ruled that Marotic tarnished the reputation of the judicial profession. Marotic claimed to be a victim of a conspiracy aimed at destroying his professional credibility.

NGOs operated two shelters for victims of domestic violence.

Prostitution is a crime, as is procuring, although soliciting prostitution is not a criminal offense. Prostitution existed but was not widespread. Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a problem, and public awareness of sexual harassment remained low. Although prohibited by a new labor law adopted on August 23, harassment was tolerated by society at large. Although victims were hesitant to report harassment, police were usually effective in intervening when asked to do so.

Women have the same rights as men in property law, family law, and the judicial system; however, in practice women did not enjoy equal social status with men. The Assembly has a council for gender equality, but in the opinion of some NGOs, it lacked sensitivity to the problem. Traditional patriarchal ideas of gender, which maintain that women should be subservient to male members of their families, persisted and resulted in continued discrimination against women in the home. In rural areas women could not always exercise their right to control property, and husbands occasionally directed wives' voting. Few women held senior management positions in government or commerce. There were, however, some signs of improvement; an increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine.

Although the law incorporates the general principle of nondiscrimination against women, it fails to explicitly address the principle of equal pay for equal work; in practice women's wages for comparable work were lower than those of men. According to the statistics of the Government employment agency, as of February, 44.27 percent of the unemployed were women. As of September 2007 women's average wages were 20 percent lower than men's. On July 31, the Office for Gender Equality and the Ministry for Protection of Human and Minority Rights adopted a National Action Plan for Gender Equality for the period 2008-12. The Office for Gender Equality, responsible for protecting the legal and economic rights of women, issued publications on antidiscrimination and worked on the national action plan.

Children.—The Government was generally committed to the welfare and rights of children; however, authorities were reluctant to register all births of refugees and IDPs, resulting in statelessness and in some cases poor quality public services, including health care and education.

The Government was committed to the health and educational needs of children; however, it did not allocate adequate resources to this goal. Most Romani children received little or no education beyond the primary school level, and the Government did not undertake adequate efforts to monitor or encourage continued school attendance of Roma. According to the NGO, Foundation for Providing Scholarships to Roma, 50 percent of Romani children dropped out after primary school. Authorities often segregated Romani children who attended school. There was no clear strategy to prevent Romani children from dropping out of primary school.

By law education is free, compulsory, and universal through the eighth grade; however, inadequate and poor quality education for Roma remained a problem. Prej-

udice, both within the Romani communities and against Roma, discouraged some Romani children from attending school. Some ethnic Albanians criticized the Government for not providing an opportunity for them to learn about their culture and history. On October 7, the first Muslim religious secondary school opened in Malesija, near Podgorica. The school had 64 students, and lectures were delivered in the Bosnian and Albanian languages. Privately funded, the school was not yet fully accredited by the educational authorities.

While boys and girls had equal access to state provided medical care, a few Romani children were not vaccinated, largely due to the migration of Romani families and Roma attitudes toward seeking medical care.

According to police records, in 2007, 55 cases of domestic violence against children were reported. Of these, 72 percent involved children younger than 14. Child abuse was an underreported problem that the Government took little action to address. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of incest or other child abuse to authorities. In 2007 police reported four cases of child sexual abuse. Child marriage was a problem, particularly in Romani communities, where boys and girls generally married around age 14. Romani children were disadvantaged by poverty, leading many to start work both at home and in the streets at an early age, typically around seven years old, in order to contribute to the family income. Romani children were also disadvantaged by having to attend school in a nonnative language, since many spoke Romani at home. The Government generally ignored the problem.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked through, within, and to a lesser extent to, the country.

Montenegro was primarily a country of transit, and to a lesser extent, a destination, for trafficked persons, mostly women who came from Eastern Europe, the Balkans, and the former USSR. Most victims were trafficked for commercial sexual and labor exploitation. Western Europe was the primary destination of victims trafficked through the country.

Estimates of the actual number of trafficking victims, as opposed to those who came to official attention, were difficult to obtain. According to official statistics, there were three trafficking victims during the year; however, NGOs combating trafficking contended that official statistics underreported the level of trafficking. Independence from Serbia transformed a significant portion of internal trafficking into external, cross border, trafficking. Traffickers increasingly avoided holding their victims in such public locales as bars and nightclubs. Government officials reported that the number of victims continued to decrease. The International Organization for Migration (IOM) reported in September that the overall level of trafficking remained the same as in 2007.

Persons were trafficked primarily for commercial sexual exploitation, but many observers believed that trafficking for labor existed as well, particularly within the construction sector. Trafficking victims were generally women and girls with less than average education and were usually poor. Within the country children were coerced into begging. Traffickers were often citizens, sometimes working with foreign partners, and were often affiliated with organized crime. They usually used fraud (false advertisements for travel or employment) to entice their victims and resorted to force and coercion to keep victims from escaping.

The maximum sentence for trafficking in persons is 10 years. The prosecution of all crimes, including trafficking, is plagued by significant delays.

The three traffickers sentenced in 2007 to five years in prison, the Matovic family, remained free pending an appeals process.

The state prosecutor pressed charges against seven persons during the year. In one case charges were brought against three individuals of Albanian ethnicity (one residing in Kosovo and two in Montenegro) for trafficking a minor from Kosovo. In a second case, four Serbian citizens were charged with trafficking two female victims (one from Ukraine and one from Moldova).

A national coordinator, who reports to the deputy prime minister, heads a government sponsored antitrafficking working group, including representatives from the ministries of Interior, Labor, Health and Social Welfare, Justice, Education and Science, the State Prosecutor's office, two NGOs, the IOM, and the OSCE. On December 25, the Government's antitrafficking working group adopted a new action plan. The Government also coordinated its antitrafficking efforts with other countries in the region and assisted in international investigations of human trafficking. Observers and NGOs viewed the police force as generally well trained and active

in combating trafficking, although some claimed that retaining trained antitrafficking police personnel was a problem.

The Government offered temporary visas and shelter to victims who agreed to testify against traffickers, gave victims protection, and did not prosecute victims for their activities.

Police antitrafficking efforts were centered in the organized crime department of the criminal police. During the year international organizations, with the cooperation of local authorities, sponsored training on trafficking problems for police (including border police), prosecutors, and judges.

During the year the Office of the National Coordinator began establishing a national database of trafficking victims, in cooperation with the International Center for Migration Policy Development (ICMPD), within the regional project of the Transnational Referral Mechanism.

There were no reports of official involvement in trafficking during the year. The IOM stated that it regarded officials' lack of training as a more serious problem than corruption in impeding their efforts to counter trafficking.

The law provided some protection to trafficking victims, distinguishing them from other persons engaged in prostitution, who were subject to fines, and other undocumented migrants, who were subject to deportation. Authorities generally observed these distinctions, establishing procedures for referring trafficking victims to social service agencies and repatriating them with IOM assistance. The Government funded one shelter in Podgorica that was operated by a local NGO. According to the National Coordinator for Antitrafficking, as of December 3, two trafficking victims were housed in the shelter along with 50 persons there for other reasons. The local NGOs Center Plus, Women's Safe House, and Home of Hope operated temporary shelters that provided care and psychological counseling services to trafficking victims.

Public awareness campaigns, sponsored by the Government with OSCE and IOM support, continued throughout the country, including conferences on trafficking, public service announcements, and campaigns in schools. NGOs continued to organize public information campaigns.

In December the antitrafficking coordinator organized six conferences throughout the country, which brought together groups with direct interest in the problem, including judges, doctors, NGOs, ministry representatives, and representatives of the international community to discuss trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or other state services; however, societal discrimination against persons with disabilities effectively limited their access to these benefits and authorities did not actively prosecute infractions. Laws mandating that new public buildings have access for persons with disabilities were generally enforced. Facilities for persons with disabilities were inadequate at polling stations, although authorities provided mobile voting for voters who could not come to the polling stations because of illness or disability.

The Ministry of Health, Labor, and Social Welfare and the Ministry of Education and Science were responsible for protecting the rights of persons with disabilities.

Unemployment remained a serious problem for persons with disabilities, although employers usually gave other reasons for not hiring such persons. Only 2 percent of the 63,000 persons with disabilities were employed. On August 4, the Assembly adopted the Law on Professional Rehabilitation and Employment of Persons with Disabilities. Scheduled to take effect in 2009, the law was intended to facilitate employment of persons with disabilities. Low disability allowances were a problem.

Mental health care was inadequate. Facilities for treating persons with mental disorders were out of date and underfunded. Institutional isolation perpetuated stigmatization and discrimination against such persons.

On December 30, Marijana Mugosa, a blind woman from Podgorica, filed a lawsuit against the Government because the local authorities of the Podgorica municipality where she works did not allow her to enter her office with her guide dog.

National/Racial/Ethnic Minorities.—The constitution provides for both individual and collective rights for minorities, and generally these were observed in practice; however, Roma were disadvantaged in access to social services and experienced societal discrimination. Ethnic Albanian and Muslim leaders complained about their underrepresentation in government structures. Serbian leaders complained of discrimination and a lack of economic opportunities.

According to a survey conducted in October by the National Statistics Office, the Roma National Council, and the local NGO Roma Circle, there were 10,619 Roma

in the country. Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked such basic services as public utilities, medical care, and sewage facilities. They often lacked identity documents and therefore access to basic social services. Residents of some settlements that were located on property whose owners wanted to resume control, or on the premises of companies due to be privatized, risked eviction; however, no evictions were reported during the year.

Prejudice against Roma, who comprised 0.42 percent of the population, was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to a local NGO, 70 to 75 percent of Roma were illiterate, 50 percent did not speak the predominant local language, 90 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Authorities appropriated approximately 400,000 euros (approximately \$560,000) to improve conditions for Roma under the "Strategy for Improvement of the Roma Position in Montenegro 2008 12." The Government also appointed a national coordinator for implementation of the strategy; however, the coordinator lacked basic facilities and was relatively unsuccessful in accomplishing the goals set by the strategy. Overall, government efforts did not result in significant improvements during the year.

The Government provided students with an optional civic education class that included information on minority cultures and multiethnic tolerance.

In October 2007, after many delays, the Government approved a procedure for setting up national councils, elected bodies that would represent minorities' group interests. All minorities subsequently established national councils. In October 2008 the Government provided funding for administrative costs of the councils and allocated resources to enable the councils to implement various projects.

The Bosniak Council and the Bosniak political party demanded that the admission examination for the police academy in Danilovgrad, which only one out of 30 Bosniak/Muslim candidates passed, be abolished because it failed to produce the constitutionally mandated quotas for minorities. Police responded that the admission procedures were in accordance with the law, adding that quotas did not justify having unqualified candidates. Using his discretionary authority, the Interior Minister subsequently enrolled five Bosniak/Muslim students in the academy.

In September the Government announced a plan to invest 4.5 million euros (approximately \$6.3 million) in housing and infrastructure in that region. This plan was intended to facilitate the return of persons, primarily Bosniaks and Muslims, who fled the repressive actions of the JNA in Bukovica in 1992-95.

Other Societal Abuses and Discrimination.—The law does not explicitly mention sexual freedoms; however, the constitution guarantees the respect of human rights on all grounds and prohibits the instigation of hatred or intolerance on any grounds. There were infrequent reports of violence and discrimination directed against gay men. Society generally showed antipathy towards homosexuals, leading most to conceal their orientation. The print media at times reinforced these attitudes by publishing articles with negative overtones about homosexuality. Violence against homosexuals was rare and not condoned by the Government.

There were no reports of violence or discrimination against persons with HIV/AIDS. The health minister stated on December 1 that there were approximately 390 HIV positive persons in the country.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers, except for uniformed military and police personnel, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 95 percent of the workforce in the formal economy was unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes; however, the law prohibits strikes by military and police personnel and public servants.

On February 5, five workers of the aluminum plant KAP in Podgorica were fired following a spontaneous strike in its production facilities that lasted several days. The strikers demanded that management stop the reorganization process in the electrolysis and foundry sectors and also insisted on a 30 percent increase in salaries. The workers who were fired went on a hunger strike for several days. The Government did not play any role to enforce the strike law, which did not apply because the strike did not have the endorsement of the plant's trade union committee.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level. By law the registered workforce was covered by collective bargaining agreements. The law prohibits antiunion discrimination; however, there were press reports of discrimination. For example, in November the president of the trade union at the foundry in Niksic, Janko Vucinic, was fired allegedly for criticizing foundry management.

A general collective agreement regulating the rights, obligations, and responsibilities of employers and employees was last signed in 2006 and it has been reviewed annually. The agreement applies to large state and former state companies, and the state administration and private sector usually used it as a framework for their employer employee relations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that women were trafficked through, and to a lesser extent to, the country for commercial sexual exploitation. Foreign construction workers could also be potential victims of trafficking for labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—There were laws and policies to protect children from exploitation in the workplace, including those prohibiting forced or compulsory labor and those establishing acceptable working conditions. The Government generally enforced these laws and regulations effectively.

The official minimum age for employment is 15 years; however, in farming communities it was common to find younger children assisting their families. Romani children also worked in a variety of unofficial retail jobs, typically washing car windows, collecting items such as scrap metal, or selling old newspapers. Many Romani children also engaged in begging. However, such practices were generally limited to the small Romani community.

During the year police carried out successful initiatives aimed at suppressing begging in Podgorica and the coastal areas. They arrested and charged several adults with organizing and forcing their relatives young Romani children to beg. Most of these children were temporarily accommodated in the Center for Children and Youth. Police asserted that the practice constituted family begging rather than organized begging.

Inspectors from the State Labor Inspector's Office were responsible for enforcing the child labor laws. No reliable data existed on the extent of child labor. Inspectors reported no violations of the child labor laws during the year.

e. Acceptable Conditions of Work.—The national minimum wage of 55 euros (approximately \$77) per month did not provide a decent standard of living for a worker and family. According to the figures released at the end of August, the average salary was approximately 426 euros (approximately \$596) per month and was also not adequate for a worker and family to live comfortably. Minimum wage is fixed through negotiations between the Government, labor unions, and the "Trade Union," which represents a significant number of entrepreneurs. Significant portions of the workforce, particularly in rural areas and the informal sector, were not covered by the minimum wage.

The Ministry of Health, Labor, and Social Welfare enforced the minimum wage; there were no reports during the year of employers failing to pay it.

The law requires a 30 minute rest period daily, limits hours worked to 40 per week except in specified unusual circumstances, and requires an unspecified premium for work in excess of 40 hours per week. There is no specific prohibition on excessive compulsory overtime. The Ministry of Health, Labor, and Social Welfare effectively enforced the regulations on hours of work.

During the first nine months of the year, there were 34,000 nonresident workers according to official statistics. The workplace rules for citizens have not applied to nonresident workers since 2006. In addition, an employer must pay a lump sum of 2.50 euros (approximately \$3.50) per person per day for each foreign worker. In March the Government adopted an alien employment law, to take effect on January 1, 2009. According to the law, the Government must set a quota for nonresident workers. The nonresident quota for the next tourist season was expected to be approximately 40,000.

The Government establishes mandatory health and safety regulations. The employer is obliged to report any serious injury or death at work; however, the Government did not give enforcement of these regulations a high priority; in practice workers often lacked safety equipment. During the year there were 64 serious injuries, compared with 60 in 2007. Twelve persons died from injuries at work, compared with nine in 2007. Burdened by the deadlines imposed by investors, construction

workers (mostly foreigners) usually exceeded eight hours a day; sometimes, to offset low wages, they worked additional hours in second jobs. During the year authorities conducted 3,683 inspections and established 4,244 violations of labor standards. Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment.

NETHERLANDS

The Kingdom of the Netherlands, population approximately 16.3 million, is a constitutional monarchy with a bicameral parliamentary legislative system consisting of the First Chamber, whose members are indirectly elected by the country's 12 provincial councils, and the Second Chamber, whose members are elected by popular vote. The most recent elections, held in 2006, were free and fair. A prime minister and a cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. Civilian authorities generally maintained effective control over the security forces.

The Government respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were reports of societal discrimination and violence against some religious and ethnic minorities, violence against women and children, and trafficking in persons for sexual exploitation.

Aruba and the Netherlands Antilles are two semiautonomous countries of the Kingdom of the Netherlands; they also feature parliamentary systems and full constitutional protection of human rights. Respect for human rights in these islands generally was the same as in the European Netherlands; however, conditions in the islands' prisons remained substandard in some respects.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated or other disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison and detention conditions in the Netherlands generally met international standards, and the Government permitted visits by independent human rights observers. In the Netherlands Antilles, judges may sentence juveniles under the age of 16 who have committed serious offenses to prisons where they serve time together with adults; however, authorities allocated funding during the year to expand prison capacity to permit such juvenile offenders to be kept separately.

Shortcomings in detention and prison facilities, particularly overcrowding, persisted in Curacao and St. Maarten (Netherlands Antilles); however, due to increases in the capacity of their custodial facilities, overcrowding was no longer a problem in Aruba and Bonaire (Netherlands Antilles). A pilot project employing house arrest for selected inmates continued. A shooting, several stabbings, and a hunger strike took place among inmates of the Bon Futuro prison on Curacao. Prison guards went on strike once over labor conditions. On St. Maarten inmates went on strike once over remuneration for prison work and other grievances. The Government reserved 25 million Netherlands Antilles guilders (approximately \$14 million) for the improvement of the Bon Futuro prison and for detention centers on the other Antillean islands.

During the year, following a recommendation by the Council of Europe's (COE) Committee for the Prevention of Torture (CPT) based on its June 2007 visit, authorities in the Netherlands stopped using two boats used to hold illegal immigrants awaiting deportation.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities generally maintained effective control over the regional police forces, and the Government has ef-

fective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Police officers, acting under the authority of the public prosecutor, conduct criminal investigations. A prosecutor or senior police officer must order any arrests. Authorities must promptly inform detainees of the charges against them. Police may question suspects for a maximum of 12 hours and may detain a suspect for up to three days (with the possibility of an additional three days' extension in cases of "urgent necessity") by order of the public prosecutor without the permission of a magistrate; within four days, however, police must bring detainees before an examining magistrate for questioning. This magistrate also decides whether to permit detention to be extended and reviews the validity of continued detention every 30 days. Extension depends on progress in the preliminary investigation. In terrorism related cases, authorities may hold suspects for up to 14 days if there is a "reasonable suspicion" of terrorist involvement.

By law defendants have the right to have their attorneys present during questioning; however, the UN Committee Against Torture (CAT) and the CPT expressed concern that authorities did not always respect this right during the initial period of detention, which may last up to six hours. During the year authorities initiated pilot projects in several towns to assure prompt legal assistance.

There is no provision for bail, but authorities avoid lengthy detention before trial unless there are compelling reasons to keep a person in custody.

In May 2007 the CAT criticized the excessive length of pretrial detention and the high number of detainees in Aruba and the Netherlands Antilles who have not been convicted of a crime. The governments of the two territories have reduced the number of crimes requiring pretrial detention and implemented other policies aimed at reducing the case backlog, particularly more expeditious processing of cases involving illegal drugs.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are not used. The law requires that authorities fully inform defendants about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively, for persons with low incomes), the presumption of innocence, and the right to appeal. In most instances defendants and their attorneys have access to government held evidence relevant to their cases; however, in certain cases involving national security, special procedures permit an examining judge to assess the reliability of official intelligence reports without exposing the identities of intelligence officers or releasing confidential intelligence information to the public or the defendant. The defense has the right to submit written questions to these witnesses through the examining judge.

Procedures and rights were the same or similar in Aruba and the Netherlands Antilles, where they were generally respected in practice; however, in 2007 the CAT expressed concern that in the Netherlands Antilles, a lawyer for the detainee may be present during interrogation only with the prior authorization of a magistrate. However, there were no reports during the year that requests for the presence of an attorney were denied.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Individuals may bring lawsuits for damages related to a possible human rights violation before the regular court system or specific appeal boards.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected this prohibition in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or disability, and during the year the Government prosecuted several cases successfully, notably cases in which judges considered the language in question to

be “unnecessarily offensive.” The Government urged prosecutors and police to give proper attention to incidents of “discrimination,” which in the country’s jurisprudence includes racially offensive speech.

In March a pilot project was begun in two regional police districts, including Amsterdam, to improve the reporting of hate crimes, including hate speech, by using a special Web site. In July the city of Amsterdam started a campaign to encourage the reporting of such incidents to the Amsterdam Discrimination Registration Center.

In April a District Court declined to issue an injunction against the showing of a film by right wing parliamentarian Geert Wilders. Wilders’ film, “Fitna,” asserted that Islam preaches violence and hatred. The Government criticized the film, claiming it served no purpose other than to cause offense. The court ruled that “the right to freedom of speech is decisive,” the views expressed in the film “do not exceed the legal boundaries against inciting hatred or violence,” and as a politician, Wilders “should be able to put forward in the public debate” his criticism against radical Islam or the Koran.

On June 30, the Amsterdam public prosecutor’s office announced that it would not prosecute Wilders for his numerous anti Islamic statements. In April the prosecutor determined that, although they were offensive to Muslims, they were not a criminal offense because “they were made within the context of the public debate on Islam.” The prosecutor also ruled that Wilders did not intentionally incite to hatred or discrimination. The prosecutor arrived at his judgment after consulting the National Discrimination Expertise Centre (LECD), as well as legal experts on questions of national and European law. The decision explicitly referred to prevailing jurisprudence of the European Court of Human Rights (ECHR) that allows room for statements that offend or shock if made within the context of public debate. The prosecutor’s decision was under appeal at the end of the year.

On May 13, police detained and questioned for 30 hours a cartoonist, who used the pseudonym of Gregorius Nekschot (Deathblow), in connection with several cartoons that the prosecutor believed violated the law on intentional discrimination and incitement to hatred against Muslims. Some parliamentarians criticized the police action as an extremely inappropriate attempt to curtail freedom of expression, an accusation the Justice Minister denied. Legal experts concluded that the prospect of successfully prosecuting the cartoonist was minimal.

Internet Freedom.—There were no governmental restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. More than 85 percent of the population had access to the Internet.

During the year authorities took measures to deal more effectively with incitement to discrimination on the Internet. Despite the priority given to such cases, there were only three convictions in 2007, the latest year for which data were available.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. There were no reports that the Government attempted to limit the freedom or exercise of religion during the year.

Rulings of the courts and the Equal Opportunities Committee generally held that any restriction on wearing headscarves in schools or places of employment should be limited and based on security or other narrow grounds. The Government banned clothing covering the full face in the administration and education sectors.

Societal Abuses and Discrimination.—There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Jews and Muslims faced instances of abuse during the year, although the experiences of the two communities differed. The Government repeatedly criticized any form of anti-Semitism or anti Islamic activity and worked with nongovernmental organizations (NGOs) to combat such abuses.

Muslims, who numbered approximately 850,000, faced societal resentment attributable to perceptions that Islam is incompatible with Western values, that Muslim immigrants have failed to integrate, and that levels of criminal activity among Muslim youth are higher than the national average. Major incidents of violence against Muslims were rare, but minor incidents, including intimidation, brawls, vandalism, and graffiti with abusive language, were common.

A number of right wing politicians described Islam as incompatible with the country's traditions and social values. In a report released on February 12 (but prepared in 2007), the COE's European Commission against Racism and Intolerance (ECRI) asserted that political figures' criticisms of Islam contributed to what it considered a substantial increase in Islamophobia. Despite protests by Muslims and others, in April a court declined to forbid the showing of a film that was widely criticized for its anti Islamic content, and a prosecutor declined to prosecute the film's maker for his many anti Muslim public statements. Both the court and the prosecutor justified their decisions on freedom of speech grounds (see Section 1 a.).

Authorities stressed their conviction that the majority of Muslims fit comfortably into society. The Government continued a comprehensive outreach campaign to counter anti Muslim sentiments and right wing nationalism, including a 25 million euro (approximately \$35 million) grant for programs in neighborhoods and schools during the period 2008 11. These efforts raised public awareness and triggered debate, but concerns about the policy's effectiveness remained. The Government made clear that it would combat groups espousing violence in support of an Islamist extremist agenda.

The population included approximately 45,000 Jews. Anti Semitic incidents, including verbal threats, cursing, and desecration of monuments and cemeteries, continued to occur. Certain small groups that opposed Israeli policies, including the Arab European League and the Stop the Occupation Movement, frequently used what some observers regarded as anti Semitic language and images to express their views about Israel. Explicitly anti Semitic sentiments prevailed among certain segments of the Muslim community and among fringe nationalist and neo Nazi groups. Serious incidents were rare during the year; however, anti Semitism among right wing extremists appeared to increase. Extreme right wing anti Semites were the primary culprits in the few instances of vandalism of Jewish buildings and monuments and desecration of cemeteries.

The independent Registration Center for Discrimination on the Internet (MDI) reported that strongly anti Semitic statements regularly appeared on both right wing extremist and radical Islamic Web sites. The sites targeted not only Jews but other groups, including Muslims, blacks, and homosexuals. Observers noted a new phenomenon of right wing youth augmenting their profiles on Internet social networking sites with anti Semitic texts. The Center for Information and Documentation on Israel called for stronger government action against anti Semitic Web sites, describing the Internet as one of the main sources for dissemination of anti Semitic and racist ideologies. An antidiscrimination NGO and several major political parties asked the Justice Minister to take action against the Web site of the neo Nazi organization Blood and Honor.

Anti Semitism was the subject of 72 of 4,000 complaints received by a network of antidiscrimination bureaus across the country in 2007. The number was smaller than in previous years. According to network representatives, the number of anti Semitic incidents appeared to be correlated with the situation in the Middle East.

The Government continued to condemn anti Semitism and to work with NGOs to combat it. The Government urged prosecutors and police to give proper attention to incidents of discrimination, including discrimination on religious grounds. The authorities maintained a cybercrime Web site through which citizens can report radical statements and hate e mail. Although the Government gave priority to countering discrimination and incitement to hatred on the Internet, critics charged that law enforcement agencies could still do considerably more.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government established a system for providing protection to refugees.

The Government remained committed to providing protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, some observers asserted that some of the Government's procedures

ran this risk. The authorities provided economic assistance to those to whom it denied asylum and who chose to return home voluntarily.

Authorities denied asylum to persons who came from a so called safe country of origin or who resided for some time in a safe country of transit. They used European Union guidelines to define such countries.

The UNHCR and NGOs, including Amnesty International (AI), raised cases in which protection from return to unsafe countries appeared to have been violated and called for stricter policies to prevent future instances. The authorities promised to investigate the allegations. These charges also drew intense political scrutiny and gave rise to parliamentary hearings that reversed or delayed government proposals to return asylum seekers from Somalia and parts of Iraq, as well as homosexuals and Christian converts from Iran.

Several organizations, including AI and the Council for the Administration of Criminal Law, criticized the manner of detention of aliens prior to deportation. Since these aliens are not criminals, the critics maintained that they should not be subjected to a criminal regime or kept in detention for extended periods of time, especially if there was little or no prospect of actual deportation. Courts have ordered the aliens' release if there is no prospect of actual deportation. The state secretary for justice promised to review the situation, but noted that there was no evidence of structural abuse in the treatment of aliens in detention centers. Moreover, she stated that she had already taken measures to keep families with children out of detention.

In May 2007 the CAT expressed concern that asylum procedures did not allow asylum-seekers enough time to substantiate their claims and consult an attorney, which could lead to refugees being returned to unsafe countries. Also in May 2007 the ECHR criticized the "excessive formalism" of the country's asylum procedures and called for a more generous assessment of asylum requests that took into account reports produced by human rights NGOs, such as Human Rights Watch.

Stateless Persons.—Citizenship is primarily based on the mother's citizenship (*jus sanguinis*). According to the UNHCR, of a total of nearly 700,000 first-generation, non western immigrants, there were 4,461 stateless persons at the end of 2007. According to Statistics Netherlands, the local administrations had registered more than 5,000 stateless persons, including 1,463 persons under the age of 17, by the end of the year.

The Kingdom Act on Dutch Citizenship has repeatedly been revised in order to counter and prevent statelessness, including by providing the opportunity to gain Dutch citizenship. There were no reports of violence or discrimination targeting stateless persons.

Immigrants may naturalize after five years of legal residence, or three years if they are married to a citizen. Migrants who are not naturalized are allowed to work in the civil service, with the exception of the police force and the army. After five years of legal residence, nonnationals have the right to vote in local elections. A written naturalization examination that tests both the applicant's Dutch language proficiency and knowledge of the country's culture and society is required for citizenship.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba, where they were also exercised in practice.

Elections and Political Participation.—Parliamentary elections held in November 2006 were free and fair.

Political parties operated without restriction or interference. One of the oldest political parties, the Protestant Political Reformed Party (SGP), continued to deny women the right to run for office, despite a December 2007 ruling by The Hague Appellate Court that by doing so it was in violation of the Convention on the Elimination of All Discrimination against Women. The court ordered the Government to take action to force SGP to change its policy. At year's end both the SGP and the Government had appeals pending with the Supreme Court against this ruling.

There were 62 women in the 150 seat Second Chamber of parliament, four female ministers in the 15 member cabinet, and six women among the 11 junior ministers. Women also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba, including the position of prime minister of the Netherlands Antilles.

Approximately 15 members of ethnic minorities Turkish, Moroccan, and Surinamese served in the 150 seat Second Chamber of parliament. Two junior ministers in the cabinet were Muslims of Turkish and Moroccan background.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. However, in August the COE's Group of States Against corruption concluded in an assessment of the country's anticorruption policy that the maximum sentence for corruption was too light and not in line with relevant COE guidelines. There were isolated reports of government corruption during the year.

There were press reports of corruption among some working level law enforcement personnel at Schiphol Airport, but observers did not believe the problem was widespread or systemic. In 2007, the most recent year for which information was available, authorities imposed disciplinary sanctions on 210 central government employees for abusing their positions.

There were no laws requiring officials to make financial disclosures. The Government pursued an active anticorruption policy coordinated by the Internal Affairs Ministry's Bureau for Promotion of Integrity of the Public Sector. The National Criminal Investigation Service coordinates investigations under the supervision of the national prosecutor for corruption.

The law provides for public access to government information, and authorities generally respected that right for both citizens and noncitizens, including foreign media. Those seeking information may appeal any refusal to the regular courts. Disputes occasionally arose in court over the scope of the Government's right to withhold information based on the public interest. For example, there were disputes over whether to release certain classified internal memos.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

On July 11, in response to appeals by the UN and the COE, the Government announced that it would set up a National Institute for Human Rights in accordance with the 1993 "Paris Principles" governing such institutions. The institute is intended to research human rights issues, give advice on policies, and help deal with complaints more efficiently.

At year's end, the Government was selecting personnel and deciding on a budget for the new institute.

The Government has a long tradition of hosting international legal tribunals, including the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, and the Special Court for Sierra Leone.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on age, race, gender, disability, language, political preference, sexual orientation, and social status, and the Government generally enforced these prohibitions. However, violence against women and children, trafficking in persons, and discrimination against ethnic minorities were problems.

Women.—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. The penalty for rape is imprisonment not exceeding 15 years or a fine. The maximum sentence for marital rape is eight years' imprisonment.

Domestic violence was the most prevalent form of violence in society. According to a fact sheet issued in August by the Ministry of Justice, there are approximately 500,000 incidents of household violence each year. At some point in their lives, 40 percent of the population experienced domestic violence. Of these, 10 percent reportedly experienced some form of physical, sexual, or mental abuse on at least a weekly basis, and 4 percent had been raped. According to police records, approximately 85 percent of victims were women. Police estimated that approximately 12 percent of all cases are reported. In September the Government presented a national action plan to intensify the fight against household violence in 2008 11. Its objective was a coherent approach involving prevention, identification, and intervention; it called for upgrading the expertise of police and expansion of the public prosecutor's office. Under the action plan, the probation service developed a comprehensive program intended to reduce the number of repeat offenders. At year's end the Government was conducting a national survey into the scope of domestic violence.

Spousal abuse carries a penalty one third more severe than ordinary battery. Police records indicated that approximately 3 percent of the cases of spousal abuse re-

ported to police resulted in arrests. The national organization Movisie (formerly TransAct), supported by the Government, assisted victims of domestic violence and those investigating and prosecuting related crimes. The Government subsidized shelters for battered women. In August the Government announced that it would continue its 2007 public information campaign against domestic violence until the end of September. In The Hague the campaign led to a 43 percent increase in the number of incidents reported in 2007.

In July the Government made it easier for female immigrants who were victims of domestic violence or abandoned by their partners to obtain residence status on their own. Previously, immigrant spouses depended on their partners for their legal status during the first three years of their stay. Under the new guidelines they could claim residence status within this period if they were either victims of domestic violence or were abandoned by their partners in their country of origin. In addition, the Government would consider granting residence in the Netherlands to a woman who was abandoned in her native country but who had some roots in Dutch society, if she faced the risk of a forced marriage or of being abandoned by her family.

There were no recent statistics on honor killings, but 279 and 158 cases of honor related violence were reported in The Hague and Amsterdam, respectively, in 2006. The Government continued a 2006 program to combat honor related violence. Authorities allocated approximately 13 million euros (\$18.2 million) to the program, which focused on prevention, protection, and criminal prosecution. In June the Expertise Center for Honor Related Violence opened in Amsterdam.

Prostitution is legal for persons age 18 or older who engage in the practice voluntarily. The law provides penalties for Dutch nationals and legal residents who abuse minor children abroad, even if the offense is not a crime in the country where the abuse occurs.

Sexual harassment was a problem. While there were no recent statistics on its prevalence, a 2003 study showed that 5.3 percent of female workers were sexually intimidated in the workplace. The law requires employers to take measures to protect workers from sexual harassment. The Government continued a public awareness campaign and has taken measures to counter harassment among civil servants, but no information was available about the measures' effectiveness.

Under the law women have the same rights as men, including rights under family law, property law, and in the judicial system.

Approximately 65 percent of women were employed, nearly two thirds of them part-time. The Government was taking measures to make daycare more accessible to support full time employment for working parents. Female and male unemployment rates were 5.8 and 3.6 percent respectively. The Ministry of Social Affairs and Employment reported that the higher rate of unemployment among women, their reduced chances for promotion, and their generally lower ranking positions than men resulted primarily from their part time employment. According to the ministry, the disparity between men's and women's earnings in the private sector narrowed from 23 percent in 2006 to 18 percent in 2007; adjusted for level of experience and expertise required for the jobs, the differential was 7 percent.

The Government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women. In 2007 the Equal Treatment Commission received 515 complaints from women about labor discrimination related to their employment.

Children.—The Government worked to ensure the welfare of children through numerous and generously funded health, education, and public information programs.

Child abuse was a problem. In an April 2007 study, Leiden University concluded that more than 100,000 children were victims of abuse. Many of them had been physically or emotionally neglected. The study estimated that 4,700 children had been sexually abused and 19,000 had suffered physical abuse. Experts estimated that approximately 50 to 80 children died each year from some form of abuse. In 2007 the Child Abuse Reporting Center received more than 50,000 reports of possible child abuse, 20 percent more than in 2006. In September the Government began to require physicians to report child abuse, overriding professional confidentiality. Despite increased government funding for the Council for the Protection of Children, there still were long waiting lists for assistance.

The law prohibits female genital mutilation (FGM). In 2007, the Government's National Public Health Council estimated that at least 50 girls a year underwent FGM; the FGM committee established by the Ministry of Health estimated the number of girls at risk at 16,000. In 2006 the Government launched a three year program to combat FGM through primary prevention and early identification. It has

committed more than one million euros (approximately \$1.4 million) per year to combat FGM. The maximum penalty for FGM is six to nine years' imprisonment.

Trafficking in Persons.—The law in the mainland Netherlands prohibits all forms of trafficking in persons; however, trafficking in persons was a problem. Aruba has an antitrafficking law. The Netherlands Antilles, which has no specific antitrafficking law, has successfully used existing legislation to prosecute traffickers.

The Netherlands was a destination and country of transit for trafficked persons, and trafficking within the country was also a problem. NGOs and police estimated that the number of women and girls trafficked for commercial sexual exploitation ranged from 1,000 to 3,600. Comensha, formerly the Foundation against Trafficking in Women, an independent NGO that helps victims of trafficking, registered 716 victims in 2007, up from 579 in 2006. The top five countries of origin were the Netherlands (260 victims), Nigeria (102), Bulgaria (50), China (37), and Sierra Leone (29). Of the 716 victims registered in 2007, 49 were male and 198 were younger than 18. According to Comensha, most female victims were exploited in prostitution. Thirteen victims worked as domestic servants and nine in the catering sector. Of the male victims, five worked in the catering and three in the construction sectors.

There were reports that trafficking in persons for commercial sex and labor was a problem in the Netherlands Antilles.

Almost all of the 260 domestic victims of mainland trafficking registered in 2007 were girls with immigrant backgrounds seduced and coerced into prostitution by so called "lover boys," primarily young Moroccan or Turkish men and boys. Most traffickers used threats of violence toward the victims or their families to control their victims. Most vulnerable were underage girls and young women of Moroccan and Turkish descent (mostly "lover boy" victims), underage asylum seekers, women with dependent residence status obtained through fraudulent marriages, and women recruited in Africa.

During the year a foreign court ordered the Curacao Drydock Company in the Netherlands Antilles to pay damages to three Cuban workers who were among the approximately 100 who were forced to work for long hours with virtually no pay in 2005 and 2006.

The maximum sentence for trafficking in persons in the mainland Netherlands is normally six years. Courts may increase sentences in certain cases. For example, the maximum term is 10 years when the victim is younger than 16, 12 years when the person being trafficked is seriously injured, and 15 years when trafficking results in the victim's death. The legal definition of trafficking in persons includes labor trafficking.

In 2006 the Dutch public prosecutor's office prosecuted 216 traffickers, compared to 138 in 2005, and the courts convicted 100 traffickers, compared to 114 in 2005. In July the court gave six members of a major Turkish German trafficking gang prison sentences of eight months to seven and one half years. The prosecutor's office considered the sentences too low and appealed the verdict. The appeal was pending at year's end. In 2007 prosecutions in four labor exploitation cases ended in acquittals. Appeals in two of these cases were pending. During the year, according to a prosecutor in the Netherlands Antilles, a court, using other charges, convicted a club owner in St. Maarten for trafficking three women for commercial sex.

The Government in the mainland Netherlands, especially the ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs, actively combated trafficking in persons. Local police forces established special units to deal with trafficking, and the National Crime Squad's Expertise Center on People Trafficking and Smuggling (EMM) brought together experts from the National Police Criminal Investigation Service, military border police, regional police forces, the Immigration and Naturalization Service, and the Social Information and Investigation Service. The national prosecutor for trafficking in persons supervised investigations conducted by the EMM, which also provided specialized training to police in the identification and protection of trafficking victims. The national rapporteur on trafficking in human beings heads an independent, publicly funded agency that reports annually to the Government on the nature, extent, and mechanisms of trafficking as well as on the effects of national policies. Authorities participated in international investigations and cooperated closely with other governments on trafficking. In February a human trafficking task force was set up that included a member of the Board of Attorneys General, the national rapporteur, senior officials of various ministries, the police, and local government and judicial officials.

The mainland Netherlands government provides a temporary residence mechanism (the B 9 visa) that gives trafficking victims three months to consider pressing charges against their traffickers. A victim who does so may remain in the country

until the legal process has been completed. During this period, the victim receives legal, financial, and psychological assistance, and may work or receive vocational training. Victims may request a permanent residence permit on humanitarian grounds.

Specially trained police conducted regular inspections of brothels and other commercial sex establishments to verify that individuals in the sector were working voluntarily and to identify any potential trafficking victims.

The Dutch government subsidized NGOs working with trafficking victims. For example, Comensha offered victims social support, legal advice, medical aid, shelters, and counseling. The Justice Ministry cofinanced the La Strada program, aimed at preventing trafficking in women in Central and East European countries.

In January the Justice Ministry provided funding for the Anonymous Crime Reporting Center to renew and expand the successful campaign against trafficking and sexual exploitation launched in 2006.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Discrimination against persons with disabilities was prohibited, but government enforcement was inadequate, and there were some reports that such discrimination occurred. The penal code provides penalties for discrimination in employment, education, access to health care, and the provision of state services. The Equal Opportunity Commission (CGB) received several dozen complaints, mostly labor related, of such discrimination. Although CGB rulings are not binding, they are usually implemented. The law requires access to public buildings for persons with disabilities, but public buildings and public transport often were not easily accessible in practice.

National/Racial/Ethnic Minorities.—Incidents of physical assault against minorities were rare, but members of minority groups experienced verbal abuse and intimidation and were at times denied access to public venues such as discotheques. The Muslim community of approximately 850,000 persons faced frequent discrimination. Members of immigrant groups also faced discrimination in housing and employment. In 2007 the minority unemployment rate (15.5 percent) remained roughly three times that of the ethnic Dutch workforce (4.3 percent).

A February 12 ECRI report contended that a number of government practices both stigmatized and discriminated against members of minority groups. For example, ECRI cited reports that police singled out individuals from the Netherlands Antilles living in the mainland Netherlands for searches without apparent reason. The report criticized a planned registration system authorities had proposed specifically for Antilleans. The Government defended the registration idea as a temporary expedient that could enable it to locate members of this transient minority in order to provide them with targeted support.

With the proliferation of Internet Web sites, the dissemination of racial and discriminatory material remained widespread. The MDI registered more than 1,000 instances in 2007 that it asserted were punishable, a 10 percent increase over 2006. Jews, Muslims, Moroccans, and Africans were the main target groups. A significant number of controversial expressions (more than 90 percent) were removed voluntarily at the center's request. MDI reported the nine most serious cases to the prosecutor's office, but none was brought before a court.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Depending on the circumstances, persons could file complaints of racism or discrimination with the civil and criminal courts, the CGB, the national ombudsman, the Commercial Code Council, the Council for Journalism, the European Court of Justice, and the ECHR.

A network of antidiscrimination bureaus across the country received more than 4,000 complaints in 2007, approximately the same number as in 2006. Most complaints concerned discrimination on racial or ethnic grounds. About half of the complaints were about discrimination in the labor market.

The majority of cases filed in criminal courts concerned racial defamation. Civil lawsuits often alleged discrimination against persons who were not ethnically Dutch in the supply of services, such as mobile phones, or access to clubs. The CGB focused on discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees.

On May 14, the city council of Amsterdam presented an updated plan of action against discrimination. The priorities were to enhance victims' willingness to report incidents, to counter hate crimes against homosexuals, and to promote a nondiscriminatory policy at clubs and bars. Meanwhile, AI voiced criticism that most local governments had failed to develop plans to combat discrimination and racism.

Other Societal Abuses and Discrimination.—There was increasing harassment of homosexuals in larger cities, primarily by some groups of Muslim youth. Most harassment consisted of verbal epithets and abuse. Police gave efforts to combat antigay violence high priority. Amsterdam police, who began keeping separate records of antigay incidents in 2007, recorded 234 antigay incidents in that year. Most involved cursing and threats, but 79 cases involved violence.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join independent unions of their own choosing without prior government authorization, and workers exercised this right in practice. Approximately 25 percent of the legally employed work force was unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. Public sector workers generally have the right to strike, but a magistrate may forbid a strike that threatens the public welfare or safety. For example, magistrates have often prohibited police actions because of the essential services they perform.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised these rights in practice. Collective bargaining agreements covered approximately 86 percent of workers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that adults and children were trafficked for commercial sexual exploitation and adults for labor exploitation. There were occasional reports that workers were exploited in the restaurant, food processing, domestic service, and agricultural sectors.

During the year a foreign court ruled in favor of three Cubans who asserted they were among approximately 100 Cuban workers in a drydock company in the Netherlands Antilles in 2005 and 2006. They were obliged to work for as many as 110 hours a week at three cents an hour. Their labor was the result of an arrangement between the Cuban government and the Curacao Drydock Company, in which the Government of the Netherlands Antilles was the largest shareholder, to pay off Cuba's multi million dollar debt to the company. The workers who escaped described dangerous working conditions that resulted in serious injuries; they claimed their passports had been seized and they were only allowed to leave the drydock on limited occasions and accompanied by a minder. In 2007 the Antillean government investigated allegations of labor law violations against the drydock and found insufficient evidence to proceed in the complaint of excessive work hours. The arrangement between the company and the Cuban government was terminated in 2007.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government enforced laws and policies to protect children from exploitation in the workplace; however, children were trafficked for commercial sexual exploitation. In 2007 the Dutch Coordination Center against Trafficking in Persons registered 198 trafficking victims under the age of 18.

The minimum age for employment is 16 years. Sixteen year olds in school may not work more than eight hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well being. A tripartite labor commission composed of representatives of government, enterprises, and unions monitored hiring practices and conducted inspections. The commission enforced the laws effectively.

Holiday work and after school employment are subject to very strict rules set by law. The Ministry of Labor's inspection office, which is charged with enforcement, found during the year that 70 percent of companies employing holiday workers and children under 18 complied with regulations.

e. Acceptable Conditions of Work.—The minimum wage for adults of 1,356.60 euros (approximately \$1,900) per month provided a decent standard of living for a worker and family. The minimum wage is established by the Ministry of Labor.

The law sets a 40 hour workweek. The average workweek was 30.6 hours (38.7 hours for full time and 20 hours for part time workers). Persons working more than four and one-half hours per day were entitled to a 30 minute rest period. Overtime is regulated. There are no exceptions for legal foreign workers. The Labor Inspectorate effectively enforced the labor laws.

The tripartite labor commission actively monitored and effectively enforced working conditions, including comprehensive occupational safety and health standards

set by law. The Ministry of Labor and Social Affairs also monitored standards. Workers could remove themselves from dangerous working conditions without jeopardizing their continued employment, and they exercised this right in practice.

Workers in the significant underground economy enjoyed neither the minimum wage nor any of the other legal, administrative, or safety protections available to other workers.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy; King Harald V is head of state. The population is approximately 4.73 million. The country is governed by a prime minister, a cabinet, and the 169-seat Storting (parliament) that is elected every four years and cannot be dissolved. Free and fair elections to the multiparty parliament were held in 2005. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens, and the law and the independent judiciary provided effective means of addressing isolated instances of abuse. During the year there were security problems at refugee centers. Violence against women was a problem, and there were reports of trafficking of women, children, and men.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these provisions in practice.

There was one report that police used excessive force during the year. According to a September newspaper report, police forcibly apprehended and handcuffed a 15-year-old girl who had run away from a home run by social services. The girl spat at one of the police officers, who responded by hitting her in the face and allegedly kicking her while transporting her back to the youth facility she had run away from. Oslo District Court found the girl guilty of spitting and using foul language toward the police, and the court also strongly criticized the use of force by the police. The Oslo police authority publicly criticized media coverage of the incident as sensational and biased.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, no such visits took place during the year. The system was considered transparent; prisoners were represented by an ombudsman who could visit at prisoner request or at the ombudsman's own initiative.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The national police have primary responsibility for internal security; the police may call on the armed forces for assistance in crisis situations. In such circumstances, the armed forces are under police authority. The Ministry of Justice and Police oversees the police force.

The police force was generally effective, and corruption was not generally a problem. Adequate measures were in place to investigate police abuses. An independent police complaint commission investigates reports of corruption within the police force.

On June 23, a case was filed with the European Court of Human Rights in Strasbourg concerning Eugene Obiora, a citizen of Nigerian origin, who died in 2006 after four police officers arrested him in Trondheim for disorderly conduct. At year's end, the court had not decided whether to hear the case. Police had used a neck hold to restrain Obiora when he struggled during arrest; Obiora lost consciousness and later died in the hospital. A case against the arresting officers initially was dismissed for lack of evidence, and in December 2007 the public prosecutor cleared the officers of responsibility for the death. The parliamentary ombudsman also investigated the case during the year but had not announced his findings by year's end.

In connection with the incident, evidence of a racist attitude—graffiti on the wall of the police station handling the case—was leaked to the media.

Arrest and Detention.—The law requires warrants for arrests, and police generally arrested a person based on a warrant authorized by a prosecutor. Police must file a justification to hold detained persons in custody within four hours of their arrest, and detainees must be promptly informed of the charges against them. An arrested suspect must be arraigned within 24 hours (not including Saturday and Sunday), at which time the arraigning judge determines whether the accused should be held in custody or released pending trial. Nonresident foreigners are not released pending trial. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the Government. Arrested persons are generally allowed access to family members.

There is no bail system or similar mechanism. Defendants accused of minor crimes routinely are released pending trial. Defendants accused of serious or violent crimes generally remain in custody until trial.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public. Juries are used only in criminal cases heard by the court of appeals. Defendants enjoy a presumption of innocence. Defendants have the right to be present, to have counsel-at public expense if necessary-to confront and question witnesses, to present evidence and witnesses, and to appeal. Defendants and their attorneys have access to government-held evidence relevant to their cases. The law extends the above rights to all citizens.

There are no military courts; military crimes are tried in a civilian court, with the addition of a military judge to assist the civilian judges in trying the case.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters that can adjudicate cases involving human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. More than 80 percent of citizens had Internet access; 82 percent of citizens accessed the Internet at home, and over 45 percent accessed the Internet at their workplace.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

The state church is the Evangelical Lutheran Church of Norway, which was supported financially by the Government. The constitution requires that the King and at least half of the cabinet belong to this church. Other denominations operated freely. As a result of an April agreement between the church and the state, the church is able to select its own bishops (but the state still appoints them until and unless the constitution is amended).

A religious community is required to register with the Government if it desires government financial support, which is provided to all registered denominations on a proportional basis in accordance with their membership.

The law permits private or religious schools and day care centers to ask persons seeking employment whether they will respect and teach the denomination's beliefs and principles. Employers may reject applicants on the basis of their responses. In February 2007 the Ministry of Education allowed schools to prohibit the wearing of the niqab (a veil worn by strictly observant Muslim women that entirely covers the face except for the eyes), but there were no reports that school officials implemented the prohibition.

On May 17, the country's Constitution Day, Petar Keseljevic and Lawrence Keffer were arrested as they attempted to evangelize on the streets of Oslo. They were approached by angry members of the public, who yelled at them not to spread political or religious messages during the parade. The police asked them to move, and when they refused they were arrested. Keseljevic claimed that his right to free speech had been violated, but the Oslo District Court found that the two evangelists were effectively engaged in a demonstration and the police were therefore justified in asking them to move. Each was fined 10,500 kroner (approximately \$1,500) plus legal fees of 1,500 kroner (\$200). A similar incident involving Keseljevic in 2007 was appealed to the European Court for Human Rights in March; at year's end the court had not yet decided whether to hear the case.

Societal Abuses and Discrimination.—The Jewish population is relatively small, with about 1,000 members. In November and December, there was considerable press debate over whether anti-Semitism was increasing in the country and whether press coverage of Israel is balanced. Politicians, religious leaders, and academics spoke out on the question; there was no consensus. Separately, the press heavily criticized a controversial television comedian for telling a joke that trivialized the Holocaust killings. A nongovernmental organization (NGO) reported the incident to the police, but the comedian was not charged with any wrongdoing.

In May a court convicted Arfan Bhatti of conspiracy to commit "serious vandalism" in connection with gunshots fired at the Oslo synagogue in 2006. The court acquitted Bhatti of the charge of terrorism in connection with the shooting and plots to attack several foreign embassies but sentenced him to eight years' imprisonment for attempted murder and threatening behavior—charges unrelated to the synagogue shooting. At year's end Bhatti remained in custody awaiting appeal of his conviction.

The Government continued to support organizations that worked to combat discrimination; it supported the foundation "The White Buses," which took students from the country to Auschwitz to educate them about the Holocaust.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum and accepted refugees for resettlement.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol, and provided it to 1,960 persons in 2007. Through November such protection was provided to 1,721 persons.

On July 18, a sniper firing from a hillside into an asylum center shot and critically injured a 16-year-old asylum seeker from Somalia. In August authorities charged a 50-year-old attorney with attempted murder after he admitted firing the rifle. The shooter was found mentally unfit to stand trial, and was required to undergo psychiatric treatment.

In July asylum seekers and permanent residents of Kurdish and Chechen origin were involved in a violent fight at an asylum center. The media reported that a large number of Chechen men armed with machetes and iron bars broke into the center and that more than 20 persons were injured. Witnesses reported that it took one hour for police to arrive at the center.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—Free and fair parliamentary elections held in 2005 resulted in the formation of a coalition government of the labor, socialist left, and center parties.

Political parties operated without restriction or outside interference.

There were 64 women in the 169-seat parliament and seven women among the 19 Supreme Court justices. Women headed nine of the 19 government ministries. There was one member of a minority in parliament. There were no minority ministers or Supreme Court justices.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no confirmed reports of government corruption at the federal level during the year.

Public officials are subject to financial disclosure laws. The Ministry of Justice and Police and the Ministry of Finance are responsible for combating corruption.

The law provides for public access to government information, and the Government provided access in practice.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The country has a parliamentary ombudsman who had the Government's cooperation and operated without government interference. The ombudsman has the authority to hear complaints on actions by government officials, but the office has not issued any reports specifically on human rights issues. Although the ombudsman's recommendations are not legally binding, in practice government authorities generally complied with them.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced this prohibition in practice, although violence against women and trafficking in persons were problems.

Women.—The law criminalizes rape, including spousal rape, and the Government enforced the law. The number of rapes reported during 2007 was 1,060, an increase from 2006.

The penalty for rape is generally one to 10 years in prison, depending on the severity of the assault, the age of the victim, and the circumstances under which the crime occurred. Eighty-four percent of rape cases reported to police in 2007 never reached the courts, usually due to reluctance on the part of the victim to press charges. Approximately 36 percent of rape trials end in acquittal. In March 2007 a task force convened by the chief prosecutor's office to examine rape trends reported that one problem was that the system is male-dominated, but the task force did not propose any concrete steps to improve the system. The Ministry of Defense separately identified a gap in the reporting and investigation of sexual assaults against female enlistees.

Violence against women, including spousal abuse, was a problem. The law provides higher penalties for domestic violence than for simple assault—generally one to six years in prison, with an increased term in more severe cases—and the Government enforced the law in practice. In 2007, 948 cases of domestic violence were registered.

The Government generally, and police agencies in particular, had programs to prevent rape and domestic violence and to counsel victims. There is a domestic violence coordinator in each of the country's 27 police districts to provide assistance to victims. Public and private organizations ran 50 government-funded shelters and managed five 24-hour crisis hot lines. The shelters provided support and counseling for victims and helped them gain access to social services, doctors, lawyers, and housing authorities.

Parliament passed a law on November 20 outlawing the purchase, but not the sale, of sexual services. This law takes effect on January 1, 2009 and applies to citizens regardless of where in the world the purchase takes place. Organized prostitution and pimping remain prohibited. NGOs and the Government estimated that

more than 2,600 persons sold sexual services in 2007. NGOs reported that a few persons selling sexual services appeared to be under the age of 18, although they generally claimed to be older. Between 70 and 90 percent of the persons engaged in prostitution were foreign women.

The law provides that “employees shall not be subjected to harassment or other unseemly behavior,” and the Government effectively enforced this provision. Employers who violate this law are subject to fines or prison sentences of up to two years, depending on the seriousness of the offense.

Women have the same legal status as men and enjoy identical rights under family and property laws and in the judicial system. The office of the equality and anti-discrimination ombudsman generally was effective in processing and investigating complaints of sexual discrimination. In 2007 the office received 622 complaints. Of these, 545 resulted in guidance being given to one of the parties without a finding of illegality. The remaining 77 cases were still pending. Ombudsman statements can conclude in a finding of illegality.

The law provides that women and men engaged in the same activity shall have equal wages for work of equal value. According to the office of the equality and anti-discrimination ombudsman, which monitors enforcement of the law, women on average received 10 to 15 percent less in pay and benefits than men for equal work.

The law mandates that 40 percent of publicly listed companies’ directorships were to be held by women. By the end of the year, all public companies had complied.

Children.—The Government was strongly committed to children’s rights and welfare; it amply funded systems of education and medical care, with equal access for girls and boys.

In 2007 childcare services investigated 32,700 allegations of abuse and intervened in 6,300 cases that authorities considered to constitute child abuse or failure to care for a child. An independent children’s ombudsman office within the Ministry of Children and Families is responsible for the protection of children under the law. The directorate for children, youth, and family affairs provides assistance and support services. With five regional offices and 26 professional teams, the directorate is the Government’s principal agency for the welfare and protection of children and families.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons, but there were reports that women, and possibly children under 18 years of age, were trafficked to and in the country for commercial sexual exploitation. There was one reported case of men trafficked for labor.

The country was a destination for women and children trafficked from Nigeria, Russia, Albania, Ukraine, Latvia, Lithuania, Estonia, Brazil, and East Asian countries for sexual exploitation. Victims were sometimes trafficked to the country through transit countries such as Sweden, Denmark, Italy, and the Balkan countries.

Children in refugee centers were vulnerable to trafficking. An April report by the minister of justice said that 37 of the 51 children that were missing between 2005–07 were not found, and 11 were suspected to have become victims of trafficking. When this report was published, Libe Rieber-Mohn, Minister of State for the Labor and Integration Ministry, said there were many reasons why children might “disappear” from asylee/refugee reception centers, including providing false information about their ages, seeking asylum in other countries, and going to live with extended families.

The maximum sentence for trafficking in persons is five years, or up to 10 years for aggravated cases; sentences are determined by several factors, including the victim’s age, the use of violence or coercion, and any proceeds derived from exploitation. Traffickers can also be charged with violating pimping, immigration, and slavery prohibitions. Victims may sue their traffickers for compensation without impediment.

The Ministry of Justice and Police coordinates and implements antitrafficking measures. In 2007 there were 31 complaints of human trafficking, and police districts investigated 23 trafficking cases; there were six prosecutions and six convictions.

The Government cooperated with foreign governments, Interpol, and Europol in the investigation and prosecution of trafficking cases. The country’s collaboration with other Scandinavian countries was particularly strong.

In July a UK national was convicted of trafficking two homeless British men to the country to work paving driveways for minimal compensation and under threat of violence. The trafficker was sentenced to a year and a half in prison.

Government officials believed that organized crime groups were responsible for most trafficking. Police identified a number of possible victims trafficked by orga-

nized criminals for the purpose of sexual exploitation. Most of these suspected victims were women from Nigeria, Russia, Albania, Eastern Europe, and the Baltic countries. Suspected victims were often reluctant to press charges, making it difficult for police to identify and assist them and to prosecute traffickers.

Although trafficking victims may be prosecuted for violating immigration laws, no such prosecutions occurred during the year. Deportation decisions concerning victims of trafficking may be suspended for a 90-day reflection period to provide time for practical assistance and counseling to the individuals concerned. However, in a widely reported case in September, a trafficking victim was sent back to her country of origin by immigration authorities after cooperating with police and acting as a witness against the trafficker.

Government officials sought to improve public awareness of trafficking, while NGOs conducted outreach programs to provide trafficking victims with information on their legal rights and available health and other services. During the year the Ministry of Children and Equality initiated a "Stop Trafficking" informational campaign to discourage the purchase of sexual services, both within the country and by citizens when abroad. Foreign victims of trafficking have the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care.

The Government's assistance program for trafficking victims included support centers, shelters, and a 24-hour hot line. The Government also ran a national network of crisis centers where trafficking victims could seek assistance finding shelter, work, and education.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced this provision in practice. The office for disabled persons in the Ministry of Labor and Social Inclusion was responsible for protecting the rights of persons with disabilities; that office coordinated relevant national policy and managed the social benefits system for such persons.

National/Racial/Ethnic Minorities.—The media reported complaints from children of immigrants that they were excluded from mainstream society and that they had fewer and inferior job opportunities than did ethnic majority citizens.

There was intense press coverage of an Oslo court's early December ruling in a case that had sparked charges of racism by public servants. The court found an ambulance paramedic not guilty of "inappropriate conduct" in his job when he refused to transport a severely beaten citizen of Somali descent to a hospital. The court found that the paramedic believed the injured man was not seriously injured and that he had intentionally urinated on the driver's colleague. The ambulance personnel's comments to their dispatcher upon leaving the scene, however, were recorded and disseminated in the press, and showed that they knew he was concussed, bleeding from his head, in a cold sweat, and had a possible brain injury. The injured man reached the hospital by taxi and was in a coma for ten days. The court overturned a prior judgment by the police special investigative unit that the paramedics should be fined for acting improperly. In addition to refusing to consider the issue of racism, the judge stated that public employees generally were entitled to "leeway" before their behavior was punishable under the law, and that such leeway was warranted in this case.

Indigenous People.—The rights of the indigenous Sami were protected by the Government, which provided Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for Sami-oriented newspapers and books. A deputy minister in the Ministry of Labor and Social Inclusion deals specifically with Sami issues.

In addition to participating freely in the national political process, the Sami elect their own constituent assembly, the Sameting. The law establishing the Sameting stipulates that this 39-seat consultative group is to meet regularly to deal with "all matters, which in [its] opinion are of special importance to the Sami people."

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join independent unions of their choice without previous authorization or excessive require-

ments, and they exercised these rights in practice. Approximately 47 percent of the workforce was unionized. The law allows unions to conduct their activities without government interference, and this right was exercised in practice.

The law provides for the right to strike, and workers exercised this right in practice; however, the Government may, with the approval of parliament, compel arbitration under certain circumstances. The Government did not invoke compulsory arbitration during the year.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, have the right to organize and bargain collectively, and they exercised this right in practice.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. There were reports that women, and possibly children under 18 years of age, were trafficked to and in the country for commercial sexual exploitation and one report that men were trafficked for labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government implemented laws and policies to protect children from exploitation in the workplace. Children 13 to 18 years of age may be employed part-time in light work that will not adversely affect their health, development, or schooling. Minimum age rules were observed in practice and enforced by the Directorate of Labor Inspections (DLI). There were no other reports of illegal child labor during the year.

e. Acceptable Conditions of Work.—There is no legislated or specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and local governments. The average daily wage provided a decent standard of living for a worker and family.

The law limits the normal workweek to 37.5 hours and provides for 25 working days of paid leave per year (31 days for workers over age 60). The law mandates a 24-hour rest period on weekends and holidays. The law provides for premium pay for overtime and prohibits excessive compulsory overtime. Although the law provides the same benefits for citizens and foreign or migrant workers, there were reports of foreign workers, especially in the construction industry, being underpaid or overworked beyond what is legally permissible.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with non-government experts. Under the law, environment committees composed of representatives of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health, but no data was available on whether they exercised this right in practice. The DLI effectively monitored compliance with labor legislation and standards.

POLAND

Poland is a republic with a multiparty democracy and a population of approximately 38.5 million. The bicameral National Assembly consists of an upper house, the Senate (Senat), and a lower house (Sejm). Executive power is shared among the prime minister, the Council of Ministers, the president, and the Sejm. The October 2007 preterm National Assembly elections and the 2005 presidential election were both free and fair. Civilian authorities generally maintained control of the security forces.

The Government generally respected the human rights of its citizens; however, prison conditions remained poor and overcrowded; lengthy pretrial detention, misconduct and excessive use of force by law enforcement officials remained problems. The judicial system was inefficient and continued to function poorly. Occasional anti-Semitic violence and harassment also were problems. Corruption remained a problem throughout the Government and society. There was discrimination against women in the labor market, sexual exploitation of children, trafficking in women and children, and societal discrimination and violence against ethnic minorities and homosexuals. Violations of workers' rights and antiunion discrimination also were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On June 30, prosecutors in Lodz indicted three police officers in connection with a 2004 incident in which police mistakenly used live ammunition instead of rubber bullets to quell a riot after a soccer game. One person was killed and a second injured. The indicted officers include a highway police officer who was on duty the night of the incident, his assistant who issued live ammunition, and a Lodz city police officer who coordinated the operation. The charges, which include failure to fulfill duties and creating unintentional danger, carry a maximum penalty of eight years' imprisonment.

On July 10, the District Court in Warsaw discontinued the case against Communist-era general Czeslaw Kiszczak, who was accused of ordering militia to open fire on striking Wujek miners in 1986. The court concluded that, although Kiszczak endangered the miners, he did so unintentionally.

On June 24, an appeals court in Katowice upheld a May 2007 District Court ruling that 15 Communist-era police officers were guilty of firing on striking coal miners in 1981. Nine persons were killed and 25 others wounded in the incident at the Wujek coal mine. Commander Romuald Cieslak was sentenced to 11 years in prison; 14 officers under his command received sentences of from two and one-half to three years.

On September 12, the Warsaw District Court began a trial against eight former Communist-era officials who imposed martial law in 1981, including generals Wojciech Jaruzelski and Czeslaw Kiszczak. If convicted on charges of violating the constitution, committing Communist crimes, and leading an organized criminal group, the defendants could be sentenced up to 10 years in jail.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices, and the Government generally respected these provisions in practice; however, there were problems with police misconduct and mistreatment of prisoners and detainees. Under the criminal code, torture and cruel or degrading treatment are not reported as crimes.

On December 2, the country's human rights ombudsman issued a formal statement of concern to the chief of the National Police about the excessive use of force by the police, and requested information on a plan to address the problem.

The law on police misconduct outlines disciplinary actions, which include reprimands, demotion in rank, and dismissal.

According to the National Police, the courts convicted 68 officers of misconduct between January and November, and 75 officers of misconduct in 2007. Although the number of officers disciplined by internal police proceedings has decreased in recent years, the number of misconduct investigations has increased due to new procedures that require all misconduct complaints be reviewed by the police internal affairs office. For example, in 2007, 6,184 cases of police misconduct were reviewed. Of that number, 761 officers were disciplined, including 77 who were dismissed. In 2006, 4,856 cases of misconduct were investigated; 913 officers were disciplined, including 81 who were dismissed.

Prison and Detention Center Conditions.—Prison and detention center conditions did not always meet international standards. Overcrowding and inadequate medical treatment continued to be problems.

As of July 31, 84,960 persons were held in prisons and detention facilities according to government statistics. Total capacity compared to the previous year increased by approximately 2,900 and was estimated at 78,909 persons; overcrowding remained unchanged at 117 percent.

European Union (EU) standards set minimum cell size at 64 square feet (six square meters). Under the country's criminal code, minimum cell size is set at 32.28 square feet (three square meters); however, in practice this standard was often not met. According to the criminal code, prison directors may place prisoners for a limited time in cells smaller than 32 square feet per person. In practice, however, prisoners generally remained in small cells for the duration of their sentence.

On May 26, the Constitutional Court ruled that a provision in the criminal code, which allows the justice ministry to keep prisoners in overcrowded cells for unlimited periods of time, violates the constitution and the law on cruel and degrading treatment. The new provision will take effect in December 2009.

During the year the human rights ombudsman received a total of 5,718 complaints, compared to approximately 4,000 in 2007, mainly regarding poor prison con-

ditions, such as poor medical care, abuse by prison authorities, overcrowding, and violations of mail and visiting rights.

In December 2007 a Wroclaw court ruled for a second time against a prisoner's complaint for compensation for being held in a severely overcrowded detention cell and subjected to demeaning conditions. The court's first ruling was overturned by the Supreme Court, which upheld the prisoner's complaint and ordered the Wroclaw court to rehear the case as a violation of personal rights and dignity. In its second ruling, the Wroclaw court stated that the prisoner did not specify what type of violation of dignity occurred, and that the prisoner's conditions were similar to those of other prisoners.

While juveniles were generally separated from adults, in exceptional cases the law allows juveniles and adults to be housed together in prisons and detentions centers. Juveniles (17- to 21-year-olds) accused of serious crimes were usually sent to pretrial detention.

Pretrial detainees were often held in prisons, but in separate areas. Conditions for pretrial detainees were generally similar to those for prisoners, but on occasion were notably worse due to greater overcrowding and poorer facilities.

The Government allowed independent monitoring of prison conditions and detention centers on a regular basis by the country's human rights ombudsman.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The police force is a national law enforcement body with regional and municipal units overseen by the minister of interior. Corruption within the 100,000-member police force remained widespread, and there was a public perception that police were unduly influenced by political pressures. Instances of corruption and serious criminal misconduct were investigated by the National Police's Internal Affairs Office.

There were several ongoing high-profile scandals involving the security apparatus that originated in 2007. National media, NGOs, and prominent intellectuals questioned the legality of some investigation methods used by police, the Prosecutor's Office, the Central Bureau of Investigation, and the Central Anticorruption Bureau.

There were no reports of arrests, trials, or other developments in connection with a major corruption investigation of senior officials for malfeasance in public tenders. In 2007, 17 persons, including five senior employees at National Police headquarters, were charged in the case with abuse of power, failure to fulfill duties, and perjury.

Arrest and Detention.—By law authorities must obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law in practice. However, pretrial detention was a serious problem that contributed to overcrowding and deterioration of detention facilities.

The law allows a 4-hour detention period before authorities must file charges, and an additional 24 hours for the court to decide whether to order pretrial detention. Detainees must be informed promptly of the charges and have the right to counsel; the Government provides free counsel to the indigent. Defendants and detainees have the right to consult an attorney at any time. There was a functioning bail system, and most detainees were released on bail.

Detainees may be held in pretrial detention for up to three months and may appeal the legality of their arrest. A court may extend pretrial detention every six to 12 months, but the total time in detention may not exceed two years. However, in practice detention frequently extended beyond two years. In certain complex cases, the court may petition the Supreme Court for an extension beyond two years.

For example, on November 5, a court in Katowice extended the detention of businessman Marek Dochnal for an additional three months. Dochnal was first arrested in 2004 on charges of bribing public officials; he remained in pretrial detention for over three years during the investigation. On January 28, the European Court of Human Rights (ECHR) notified the Government that it had accepted Dochnal's July 2007 complaint protesting his detention. A Warsaw court independently released Dochnal three days later. His trial began on July 10; however, Dochnal was re-arrested on August 7 by the Internal Security Agency (ABW) because authorities suspected that he may flee the country.

The Central Prison Authority stated that as of October 31, there were 9,464 pretrial detainees, a drop of approximately 4,500 from March 2007. According to media reports, the drop is partly due to fewer requests by prosecutors for pretrial detention and a decline in the number of requests approved by judges.

According to a September 26 article by the leading daily Rzeczpospolita newspaper, between 1999 and 2007, the ECHR determined in 113 cases that authorities

violated the human rights and fundamental freedom of detained persons due to lengthy pretrial detention.

In a May 2007 report the UN Committee against Torture expressed concern about the length of pretrial detention. It noted that the country's law does not provide for a time limit for pretrial detention at the start of court proceedings.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary remained inefficient and lacked public confidence.

Military courts, which are supervised by the minister of justice and the prosecutor general, have jurisdiction over crimes committed by members of the military while on duty. Defendants enjoy the same rights as civilians.

The Supreme Court handles appeals of lower court decisions and ensures that laws are applied uniformly. The 15-member Constitutional Court is nominated and approved by the lower house of the Sejm. It reviews the constitutionality of laws, adjudicates disputes between government entities, and monitors the constitutionality of actions by political parties.

The court system remained cumbersome, poorly administered, and inadequately staffed. Most notably there were more criminal judges than prosecutors in many districts. Court decisions frequently were not implemented. Although there was some progress reported on the computerization of the court system, a continuing backlog of cases and the high cost of legal action deterred many citizens from using the justice system.

In 2007 a system of "2-hour courts" was implemented to expedite trials for minor offenses and petty crimes. Under the system, the accused must be tried within 72 hours of arrest. Police and prosecutors have 48 hours to collect evidence and file a case; courts must issue a decision within 24 hours. However, the system was reported to have achieved little relative to its high costs.

Trial Procedures.—Cases are tried in regional and provincial courts by a panel composed of a judge and two lay assessors. Defendants enjoy a presumption of innocence, are allowed to consult an attorney, must be present during trial, may confront and question witnesses, have access to government-held evidence, and may present evidence and witnesses. Prosecutors can grant witnesses anonymity if they express fear of retribution from defendants. Trials are usually public; however, the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, or cases with content that may offend public morality.

After a court issues a verdict, a defendant has seven days to request a written statement of the judgment; courts must respond within seven days. A defendant has the right to appeal a verdict within 14 days of the response. A two-level appeal process is available in most civil and criminal matters.

The law provides for juries, usually composed of two or three individuals appointed by local officials.

Individuals continued to file complaints against the Government with the ECHR regarding trial delays, the right to a fair trial, and the lack of due process.

According to the Warsaw-based Helsinki Foundation for Human Rights, between January and November, the ECHR issued judgments in 123 cases regarding the country. The highest number of cases, 56, pertained to the right to a fair trial; 49 to the right of liberty and security, which included pretrial detention. The remainder pertained to the right to respect for privacy and family life, protection of property, and freedom of expression and effective remedy.

In May 2007 the Constitutional Court declared many provisions of the country's "lustration" law unconstitutional. The law, passed in 1997 and amended in 2006, was designed to expose officials who may have collaborated with Communist-era secret police. It required vetting of an estimated 700,000 persons, including civil servants, politicians, and individuals in positions of public trust, such as school principals and journalists, by the National Institute of Public Remembrance. The court's ruling limited the scope of the lustration law, but still allowed researchers and journalists to review the results of the institute's vetting and investigations.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The judiciary system is generally independent and impartial in civil cases, and there is access to courts to bring lawsuits seeking damages for or cessation of human rights violations. The constitution and law provide for the sovereignty of and public access to the judiciary. However, implementation of court orders, particularly payment of damages, is slow, cumbersome, and ineffective. Court decisions are poorly enforced; recent changes to civil

procedure place speed and efficiency ahead of individual rights and the right to legal counsel in practice is limited.

Property Restitution.—The law provides for restitution of communal property seized during the Communist and Nazi eras. However, there is no comprehensive law on returning or compensating for privately-held real property confiscated during these eras. During the year, the Government continued to develop legislation to provide administrative mechanisms for the restitution of private property in addition to existing judicial mechanisms.

However, despite the lack of a comprehensive law, some illegally nationalized private property has been restored. Between 2001 and August of the reporting year approximately 382.2 million zloty (\$128 million) was paid as compensation for illegally nationalized private property. Compensation from the State Treasury Reprivatization Fund was distributed to 1,901 individuals and 41 businesses. Compensation payments were also made to persons who lost private property as a result of persecution by the state.

Pursuant to a 2005 law concerning properties lost because of border changes after World War II, the Government paid compensation on 20 percent of the value of such property. By the end of July, the state treasury paid compensation in 5,208 cases of approximately 203 million zloty (\$68 million). According to the Government, the 2005 law could affect approximately 80,000 claimants for property now located in Lithuania, Belarus, and Ukraine. The law also requires the treasury to create registers of all claimants who have the right to compensation. The deadline for submitting applications for claims is December 31.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not always respect these prohibitions in practice.

At year's end the legality of the ABW's installation of scanning and handwriting analysis equipment at mail-sorting facilities remained under review by the human rights ombudsman and the General Inspector for the Protection of Personal Data.

The equipment, which has already been installed in Poznan, screens all incoming and outgoing mail and reports results back to the security agency.

The law allows electronic surveillance for crime prevention and investigations. However, there was no independent judicial review of surveillance activities, nor was there any control over the use of information obtained by monitoring private communications. A number of government agencies had access to wiretap information.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, in practice there were laws that restricted these freedoms. According to NGOs and international media monitoring groups, since 1990 the courts and government have either upheld or instituted laws to criminalize defamation by the media.

For example, defamation is a criminal offense punishable by up to two years' imprisonment. This includes publicly insulting, defaming or libeling the president, members of parliament, government ministers and other public officials. However, the law is rarely applied; journalists found guilty of defamation are generally only fined.

The law also prohibits hate speech, including dissemination of anti-Semitic literature.

Independent media were active and expressed a wide variety of views without restriction. Private television, satellite, and cable subscription services were available across most of the country. Electronic media operated on frequencies selected by the Ministry of Communications and auctioned by KRRiTV, the National Radio and Television Broadcasting Council, a five-member body appointed by the National Assembly and the president.

The KRRiTV council, which is responsible for protecting freedom of speech, has broad power to monitor and regulate programming, allocate broadcasting frequencies and licenses, apportion subscription revenues to public media, and impose financial penalties on broadcasters. While council members are required to suspend their membership in political parties or public associations, critics asserted that the council continued to be politicized. The president selects two members, the Sejm two members, and the Senate selects one member.

The Catholic nationalist radio station Radio Maryja is designated a "public broadcaster" and exempted from paying regular licensing fees of up to 1.4 million zloty (approximately \$467,000). The station, which was founded in 1991, features conservative Catholic call-in shows that have on occasion included anti-Semitic statements.

Radio Maryja is privately owned by the Polish province of the Congregation of the Most Holy Redeemer of the Catholic Church, which has provinces throughout the world.

The law prohibits the media from promoting activities that are illegal or against government policy, morality, or the common good and requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." The Government enforced this provision in practice, levying fines on programs deemed offensive.

For example, on April 22, KRRiTV fined private television station TVN 471,000 zloty (\$157,000) for broadcasting a talk show during which the participants stuck a national flag into dog excrement. On November 17, a court in Warsaw suspended the fine pending a review of TVN's appeal.

On September 19, the Constitutional Court annulled an article in the criminal code that provides for a prison sentence of up to three years for anyone who publicly defames the "Polish nation." The ruling stemmed from an investigation, begun in January by prosecutors in Krakow, to determine whether a book by historian Jan Gross on anti-Semitism in the country after World War II was defamatory. The prosecutors dropped the investigation in February without filing charges.

On September 29, the Constitutional Court upheld an article in the press code that allows for fines and limits editorial independence. Under the article, journalists must verify quotes and statements with the person who made them prior to publication. The court's ruling follows the libel conviction of Jerzy Wizerkaniuk who published an interview in 2003 in the weekly *Gazeta Koscianska* with a member of parliament. The member, Tadeusz Myler of the Democratic Left Alliance (SLD), sued for defamation. Wizerkaniuk appealed the ruling to the ECHR.

There was no development in the 2006 case filed by journalist Jerzy Urban with the ECHR. Urban argued that a 20,000 zloty (\$6,700) fine levied by a Warsaw appeals court for alleged slander was a violation of his right to free speech. The case stemmed from an article Urban published in 2002 in the news weekly *Nie* that criticized the pope.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

More than 51 percent of households in the country owned a personal computer and used the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

Under the criminal code, offending religious sentiment through public speech is punishable by a fine or a prison term of up to three years. More than 94 percent of the population was Roman Catholic. Citizens have the right to sue the Government for constitutional violations of religious freedom and legal protections cover discrimination or persecution of religious freedom.

Religious education classes were taught in public schools. Parents could request instruction in any registered religion, including Protestantism, Orthodox Christianity, Judaism, and Islam. Children may choose between religious instruction and ethics. Catholic Church representatives were included on a commission that determined whether books were acceptable for school use.

There were no developments in a case pending before the Constitutional Court with regard to a regulation on religious education in schools. In July 2007 the former minister of education signed a directive that religious education should be graded and included in students' grade point averages. The opposition Democratic Left Alliance challenged the regulation on grounds that it was unconstitutional and would discriminate against students who do not take religious instruction.

The Government continued to work with local and international religious groups to address property claims and other sensitive issues stemming from persecution and confiscation during the Nazi and Communist eras. Five commissions, one each for the Catholic Church, Jewish community, Lutheran Church, and Orthodox Church, and one for other denominations, supervised by the Interior Minister oversee religious property claims. Of approximately 10,000 communal property claims

filed for restitution of religious property, more than 5,200 had been resolved and more than 1,200 properties had been returned by year's end.

As of August 31, 1,473 of the 3,063 claims filed by the Catholic Church were settled between the Catholic Church and the party in possession of the property, which was primarily the national or local government.

There were 5,544 property claims submitted by the Jewish community. As of September 29, the commission either partially or entirely concluded 1,450 cases. Of that number, 389 were settled amicably; 259 claims were either partially or entirely accepted; 474 ended in a decision to discontinue proceedings; 213 claims were rejected; and in 42 cases the judgment had not been agreed upon. The time period for filing claims under a 1997 law ended in 2002.

The Lutheran Church filed claims for 1,200 properties. As of July 31, 890 cases were concluded, of which 239 were resolved by a settlement between the parties; 159 ended in judgments; 492 claims ended in the decision to discontinue or to reject the application. The deadline for filing claims was 1996.

As of September 16, the Orthodox Church filed 472 claims with its commission, of which 274 were closed in full or in partial settlement; 14 cases concluded in a judgment on the return of property or financial compensation; 53 cases were discontinued and three were dismissed.

The fifth property commission, for all other denominations, received a total of 168 claims. As of September 11, 62 cases have been concluded, with 11 judgments on transfer of property or compensation, two settlements for property and financial compensation; 32 claims have been discontinued; six claims were dismissed, and in 11 cases an agreement had not been reached.

Societal Abuses and Discrimination.—There were reports of occasional anti-Semitic incidents, including desecration of Jewish cemeteries. The Jewish community was estimated at 20,000 to 30,000, including 2,500 registered members listed in the country's statistical yearbook. The Government publicly criticized anti-Semitic acts and supported tolerance education.

The country has made considerable progress in relations with its Jewish communities; however, members of populist and nationalist parties and organizations continued to make some extremist, intolerant, and anti-Semitic statements. Two political parties that were part of the governing coalition and whose members made anti-Semitic statements were not reelected to the Sejm in the preterm October 2007 parliamentary elections.

In February Leszek Bubel, a self-proclaimed anti-Semite and leader of a far-right political party, posted a video on a popular Internet site in which he boasted about his anti-Semitism and urged Jews to leave the country. During the year several criminal and civil cases against Bubel for inciting hatred and disseminating anti-Semitic literature were either resolved or continued in courts in Bialystok, Lublin, Wrzesnia, and Warsaw. Bubel has previously served six months in jail for inciting racial hostility and defaming Jews.

On May 18, prosecutors in Wroclaw filed hate-crime charges against Polish administrators of Red Watch, a Web site maintained by the anti-Semitic and homophobic Blood and Honor group. The charges stem from the 2006 arrest of the administrators for allegedly posting the description of a journalist as an "enemy of white people." On March 4, a court in Leszno sentenced a skinhead to 10 years imprisonment for the stabbing of the same journalist in Warsaw.

On November 24, a court in Torun upheld a motion by prosecutors to drop criminal charges against Tadeusz Rydzyk, the founder and director of conservative Catholic Radio Maryja, for insulting a public official and slander. The charges stemmed from the release of an audiotape in July 2007 of Rydzyk making anti-Semitic comments, suggesting that Jews are greedy and claiming that President Lech Kaczynski was "in the pockets of the Jewish lobby." Rydzyk maintained the tape, which was released by the news magazine Wprost, had been altered.

On October 20, a family court reprimanded four teenagers who jeered and attacked a 19-year-old Orthodox Jew visiting a Jewish cemetery in May in Warka. The youths, aged 13–16, had insulted, punched and kicked the victim. The teenagers were charged with causing bodily harm and insulting a person's nationality, which are criminal offences that can be punished by up to three years' imprisonment.

During the year plaques marking the boundaries of the Warsaw Ghetto were installed on street corners and public buildings. Construction, which began in 2007, continued on a Museum of the History of Polish Jews in Warsaw.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 2,866 persons in 2007.

Persons granted asylum or refugee status had the right to work, to receive social assistance and education, and to have access to a state integration program for 12 months. The program provides participants with contacts in the local community, assistance with accommodations, and help with job searches. Refugees receive monetary assistance for living expenses and language training and are registered in the national health care system. Despite this program many new immigrants had difficulty finding work commensurate with their skills due to the overall high rate of unemployment. Persons with temporary status also had the right to work, receive social assistance, and to participate in the Government's integration programs.

There were occasional reports of problems in refugee detention centers. The Government operated 20 refugee reception centers in the Warsaw, Bialystok, and Lublin areas with a capacity of 4,000. The main difficulties in the centers included providing education for children, legal assistance, and medical treatment. In September 2007 the Government's Office for Foreigners reported that 97 percent of all refugee children were enrolled in public schools. However, other remaining concerns included limited access to higher education, language and cultural barriers, and discrimination against refugee children by their peers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The October 2007 preterm parliamentary elections and the 2005 presidential election were both free and fair. Multiple candidates from various political parties freely declared their candidacy to stand for election and had access to the media. However, Organization for Security and Co-operation in Europe (OSCE) election observers noted a lack of independent oversight of public broadcast media, which allowed for an imbalance in coverage of candidates.

There were 94 women in the 460-seat Sejm and eight women in the 100-seat Senat. There were five women in the 20-member Council of Ministers.

There was one minority member in the Sejm (representing the German minority in Silesia) and no minorities in the upper house. There were no minorities in the cabinet. The law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide to qualify for seats in individual districts.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and corruption was believed to be pervasive throughout government and society.

The World Bank's Worldwide Governance Indicators reflected that corruption was a problem. There was a widespread public perception of corruption throughout the Government. Citizens continued to believe that political parties and members of the legislative branch, the health care system, and the judiciary were the most corrupt.

The Central Anticorruption Bureau (CBA) has broad powers to audit the financial holdings of public officials and to fight corruption in public procurement. CBA head Mariusz Kaminski estimated the total value of losses due to corruption in the country at more than 18 billion zloty (approximately \$6 billion) annually. The CBA is authorized to conduct searches and secret videotaping, wiretap telephone conversations, and make arrests.

During the year the CBA continued to investigate numerous high-profile and controversial investigations.

For example, on June 4, the Warsaw prosecutor indicted billionaire Henryk Stoklosa on 21 charges in connection with a major Ministry of Finance corruption case. Stoklosa was arrested in Germany in November 2007 and extradited. Three ministry officials were arrested in May 2006 as part of the CBA investigation. According to the prosecutor, the officials canceled fiscal liabilities and issued tax exemptions over a 10-year period in exchange for bribes from organized criminals and businessmen. Seven other persons, including two ministry officials and a tax office employee, are being tried in Warsaw's central court in a related case. Stoklosa, who has been in pretrial detention since December 2007, faces up to 10 years imprisonment.

On June 24, the Poznan prosecutor indicted a former member of parliament, Beata Sawicka, and the mayor of Hel on corruption charges related to a real estate scandal. The CBA accused Sawicka of corruption for accepting a bribe to influence a public tender in Hel in the run up to the October 2007 parliamentary elections. Both were arrested and detained but subsequently released. In a statement before her arrest, Sawicka said she was seduced and manipulated into accepting the bribe by a CBA officer. In a related development, on October 20 a Warsaw court ordered the prosecution to investigate the CBA's involvement in the case.

On August 19, the Warsaw central court began a trial of two persons charged with attempting to bribe former agricultural minister and deputy prime minister Andrzej Lepper. The CBA detained the two persons in July 2007 based on reports that they had connections with persons in the Ministry of Agriculture who could issue favorable land-use decisions in exchange for a bribe of three million zloty (\$1 million). Lepper was subsequently dismissed as minister; his Samoobrona political party withdrew from the coalition government, a move that led to the preterm parliamentary elections in October 2007.

The law provides for public access to government information; in practice the Government provided access to citizens and noncitizens, including foreign media. Government refusals of requests for information must be based on exceptions provided in the law related to government secrets, personal privacy restrictions, and proprietary business data. Refusals may be appealed.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The country's human rights ombudsman presents an annual report to the Sejm on the state of human rights and civic freedom in the country. In June, the ombudsman reported that in 2007, 57,507 cases were filed with the office, an increase of 8,120 from 2006.

The office of the ombudsman is independent; however, the ombudsman is selected by the parliament and at times was criticized by the media for being influenced by party politics.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions; however, violence and societal discrimination against women and ethnic minorities persisted.

Women.—Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. According to National Police statistics, during the first six months of the year, there were 768 reported cases of rape. However, NGOs estimated that the actual number of rapes was much higher because women often were unwilling to report rape due to social stigma. During the same time period, police forwarded 570 rape cases to prosecutors and 54 to family court (for underage offenders) for indictment.

Domestic violence against women continued to be a serious problem. The increase in reports during the past 10 years was attributed to heightened police awareness, particularly in urban areas, as a result of media campaigns and NGO efforts. Under the law, a person convicted of domestic violence may be sentenced to a maximum of five years in prison; however, most convictions resulted in suspended sentences. The law provides for restraining orders on spouses to protect women from abuse.

During the first six months of the year, police identified 10,506 domestic violence offenses, of which 9,733 were forwarded for prosecution. In 2007 police reported that officers conducted 81,403 interventions related to domestic violence. Of that number

the justice ministry stated that 15,404 were convicted, and at year's end 4,500 individuals were serving jail sentences for domestic violence crimes.

Women's organizations believed the number of women affected by domestic abuse was underreported, particularly in small towns and villages. The NGO Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents if the perpetrator was a member of the police or if victims were unwilling to cooperate.

NGOs operated centers assisting victims of domestic violence by providing preventive treatment, counseling to perpetrators, and by training personnel to work with victims. The Government also provided victims and families with legal and psychological assistance, and operated 11 shelters for pregnant women and mothers with small children as well as 184 crisis centers. In addition, local governments operated 37 specialized centers for victims of domestic violence. These centers, which were funded by the central government, provided social, medical, psychological, and legal assistance to victims and "corrective-educational" programs for abusers. In 2007, the last year for which statistics were available, the Government allocated approximately 9.6 million zloty (\$3.2 million) for the centers' operating costs. The Government also spent 452,800 zloty (\$151,000) during the year on public awareness programs to counteract domestic violence, which were implemented by local NGOs and governments.

The total amount allocated to implement the National Program for Combating Domestic Violence was 12.4 million zloty (\$4.1 million), which included funding for specialized centers; education/correction programs for offenders; and training for social workers, police officers, and specialists who are first contact for victims of domestic violence.

Prostitution is legal, but pimping is prohibited. According to police, there were an estimated 3,200 prostitutes in the country; however, NGOs estimated that the number of women in all elements of the sex industry was significantly higher, from 18,000–20,000. Women were trafficked for commercial sexual exploitation.

The law prohibits sexual harassment. Under the criminal code, persons convicted of sexual harassment may be sentenced to up to three years in prison. The labor code defines sexual harassment as discriminatory behavior in the workplace that violates an employee's dignity, including physical, verbal, and nonverbal acts.

The NGO Center for Women's Rights stated that sexual harassment was a serious and underreported problem. Many victims do not report abuse or withdraw harassment claims in the course of police investigations out of shame or fear of losing their job. However, social awareness of the problem continued to increase as more cases of sexual harassment were reported by the media. During the first six months of the year police reported 63 cases of sexual harassment, as compared with 82 cases during 2007.

During the year legal proceedings continued against two former members of parliament charged with extorting sex from female employees. On November 18, a court in Piotrkow extended pretrial detention for Stanislaw Lyzwinski until April 2009. Lyzwinski, a Samoobrona party member, has been in detention since August 2007. He is accused of forcing female workers to have sex with him and other officials, an offense that carries an eight-year sentence. Lyzwinski is also charged with rape, repeatedly forcing four women to have sex, abetting a kidnapping, and extortion. He could be sentenced up to 10 years in prison. Andrzej Lepper, another Samoobrona member, was also charged with extorting sex from a female party worker and with attempting to force another woman to have sex. Lepper is free on bail. On September 5, attorneys for Jacek Popecki, who was an assistant to Lyzwinski and Lepper, appealed the 28-month jail sentence he received for inducing an employee to have an abortion.

On September 26, the Olsztyn District Court released former mayor Czeslaw Malkowski pending trial for charges of sexual harassment of two female employees and raping a third pregnant employee. Malkowski was arrested on March 14.

The constitution provides for equal rights for men and women in family law, property law, and in the judicial system; however, in practice there were few laws implementing this provision. Women held lower-level positions and frequently were paid less than men for equivalent work, were fired more readily, and were less likely to be promoted.

On March 7, the prime minister re-established the Government minister-level position for equal treatment of men and women.

The Ministry of Labor and Social Policy is responsible for combating gender discrimination, incorporating gender equality into governmental policy, and monitoring implementation of government programs to promote gender equality. The ministry continued to implement projects to combat gender discrimination in the workplace, including an EU program that involved local NGOs to combat discrimination on the

grounds of sex, race, religion, disability, age, and sexual orientation. The ministry was also a participant in an eight-year Council of Europe "Safer Together" campaign to counter domestic violence.

Children.—The Government was committed to children's rights and welfare.

While education is universal and compulsory until age 18 and schools are free, the Roma Association claimed that more than 50 percent of Roma children did not attend public school out of fear that teachers would encourage assimilation and uproot them from their Romani traditions.

In July and August the news daily *Dziennik* published a series of articles on segregation of Roma children in Polish schools, reporting that in six cities with a large Roma population, Roma children are taught in separate classes, ostensibly because they do not speak fluent Polish. The education level in such classes is reportedly lower than in mainstream Polish schools. Following the publications, the minister of education inspected all district offices where Roma-dedicated classes operated and subsequently ordered that Roma children be fully integrated with Polish children.

Incidents of child abuse were reported; however, convictions for abuse were rare. The law prohibits violence against children and provides for prison sentences ranging from three months to five years.

In 2007, according to the Ministry of Justice, 666 persons were convicted of sexual intercourse with persons under 15 and eight persons were convicted of pimping with the involvement of a minor.

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for disabled children, and better medical care for children with chronic diseases. The ombudsman office also operated a 24-hour hot line for abused children. In 2007, the last year for which statistics were available, the ombudsman received 7,981 complaints. Of that number, 43 percent referred to the right to be brought up in a family, 17 percent to protection against abuse and exploitation, 13.5 percent to the right to education, and 10 percent to the right to adequate social conditions.

During the year police again conducted operations against child pornography and pedophiles. For example, in October and September, police arrested approximately 200 persons and confiscated thousands of CDs and DVDs, and more than 200 computers in two operations targeting pedophiles who use the Internet. In addition, more than seven thousand persons who distribute child pornography via the Internet were identified.

In June and April coordinated police raids executed simultaneously in 12 provinces and 13 cities resulted in 71 arrests of persons who either downloaded or distributed child pornography from the Internet.

In 2007 police conducted similar nationwide operations that led to the arrest and detention of approximately 62 persons and confiscation of computers and pornographic materials. However, no reports were available on the outcome of the arrests and charges filed.

According to the leading NGO in the country working with trafficking in children, the Nobody's Children Foundation, child sex tourism is not a problem; however trafficking in children for sexual exploitation is a problem in the country.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country.

Poland remained a source, transit, and destination country for trafficked persons, primarily women and girls, but to a lesser extent, boys and men for forced labor. Internal trafficking for the purpose of sexual exploitation also occurred.

Persons were trafficked to and through the country, primarily from Ukraine, Bulgaria, Romania, Belarus, and Moldova. There were reports of small numbers of Turks, Vietnamese, Cameroonians, Somalis, and Ugandans being trafficked into, within, and through the country. Ukraine continued to serve as the largest source of persons trafficked through the country, with Moldova also serving as a substantial source. Citizens and foreigners were trafficked to other EU countries, particularly to Austria, Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Spain, and Sweden, as well as to Japan and Israel. The extent of internal trafficking was unclear because some victims may have chosen to engage in prostitution or other aspects of the sex trade. NGOs have noted a recent trend toward a higher percentage of victims being trafficked for labor in agriculture and other economic sectors.

Traffickers continued to target young, unemployed, and poorly paid women and men, particularly those with weak family ties and support networks. Traffickers attracted victims with false promises of lucrative jobs, arranged marriages, fraud, and

coercion. Some victims believed that they were accepting employment abroad as cooks, waitresses, maids, nannies, or agricultural laborers. Traffickers threatened victims with violence, and those who resisted or tried to flee were raped, beaten, or injured.

Authorities believed that large organized crime groups and individuals controlled the trafficking business and that victims were frequently trafficked by nationals of their own country, who collected a fee to allow passage into or through the country. According to arrest statistics, approximately 25 percent of traffickers were noncitizens. Authorities also believed that employment and talent agencies were sometimes used as fronts for trafficking operations.

Penalties for trafficking in persons range from three to 15 years' imprisonment. While prostitution is not criminalized, pimping, recruiting, or luring persons into prostitution carry penalties of up to 10 years in prison. Individuals convicted of trafficking in children and luring women into prostitution abroad received the most severe sentences. Traffickers could also be prosecuted under laws criminalizing statutory rape and forced prostitution.

While the country's criminal code prohibits trafficking, it lacks a clear legal definition of trafficking. According to NGOs and some law enforcement officials, the lack of a definition hampers prosecutions of trafficking crimes. In May 2007 the human rights ombudsman called on the Justice Minister to incorporate a definition of human trafficking into the criminal code.

During the first six months of the year police identified 38 cases of human trafficking and forwarded 38 cases to prosecutors for indictment. In 2007, according to the Ministry of Justice, 70 traffickers were convicted for forced prostitution and trafficking, compared to 16 convictions in 2006 strictly for trafficking.

On February 22, an Italian court sentenced 16 Poles to imprisonment for four to 10 years for recruiting more than 300 Polish workers to work in agricultural camps in southern Italy under conditions that amounted to forced labor. In December 2007, in a parallel case, a court in Krakow began the trial of 23 persons who were allegedly involved in trafficking persons to the labor camps in Italy. Workers were forced to work up to 15 hours a day for one euro (approximately \$1.30) per hour, slept on the ground, and were watched over by armed guards.

In Lublin, authorities continued to investigate the case of a female trafficking victim who was nearly deported in 2007, despite her critical medical condition. The case became public following media reports that border guards had detained a Nigerian woman who was a suspected trafficking victim. Authorities subsequently granted the woman status as a trafficking victim and accepted her into the Interior Ministry's witness protection program. According to the reports, the woman came to the country to play handball at a sports club but was forced to work in sex clubs.

There were no developments reported in the May 2006 undercover investigation with Austrian police that broke up a major trafficking ring in Wroclaw. Organized criminal groups had set up a scheme involving three police officers and other co-conspirators that trafficked up to 350 women to Austria across the Czech border for prostitution. Seven persons in Wroclaw were arrested.

There also was no development reported in the prosecution of six Poles, on trial in Spain, who were arrested in 2006 for trafficking 30 laborers to work in orange groves. Polish police in Valencia learned about the work camp after several workers escaped and sent electronic text messages for help.

The ministries of interior and justice have primary responsibility for antitrafficking efforts; the Ministry of Foreign Affairs coordinated trafficking programs with foreign governments and international organizations. The National Police have 17 regional teams to combat human trafficking and child pornography.

There continued to be unconfirmed reports that low-ranking local police took bribes to ignore trafficking activity.

Trafficking victims often did not ask officials for help out of fear that border guards and police would deport them. There were some cases in which unidentified trafficking victims were quickly deported by border guards, preventing the Government from providing assistance or benefiting from their cooperation as potential witnesses. NGOs attributed the deportations to a lack of knowledge or adherence to national guidelines for police and border guards on how to approach and identify suspected victims. Victims were often prosecuted for carrying false travel documents, working illegally, and violating the terms of their visas. In some cases, deported victims were met at the border or elsewhere in their country of origin by their traffickers, who provided them with new travel documents and returned them to the country.

The Ministry of Interior funded NGOs to conduct regional training on identification of trafficking victims and victim assistance in all provinces; several hundred

law enforcement officials were trained in trafficking issues by the NGOs La Strada and the Nobody's Children Foundation and by the ministry itself.

During the year the Government allocated approximately 150,000 zloty (\$50,000) for victim assistance and 200,000 zloty (\$67,000) to implement the National Antitrafficking Action Plan. The Government also worked extensively with antitrafficking NGOs, such as La Strada. While the Government provided space and funds for NGOs to operate shelters for trafficking victims, the number of shelters remained inadequate, and NGOs frequently resorted to temporary arrangements to provide medical, psychological, and legal assistance to victims. NGOs conducted trafficking training courses at police and border guard academies; provided counseling for victims and their families; developed training and prevention materials; and conducted public awareness campaigns on trafficking dangers.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or the provision of other state services, including health care. The Government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities.

According to the Government statistics, in 2007 there were 3.8 million persons with disabilities in the country. Of those who were 15 years of age and older, 15.1 percent were employed.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to provide accessibility. Public buildings and transportation generally were accessible.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the Government plenipotentiary for persons with disabilities organized training sessions for central and local government officials to encourage them to hire persons with disabilities. During the year the state fund for rehabilitation of persons with disabilities continued a nationwide campaign encouraging companies to employ persons with disabilities. The fund granted money to NGOs to organize media campaigns on the rights of disabled persons.

National/Racial/Ethnic Minorities.—There were incidents of racially motivated violence and verbal and physical abuse directed at Roma and persons of African, Asian, or Arab descent. The Ukrainian and Belarusian minorities also continued to experience petty harassment and discrimination.

During the year there were several neo-fascist demonstrations organized in towns around the country. For example, on April 13, more than 200 nationalists from the National Rebirth of Poland and the National-Radical Camp organized a demonstration in Wroclaw to commemorate the anniversary of the 1940 Katyn massacre. However, authorities dispersed the demonstrators when they began shouting neo-fascist slogans.

On May 2, the National-Radical Camp and a neopagan organization, Zadruga, disturbed the celebration of the 87th anniversary of the Silesian uprising by making fascist gestures, carrying flags with swastikas, and distributing anti-Semitic leaflets. Seven persons were detained by police.

On June 21, members of the National-Radical Camp gathered in Krakow to celebrate the 72nd anniversary of the largest prewar anti-Semitic demonstrations in Poland. They used fascist gestures and later went to Myslenice to hold a similar demonstration.

During the year there were periodic incidents of racist behavior. For example, on November 5, a member of parliament, Artur Gorski, who belongs to the Law and Justice party, made racist remarks during a parliamentary hearing. Gorski's remarks were widely condemned by government officials, NGOs, and the media. A Sejm ethics committee ordered Gorski to issue an official, on-the-record apology. At year's end Gorski had issued only a public apology.

During the year there also were displays of racist behavior at soccer matches. On April 27, in Poznan, hooligans made monkey-like noises when a dark-skinned soccer player came onto the field. Similar incidents occurred at other soccer matches in May in Katowice, where hooligans shouted racist slogans. On April 10, the human rights ombudsman sent a letter to the president of the Polish Soccer Union expressing concern about racist and anti-Semitic incidents at soccer matches. He suggested assessing penalties and tolerance programs to educate soccer fans about cultural or racial differences.

Societal discrimination against Roma continued. In some cases local officials discriminated against Roma by not providing adequate social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

In May the International Organization for Migration (IOM) completed a project that was part of an EU-wide undertaking to combat unemployment and improve the situation of “disfavored” groups. Under the program, which was partly funded by the Government, the IOM established Roma-run enterprises in four cities that had special legal status and tax privileges. They included firms offering catering and sewing services in Krakow; renovation and construction services in Szczecinek; a wood-processing enterprise in Slawno; and a music group and an enterprise engaged in construction work in Olsztyn.

The Roma Association claimed that more than 50 percent of Roma children did not attend public school; it noted that the gaps in education made it impossible for Roma to end their poverty. Approximately 90 percent of Roma were unemployed.

The Government allocated approximately 10 million zloty (\$3.3 million) annually to a special program for Roma that included educational and other projects to improve health and living conditions and reducing unemployment. The program also focused on civic education and provided grants for university and high school students.

Other Societal Abuses and Discrimination.—During the year there were some reports of skinhead violence and societal discrimination against persons based on their sexual orientation.

On April 25, an estimated 1,000 persons took part in Krakow’s annual gay March for Tolerance to call for an end to prejudice against homosexuals. The event took place without major incident; organizers noted that, for the first time, they were not forced to change their route and could march through the city’s main square. A small counter-demonstration was organized by the All Youth and National Rebirth of Poland activists. Some hooligans threw eggs, stones and bottles at march participants; six people were detained by police. In May 2007 the UN Committee Against Torture raised concerns over violence and hatred against homosexuals in the country.

On June 7, Warsaw authorities allowed the annual Equality Parade to take place in the city center for the third consecutive year. Approximately 2,000 local and international gay rights advocates participated in the march without serious incident. Some 100 members of the All Poland’s Youth and National Radical Camp staged a counterdemonstration, but there was no direct confrontation between the two groups due to police protection.

There were some reports of discrimination against persons with HIV/AIDS.

According to the Government AIDS Center, there were two reported incidents of discrimination during the year. One case involved police discrimination and the other a healthcare institution which refused to treat the persons living in a homeless shelter if they did not provide a certificate that they are HIV negative.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including civilian employees of the armed forces, police, and frontier guard, have the right to establish and join independent trade unions. While many workers exercised this right in practice, many small and medium-sized firms discriminated against those who attempted to organize labor. As a rule, newly established small and medium-sized firms were nonunion, while privatized formerly state-owned enterprises frequently continued union activity.

Under the law, 10 persons are required to form a local union and 30 persons for a national union. Unions must be registered with the courts. A court decision refusing registration may be appealed. The law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union. According to a survey carried out by the Center for Public Opinion Poll CBOS in November 2007, 14 percent of the workforce was unionized.

All workers have the right to strike except those in essential services, such as security forces, the Supreme Chamber of Audit, police, border guards, and fire brigades. These workers had the right to protest and seek resolution of their grievances through mediation and the court system. Cumbersome procedures made it difficult to meet all of the legal technical requirements for strikes in many cases. Labor courts acted slowly in deciding the legality of strikes, while sanctions against unions for calling illegal strikes and against employers for provoking them were minimal. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that the small fines imposed as punishment were ineffective deterrents to employers.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference; however, in practice the Government

failed to protect this right at small and medium-sized companies. The law provides for and protects enterprise-level collective bargaining over wages and working conditions. A tripartite commission composed of unions, employers, and government representatives was the main forum that determined national wage and benefit increases in areas such as the social services sector.

Key public sector employers (largely in heavy industry and the social services sector) could not negotiate with labor without the extensive involvement of the ministries to which they were subordinate. The law provides for parties to take group disputes to labor courts, then to the prosecutor general, and as a last resort, to the Administrative Court. By law employers are obligated to notify a district inspection office in the region about a group dispute in the workplace. During 2007 the State Inspection Office registered 2,869 disputes, in comparison with 659 disputes registered in 2006.

The law prohibits antiunion discrimination; however, labor leaders reported that employers frequently discriminated against workers who attempted to organize or join unions, particularly in the private sector. In state-owned enterprises, such as the health, water, and forestry sectors, there were cases in which workers had their employment contracts terminated and replaced by individual contracts to prevent them from joining a union.

Discrimination typically took the forms of intimidation, termination of work contracts without notice, and closing the workplace. The law also did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions. Managers also asked workers in the presence of a notary public to declare whether they were union members.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and that men and boys were trafficked for labor in the agricultural sector.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, including forced or compulsory labor, and the Government generally enforced the law in practice; however, there were reports that children were trafficked for commercial sexual exploitation and labor.

The law prohibits the employment of children under age 15. Persons between the ages of 15 and 18 may be employed only if they have completed primary school, the proposed employment constitutes vocational training, and the work is not harmful to their health.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors worked, and that many employers underpaid them or paid them late. During the first six months of year, the inspectorate conducted 325 investigations involving 1,796 underage employees (16–18 years of age). Fines were levied in 116 cases, amounting to approximately 140,000 zloty (\$20,000).

Of the total number of 1,796 underage employees, the majority worked in the processing industry, in commerce and repairs, and other service industries such as hotels and restaurants, construction, and transportation.

e. Acceptable Conditions of Work.—The national monthly minimum wage of 1,126 zloty (approximately \$375) that took effect in January did not provide a decent standard of living for a worker and family. The large size of the informal economy and the low number of government labor inspectors made enforcement of the minimum wage difficult. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage.

The law provides for a standard work week of 40 hours, with an upper limit of 48 hours per week, including overtime. The law requires premium pay for overtime hours, but there were reports that this regulation was often ignored. The law provided for workers to receive at least 11 hours of uninterrupted rest per day and 35 hours of uninterrupted rest per week.

The law defines strict and extensive minimum conditions to protect worker health and safety. It empowers PIP to supervise and monitor implementation of worker health and safety laws and to close workplaces with unsafe conditions. However, the PIP was unable to monitor workplace safety sufficiently. In 2007 the Government reported that there were 3,153 casualties, including 593 workers killed and 1,085 person seriously injured, during the first three months of the year. Employers routinely exceeded standards for exposure to chemicals, dust, and noise.

The law permits workers to remove themselves from dangerous working conditions without losing their jobs; however, they were unable to do so in practice without jeopardizing their employment.

PORTUGAL

Portugal, including the Azores and Madeira islands, has a population of approximately 10.7 million and is a constitutional democracy with a president, a prime minister, and a parliament elected in multiparty elections. National parliamentary elections in 2005 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police and prison guards occasionally beat or otherwise abused detainees, and prison conditions remained poor. Violence against women and children was a problem. There was discrimination against women as well as trafficking for forced labor and for sexual exploitation.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings; however, on April 25, an off-duty police officer shot and killed a 53-year-old man. The victim allegedly had approached the officer and his female companion on a deserted beach in the municipality of Leiria at 2:00 a.m. The officer turned himself in, and at year's end the case was being investigated by the Judicial Police.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were credible reports of excessive use of force by police and of mistreatment and other forms of abuse of detainees by prison guards.

During the year the Inspectorate General of Internal Administration (IGAI) investigated reports of mistreatment and abuse by police and prison guards. Complaints included physical abuse, threatening use of firearms, excessive use of force, illegal detention, and abuse of power. The majority of complaints were against the Public Security Police (PSP) and the Republican National Guard (GNR)-118 and 76, respectively, in 2005, the most recent year for which statistics were available. Each complaint is investigated by the IGAI, and punishments for officers found to have committed abuses ranged from temporary suspension to prison sentences.

There were also media reports that members of the security forces committed human rights abuses.

Prison and Detention Center Conditions.—Prison conditions remained poor, and there were reports that guards mistreated prisoners. Other problems included overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Most of the guidelines and legislative proposals the Government adopted in 2004 to reform the prison system had not been applied in practice. However, some improvements were made during the year, including a decrease in prison overcrowding and continued personnel training.

According to a 2007 university study, "Drugs and Portuguese Prisons," approximately 10 percent of the total prison population was infected with HIV/AIDS and approximately 15 percent was infected with hepatitis C.

There was a youth prison in Leiria, but elsewhere in the prison system juveniles were sometimes held with adults. Pretrial detainees were held with convicted criminals.

The Government started construction of a new prison in the Azores as part of a five-year prison reform plan. The goal of the reform is to increase security, improve detainee conditions, rationalize financial and human resources, and improve working conditions of prison staff.

The Government permitted visits by independent human rights observers, and prisons were visited during the year by the Council of Europe's Committee for the Prevention of Torture, the Human Rights Committee of the Portuguese Bar Association, and news media.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—There were approximately 50,000 law enforcement officials, including police and prison guards. The Ministries of Justice and Internal Administration are primarily responsible for internal security. The GNR has jurisdiction outside cities, and the PSP has jurisdiction in cities. The Judicial Police are responsible for criminal investigations. The Aliens and Borders Service has jurisdiction over immigration and border issues.

An independent ombudsman chosen by the parliament and the IGAI investigates complaints of abuse or mistreatment by police; however, nongovernmental organizations (NGOs) criticized the slow pace of investigations and the lack of an independent oversight agency to monitor the IGAI and Ministry of Interior. Police corruption was an isolated problem.

Arrest and Detention.—The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and the authorities generally followed the guidelines. Persons can be arrested only based on a judicial warrant, except that law enforcement officials and citizens may make warrantless arrests where there is probable cause that a crime has been or is being committed or that the person to be arrested is an escaped convict or a suspect who escaped from police custody.

Under the law an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A suspect may not be held for more than 48 hours without appearing before an investigating judge. Changes in the penal code went into effect in September 2007, under which investigative detention for most crimes is limited to a maximum of four months; if a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes, such as murder, armed robbery, terrorism, and violent or organized crime, or crimes involving more than one suspect, investigative detention may last up to 18 months and may be extended by a judge to three years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 14 months of being charged formally. If a suspect is not in detention, there is no specified deadline for going to trial. Detainees have access to lawyers from time of arrest, and the Government assumes legal costs for indigent detainees.

Lengthy pretrial detention remained a problem, although the authorities made some progress reducing the length of time persons were detained before trial. At year's end 1,164 individuals (16 percent of the prison population) were in preventive detention, a decrease from the previous year. The average detention time was eight months; approximately 20 percent of preventive detainees spent more than one year in incarceration.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Critics, including the media, business corporations, and legal observers, estimated that the backlog of cases awaiting trial was at least a year.

Trial Procedures.—Jury trials can be requested in criminal cases but were rare. Civil cases do not have jury trials. Defendants are presumed innocent and have the right to consult with an attorney in a timely manner, at government expense if necessary. They have the right of appeal. They can confront and question witnesses against them, present evidence on their own behalf, and have access to government-held evidence. These rights were generally respected in practice.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. There are administrative as well as judicial remedies for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. An independent press and judiciary and a functioning democratic political system combined to ensure freedom of speech and of the press. In September 2007 the parliament enacted a law known as the Journalist Statute. According to the European Federation of Journalists, the law will require journalists to hand over confidential information and disclose sources in criminal cases. Thus far, the Journalist Statute has not been invoked.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. According to the National Statistics Institute, 41.9 percent of the population between the ages of 16 and 74 used the Internet; the rate increased to 86.9 and 90.5 percent for high school and university graduates, respectively.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution and law provide for freedom of religion, and the Government generally respected this right.

The law provides a legislative framework for religious groups either established in the country for at least 30 years or recognized internationally for at least 60 years. Qualifying religious groups receive benefits including full tax-exempt status, legal recognition to perform marriages and other rites, permission for chaplain visits to prisons and hospitals, and recognition of their traditional holidays.

The Roman Catholic Church maintains an agreement with the Government that recognizes the legal status of the Portuguese Episcopal Conference and allows citizens to donate 0.5 percent of their annual income taxes to the Roman Catholic Church.

Societal Abuses and Discrimination.—The Jewish community was estimated at 3,000. The youths who were arrested in September 2007 after allegedly vandalizing tombstones in Lisbon's Jewish cemetery were still awaiting trial at year's end.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum.

The country's system for granting refugee status was active and accessible. In addition to refugees and applicants for political asylum, the Government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol. In 2007 the country granted humanitarian protection to 25 persons and asylum to two persons.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—Free and fair national parliamentary elections were held in 2005. Political parties could operate without restriction or outside interference.

There were 66 women in the 230-member parliament and two women in the 17-seat cabinet. There was one member of a minority group in the parliament; there were none in the cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of corruption in the executive or legislative branches of the central government during the year; however, there were media reports of corruption involving local government officials. The highest profile corruption cases involved mayors Fatima Felgueiras, Valentim Loureiro, and Isaltino Morais. Felgueiras (Socialist Party), who went abroad from 2003 to 2005 to escape arrest,

was accused of embezzlement and abuse of power. On November 7, she was sentenced to a three-year-and-three-month suspended prison sentence and lost her mandate as mayor of Felgueiras (name of mayor and city are, coincidentally, the same). Loureiro, the Social Democratic Party (PSD) mayor of Gondomar and chairman of the board of the country's professional soccer league, was accused of corruption and influencing soccer referees. On July 18, he was sentenced to a suspended prison term of three years and two months. His appeal of the decision was pending at year's end. Morais (PSD), mayor of Oeiras, was accused of tax evasion, corruption, and money laundering, and was awaiting trial at year's end.

Public officials were subject to financial disclosure laws. The Central Directorate for Combating Corruption, Fraud, and Economic and Financial Crime is the Government agency responsible for combating corruption.

The constitution and law provide for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The country has an independent human rights ombudsman who is responsible for defending human rights, freedom, and the legitimate rights of all citizens. The ombudsman had adequate resources and published mandatory annual reports as well as special reports on such issues as women's rights, prisons, health, and the rights of children and senior citizens.

The parliament's First Committee for Constitutional Issues, Rights, and Liberties and Privileges exercises oversight over human rights issues. It drafts and submits bills and petitions for parliamentary approval. During the year new legislation went into effect in such areas as protection of data privacy and intellectual property, increased protection of trial witnesses, and establishment of the Corruption Prevention Council.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status; however, discrimination against women persisted.

Women.—The law makes rape, including spousal rape, illegal, and the Government generally enforced these laws. In the first six months of the year, 103 cases of rape were reported to the Association for Victim Support (APAV); 68 of the cases were linked to domestic violence. (APAV is a nonprofit organization that provides confidential and free services nationwide to victims of any type of crime.) In 2007, 212 such cases were reported (160 linked to domestic violence). According to the Justice Ministry, of the 80 cases of rape tried in court in 2006, 57 defendants were convicted.

Violence against women, including domestic violence, continued to be a problem. Penalties for violence against women range up to 10 years' imprisonment. Similarly, penalties for sexual harassment in the workplace range up to eight years. The government-sponsored Mission against Domestic Violence conducted an awareness campaign against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, increased the number of safe houses for victims of domestic violence, and signed protocols with local authorities to assist victims. The Government encouraged abused women to file complaints with the appropriate authorities and offered the victim protection against the abuser. In addition, recent legislation allows third parties to file domestic violence reports.

During the first six months of the year, 7,391 cases of violence against women were reported to APAV; more than 89 percent of these cases involved domestic violence.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted persons accused of abusing women; however, traditional societal attitudes effectively discouraged many abused women from using the judicial system. According to the head of the Mission Against Domestic Violence, approximately 10 percent of cases were brought to trial, while the vast majority were resolved outside the court system by lawyers who mediated between the parties. In 2006, according to the Ministry of Justice, there were 1,033 court cases related to domestic violence and 525 convictions.

The Government's Commission for Equality and Women's Rights operated 14 safe houses for victims of domestic violence and maintained an around-the-clock tele-

phone service. Safe-house services included food, shelter, and health and legal assistance.

Prostitution was legal and common; there were reports of violence against prostitutes. Pimping and running brothels are punishable offenses. The penalty for sex with minors between the ages of 14 and 18 is up to three years' imprisonment.

Sexual harassment is a crime if perpetrated by a superior in the workplace. The penalty is two to three years in prison.

The Commission on Equality in the Workplace and in Employment, composed of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment. Reporting of sexual harassment was on the rise. During 2007 more than 300 cases of sexual harassment were reported to the Inspectorate General for Labor; three of these resulted in the dismissal of the perpetrator.

The civil code provides women full legal equality with men; however, in practice women experienced economic and other forms of discrimination. Of the 376,917 students enrolled in higher education in the 2007–08 school year, 53.5 percent were women. According to the National Statistics Institute, women made up 47 percent of the working population and were increasingly represented in business, science, academia, and the professions, but their average salaries were about 23 percent lower than men's.

The constitution and law prohibit discrimination by employers against pregnant workers and new mothers; nevertheless, it was generally regarded as a problem.

Children.—The Government was strongly committed to children's rights and welfare.

Child abuse was a problem. APAV reported 291 crimes against children under the age of 18 during the first six months of the year. Approximately 85 percent of the cases involved domestic violence.

The high-profile trial that began in 2004 of persons accused of involvement in a pedophilia operation at the Casa Pia children's home in Lisbon was drawing to a close at year's end, with final rulings expected early in 2009. The eight accused reportedly abused 46 children and faced charges that included procurement, rape, sexual acts with adolescents, and sexual abuse of minors.

There were reports that Romani parents often used minor children for street begging.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country is primarily a destination and transit country for women, men, and children trafficked from Brazil, Eastern Europe, and, to a lesser extent, Africa. Some victims were trafficked to the country for forced labor. The majority of victims from Brazil were trafficked for the purpose of sexual exploitation. These latter victims were typically women with a low educational level, between the ages of 18 and 24; the majority were legal immigrants, with their documents in order and valid visas. Traffickers of these women often used the country as a springboard to other European Union destinations. Many of the trafficked minors were the abovementioned children of Romani parents who were used for street begging.

Many trafficked persons lived in hiding and in poor conditions. Some trafficked workers were domiciled within a factory or construction site, and some were not paid. Moldovan, Russian, and Ukrainian organized crime groups reportedly conducted most of the trafficking of East Europeans. The traffickers frequently demanded additional payments and a share of earnings following their victims' arrival in the country, usually under threat of physical harm. They often withheld the identification documents of the trafficked persons and threatened to harm family members who remained in the country of origin.

The Government increased its antitrafficking efforts and reported that it actively dismantled trafficking networks during the year and reduced their overall presence in the country. The Government continued to cooperate with other European law enforcement agencies in trafficking investigations.

All forms of trafficking are illegal. The revised penal code in effect since September 2007 explicitly criminalizes labor and sex trafficking and increases penalties for both types of trafficking offenses. The penalty for trafficking is up to 12 years in prison, but during the year the majority of traffickers' sentences were suspended.

The Government provided subsidies for victims to obtain shelter, employment, education, access to medical services, and assistance in family reunification. The Government also provided legal residency to many trafficking victims, although most victims were repatriated. Some NGOs assisted the Government in tracking and providing legal, economic, and social assistance to trafficking victims. Victims

who initially were detained were later transferred to NGOs for protection and assistance. Trafficking victims had access to government-operated national immigrant support centers in Lisbon and Oporto and 78 local centers throughout the country where they could obtain multilingual information and assistance.

The Government sponsored antitrafficking information campaigns and public service announcements throughout the year. It broadcast various programs on state-run channels to educate and inform the general public, including potential trafficking victims and consumers. A statistics-gathering unit within the Ministry of Interior was established in January 2007 to assist the Government's antitrafficking efforts by monitoring trafficking more effectively.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced the law. The law also mandates access to public buildings for such persons, and the Government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Labor and Social Solidarity oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and integration of persons with disabilities, and for enforcement of related legislation.

National/Racial/Ethnic Minorities.—On October 3, a Lisbon court convicted 31 of 36 defendants of racism and crimes of a racist nature. The court sentenced six defendants to prison terms of up to seven years; the others received suspended prison sentences, were charged fines, or were ordered to provide community service. The defendants had been active in the right-wing Hammerskin Nation organization. Charges against them included threats, harassment, physical attacks, kidnapping, illegal possession of weapons, and incitement to crime through the circulation of racist, xenophobic, and anti-Semitic messages. This was the first time that the country's courts handed down mandatory prison sentences for hate crimes.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law gives workers the right to form and join independent unions of their choice without previous authorization or excessive requirements, and they exercised this right in practice. Approximately 35 percent of the workforce was unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, and workers exercised this right in practice. If a long strike occurs in an essential sector such as justice, health, energy, or transportation, the Government may order strikers back to work for a specific period. The Government has rarely invoked this power. Police officers and members of the armed forces have unions and recourse within the legal system, but they may not strike.

b. The Right to Organize and Bargain Collectively.—The constitution and the labor code recognize and protect the right to bargain collectively. The International Trade Union Confederation stated in its annual survey of violations of trade union rights that in practice collective bargaining and trade union meetings in the public sector were "often hampered" and that private employers "often try to sabotage collective bargaining." There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced and compulsory labor, including by children; however, there were reports that women, men, and children were trafficked to the country for labor, and women were trafficked for sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively implemented laws and policies to protect children from exploitation in the workplace. The minimum working age is 16 years. Instances of child labor were concentrated geographically and by sector; the greatest problems were reported in Braga, Porto, and Faro, and tended to occur in the clothing, footwear, construction, and hotel industries.

There were reports that Romani parents often used minor children for street begging.

The Government's principal program to investigate and respond to reports of illegal child labor is the Plan for the Elimination of Exploitation of Child Labor. The Ministry of Labor and Social Solidarity is responsible for enforcing child labor laws, and generally did so effectively.

e. Acceptable Conditions of Work.—The monthly minimum wage, which covers full-time workers, rural workers, and domestic employees ages 18 and older, was 426 euros (almost \$600) and did not provide a decent standard of living for a worker and family. However, widespread rent controls and basic food and utility subsidies raised the standard of living. Most workers received higher wages; the Ministry of Labor calculated the average monthly salary of workers, excluding public servants, to be 1,063.38 euros (almost \$1,500).

The legal workday may not exceed 10 hours, and the maximum workweek is 40 hours. There is a maximum of two hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Labor and Social Solidarity effectively monitored compliance through its regional inspectors.

Employers are legally responsible for accidents at work and are required by law to carry accident insurance. The General Directorate of Hygiene and Labor Security develops safety standards in line with European Union standards, and the general labor inspectorate is responsible for their enforcement. According to the Inspectorate General for Labor, there were 114 deaths from work-related accidents during the year. Workers injured on the job rarely initiated lawsuits. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

ROMANIA

Romania is a constitutional democracy with a multiparty, parliamentary system and a population of approximately 21.4 million. The bicameral parliament (Parlament) consists of the Senate (Senat) and the Chamber of Deputies (Camera Deputatilor); both are elected by popular vote. The 2004 election of President Traian Basescu and November 2008 parliamentary elections were judged generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government addressed some human rights problems during the year; however, abuses continued to occur. There were reports of police and gendarme harassment and mistreatment of detainees and Roma. Prison conditions remained poor. The judiciary lacked the public's trust in its ability to apply the law impartially. Restrictions on freedom of religion continued to be a great concern due to the restrictive, discriminatory religion law. Property restitution remained slow, and the Government failed to take action to return the Greek Catholic churches confiscated by the communist government in 1948. Corruption remained a widespread problem, and the country continued to be the subject of regular European Commission monitoring for progress in judicial reform and combating corruption. There were continued reports of violence and discrimination against women as well as significant lapses in the protection of children's rights. Persons were trafficked for sexual exploitation and also for labor and forced begging. The neglect of and inadequate assistance for persons with disabilities was a problem. While there were no confirmed reports of societal violence against Roma this year, extensive discrimination against Roma continued to be a problem. Homosexuals continued to suffer societal discrimination. Discrimination against persons with HIV/AIDS, particularly children, was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The Association for the Defense of Human Rights in Romania—the Helsinki Committee (APADOR-CH) asserted in previous years that the police made excessive use of firearms in cases of minor crimes.

On May 20, according to media reports, a transportation police agent shot and killed Vasile Manole, aged 21, who, alongside two other individuals, was allegedly stealing rail copper parts in Cernavoda. The three men reportedly did not stop when the police agent shot two warning shots. The Constanta prosecutor's office investigated the police agent for manslaughter.

There were no reported developments in the case of a 22 year old Romani man, Adrian Cobzaru, shot and killed by a police officer in Bucharest in 2006 while he was allegedly stealing goods.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, there were numerous NGO reports of police mistreatment and abuse of detainees and Roma, primarily through excessive force and beatings by police. There were also reports of mistreatment of abandoned children with physical disabilities in state institutions and of prolonged incarceration for misbehavior within state orphanages.

In many cases of police violence against Roma, police claimed they used force in self defense, responding to alleged hostility by Romani communities during police raids in search of criminal offenders. The Romani Center for Social Intervention and Surveys (Romani CRISS) and other NGOs continued to claim that police used excessive force against Roma and subjected them to maltreatment and harassment.

APADOR-CH reported cases of alleged police abuse. On April 12, Petre Cosmin Angelina was taken to the police headquarters in Campulung Muscel after he asked two police officers why they wanted to see his identification card. The officers allegedly beat him but did not bring any charges against him, did not ask him to write a statement, and released him one hour later. Angelina filed a complaint against the police with the prosecutor's office.

On the morning of May 23, the special forces of Satu Mare police reportedly broke down the door of a Romani person, beat him, and took him to the police precinct, where they continued to beat him upon his refusal to sign a declaration dictated by the police.

On July 4, the special forces of Satu Mare police allegedly physically abused a Romani couple and their minor daughter, taking them to the police precinct and beating them, following the couple's conflict with a neighbor.

On August 30, a traffic police officer stopped Iulian Rafael Macoveanu in Bucharest and demanded to see what he had in his plastic bag. Macoveanu had 52 pills of methadone and the prescription for the drug substitute. The officer called the precinct, and two more police officers arrived, allegedly brutalized and handcuffed Macoveanu, and took him to police headquarters. The police then allegedly beat him, confiscated his pills, fined him for public scandal, and released him without returning his pills. Police later denied that they confiscated the pills.

During the year three police agents were under criminal investigation for committing bodily harm with intent and serious bodily harm while on duty.

There were no further developments in the cases of criminal investigation police and the special intervention squad raids against Romani communities in Liesti, Galati County, in April 2007 and in Ciurea, Iasi County, in July 2007. The police claimed the raids were to arrest several convicted criminals. During the raids, police shot seven Roma with rubber bullets in Liesti and three in Ciurea, including two minor girls. According to police reports, the Roma's violent reaction led police to fire warning shots. The Roma claimed that the police opened fire on bystanders in Liesti who went outside to see what was happening. The family of one victim from Ciurea filed a criminal complaint against two police officers and the chief of the Iasi police inspectorate.

On September 19, APADOR-CH requested the police to expedite the investigation in the June 2007 case of three police officers' alleged assault of a university lecturer, Serban Marinescu. There were no developments in the case at year's end.

There was no further development in the August 2007 alleged beating of two persons by a police officer from Bucharest police precinct 22.

Criminal complaints alleging police abuse remained pending in the 2006 cases involving a complaint filed by five Roma in the village of Gepiu, Bihor County; the complaint filed by five Roma in the village of Bontida, Cluj County; and the case filed by Roma in Pata Rat, Cluj County.

In March the European Court of Human Rights (ECHR) found the country responsible for racially motivated inhuman and degrading treatment in the case of a Romani juvenile, Constantin Stoica, aged 14 at the time of the incident, whom police officers beat in the village of Gulia, Suceava County, in 2001. The ECHR also decided that the incident was not properly investigated and granted compensation of 15,000 euros (approximately \$21,000) to the plaintiff.

In December the ECHR ruled against the country in the case of Vili Rupa. The state was charged with inhuman and degrading treatment, lack of effective investigation, and violation of the right to fair trial. Rupa was mistreated by the police while being arrested in 1998 and held in degrading conditions during his detention in the Hunedoara and Deva police stations. According to the ruling, the state should

pay damages amounting to 30,000 euros (\$40,181) for costs and 11,374 euros (\$15,234) for other expenses.

ACCEPT, an NGO fostering lesbian, gay, bisexual, and transgender (LGBT) rights, complained that police singled out LGBT community members for violence and harassment.

Prison and Detention Center Conditions.—Prison conditions remained harsh and generally did not meet international standards. However, authorities improved conditions in some prisons.

At the end of December 26,291 persons, including 434 minors, were in prison or juvenile detention facilities in a system with a stated capacity of 34,299. Although overcrowding did not represent a serious problem in theory, there were prisons where the standard of 43 square feet per prisoner, recommended by the Committee for the Prevention of Torture, was not observed.

Sanitation and hygiene in prisons did not meet international standards. Medical facilities were not sufficient to care for all prisoners and detainees. Heating and hot water were not available in several facilities and lighting was poor. In many penitentiaries prisoners complained about the insufficient availability of medications and medical treatment.

In June APADOR-CH representatives visited Jilava Penitentiary in Bucharest and reported that, despite some measures to improve detention conditions, the basement of the oldest building of the penitentiary was flooded and swarming with rats and cockroaches. Prisoners also complained about the existence of lice because of old, decomposing mattresses.

APADOR CH reported that prison meals did not provide the minimum necessary calories, water at some prisons was unsuitable for drinking, and access to health care was limited by a lack of doctors. According to an order issued by the National Authority of Penitentiaries, effective July 2007, prison doctors were authorized to treat only prisoners and not the prison staff and their families. APADOR-CH, ACCEPT, and the Center for Legal Resources (CRJ) also stated that daily activities, work opportunities, and educational programs continued to be insufficient. The Government continued some efforts, including partnerships with NGOs, to alleviate harsh conditions and deter the spread of HIV and tuberculosis.

Media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. According to media reports, prisoners frequently assaulted and abused their fellow inmates, and prison authorities tried to cover up such incidents. During the year media reported such cases in the penitentiaries in Vaslui, Galati, and Poarta Alba.

A June 24 visit by APADOR-CH and CRJ representatives to the Aiud penitentiary revealed low food quality, poor hygiene in detention areas, inadequate medical assistance, and inmates who were not aware of the educational programs available to them in prison. An unannounced visit by the Justice Minister to this penitentiary in March 2007 indicated similar shortcomings and resulted in the dismissal of the prison director.

There were no developments in the July 2007 death of a prisoner in the Rahova prison hospital in which APADOR-CH asserted that medical negligence may have played a role.

APADOR CH continued to call for the establishment of a joint medical commission of the ministries of justice and health to investigate the causes of deaths in prisons. The practice of designating some prisoners as “cell representatives,” which granted them privileges beyond those available to the general prison population, was repeatedly criticized by domestic and foreign organizations.

According to APADOR CH, the practice of labeling certain prisoners as “dangerous” remained a problem in the absence of clear standards for such classification. Prisoners labeled “dangerous” were subjected to a variety of restrictions beyond those experienced by the general prison population and had no right to appeal that determination. NGOs also criticized the practice of subjecting prisoners to multiple punishments for a single act of misbehavior.

APADOR CH also criticized the conditions in police detention facilities, noting poor sanitation conditions, lack of natural light, and the absence of activities for those detained.

Many police detention facilities and some prisons did not provide for the confidentiality of discussions between prisoners or detainees and their lawyers in person or via telephone.

Unlike in previous years, there were no reports of juveniles being kept in cells with adults or pretrial detainees held with convicted prisoners during the year.

The Government permitted prison visits by human rights observers, foreign government officials, and media representatives, and such visits took place during the year.

Regulations for religious assistance in prisons allow unrestricted access of all religious groups to prisoners. Orthodox priests no longer attended meetings between representatives of other faiths and prisoners.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally respected these prohibitions.

Role of the Police and Security Apparatus.—The Ministry of the Interior and Administrative Reform is responsible for the national police, the gendarmerie, and the border police; the Office for Immigration; the General Directorate of Information and Internal Protection, which oversees the collection of intelligence on organized crime and corruption; the General Anticorruption Directorate; and the Special Protection and Intervention Group. The national police agency is the Inspectorate General of Police, which is divided into specialized directorates and has 42 regional directorates for counties and the city of Bucharest. The internal intelligence service also collects information on major organized crime, major economic crimes, and corruption.

While police generally followed the law and internal procedures, police corruption remained a significant reason for citizens' lack of respect for the police and a corresponding disregard of police authority. Low salaries, which were sometimes not paid on time, contributed to the susceptibility of individual law enforcement officials to bribes. Instances of high-level corruption were referred to the National Anticorruption Directorate, which continued to publicize its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police. Eight thousand posters were displayed throughout the country to publicize the hotline.

Police impunity remained a problem. Complaints of police misconduct were handled by the internal disciplinary council of the units where the reported officers worked. During the year, there were 54 cases of criminal prosecution of police officers, of which 44 were for bribery and influence peddling, and 10 for abuse of office.

Police reform continued during the year. The Government, with support from foreign law enforcement agencies, offered police training workshops on topics such as human rights and the treatment of criminal suspects. The police increased hiring of women and minorities. According to police statistics, there were 5,255 female police officers, representing 10.4 percent of the total force as of January. There were 176 Romani officers. A program to improve relations and promote cooperation between police and ethnic minorities was implemented during the year. Police also used Romani mediators to facilitate communication between Roma and the authorities and assist in crisis situations.

Arrest and Detention.—The law provides that only judges may issue detention and search warrants, and the Government generally respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. The law provides for pretrial release at the discretion of the court. A bail system also exists; however, it was seldom used in practice. Detainees have a right to counsel and generally had prompt access to counsel and to their families. Indigent detainees were provided legal counsel at public expense.

The law allows police to take any person who endangers the public, other persons, or the social order to a police station. There were allegations that police often used this provision to detain persons for up to 24 hours. APADOR-CH repeatedly criticized this provision, stating that it leaves room for abuse. Human rights NGOs complained that authorities were frequently able to listen to discussions between detainees and their attorneys in police detention facilities.

A judge may order pretrial detention for periods of up to 30 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

Amnesty.—In February President Basescu issued pardons for five persons for medical reasons and because of their age. On July 3, the president signed a decree pardoning a woman for humanitarian reasons.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. However, the judiciary lacked the public's trust that judges were accountable and

did not serve political or financial interests. There was a widespread public perception that the judiciary was corrupt, slow, and often unfair.

The law establishes a four-tier legal system composed of lower courts (judecatorie), intermediate courts (tribunals), appellate courts, and the High Court of Cassation and Justice. There is a separate Constitutional Court composed of nine members who are limited to a single nine-year term. The president, the Senate, and the Chamber of Deputies appoint three members each. The Constitutional Court validates electoral results and makes decisions regarding the constitutionality of laws, treaties, ordinances, and internal rules of the parliament. A prosecutor's office is associated with each court. The court having original jurisdiction over a case is determined by the nature of the offense and by the position a defendant may hold in public service. According to a European Commission report released in July, "judicial reform is moving ahead but progress is uneven." The Commission also criticized "inconsistencies in jurisprudence by higher courts."

NGOs and public officials frequently criticized the judicial system during the year. One cause was the failure of the judiciary's oversight body, the Superior Council of Magistrates (CSM), to create procedures for addressing potential conflicts of interest among its members. The CSM's practice of delegating magistrates to nonjudicial positions within the judiciary and appointing them to various government agencies also contributed to depleting the already understaffed courts and prosecutors' offices. The general prosecutor criticized the High Court of Cassation and Justice for frequently returning case files to prosecutors for additional investigation rather than ruling on the case as presented. Such requests contributed to frequent delays in court procedures, increasing the chances of political interference. Observers also expressed concern over a lack of judicial impartiality, since some members of parliament continued to practice as defense attorneys, both personally and through their law firm associates.

The ECHR ruled against the country for denial of a fair trial in a large number of cases, the most recent ruling being issued on December 16 in the case of Vili Rupa.

Trial Procedures.—Trials are open to the public. The law does not provide for trial by jury. The law provides for the right to counsel and a presumption of innocence until a final judgment by a court. The law requires that the Government provide an attorney to juveniles in criminal cases; in practice local bar associations provided attorneys to indigents and were compensated by the Ministry of Justice. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, to confront or question witnesses against them, to have a court-appointed interpreter, and to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both plaintiffs and defendants have a right of appeal.

The law provides for the investigation by civilian prosecutors of crimes by the national police and prison employees. Military prosecutors continued to try cases that involved "state security" in military courts. Other cases involving "state security" but not military issues were tried by civilian prosecutors. Crimes by the gendarmerie continued to fall under military jurisdiction. In previous years, local and international human rights groups criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy, biased, and often inconclusive. Some lawyers claimed that these investigations only served to discredit the reputations of their clients rather than hold them accountable for any actual wrongdoing.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Civil courts functioned in every jurisdiction. Civil courts do not use a jury and function in a similar fashion as the criminal courts. Crime victims can assert civil remedies in either civil courts or criminal courts if they choose. This can result in a combined civil/criminal trial to resolve all issues arising from the criminal case. The Ministry of Justice administers civil courts and the CSM oversees the magistrates. Civil courts operated with the same degree of judicial independence as criminal courts.

Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcement of judgment orders were impractical and caused delays.

Administrative and judicial remedies were available for violations of civil rights by government agencies.

Property Restitution.—The law allows for property restitution and establishes fines for officials who hinder the process. The law provides for a property fund of approximately 14 billion lei (approximately \$4.2 billion) to compensate owners of

properties that cannot be returned. However, the fund was not yet listed on the stock exchange. In June 2007 the Government adopted an ordinance providing for cash payments in lieu of restitution of up to about 500,000 lei (\$177,000), paid over a two-year period. Claims in excess of this amount are to be paid with shares in the property fund. The restitution process continued to be very slow during the year, and the large majority of restitution cases remained unresolved.

Former owners' organizations continued to assert that inertia hindered property restitution at the local level. In some cases local government officials continued to delay or refuse to provide necessary documents to former owners filing claims. They also refused to return properties in which county or municipal governments had an interest.

The ECHR ruled in favor of the former owners in a large number of restitution cases, which represent the majority of complaints to the ECHR from the country. The number of such cases theoretically decreased during the year because the state entered amicable agreements in 60 cases which the former owners would otherwise have won. In September the ECHR ruled in favor of a former owner, Gheorghe State Viasu, who, after lawsuits that lasted for years and resulted in two final court rulings, died without either receiving back his property or getting any compensation. The ECHR condemned the state both for violation of the right to property and for the inadequate legal framework to restore nationalized or confiscated properties. At year's end more than 100 restitution cases against the state were pending with the ECHR.

Of the 201,750 claims filed for restitution of buildings, 110,481 were resolved, 39,871 of which were rejected; 7,172 cases qualified for combined measures (i.e., restitution in kind plus compensation in stock from the property fund or in other assets or services); 47,076 cases qualified for restitution in equivalent; and 16,362 claims were resolved by return of the properties in kind.

There were numerous disputes over churches that the Orthodox Church did not return to the Greek Catholic Church despite court orders to do so.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Nevertheless, there was a widespread perception that illegal surveillance still exists.

The law permits the use of electronic interception both in criminal cases and for national security purposes. A judge has to issue a warrant upon request from the prosecutor investigating the case. In exceptional circumstances, when delays in getting the warrant from the judge would seriously affect the criminal investigation, prosecutors may begin interception without a judicial warrant. Following this, however, a request for authorization must be submitted within 48 hours. Some human rights NGOs have noted that under the national security law a prosecutor may authorize the issuance of a warrant for an initial period of six months, which can be extended indefinitely in three-month increments without judicial approval. There were reports of electronic interception used outside of these legal parameters.

On October 16, the Constitutional Court ruled that the laws on national security and protection of classified information are in line with the constitution. The lawsuit between businessman Dinu Patriciu and the Romanian Intelligence Service (SRI) resumed at the Bucharest Court of Appeal. In May 2007 the Bucharest Tribunal ordered the SRI to pay 50,000 lei (approximately \$17,700) in compensation to Patriciu for illegally tapping his telephones. Both the SRI and Patriciu appealed the ruling.

According to Romani CRISS and media reports, evictions of members of the Romani community continued to occur in Bucharest, Craiova, Targu Mures, Cluj, and other localities during the year.

Criminal complaints filed by Romani CRISS and Romani families whose homes in Bucharest suburb Chitila were demolished in 2006 remained pending; the homes had been illegally erected on public land.

The 250 Roma evicted from their homes in Piatra Neamt in 2006 remained unable to return. They were evicted following a decision by the town's mayor to repair the block of apartments they were living in. There was no new information on the case at year's end.

There was no further development in the case of the vice mayor of Miercurea Ciuc, who in 2004 evicted and relocated approximately 140 Roma to a hazardous area near a wastewater treatment facility. The Roma lacked alternative housing and continued to reside in that area.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Journalists and private citizens could criticize government authorities, including those at

senior levels. There were isolated cases of authorities intimidating or censoring the press or attacking journalists.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. The law provides criminal penalties for "insult and defamation." Insulting state insignia (the coat of arms, national flag, or national anthem) is also an offense punishable by imprisonment; however, there were no reports of prosecutions or convictions under these provisions during the year.

The independent media was active and expressed a wide variety of views without restriction. However, politicians and others with close ties to various politicians and political groups either owned or indirectly controlled numerous media outlets in the provinces, and the news and editorial tone of these outlets frequently reflected the views of the owners. The tendency towards the concentration of national news outlets in the hands of a few wealthy individuals continued with the purchase of some outlets and the creation of others.

During the year there were a number of instances of members of the public insulting, hitting, or harassing journalists; public authorities and politicians were responsible for some cases of harassment.

A report on alleged interventions by National Liberal Party (PNL) senator Norica Nicolai with the National Penitentiary Administration to secure a job for her niece was barred from broadcast by state television TVR on January 9, even though editors invoked the public interest. As a result, journalist and editor Radu Gafta resigned and accused TVR leadership of censoring several investigations. Gafta had previously supported the 2007 broadcast of a surveillance tape of an apparent bribe exchanged between two former government ministers. After the tape was broadcast on prime-time news, Gafta was moved to a lower-rated news program.

On February 20, the Timis County Court sentenced and fined Timisoara mayor Gheorghe Ciuhandu for inappropriately lifting the accreditation of Malin Bot, then a reporter for the daily *Evenimentul Zilei*, and for ordering police to prevent his entry into the city hall.

On March 12, according to media reports, Mihai Braha, a reporter for the weekly *Ziarul Tau* in Vrancea, was physically assaulted by a subject of one of his articles. Braha had written that the individual illegally obtained a house from Marasesti city authorities.

On April 11, bodyguards of Greater Romania Party (PRM) leader Vadim Tudor reportedly confiscated a camera from a newspaper photographer and returned it later with all the photos deleted. The photographer had taken photographs of Tudor and two other politicians leaving a restaurant. One reporter stated that Tudor verbally abused the media representatives and, after one of them tried to call police knocked the cellular phone out of his hand.

At the end of April Liviu Dragnea, a Social Democratic Party (PSD) member and then-president of the Teleorman County Council, asked the civil court in Alexandria to prohibit distribution of the daily *Gazeta de Sud Est* until the end of the local electoral campaign. Dragnea claimed that the daily published false statements about him. The court rejected the request.

In May PSD senator Adrian Paunescu publicly insulted journalist Cristian Patrasconiu, a reporter of *Cotidianul*, before and after he published a laudatory letter Paunescu had written to dictator Nicolae Ceausescu. Local media reported that Paunescu used terms including "stupid," "pig," "miserable," and "beast."

On May 30, Robert Mihailescu, the head of the Internal News Department of the government-owned Rompres news agency (now called Agerpres), was suspended for the public accusations of censorship he issued against Rompres management. Mihailescu and reporter Ovidiu Barbulescu had left the news agency, saying that news items about certain political candidates in the local electoral campaigns were suppressed. Mihailescu sued Rompres management.

In June investigative journalist Mihai Munteanu of the daily *Evenimentul Zilei* received death threats from unknown individuals after disclosures about weapons transactions and alleged Russian penetration of the country's defense industry.

In June the Constanta Court ruled in favor of the PSD mayor Radu Mazare in his civil suit against journalist Feri Predescu, who accused him of links with local criminals. Predescu, who was then the local correspondent for TVR and *Evenimentul Zilei*, was ordered to provide financial compensation to Mazare and to publish a public letter of apology in a national or local newspaper. In late November the court of appeal in Constanta upheld the decision. The Active-Watch Media Monitoring Agency condemned the court's decision. The general secretary of Reporters Without Borders, together with local journalists and activists, signed a letter of support for Predescu.

On November 12, three unknown persons assaulted Ioan Romeo Rosiiianu, editor in chief of the weekly *Necenzurat* and a producer of Axa TV Transilvania, and

Claudiu Florescu, a producer from the same station, in Baia Mare. The attackers reportedly told them to stop their media reports or be killed. Rosianu, who previously reported on the local mayor's links to controversial businessmen, as well as the way local authorities covered up alleged financial illegalities, also received numerous threatening phone calls. Representatives of the police and prosecutor's office reportedly pressured the station to fire him, which it did.

Laszlo Kallai, a reporter for the daily newspaper Ziua who had investigated money laundering and real estate operations involving Vasile Muresan, the head of the local intelligence and internal protection department of the Interior Ministry in Baia Mare, claimed he and his family were threatened by Muresan. Kallai quit his position with the newspaper following these threats.

The law prohibits denial of the Holocaust in public. In February the Prosecutor's Office of Bucharest Sector 3 decided not to prosecute a professor who consistently denied in the media and in his books that the Holocaust had occurred in the country. The Federation of Jewish Communities and a Jewish NGO had filed a criminal complaint against him in January 2007.

The religion law includes a provision that forbids acts of "religious defamation" and "public offense to religious symbols." NGOs and the National Antidiscrimination Council (CNCD) expressed concern that the law could infringe on freedom of speech and conscience.

Internet Freedom.—There were no reported government restrictions on access to the Internet. The Internet was widely available in the country, and costs decreased due to competition. Internet cafes were widely available nationwide.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events. In October PSD deputy Mihai Tudose asked the mayor of Braila to dismiss the director of a local theater, allegedly because she allowed the staging of a critically acclaimed play which contained harsh language and scantily clad actors.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, and the Government generally respected this right in practice. The law provides that unarmed citizens can assemble peacefully but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of public assemblies must request permits three days in advance, in writing, from the mayor's office of the locality where the gathering would occur.

Freedom of Association.—The constitution provides for freedom of association, and the Government generally respected this right in practice. The law prohibits fascist, communist, racist, or xenophobic ideologies, organizations, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25,000 members to have legal status, a number some NGOs criticized as excessively high.

c. Freedom of Religion.—The constitution and the law provide for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Orthodox clergy impeded their proselytizing and interfered with other religious activities.

Under the religion law, the Government implemented a discriminatory three tiered system of recognition: "grupuri religioase" (religious groups that are not legal entities), religious associations, and religions. Grupuri religioase are groups of individuals who share the same faith but do not receive any support from the state or tax exemptions. Religious associations are legal entities that do not receive government funding, have to be registered as such in a religious association registry, and are exempted from taxes only for places of worship. Religious associations must have 300 members from the country and are required to submit members' personal data to register, in contrast to nonreligious associations that can register with only three members. To receive religion status, a religious association must demonstrate 12 years of continuous religious activity and meet a membership threshold of 0.1 percent of the total population (approximately 22,000 members).

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups continued to complain that local authorities and Orthodox priests prevented religious activities from taking place on various occasions, even when their organizers had been issued permits.

Some minority religious groups continued to allege that local authorities in some cases delayed or opposed granting construction permits for unjustified reasons. A Greek Catholic community in Pesteana, established in 2005, continued to face discrimination and harassment. Tensions continued during the year due to the Ortho-

dox Church's refusal to comply with a 2006 court ruling allowing Greek Catholics access to the local cemetery. After year long opposition, local authorities issued a construction permit for a Greek Catholic church, and the cornerstone for the new church was blessed in October 2007.

Several minority religious groups reported difficulties in obtaining approval to use public halls for religious activities following pressure by Orthodox priests, especially in rural areas or small localities. The press and minority religious groups continued to report instances of Orthodox clergy harassing members of other faiths. Several religious groups made credible complaints that local police and administrative authorities in some instances seemed to tacitly support societal campaigns against proselytizing. Members of various minority religions continued to report that their charitable programs in children's homes and shelters were perceived as proselytizing directed at adherents of the Orthodox Church; however, no conflicts were reported.

In May the Greek Catholic Church in Certeze, Satu Mare County, received land for the construction of a church that local authorities, under the pressure of Orthodox priests, had refused to return for many years. Cases of refusal to return land occurred in Feleacu and Morlaca, Cluj County.

A Roman Catholic Csango community, an ethnic group that speaks a Hungarian dialect, continued to complain that they were unable to hold religious services in their mother tongue because of the opposition of the Roman Catholic Bishopric of Iasi. Although the religion law entitles religious denominations to bury their believers in other denominations' cemeteries if they lack their own cemetery and communal (public) cemetery, in numerous communities Orthodox priests reportedly continued to deny permission to the Greek Catholic Church, the Baptist Church, and the Baha'i Faith to bury their members in either religious or communal cemeteries.

Several religious groups reported that the access of religious groups to detention facilities continued to improve. Regulations for religious activity in prisons provide for unrestricted access of recognized religions and religious associations to any place of detention, even if their assistance is not specifically requested.

Only the 18 recognized religious groups have the right to teach religion in public schools. However, a number of recognized minority religious groups complained that they were unable to have classes on their faith offered in public schools. Attendance in religion classes is optional; however, the Baptist Church and Jehovah's Witnesses reported cases of children who were pressured to attend Orthodox religion classes.

A 2006 CNCD decision to ask the Ministry of Education to remove religious symbols from school classrooms except where religious classes were taught was not enforced because of several ongoing lawsuits. The Ministry of Education, the Orthodox Church, and several NGOs challenged the CNCD decision. On June 11, the High Court of Cassation ruled in favor of their challenge.

The restitution law permits religious denominations to reclaim previously nationalized properties that housed schools, hospitals, or cultural institutions; however, implementation of the law was slow during the year. Of the 14,716 claims for restitution of religious property since its establishment in 2003, the National Authority for Property Restitution (ANRP) returned 1,313 properties by the end of the year, and another 295 cases were approved to receive compensation. Approximately 350 claims were rejected.

Property restitution was particularly important for the Greek Catholic Church, whose properties, including churches, were confiscated during the communist regime. The Greek Catholic churches were given to the Orthodox Church after their forced merger in 1948, and many other Greek Catholic Church properties were taken over by the Government. Since 2003 the Government returned 120 out of 6,723 total properties claimed by the Greek Catholic Church.

The Orthodox Church continued to resist the return of churches it acquired from the Greek Catholic Church. While the law permits the Greek Catholic Church to take court action whenever its dialogue with the Orthodox Church over church restitution fails, lawsuits were lengthy because of delayed hearings and repeated appeals; however, the number of court rulings in favor of the Greek Catholic Church increased during the year.

By year's end the Orthodox Church had returned fewer than 200 of approximately 2,600 churches and monasteries claimed by the Greek Catholic Church. The Orthodox metropolitan of Banat and bishops of Caransebes and Oradea maintained positive relations with the Greek Catholic Church on restitution issues; however, most other Orthodox Church representatives refused to return properties, even when ordered to do so by a court, generating tension in many localities. In Valanii de Beius, Bihor County, the Orthodox Church refused for over a year to comply with a final court ruling restituting a Greek Catholic church; eventually, the Orthodox Church handed the church over on April 2. In Simand, Arad County, where the local Ortho-

dox priest had refused to comply with a 2007 court ruling, at the end of June, after lengthy negotiations, the Greek Catholics received their church. Because of the failure to get back its churches, the Greek Catholic Church continues in some localities to hold religious services in the open, for example, in Sisesti, Maramures County, where a lawsuit over the former Greek Catholic church has been going on for 16 years.

The Orthodox Church continued to demolish Greek Catholic churches under various pretexts and also used other methods to shield churches from restitution. On May 8, in Ungheni, Mures County, the Orthodox Church began to demolish an 18th-century Greek Catholic church after constructing a new Orthodox structure around the old church. The Orthodox Church ignored a court injunction obtained by Greek Catholic Church to stop the demolition.

Similar demolition cases occurred in Badon, Salaj County in April 2007 and in Taga, Cluj County in 2006.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian Churches, received a small number of their confiscated properties from the Government. Through the end of the year, Hungarian churches received 806 of the approximately 2,700 properties they claimed under the law on return of religious property.

According to Roman Catholic authorities and media reports, the issue of the 19-story building to be constructed within the protection zone around the Roman Catholic Saint Joseph Cathedral in Bucharest, a designated historical monument, remained unresolved. The church argued that construction of the building might damage the foundations of the cathedral. In July 2007 a court in Dolj County issued a ruling suspending construction. It was later upheld on appeal. On July 7, the Constitutional Court rejected the developer's claim that a provision of the law protecting historical monuments was unconstitutional. The construction remained halted at year's end.

Societal Abuses and Discrimination.—According to the 2002 census, the Jewish population numbered 5,785. Acts of anti-Semitism, including vandalism against Jewish sites, continued during the year. In most cases the Federation of Jewish Communities notified authorities, but perpetrators were often not identified. The NGO Center for Monitoring Anti-Semitism in Romania (MCA Romania) noted that authorities tended to play down such incidents, usually attributing the acts to children, drunkards, or persons with mental disorders.

On October 22, vandals desecrated 131 gravestones at a Jewish cemetery in Bucharest. A spokesman for the local Jewish community considered this to be an act of vandalism unparalleled in recent times. The prime minister and Ministry of Justice, in separate public statements, condemned all acts of this kind, including acts of anti-Semitism and racism. The police identified four school children, aged between 13 and 15 years, who admitted to having vandalized the cemetery.

During the year the extremist press continued to publish anti-Semitic articles. The Legionnaires (also known as the Iron Guard, an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the interwar period) continued to republish inflammatory books from the interwar period. Authorities occasionally investigated and prosecuted offenders, but all court cases resulted in acquittals.

The law prohibits denial of the Holocaust in public. In February the Prosecutor's Office of Bucharest Sector 3 decided not to prosecute a professor who consistently denied in the media and in his books that the Holocaust occurred in the country. The Federation of Jewish Communities and a Jewish NGO had filed a criminal complaint against him in January 2007.

During the year anti-Semitic views and attitudes were expressed on the talk shows of private television stations, which failed to respond to complaints filed by Jewish organizations regarding such views. Extremists continued to publicly deny that the Holocaust occurred in the country or that the country's leader during World War II, Marshal Ion Antonescu, participated in Holocaust atrocities in territory administered by the country.

On May 6, the High Court of Cassation and Justice overturned a 2006 ruling by the Bucharest Appellate Court that partially exonerated Marshal Antonescu and some others convicted for war crimes. Antonescu was responsible for widespread atrocities against the country's Jewish community and Roma during World War II.

The Government continued to make progress in its effort to expand education on the history of the Holocaust in the country and included the Holocaust in history courses covering World War II in the seventh through 12th grades.

On various occasions throughout the year, high-level officials continued to make public statements against extremism, anti-Semitism, and xenophobia and criticized Holocaust denial. In January government officials and members of parliament at-

tended and addressed the commemoration of the 1941 pogrom in Bucharest. In September the Government sponsored a regional conference in Bucharest on combating anti-Semitism. The country commemorated National Holocaust Day in October with events in several cities that were attended by key dignitaries.

The law to combat anti-Semitism and prohibit fascist, racist, and xenophobic organizations includes the persecution of Roma in addition to Jews in its definition of the Holocaust, since approximately 14,000 Roma were killed in the country during that period.

On October 29, the Bucharest city council approved the construction plan for a Holocaust Memorial to be erected in downtown Bucharest. Construction had not begun at year's end.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons in need of international protection.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The law on asylum, which is based on European Union (EU) legislation, prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the country's territory but extends the application of the exclusion clauses to "aliens and stateless persons who planned, facilitated or participated in terrorist activities as defined by international instruments to which the country is a party."

The law provides for the concept of safe countries of origin, and aliens coming from such countries have their asylum applications processed in accelerated procedure. Safe countries of origin are considered EU member states as well as other countries that fulfill certain conditions.

During the year the Government opened an emergency transit center in the city of Timisoara. This is the second facility of its type in the world for the interim receipt of refugees pending processing and final transit to a receiving country. According to the UNHCR, conditions are acceptable. During the year, the center housed refugees from Sudan, Eritrea and Iraq, as well as a few dozen other asylum seekers whose refugee status determination was pending.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened; however, the UNHCR considered the time limits provided by the law for submitting appeal applications and court procedures to be too short. The UNHCR stated that government-sponsored programs for integrating refugees continued to improve, although more needed to be done in terms of identifying training opportunities for refugees, improving Romanian language courses, and ameliorating availability of information both for beneficiaries of the integration program and for public servants who administer it.

According to the Immigration Office, during the year there were no cases of temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol. However, the Government granted refugee status to 99 persons, subsidiary protection to 30 persons, and "tolerated persons" status to 139 persons.

Stateless Persons.—Citizenship is derived at birth by those who have at least one Romanian parent. The law provides for birth registration as a basic right; however, some children were not registered at birth and were rendered de facto stateless by their lack of and inability to obtain identity documents. According to the country's Immigration Office, there were 268 stateless persons of foreign and national origin in 2008. However, the country has a substantial Romani population, and according to a survey released by the Government in August, 1.5 percent of Roma lacked birth certificates, while other surveys indicate between 1.9 and 6 percent of Roma lacked identity cards. While some of these stateless persons were born in the country, limited information was available on the nature of this problem.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—The country held national elections for parliament in November. Despite some irregularities, including some allegations of vote buying, the elections were generally judged free and fair. The left-of-center Social Democratic Party (PSD), in alliance with the Conservative Party (PC), won 33 percent of the popular vote, and 114 seats in the 334-seat Chamber of Deputies and 49 seats in the 137-seat Senate. The right-of-center Liberal Democratic Party (PD-L) won 32 percent of the popular vote, and 115 seats in the Chamber of Deputies and 51 seats in the Senate. Following the elections, these two parties formed a coalition government. Meanwhile, the center-right National Liberal Party (PNL) with 19 percent of the vote, and 28 Senate and 65 Chamber of Deputy seats, sat in the opposition along with the Democratic Union of Hungarians in Romania (UDMR), which won 6 percent of the vote, and nine Senate and 22 Chamber seats. No other parties won more than 5 percent of the vote as required by law to enter parliament.

Media and government officials criticized the uninominal voting system, which assigns parliamentary seats to party members based on a complex formula, for being too complex for many voters to understand and for awarding seats to party members who finished second or third in their district.

The law requires political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least 25,000 signatures. These 25,000 “founding members” must be from at least 18 counties, including Bucharest, with a minimum of 700 persons from each county. The party statutes and program must not include ideas that incite war, discrimination, hatred of a national, racist, or religious nature, or territorial separatism.

Organizations of ethnic minorities can also field candidates in elections if they meet requirements similar to those for political parties. The law defines “national minorities” as only those ethnic groups represented in the Council of National Minorities. The law requires that the organizations that are not represented in the parliament meet requirements that are more stringent than those of minority groups already represented in parliament. Such organizations must provide the Central Electoral Bureau a list of members equal to at least 15 percent of the total number of persons belonging to that ethnic group according to the most recent census. If 15 percent represents more than 20,000 persons, then at least 20,000 names from at least 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county, must be submitted. Human rights NGOs criticized these requirements as discriminatory and aimed at eliminating competition to the mainstream organizations representing Hungarians and Roma, namely the Democratic Alliance of Hungarians in Romania (UDMR) and the Roma Party Pro Europe.

While the law does not restrict women’s participation in government or politics, societal attitudes presented a significant barrier. There were 38 women in the 334-seat Chamber of Deputies and eight women in the 137-seat Senate. At year’s end, only two prefects (governors) of the 42 counties were women.

According to the constitution, each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies if the minority’s organization cannot obtain the 5 percent of the votes needed to elect deputies outright, but only if the organization in question gets 10 percent of the average number of votes nationwide necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision. There were 49 members of minorities in the 471 seat parliament, nine in the upper house and 40 in the lower house.

Ethnic Hungarians, represented by the UDMR, were the only ethnic minority to gain parliamentary representation by passing the 5 percent threshold. Only one Romani organization, the Roma Party Pro Europe, was represented in parliament. Low Romani voter turnout due to lack of awareness, means, or identity cards further exacerbated the situation.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, but the Government did not implement the law effectively. The country is subject to a special European Commission mechanism for regular monitoring for progress in justice sector reform.

The authorities’ generally ineffective response to corruption remained a focus of public criticism, political debate, and media scrutiny throughout the year. NGOs and the media continued to note that no major case of high-level corruption had yet resulted in judgments involving prison sentences. While there were some convictions of lower-level officials for corruption, the European Commission, in its July interim

progress report, criticized court sentences as “lenient and inconsistent” and parliament for lacking an “unequivocal commitment to rooting out high level corruption.” Moreover, there were efforts to weaken the criminal procedure code, such as through parliamentary provisions requiring authorities to notify suspects that they are being wiretapped.

The National Anticorruption Directorate (DNA) was responsible for investigating and prosecuting high-level corruption, including cases involving members of parliament and government officials. Many anticorruption advocates criticized the Justice Minister’s decision not to renew the mandate of the DNA head, whose anticorruption efforts were strongly praised by European Commission officials and media. He continued in his position on an interim basis at year’s end.

The DNA continued its coordination with antifraud units set up within various ministries. The Interior Ministry’s Anticorruption General Directorate, which investigates alleged corruption within the ministry, maintained an anticorruption telephone hotline to receive tips regarding corrupt officers from the general public. The Antifraud Department attached to the prime minister’s office continued to investigate cases involving the misuse of EU funds. The Ministry of Defense also maintained its own antifraud section. According to the European Commission, the system to allow individuals to report suspected cases of corruption was neither accessible nor comprehensive, and implementation of rules to protect the confidentiality of whistle blowers was deficient.

There was little progress made in 10 cases involving former government ministers, due to the decision of the former parliament to block the investigation and to the dismissal of cases by the High Court of Cassation and Justice. The High Court’s dismissal was based on the need to return the files of ministers to parliament for clearance (in three cases). By year’s end, two of the 10 cases had been sent to court, three were with DNA, one had been rejected by parliament, and three were still pending in parliament.

In July 2007 the Constitutional Court declared that an ordinance permitting the DNA to initiate criminal investigations against former ministers without presidential or parliamentary authorization was unconstitutional. Such authorization was previously required only prior to investigations against current government members. This procedural ruling resulted from an appeal in a case against former prime minister Adrian Nastase, who challenged the constitutionality of the ordinance that made it possible for former ministers to be investigated without following the procedure mandatory for incumbent ministers.

In March the Constitutional Court resolved the dispute between the General Prosecutor’s Office and parliament over what specific authorizations were required for criminal investigations against former and current ministers. The court ruled that parliament must approve investigations against ministers who are sitting members of parliament, while the president would have to approve investigations of ministers who are not serving in parliament. In October the Constitutional Court lowered the number of votes needed from members of parliament to authorize criminal investigations against cabinet ministers.

The law empowers the National Integrity Agency (ANI) to audit officials’ declarations of assets, incompatibilities, and conflicts of interest. The law stipulates that the ANI can identify “unjustified” wealth, meaning that proof of illegal activity is required before an investigation may be initiated. The Government amended the ANI law by emergency ordinance the same month it was created, lowering the standard of investigation to proof of unjustified wealth, defined as a change in assets that cannot be justified based on an official’s legitimate sources of income. The ANI is authorized to examine annual asset declarations, but not bank accounts or other assets of individuals without their permission. Anonymous tips of an official’s unjustified accumulation of assets cannot be used as grounds to initiate investigations, absent a decision by the head of the agency to initiate an ex-officio investigation. Some critics have noted that this discretionary authority should be vested in more than a single individual.

There were reports of political interference in the ANI’s activities. An ANI inspector disclosed that a member of the National Integrity Council, which oversees the ANI, pressured ANI officials to stop an investigation against one of her clients. The ANI president demanded that the individual in question have her mandate revoked. Overall, the independence of the ANI is limited due to its inability to hire and fire staff.

In December, following the elections, all but two government ministries were renamed. Critics claimed that this measure was undertaken to erode the civil service protection of many mid-level positions within the renamed ministries, thus opening those offices to political influence.

The law provides for public access to government information related to official decision making; however, human rights NGOs and the media reported that the law was poorly and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. On numerous occasions, NGOs and journalists took cases to court to obtain information.

Although the Government ordered the intelligence services to release the files of the communist era Securitate intelligence service, the powers of the National College for the Study of Securitate Archives (CNSAS) were curtailed following a January 31 Constitutional Court ruling that the CNSAS law was unconstitutional. A government ordinance and a later law allowed the CNSAS to continue operation, but it was no longer entitled to issue verdicts that identify individuals as Securitate collaborators.

There were reports that local authorities occasionally impeded journalists, NGOs, and the general public from accessing public information that could have proved detrimental to select political interests.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. However, there were some problems. After two NGOs, the Center for Legal Resources and Terra Millenium III Foundation, won a joint lawsuit against Bucharest City Hall over the legality of a city construction project, the city requested a court to dissolve the NGOs. A law adopted in December forbids NGOs to have names that could falsely associate them with authorities or public institutions of national or local interest. Some NGOs, such as the Romanian Academic Society (SAR), thought that the law was aimed at harassing NGOs unpopular with government officials.

The ombudsman's office to protect citizens' constitutional rights had limited power and no authority in cases requiring judicial action. The office handled 6,090 complaints during the first nine months of the year.

The National Council for Combating Discrimination (CNCD) is an independent governmental agency that is under parliamentary control. During the year the CNCD received 837 public complaints of discrimination, of which 462 were resolved. Of these cases, 116 involved alleged discrimination on the basis of nationality and ethnicity and 15 involved discrimination on religious grounds. The CNCD received 62 complaints regarding discrimination against Roma in the areas of the right to personal dignity (30 complaints), access to public services (13 complaints), access to education (4 complaints), equal access to employment (6 complaints), and access to public places (6 complaints). The antidiscrimination law provides fines for discriminatory attitudes ranging from 400 to 4,000 lei (\$156–1,560) for discrimination against individuals and approximately 600 to 8,000 lei (\$140–1,400) for discrimination against groups of persons or communities.

Both chambers of parliament have a human rights committee; since these committees were comprised of political party representatives, their recommendations often reflected parties' views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories. However, the Government did not enforce these provisions effectively in some circumstances, and women, Roma, and other minorities were often subject to discrimination and violence.

Women.—Rape, including spousal rape, is illegal. The prosecution of rape cases was difficult because it required a medical certificate and a witness, and a rapist could avoid punishment if the victim withdrew the complaint. The successful prosecution of spousal rape cases was more difficult because the law requires the victim to personally file a criminal complaint against the abusive spouse and does not permit other parties, such as relatives or support organizations, to file a complaint on the victim's behalf. The law provides for three to 10 years' imprisonment for rape; the sentence increases to five to 18 years if there are aggravated circumstances. There were 36 rapes reported during the first half of the year. NGOs provided counseling and shelters for rape victims.

Violence against women, including spousal abuse, continued to be a serious problem, and the Government did not effectively address it. The law prohibits domestic violence and allows police intervention in such cases; however, the law on domestic violence was difficult to apply because it contradicts the criminal procedures code and does not include provisions for the issuance of restraining orders. NGOs re-

ported that domestic violence was common. According to the National Agency for Family Protection (ANPF), there were 8,484 reported domestic violence cases involving women and minor girls during the first nine months of the year. During the first two quarters of the year, there were 177 cases of death as a result of domestic violence. According to a nationwide survey, conducted by the Center for Urban and Rural Sociology (CURS) in March and April, 21.5 percent of the women reported being subjected to domestic violence at least once in their life, and 11.1 percent during the past year. The criminal code imposes aggravated sanctions for violent offenses committed against family members.

The courts prosecuted very few cases of domestic abuse. Many cases were resolved before or during trial when victims dropped their charges or reconciled with the accused abuser. In cases with strong evidence of physical abuse, the court can prohibit the abusive spouse from returning home. The law also permits police to fine the abusive spouse for disturbing public order.

A total of 56 shelters provide free accommodation and food for a period between seven days and three months, and 40 centers provide legal and psychological counseling. There are also six counseling centers for aggressors. However, the centers were insufficient and unevenly distributed, and some parts of the country lacked any kind of assistance. During the year the National Domestic Violence Coalition, composed of more than 30 NGOs, continued to work with the ANPF to organize a number of domestic violence awareness campaigns.

The ANPF worked with the Romanian Orthodox Church to develop services for victims of domestic violence. The Romanian Orthodox Church was involved in a national campaign to stop violence against women, including domestic violence, and together with the Ministry of Education, developed a training program for priests in rural areas to support and combat domestic violence against women. The local budgets of the counties allocated approximately 650,000 lei (\$200,000) for counseling and support to domestic abuse victims.

Prostitution is illegal but was prevalent. Police generally limited their intervention to fining prostitutes for loitering or disturbing the peace. According to local media, there were anecdotal reports that sex tourism existed in Bucharest and other major cities. The law does not provide punishment for clients of prostitutes, unless the prostitute was a minor and the client admitted knowing that fact before the act.

The law prohibits any act of gender discrimination, including sexual harassment; however, the population's awareness of the problem continued to be low. No effective programs existed to educate the public about sexual harassment.

The law grants women and men equal rights, including under family law, property law, and in the judicial system. In practice, the Government did not enforce these provisions, nor did authorities focus attention or resources on women's issues. Women had a higher rate of unemployment than men and occupied few influential positions in the private sector. According to a September 2007 Partnership for Equality Center survey, differences between the salaries of women and men continued to exist in all sectors of the economy. As a rule, women had lower levels of education and worked in lower paid jobs.

Romani women often lack the training, marketable skills, or relevant work experience to participate in the formal economy. According to a 2006 Open Society Institute (OSI) report, only 26 percent of Romani women interviewed were part of the workforce. The average monthly income of women surveyed by OSI was 106 lei (\$37).

The ANPF is responsible for advancing women's concerns and family policies. During the year the ANPF spent 178,000 lei (approximately \$530,000) to support domestic violence prevention services in partnership with civil society and to develop services for the social reintegration of family violence victims and of perpetrators.

The law on equal opportunities for men and women provides protection to public as well as private sector employees and gives a female employee returning from maternity leave the right to return to her previous or similar position.

Children.—The Government publicly committed itself to children's rights and welfare, but competing priorities, bureaucratic inefficiency, and poorly allocated resources prevented this commitment from being fulfilled in practice.

Birth registration was not universal, and some children were denied public services as a result. The most common reason that some children were not registered at birth was that parents did not declare the child's birth to authorities. This was sometimes because parents lacked identity documents or residence papers or because the birth took place abroad in countries where parents were illegally present. Most such children have access to schools, and authorities assisted in obtaining birth documents for unregistered children. However, the access of such children de-

pended on the decision of school authorities. Undocumented children also faced difficulties in getting access to health care. There were also reports of mistreatment of physically disabled abandoned children in state institutions and of prolonged incarceration for misbehavior within state orphanages.

Public education was free and compulsory through the 10th grade or age 16. After the 10th grade, schools charged fees for books, which discouraged lower-income children, particularly Roma, from attending. The UN Children's Fund reported that approximately 90 percent of primary school age children attended school. Conditions within the schools were often not conducive to learning.

Child abuse and neglect continued to be serious problems, and public awareness of them remained poor. The media reported several severe cases of abuse or neglect in family homes, foster care, and child welfare institutions. According to the National Authority for the Protection of Children's Rights (ANPDC), during the first six months of the year child welfare services identified 5,815 cases of child abuse, neglect, and exploitation resulting in their separating 938 children from abusive families and providing services to 4,240 children and their families. However, community-based social services remained unevenly distributed, raising serious concern that children and families lack access to basic social services.

Trafficking in girls for the purpose of sexual exploitation was a problem. There also were isolated cases of children who prostituted themselves for survival without third-party involvement.

In an April 2007 report, the Center for Legal Resources documented violations of basic human rights in institutions for children and youth with mental disabilities, including the lack of adequate services, limitations of individual freedom, and placement of children under two years of age without mental disabilities in such institutions.

While the law protects children from abuse and neglect, the Government has not established a mechanism to identify and treat abused and neglected children and their families. The abandonment of children in maternity hospitals remained a problem, with 715 left in hospitals by their parents in the first half of the year according to official statistics. NGOs claimed the official statistics did not accurately account for many abandoned children; many children living in state institutions were never officially recognized as abandoned.

The legal age of marriage is 18, but girls as young as 15 may marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. There is no estimate regarding the extent of the practice, and information about individual cases surfaces only from time to time in the media.

According to ANPDC, at the end of June there were 1,058 homeless children nationwide. NGOs working with homeless children believed there were two or three times that number. NGOs noted that the number decreased only because the children have grown up, but that the individuals remained on the streets.

Trafficking in Persons.—The law prohibits all forms of trafficking; however, trafficking in persons continued to be a serious problem. The law defines trafficking as the use of coercion, including fraud or misrepresentation, to recruit, transport, harbor, or receive persons for exploitation, including slavery, forced labor, prostitution, being a subject in pornography, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The country was a point of both origin and transit for trafficking in persons. While the majority of trafficking cases involved international trafficking between the country and Western Europe, particularly Italy and Spain, cases of domestic trafficking were also reported. Victims, primarily women and children, were trafficked for sexual exploitation, labor, and forced begging. In the first 11 months of the year, the Government identified 1,211 victims of trafficking, a smaller number than in the same period of 2007 (1,723), of whom 595 were female and 179 were minors. For all of 2007, the Government reported 1,780 victims of trafficking. Women between the ages of 18 and 25 were most likely to become victims of trafficking for sexual purposes. Children were more likely to become victims of trafficking if they came from orphanages or single-parent homes or lived in a dysfunctional family environment (e.g., families with financial difficulties, abuse, or alcoholism). During the year, there was an increase in the number of victims trafficked for labor and a decrease in those trafficked for sexual exploitation. For the first time, the number of male victims was higher than that of female victims. Sixty-one percent of the victims came from rural areas and were trafficked mainly for forced labor or begging.

Government officials reported that small groups of citizens were the most common operators of trafficking rings; several domestic prostitution rings were also known to be active in trafficking victims into, through, and from the country. In recent

years the number of women and minors involved in trafficking as recruiters has increased; however, the overall number of trafficking victims dropped from 2006 to 2007, a trend that continued during the year, according to the National Agency against Trafficking in Human Beings (ANITP).

Most victims were trafficked through or out of the country under seemingly legal means. Traffickers used employment agencies and travel companies as fronts for their activities. It was not difficult for traffickers to obtain legal work papers for the victims they intended to traffic. Most women trafficked for sexual exploitation were recruited either by persons they knew or by responding to newspaper advertisements.

During the year, there was one case of a male police officer from Timisoara who was involved in the sexual exploitation of trafficking victims and was arrested on charges of human trafficking and complicity in promoting prostitution.

Following the country's entry into the EU in January 2007, the vast majority of trafficking victims left the country through legal means, thereby eliminating the need for traffickers to rely on bribing officials to get trafficked persons out of the country.

The sentencing guideline for convicted traffickers is three to 12 years. The law provides for five to 15 years' imprisonment for trafficking in minors, for multiple victims, if a victim suffers serious bodily harm or health problems, or if the trafficking is done by a public servant during his or her official duties. A sentence of 15 to 25 years is mandated for trafficking that leads to the death or suicide of the victim. These penalties are increased by two to three years if the trafficker belongs to an organized crime group and by five years if coercion is applied against minors.

ANITP, which has 15 regional centers, is responsible for collecting all information related to trafficking in persons and coordinating government efforts to combat trafficking and treat trafficking victims. Regional centers coordinated victim/witness cooperation with law enforcement and helped victims access social services. Foreign donors supported training programs on victim/witness coordination offered during the year. Such programs helped victims better negotiate the cumbersome judicial system and led to more frequent convictions of traffickers. However, victims continued to face discrimination from the society at large, especially in small villages, due to cultural biases against women who are victims of trafficking.

ANITP further developed its national trafficking database to expedite identification of victims and improve victim assistance by implementing new statistics-gathering procedures.

The law requires the Government to protect trafficking victims, but implementation of the law remained weak and uneven. Reports of law enforcement officials losing contact with identified victims were common. Some identified victims reportedly chose not to press charges to avoid cumbersome judicial procedures. Although the Government trained border police to encourage victims to identify themselves, few victims were willing to do so.

A technical secretariat, established by ANDPC in 2005 and charged with implementing a national action plan to fight child trafficking and exploitation, carried out activities related to repatriation, protection, and social reintegration of unaccompanied children in difficulty in other countries, regardless of whether such children were victims or offenders. During the reporting period, the country's diplomatic missions reported that 385 unaccompanied children were identified in 22 European countries and the United States, a slight increase over 2007, when 373 such children had been identified. Most of these children were found in Italy and Spain. According to the ANPDC, by the end of the reporting period, 125 of these children had been repatriated. Most of the other children are receiving child welfare services in the countries where they were found.

During the year the Government worked with domestic and international NGOs to build public awareness of trafficking risks and to improve the services offered to victims, developing seven national awareness campaigns. In addition, the regional centers sponsored five local campaigns in cooperation with local authorities and NGOs. Public officials made public statements during the year about the trafficking problem. During the year, the regional centers trained 1,156 rural policemen with regard to human trafficking problems.

ANITP continued to implement programs that started in 2007 and initiated new programs. In December ANITP began a project, financed by the EU and supported by several European NGOs, to support the institutional capacity to prevent human trafficking. The project involves research, a campaign against sexual exploitation of women, and training of rural police and other local actors in order to strengthen a national referral mechanism. In 2007 the ANDPC, the National Antidrug Agency, and territorial general directorates for social assistance and children's protection implemented a program in several cities to monitor child labor. The project established

a system of services for the protection, rehabilitation, and social reintegration of child victims of domestic and international trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against all persons in employment, education, access to health care, or the provision of other services. However, the Government did not fully implement the law, and discrimination against persons with disabilities remained a problem during the year.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed for persons with disabilities; however, their number increased during the year.

According to reports by human rights NGOs, the placement, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms. Most psychiatric hospitals had poor hygiene, insufficient heating, and insufficient food rations. Some hospitals lacked running water, were heavily overcrowded, lacked a sufficient number of beds, and had no mechanism for complaints of abuse. Patients were in many cases secluded in rooms with metal bars on the windows based on arbitrary decisions of the staff. Conditions in psychiatric wards did not improve during the year.

While the Government adopted an action plan regarding persons with mental disabilities in 2005, NGOs asserted that it failed to improve conditions in psychiatric institutions and had not implemented most aspects of the plan. The provision of community based mental health care services remained inadequate.

The NGO Center for Legal Resources (CRJ) criticized the Government for its treatment of children with mental and physical disabilities. Children reportedly were being detained in adult facilities, some children were kept in permanent restraints, and abuse and neglect were commonplace throughout the country's mental institutions and health-care facilities.

The CRJ also continued to report that minors with mental disabilities were routinely mistreated in government-run care institutions. These children were subjected to both verbal and physical abuse, including being tied to their beds, beaten, and threatened that they would be sent to psychiatric hospitals. In February the CRJ urged the Government to take urgent measures to ensure the observance of the basic rights of children with mental disabilities in such institutions, reiterating criticism of the use of physical restraint for such children.

Some minors were sent to psychiatric hospitals without the consent of their legal guardians. According to human rights NGOs, there was no system to ensure that the rights of children with mental disabilities were observed in government-run care institutions.

National/Racial/Ethnic Minorities.—Discrimination against Roma continued to be a major concern. Romani groups complained that police brutality, including beatings and harassment, was routine.

On August 12, the mayor's office in Craiova evicted over 80 Roma who were living in illegally built dwellings on land belonging to a military installation.

On September 2, the mayor of sector 2 of Bucharest evicted 21 Roma (nine adults and 12 children) from a building they had illegally occupied.

In December 2007 police evicted Roma from an illegally built tent camp close to the belt road of Bucharest. NGOs reported that Roma were denied access to, or refused service in, many public places. Roma faced persistent poverty with poor access to government services, few employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination.

There was no further progress in the investigation of the August 2007 violent conflict between ethnic Hungarians and Roma in Apata village, Brasov County, where a group of ethnic Hungarians attacked a Romani neighborhood after having encountered Roma stealing crops from a farm.

A 2004 European Commission report estimated that the Romani population numbered between 1.8 and 2.5 million persons, although the most recent official census in 2002 reported the significantly lower number of 535,000, or 3 percent of the national population. In August the Government released a survey estimating that the Romani population represents 5.7 percent of the total population of the country. According to NGOs, prior government figures were low because many Roma either did not reveal their ethnicity or lacked any form of identification.

According to the February 2007 Roma Inclusion Barometer, 23 percent of Roma were illiterate and 95 percent did not complete high school. NGOs and the media reported that discrimination by teachers and other students against Romani students served as an additional disincentive for Romani children to complete their

studies. There were reports of Romani children being placed in the back of classrooms, of teachers ignoring Romani students, and of unimpeded bullying of Romani students by other schoolchildren. In some communities, authorities placed Romani students in separate classrooms from other students or in separate schools.

In reaction to a complaint filed by Romani CRISS in 2007, the CNCD confirmed that discrimination did occur in Josika Miklos School in Atid, Harghita County, where Romani students were separated from other students in the 2nd grade. The CNCD recommended that the school authorities desegregate the classes.

In July 2007 the Ministry of Education issued an order forbidding the school segregation of Romani students and mandating the desegregation of the first and fifth grades as students enter those grades. A Romani CRISS project monitored the implementation of the order in 134 schools from nine counties (Alba, Botosani, Brasov, Dolj, Galati, Hunedoara, Iasi, Neamt, and Salaj) and Bucharest in the school year 2007–2008, assessing the extent of all forms of segregation of Romani students in the monitored schools. In 77 schools (63 percent), the first and fifth grades were not desegregated, although the order stipulates desegregation. The survey also identified 43 segregated schools and 45 other schools with segregated classes.

According to a 2007 OSI report, ethnic Roma were five times as likely as members of the majority population to live below the poverty line. OSI also estimated that approximately 60 percent of Roma lived segregated from the majority population in communities with substandard housing and without basic governmental services such as schools, adequate health care, running water, electricity, and waste disposal.

Romani communities were largely excluded from the administrative and legal system. According to OSI research conducted in 2007, 4.9 percent of Roma lacked a birth certificate. Among non Roma citizens, less than 1 percent lacked a birth certificate. Similarly, surveys in 2007 and 2008 indicated that between 1.9 and 6 percent of Roma lacked identity cards, compared to 1.5 percent of non Roma. The lack of identity documents excluded Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. Roma were also disproportionately unemployed or underemployed.

Stereotypes and use of discriminatory language against Roma were widespread; journalists and even high ranking officials frequently made discriminatory statements. In May 2007 President Basescu used an extremely derogatory term to describe a Romani television reporter. The CNCD decided the statement was discriminatory and admonished the president, who challenged the CNCD decision in court. In May the Supreme Court of Cassation and Justice ruled that although the statement was discriminatory, the president could not be sanctioned because the phrase was used in private circumstances.

The Government and Romani NGOs continued to implement a national program in several counties, such as Bihor and Braila, to identify Roma without birth certificates or identification documents and help them obtain such documents. In February Romani CRISS and police began implementing the program in Bucharest.

In June 2007 the Government established a commission of Romani and non-Romani experts in Romani history and tasked it with studying the historical period of Romani slavery. The commission wrote a draft report which was not made public, and it did not continue activity during the year because of lack of funding.

The Government considered ethnic Hungarians to be the largest ethnic minority, comprising 1.4 million persons according to the 2002 census. In the Moldavia region, where the Roman Catholic Csango minority resided, the community continued to operate government funded Hungarian language school groups; 955 students in 14 localities received Hungarian language classes during the 2008–2009 academic year. However, intimidation attempts continued. Two Roman Catholic priests from the village of Cleja (Bacau County) threatened to bar schoolchildren who take Hungarian language classes from attending the confirmation mass. In May the Association of Magyar Csangos from Moldavia filed a complaint with the CNCD against the priests, accusing them of discrimination. The complaint was pending at year's end.

A June 2007 study by the Institute of Public Policies and Romani CRISS pointed to the danger of online discrimination and hate speech, directed mainly against Roma and homosexuals, on the discussion forums of four national dailies. This situation continued on discussion forums of online dailies during the year.

In August 2007 the Government established an institute to research the history, culture, and religion of, and policies regarding, national minorities.

Other Societal Abuses and Discrimination.—NGOs reported that police abuse and societal discrimination against homosexuals was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay

and lesbian community continued to voice concerns about discrimination in public education and the health care system.

On May 24, approximately 200 persons participated in the annual “march of diversity” gay pride parade in Bucharest. Local authorities mobilized hundreds of police to protect the participants, and for the first time the parade ended without violent incidents. However, the “New Right,” a neofascist group militating against homosexuality and claiming Christian orientation, sponsored an antigay rally on the same day at a different time and location and chanted virulent antigay slogans. The Conservative Party also spoke against the gay parade and sponsored a rally on May 25 in support of the traditional values.

There was no progress in investigating the violent incidents that took place at gay parades in previous years.

A number of young men in police detention whom other inmates perceived as being homosexual complained of harassment and violence by other inmates while authorities failed to protect them effectively.

In July 2007, for the first time, a Bucharest court ruled in favor of a person who accused a company of discrimination in access to services on grounds of sexual orientation. A complaint with the CNCD regarding the case remained pending at year’s end.

Authorities rarely enforced laws prohibiting discrimination against persons with HIV. Discrimination against persons with HIV/AIDS impeded access to routine medical and dental care. Breaches of confidentiality involving individuals’ HIV status were common and rarely punished.

A 2006 Human Rights Watch (HRW) report noted widespread discrimination faced by children with HIV/AIDS and authorities’ failure to protect them from discrimination, abuse, and neglect. According to the report, fewer than 60 percent of children and youths with HIV/AIDS attended school. Doctors often refused to treat children and youths with HIV/AIDS. Medical personnel, school officials, and government employees did not maintain confidentiality of information about the children, which caused the children and families to be denied services such as schooling. In some situations children and their parents were threatened by parents of other children to keep them out of school. There were also reports that children without any mental disability were placed in centers for children with mental disabilities because they were HIV positive.

Over half of HIV infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive health care and the prevention of HIV and sexually transmitted infections. The 2006 HRW report found that although the country provides universal access to antiretroviral therapy, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, medical care, government services, and employment. The Government lacked a strategy to manage the transition of HIV positive children living in institutions or foster care after they turned 18. Fewer than 60 percent of HIV positive children and adolescents attended some form of schooling.

During the year the Government cooperated with international organizations to implement a national AIDS strategy by conducting conferences and disseminating brochures to raise public awareness of the disease.

Section 6. Worker Rights

a. The Right of Association.—All workers, except certain public employees, have the constitutional right to associate freely and to form and join independent labor unions without prior authorization, and they freely exercised this right. However, employees of the Ministry of Defense, most employees of the Ministry of Interior and Administrative Reform, most employees of the Ministry of Justice, prison personnel, and intelligence personnel were not allowed to unionize. The majority of workers belonged to one of the five main national trade union confederations. Approximately 40 to 50 percent of the workforce was unionized; however, that number continued to decline.

The right to form unions was generally respected in practice, and many employers created enterprise friendly unions. Union officials stated that union registration requirements stipulated by law were complicated but generally reasonable. However, unions objected to the requirement that they submit lists of prospective union members with their registration application. Since employers also had access to this list, union officials feared that this could lead to reprisals against individual employees, hindering the formation of new unions.

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Unlike in previous years, there were no reports of government interference in labor negotiations, trade union activities, collective bargaining, or strikes.

While the law permits strikes by all workers except judges, prosecutors, some justice ministry staff, and employees of the intelligence service and the ministries of defense and internal affairs, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and if employers have been given 48 hours' notice. Unions complained that they must submit their grievances to government sponsored arbitration before initiating a strike and that the courts had a propensity to declare strikes illegal. Companies may claim damages from strike organizers if a court deems a strike illegal.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives at these entities hindered collective bargaining. Approximately 80 percent of the workforce was covered by collective labor contracts at the branch and unit levels. A national collective labor contract for 2007-2010 was concluded in January 2007 by the main employers' associations, trade unions, and the Government. However, contracts resulting from collective bargaining were not consistently enforced. While national collective labor contracts are negotiated every four years, the minimum wage is negotiated every year. The wages of public employees were guided by a minimum wage stipulated by law and a pay scale specific to each ministry that was based on that ministry's annual budget.

The law has specific provisions against antiunion discrimination, which were generally respected.

There are no exemptions from regular labor laws in the country's six free trade zones and 31 disadvantaged zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Persons, primarily women and children, were trafficked for sexual exploitation, labor, and forced begging.

d. Prohibition of Child Labor and Minimum Age for Employment.—Child labor remained a problem. Although there are laws to protect children from exploitation in the workplace, the Government did not consistently enforce them in practice.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15. Minors are prohibited from working in hazardous conditions. Minors over the age of 15 who are enrolled in school are also prohibited from performing activities included on a list approved in June 2007 following an EU directive. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. Children aged 15 to 18 may work no more than six hours per day and no more than 30 hours per week, provided that their school attendance is not affected. In practice, however, many children were reported to occasionally forego attending school while working. Minors cannot work overtime or during the night, and they have the right to an additional three days of annual leave.

Despite official recognition of the problem, child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children engaged in such activities were as young as five years old.

The ANPCD, under the Ministry of Labor, Family, and Equal Opportunities, has the lead role in monitoring and coordinating all programs for the prevention and elimination of the worst forms of child labor. There were 490 confirmed cases of child labor reported in 2007, 249 of these were in urban areas and 241 in rural areas. At the end of the first half of the year, there were 247 confirmed cases of child labor, 137 in urban areas and 110 in rural areas.

The ANPCD can impose fines and close factories for child labor exploitation. Enforcement tended to be lax except in extreme cases; despite what appeared to be child labor. For example there were no reports of anyone being charged or convicted during the year under any of the child labor laws. Employers who violated child labor laws were generally fined but in practice judges did not consider violations of the child labor law to be crimes. The Ministry of Labor's labor inspectorate reportedly carried out inspections of 100,200 employers in 2006. Out of 16,571 persons found to be without legal employment documents, 206 were youths aged 15 to 18.

The law requires schools to immediately notify social services of children missing classes to work. Social services are authorized to work with schools to reintegrate such children into the educational system. The Government conducted information campaigns to raise awareness among children, potential employers, and the general public. The Government also made considerable progress in establishing mechanisms to gather information and monitor child labor trends.

e. Acceptable Conditions of Work.—Beginning in October, the gross minimum wage was 540 lei (\$190) for a full-time schedule of 170 hours per month, or approximately 3.17 lei (\$1.10) per hour. The minimum wage for skilled workers is 20 percent higher. The minimum monthly wage did not provide a decent standard of living for a worker and family.

Criteria for calculating the minimum wage are based on the average salary rather than in relation to the minimum basket of consumption. In July representatives of union federations, employers' associations, and the Government signed a tripartite agreement which led to the October increase in the monthly wage.

Minimum wage rates were generally observed and enforced by the Ministry of Labor, Family, and Equal Opportunities. In practice, many employers paid supplemental salaries under the table to reduce both the employee and employer's tax burdens. However, this practice negatively affected employees' future pensions and their ability to obtain commercial credit.

The law provides for a standard workweek of 40 hours or five days. Overtime is to be paid for weekend or holiday work, or work in excess of 40 hours, which may not exceed 48 hours per week averaged over one month. The law requires a 24 hour rest period in the workweek, although most workers received two days off per week. The Ministry of Labor, Family, and Equal Opportunities effectively enforced these standards. Union leaders complained that overtime violations were the main problem facing their members, as employees were often required to work more than the legal maximum number of hours and overtime compensation required by law was not always paid. This was especially prevalent in the textile, banking and finance, and construction sectors. Union officials alleged that a majority of on the job accidents occurred during such compulsory, uncompensated overtime.

The law provides penalties for work performed without a labor contract in both the formal and informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to 100,000 lei (\$41,666).

The Ministry of Labor, Family, and Equal Opportunities has authority to establish and enforce safety standards for most industries but lacked trained personnel to enforce them. Employers often ignored the ministry's recommendations, which were usually only applied after an accident occurred. Workers had the right to refuse dangerous work but seldom invoked it in practice.

RUSSIA

The Russian Federation has an increasingly centralized political system, with power concentrated in the presidency and the office of prime minister, a weak multiparty political system, and a ruling-party dominated bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The country has an estimated population of 141.9 million. International observers reported that the December 2007 State Duma election was not fair and failed to meet many international standards for democratic elections. Likewise, the March 2 election for president, assessed to be still not free and not fair, repeated the flaws of the State Duma election, with observers expressing concern over the registration process, unequal access to the media by candidates, and abuse of administrative resources. Dmitry Medvedev, the candidate of the dominant United Russia party, handpicked by his predecessor, became president in March with 70 percent of the vote. In the State Duma elections, the United Russia party received a constitutional majority of more than two thirds of the seats. Civilian authorities generally maintained effective control of federal security forces.

There were numerous reports of government and societal human rights problems and abuses during the year. The Government's human rights record remained poor in the North Caucasus, where governments in Ingushetiya and Dagestan faced increased opposition from disaffected social groups and insurgencies, and the Chechen government forcibly reined in the Islamist insurgency that replaced the separatist insurgency as the main source of conflict. Security forces reportedly engaged in killings, torture, abuse, violence, and other brutal or humiliating treatment, often with impunity. In Chechnya, Ingushetiya, and Dagestan, security forces were allegedly involved in unlawful killings and politically motivated abductions. While disappearances declined overall, extrajudicial killings increased in Ingushetiya. Disappearances and kidnappings in Chechnya declined during the year; however, Chechen President Kadyrov continued his repressive control as federal forces withdrew. Federal and local security forces in Chechnya targeted families of suspected insurgents with impunity, and Kadyrov's private militia allegedly engaged in kidnapping and torture.

In August, Russia launched a military invasion using disproportionate force across Georgia's internationally recognized borders responding to what Russian officials reported was Georgia's use of heavy force in Tskhinvali, the local capital of Georgia's South Ossetian region, and the killings of Russian peacekeepers. Military operations by Georgian and Russian forces reportedly involved the use of indiscriminate force and resulted in civilian casualties, including of a number of journalists. Prison conditions were harsh and frequently life threatening, law enforcement was often corrupt, and the executive branch allegedly exerted influence over judicial decisions in some high-profile cases. Security services and local authorities conducted searches without court warrants, particularly under the extremism law.

Government pressure weakened freedom of expression and media independence, particularly of the major television networks. Five journalists were killed during the year, in one case in Ingushetiya by police. Unresolved killings of journalists remained a problem. As some print and Internet media reflected a widening range of views, the Government restricted media freedom through direct ownership of media outlets, pressuring the owners of major media outlets to abstain from critical coverage, and harassing and intimidating journalists into practicing self-censorship. Local governments limited freedom of assembly, and police sometimes used violence to prevent groups from engaging in peaceful protest. The Government limited freedom of association. The Government restricted religious groups in some regions, and there were incidents of societal discrimination, harassment, and violence against religious minorities, including anti-Semitism. In the North Caucasus, thousands of internally displaced persons (IDPs) lived in temporary centers that failed to meet international standards.

Continuing centralization of power in the executive branch, a compliant State Duma, corruption and selectivity in enforcement of the law, media restrictions, and harassment of some NGOs eroded the Government's accountability to its citizens. The Government restricted opposition political parties' ability to participate in the political process. The March presidential election was marked by problems during the campaign period and on election day, as reported by independent Russian and European observers, including the Parliamentary Assembly of the Council of Europe, which included the abuse of government resources, media bias in favor of the ruling party and its candidate, authorities' refusal to register opposition party candidates, lack of equal opportunity for conducting campaigns, and ballot fraud. The Government restricted the activities of some nongovernmental organizations (NGOs), in some cases moving to close the organizations, through selective application of the laws and other mechanisms. Authorities exhibited hostility toward, and sometimes harassed, NGOs involved in human rights monitoring as well as those receiving foreign funding. A decree from the prime minister in June removed tax-exempt status from the majority of NGOs, including international NGOs, and imposed a potentially onerous annual registration process for those that met the proposed requirements. Many NGOs interpreted the decree as a further step to restrict NGO funding and operations. Violence against women and children were problems, and domestic violence was widespread. Trafficking in persons continued to be a significant problem. There was some governmental discrimination and widespread societal discrimination as well as racially motivated attacks against ethnic minorities and dark-skinned immigrants or guest-workers. During the year there was a steady rise in xenophobic, racial, and ethnic attacks and hate crimes, particularly by skinheads, nationalists, and right-wing extremists. Instances of forced labor were also reported.

Although there was some improvement in areas of the internal conflict in the North Caucasus, antigovernment forces continued killing and intimidating local officials. There were reports of rebel involvement in bombing of civilian targets and politically motivated disappearances in Chechnya, Ingushetiya, and elsewhere in the North Caucasus. Some rebels were allegedly involved in kidnapping for ransom. There were reports that rebels improvised explosives that resulted in civilian casualties. According to the Internet-based Caucasian Knot, 226 members of law enforcement agencies died and 420 were injured during the year in actions involving insurgents.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that the Government or its agents committed politically motivated killings and other arbitrary killings. In August, the Government's use of indiscriminate military force in a conflict with Georgia resulted in numerous civilian deaths in that country.

On August 31, police shot Ingush opposition leader and editor of the opposition news portal Ingushetiya.ru, Magomed Yevloyev, in the head while he rode in a police car in Nazran after being apprehended by Ingush authorities on his return from Moscow. He later died from the wound. In retaliation, Yevloyev's relatives declared a "blood feud" against then president of Ingushetiya Murat Zyazikov and his Interior Minister Musa Medov, and claimed that according to tradition, this called for the murder of one of their male family members. On September 10, unknown gunmen killed Zyazikov's cousin while he was driving his car in Nazran. The Interior Ministry stated that Yevloyev was shot by accident, and the District Court initially agreed, but many criticized the decision. In November, the Supreme Court of Ingushetiya reopened the investigation, and it was pending at year's end.

On November 5, three police officers in the city of Saratov allegedly assaulted Armen Gasparyan to force him to confess to a theft, then doused him with gasoline, and burned him to death. Prosecutors charged the officers with murder, and the case was ongoing at year's end.

In December the Moscow branch of the Investigative Committee suspended, due to an "absence of suspects," the investigation into the death of Yuri Chervochkin, an activist in the National Bolshevik Party (NBP). Chervochkin was attacked and beaten into a coma by unknown assailants in November 2007 in Serpuchov and later died. Prior to his beating, Chervochkin had participated in demonstrations in Moscow led by the Other Russia political opposition movement. He was reportedly warned by the authorities not to participate in the demonstrations, and other NBP members claimed he was killed by government security forces.

Deaths due to hazing in the military continued to be a problem. The Ministry of Defense reported 17 deaths as a direct result of hazing during the year. In the first 10 months of 2007, 20 military servicemen were killed in hazing incidents. In 2006, 33 servicemen were killed in hazing incidents. Human rights observers noted that few of the persons accused in the incidents had been prosecuted and held accountable.

In May 2007, a noncommissioned officer reportedly hazed conscript Sergey Zavyalov, who later died of head injuries from the abuse. The Sertolovo Military Garrison prosecutor's office charged a sergeant in Zavyalov's garrison with "deliberate infliction of grave physical injuries." In December 2007, the first court hearing on the case commenced, and on April 1, the Sertolovo Garrison Military Court convicted Dmitri Kochkov and sentenced him to six years' imprisonment. On May 30, the Leningrad Circuit Court upheld the verdict.

Human Rights Watch (HRW) reported that, during the August military conflict in Georgia, both Russian and Georgian forces used indiscriminate and disproportionate military force, including Grad rockets and cluster munitions, which resulted in civilian deaths and injuries. In a number of cases, Russian forces in Gori, Georgia, fired on civilian vehicles, killing and wounding civilians. During and in the weeks following the conflict, hundreds of civilians were reportedly killed in the areas under the control of Russian forces.

In past years Chechen rebels killed a number of federal soldiers whom they had taken prisoner; many other individuals were kidnapped and then killed in Chechnya by both federal and rebel troops, as well as by criminal elements. According to Caucasian Knot, during the year 237 persons were killed in Chechnya—25 civilians, 97 police officers, and 115 militants. There were also deaths from landmines and unexploded ordnance.

In July, a mass grave was discovered in Chechnya that contained up to 300 bodies. According to the Chechen ombudsman, the bodies were from a group of refugees killed by federal forces as they attempted to move to another area of the republic in October 1999.

There were some minor developments in cases of high-profile killings from 2006. On June 23, a jury reached a verdict in the trial for the 2006 killing of Dalnegorsk mayoral candidate Dmitriy Fotyanov. Two persons were found guilty of his murder, while two others were convicted of being accessories to the crime; one suspect was at large at year's end. The suspects allegedly killed Fotyanov because his election would have threatened their business interests.

On October 28, a jury in the Moscow City Court found former chairman of the board of directors of VIP Holding, Aleksey Frankel, guilty of ordering the 2006 killing of banking reform advocate Central Bank Deputy Chairman Andrey Kozlov. Frankel allegedly ordered the killing in revenge for Kozlov's decision to revoke VIP Holding's license. Frankel's lawyers stated their intention to appeal the case. An accomplice and the alleged hitmen were also charged, and their cases were ongoing at year's end. On May 30, an unknown attacker beat Frankel's lawyer Viktor Pashrutkin on a street near his home. Another lawyer in the Kozlov case was bur-

glarized the previous day, leading many commentators to believe that the attack was related to Pashrutkin's work in the case.

During the year there were no developments reported in the case of Andrey Lugovoy, whom the United Kingdom sought to extradite as the primary suspect in the poisoning death in London of former Russian intelligence officer Aleksander Litvinenko. In July 2007 the Government, citing constitutional restrictions, refused the extradition request. Separate investigations into the death continued during the year in Russia and the United Kingdom. Many observers alleged the killing was politically motivated, in part because of the highly restricted nature of Polonium 210, the substance used to poison Litvinenko. In December 2007, Lugovoy was elected to the State Duma, giving him substantial immunity from prosecution in the country.

There were no developments reported in the investigation into the 2006 killings of Aleksandr Plokhin, a branch director of VneshtorgBank, and of Konstantin Meshcheryakov, co-owner of Spetssetstroibank.

b. Disappearance.—During the year there were reports of disappearances throughout the North Caucasus in connection with the conflicts in Chechnya, Ingushetiya, and Dagestan. Some disappearances were alleged to be politically motivated and to have involved federal or local governments. There were no reports of politically motivated disappearances outside these regions of the country.

During the year at least 50 kidnappings reportedly took place in the North Caucasus region. The Caucasian Knot reported 15 kidnappings in Chechnya, 24 disappearances in Ingushetiya, and 11 disappearances in Dagestan. In 2007 the overall number of disappearances in the North Caucasus was 75. In most cases government forces involved in disappearances acted with impunity. Criminal groups in the region, possibly with links to rebel forces, frequently resorted to kidnapping (*See* Section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were credible reports that law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects and allegations that the Government did not consistently hold officials accountable for such actions. During the year there were also reports of torture and other cruel, inhuman, or degrading treatment or punishment by federal or local government security forces in connection with the conflict in Chechnya. In August, during a conflict that began in the Georgian separatist enclave of South Ossetia, the Government's use of indiscriminate military force resulted in numerous civilian injuries in that country.

Although prohibited in the constitution, torture is not defined in the law or the criminal code. As a result, the only accusation prosecutors could bring against police suspected of torture was exceeding their authority or committing a simple assault.

Cases of physical abuse by police officers usually occurred within the first few hours or days of arrest. Some of the methods reportedly used included beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension by body parts (for example, suspending a victim from the wrists, which were tied together behind the back). Allegations of abuse were difficult to substantiate because of limited access to medical professionals. A 2008 report by Amnesty International documented numerous cases of alleged torture by police. According to the February 2007 annual report of the country's human rights ombudsman, the majority of police abuse cases in 2006 were reported in Komi and Mordoviya republics, Krasnoyarsk Krai, and Amur, Kirov, Sverdlov, and Tyumen regions.

In 2007, the human rights ombudsman received approximately 3,000 complaints of abuses in jails and prisons, more than one-third of which dealt with the harsh treatment of prisoners by guards. The Ombudsman's Office found that two-thirds of the complaints merited investigation but was able to adequately investigate only 123 cases due to obstruction by prison officials.

In July, a court convicted three officers in the Nizhniy Novgorod region of physically abusing a suspect in 2007 in an attempt to coerce a confession and sentenced them to prison terms from four to four-and-a-half years.

On March 4, the court denied an appeal by three officers found guilty in October 2007 of torturing and beating Dmitriy Noskov in 2004, forcing him to confess to robbery. Doctors who examined him documented a concussion and extensive injuries. The officers were sentenced to five-and-a-half, six, and seven years in prison.

On April 4, police beat several young men near the Sokolniki metro station in Moscow; this sparked a protest on April 11 in central Moscow in which police detained protesters, in some cases using violence. Public reaction to reports of police violence was generally muted. For example, on April 19, police in Izhevsk forcibly

detained 54 youths who had gathered for a concert, but there was no public reaction. No government body took any action against the police in the above instances.

On April 8 and May 20, OMON (Otryad Militsii Osobogo Naznacheniya) police officers Yuriy Golovin and Sergey Fomin were convicted of beating 32 persons during the 2004 "crime prevention" crackdown in Blagoveshchensk. They received a suspended sentence of three years' imprisonment, one year of probation, and were prohibited from working in law enforcement or other municipal agencies for one year. In the same case, on June 17, OMON officer Aidar Gilvanov was convicted and sentenced to four years' imprisonment and prohibited from working in state and local self-government for three years. OMON officers Oleg Shapeyev and Vil Hamatdinov received suspended sentences, and Hamatdinov was prohibited from working in state or local government for one year. On September 18, the Blagoveshchensk City Court found the remaining three suspects guilty: Lieutenant Colonel Ildar Ramazanov, his deputy Major Oleg Mirzin, and Major Oleg Kosolov. However, defense attorneys requested that the case be returned to the Prosecutor's Office to remove discrepancies and mistakes, and the City Court suspended hearings. There were no further developments at year's end.

On January 24, the European Court of Human Rights (ECHR) found the country responsible for the rape and mistreatment of Olga Maslova and for not conducting an effective investigation into the crimes. Maslova alleged that, after police brought her in to provide information about a murder case in November 1999, they raped and tortured her in order to pressure her into giving a confession. Her friend, Fedor Nalbandov, alleged that police harassed and physically assaulted him when he came to the police station after receiving a call from Maslova. The Government was also held responsible for not effectively investigating his allegations.

In March 2007, the ECHR ruled that the Government had violated the rights of Andrey Frolov through inhuman prison conditions. Frolov, who had been imprisoned in St. Petersburg since 1999, had protested the prison overcrowding and testified that he and 15 other prisoners had to take shifts sleeping because they shared a cell designed to hold eight persons. Frolov was awarded 20,000 euros (\$25,567) but had not been released at year's end, and there was no information as to whether his conditions had improved.

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin or who appeared to be of Caucasus, Central Asian, African, or Romani ethnicity.

In May, following a public outcry and the intervention of the human rights ombudsman, Ministry of Justice's Federal Service for the Execution of Sentences (FSIN) prison authorities moved former Yukos Oil Company vice president Vasily Aleksanyan, who was HIV positive and diagnosed with lymphoma cancer, to a hospital. After a lengthy campaign by human rights activists to secure his release, in December the ECHR ruled that the country had violated Aleksanyan's rights and that he must be freed on bail. Aleksanyan was accordingly freed on bail of 50 million rubles (\$1,373,513). Some commentators found the sum to be excessive, and others criticized the long wait for his release, noting that upon release he was too weak to move.

In December former Yukos lawyer Svetlana Bakhmina failed to receive early parole despite a high-profile campaign to secure her release on humanitarian grounds. In 2006, Bakhmina was convicted of tax evasion and embezzlement and sentenced to seven years in prison, which was reduced on appeal to six-and-a-half years. At the time of the campaign for her release, she had served over half of her sentence, which commonly enables a prisoner to apply for parole.

There were a limited number of cases reported where psychiatry was used against those dissatisfied with the authorities, according to the Russian Research Center for Human Rights. The Government's and courts' interpretation of the law resulted in a monopoly by government consultants in the provision of expert testimony in court cases. The Human Rights Ombudsman's Office had an experts' council that engaged in some cases to assist persons who were treated improperly by the courts.

In February a court ordered opposition activist Roman Nikolaychik to a psychiatric hospital in Tver for three weeks. Activists for the Other Russia, of which Nikolaychik was a member, alleged that this was a case of "punitive psychiatry," applied by Tver security services because a fabricated case against Nikolaychik of attempted murder had fallen apart. There were no new developments in the case by year's end.

On September 19, the Oktyabrsky District Court in Penza sent Sergey Cherepovsky, a defense lawyer, to a psychiatric ward in Kazan after having prolonged his custody. Cherepovsky was accused of using violence against an official who tried to stop him from filming the alleged harassment of his client Valery

Bychkov, a deputy in the Penza city legislature and chairman of the Penza branch of Garry Kasparov's United Civic Front, in a court building.

On November 17, the Leninskiy District Court began hearings on a lawsuit by human rights and opposition activist Larissa Arap, who in July 2007 was involuntarily confined to a psychiatric hospital in Apatity, reportedly in revenge for her published critical comments about the facility in an earlier confinement. She alleged that hospital staff abused her during her involuntary confinement. A team of independent psychiatric experts assembled by the human rights ombudsman examined Arap and stated that her hospitalization was unnecessary; she was released in August 2007. In April, Arap's defense attorney appealed to both the ECHR and the Leninskiy District Court of Murmansk for compensation of moral and material damage. In mid-October, the District Court rejected Arap's appeal, but she and her defense attorney appealed the decision. There were no further developments at year's end.

On November 1, the Novosibirsk Regional Court released NBP member Nikolay Baluyev from custody due to his bad health condition. Baluyev was accused in August 2007 of conspiring to commit a terrorist act and possession of a weapon; a Novosibirsk regional court ruled that he should undergo psychiatric treatment. Some activists criticized the allegations as unfounded. On May 20, Baluyev's forced psychiatric treatment was completed, and doctors declared him cured. He was returned to pretrial jail. On July 2, the Novosibirsk Regional Court extended his jail confinement by two months. In jail, a preexisting physical condition grew worse, and when he was hospitalized on July 7, his fellow NBP members appealed to the human rights ombudsman for his release, stating that his life was in danger.

In November 2007, a day before a planned Other Russia demonstration, Artem Basyrov, an Other Russia activist, was involuntarily hospitalized in a Mari El Republic psychiatric hospital. On December 25, the Mari El Hospital Commission released Basyrov. Basyrov claimed that his hospitalization was politically motivated. There were no further developments in the case at year's end.

Various abuses against military servicemen continued, including but not limited to the violent hazing of junior recruits (known as "dedovshchina") in the armed forces and security services. Such mistreatment often included beatings or threats of increased hazing to extort money or material goods. In recent years, in larger cities, conscripts were sometimes encouraged to prostitute themselves to come up with the money; however, there were no corroborated reports of this during the year. According to the NGO Committee of Soldiers' Mothers (CSM), in rare instances during the year, conscripts were forced into slave labor. Cases were usually investigated only following pressure from family members, NGOs, or the media. The human rights ombudsman, as well as CSM, also stated that there was a growing problem with conscripts being coerced into signing contracts. The St. Petersburg branch of CSM noted an increase in reports of forced conscription on August 5, reportedly in connection to the conflict with Georgia. Overall, CSM estimated that 30 percent of conscripts were forced.

According to CSM, there were approximately 10,000 complaints of hazing during the year. The Defense Ministry reported 427 noncombat deaths during the year, of which 121 were suicides. The army's suicide rate was down 14 percent for the first six months of the year compared with the same period in 2007. During the year one in every four hazing offenses was committed by an officer, and officers increasingly tried to conceal offenses. In the first four months of the year, there were 138 reported instances of officer cover-ups, compared with 48 in the same period in 2007.

During the year CSM accused an army unit in St. Petersburg of running a program where new recruits were forced to give 1,000 rubles (approximately \$27) every morning to more senior unit members. If they failed to provide the money, they were beaten and tortured. The army unit sued CSM for damage to its professional reputation, and a court found in the army's favor. CSM lost its appeal of the case and was ordered to pay a fine of 16,000 rubles (approximately \$440). The NGO appealed; a decision was pending at year's end.

CSM regional committees received a total of 5,000 complaints from 20 regions across the country during the year, an increase from the 2007 figure of 3,500. The complaints from soldiers and parents mostly related to beatings, but also concerned sexual abuse, torture, and enslavement. Soldiers often did not report hazing to either unit officers or military prosecutors due to fear of reprisals, since in some cases officers allegedly tolerated or even encouraged hazing as a means of controlling their units. Officers reportedly also used beatings to discipline soldiers.

On July 1, drill sergeant Peter Tarasov was convicted and sentenced to four-and-a-half years in prison and stripped of his military rank for severely beating conscript Artem Kaznacheyev in the presence of 170 soldiers in July 2007. Kaznacheyev

spent two weeks in a coma, had two operations, and suffered severe damage to his lungs, liver, and other internal organs.

There was evidence that the military was attempting to deal with its abuse problems. During the year 2,000 persons were charged with army hazing or related crimes, most commonly abuse or physical assault. Of those convicted, many continued serving in the army under a "conditional" sentence. CSM reported that 105 convicted officers lost their positions during the year. During 2007, after numerous media reports detailed how soldiers in Primorye's Pogranichniy region were being mistreated and extorted, allegedly with the consent of officers, the Ministry of Defense sent a team from Moscow to investigate. Hazing reportedly continued to be a serious problem in units that had previously served in areas of military conflict.

Former defense minister and current First Deputy Prime Minister Sergey Ivanov ordered parent committees to be embedded in the army and in drafting commissions. By the end of 2007, there were parent committees in 142 military units and 12 military commissariats.

On July 3, the ECHR found the country responsible in a case brought by Yevgeniy Chember for inhuman treatment, lack of an effective investigation, and also for lack of providing an effective remedy. Chember was allegedly beaten and denied medical treatment after injuring his spine during military training. He later collapsed, was diagnosed with a closed spine injury, and was discharged from the military.

According to a HRW report detailing abuses by parties to the August conflict between Russia and Georgia, Russian forces were at times involved in the looting and destruction, either as passive bystanders to Ossetian forces' abuses or active participants, or by providing South Ossetian militias transport into villages. According to the report, when Russian forces entered Georgian territory adjacent to South Ossetia, they allowed South Ossetian forces to engage in widescale pillage and burning of Georgian homes and to kill, beat, rape, and threaten civilians.

Prison and Detention Center Conditions.—Prison conditions remained extremely harsh and frequently life threatening. The FSIN administered most of the penitentiary system centrally from Moscow. There were five basic forms of custody facilities in the criminal justice system: police temporary detention centers, pretrial detention facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. In most cases, juveniles were held separately from adults.

As of November, 891,700 persons were in the custody of the criminal justice system, an increase of 3,600 from 2007. This number included 8,800 juveniles, 784 children under age 14, and 68,200 women. The number of juveniles decreased from 2007 levels, while the number of women in custody increased. As of August there were 147,200 persons held in SIZOs.

In past years official statistics recorded several thousand prisoners dying in SIZOs, and in November 2007 the FSIN reported that during the period 2001–07 the mortality rate decreased by 3.8 times. However, official statistics were not available during the year. While most died as a result of poor sanitary conditions or lack of medical care, the press reported that individuals were mistreated, injured, or killed in various SIZOs. Some of the cases reported in past years suggested habitual abuse by officers. Inmates in the prison system often suffered from inadequate medical care, and the numbers of inmates infected with tuberculosis (TB) and HIV increased. According to FSIN data, as of November 2007, approximately 400,000 inmates had mental disorders, 43,000 had active TB, and 42,000 had HIV. TB infection rates were far higher in detention facilities than in the population at large.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems, in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated harshly, with little or no protection provided by prison authorities.

Penal institutions remained overcrowded, but there were reports of some improvements. Federal standards call for a minimum of four square meters per inmate. The NGO Penal Reform International confirmed that prisons in the country met this standard except in cases of overcrowding.

Conditions in SIZO pretrial facilities remained extremely harsh and posed a serious threat to health and life. Conditions within different SIZOs varied considerably. Health, nutrition, and sanitation standards remained low. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease. Overcrowding was common, and the Federal Prison Service reported that approximately 158,000 suspects were being held in pretrial detention facilities designed to house 130,000.

Most convicts were imprisoned in ITKs. At year's end there were 734,300 convicts imprisoned in 758 ITKs, and 144,900 suspects were held in pretrial detention facilities, including 225 pretrial jails, seven prisons, and 164 detention facilities functioning as pretrial jails. These facilities provided greater freedom of movement than SIZOs; however, at times guards humiliated, beat, and starved prisoners. The country's prisons, distinct from ITKs, were penitentiary institutions for those who repeatedly violate the rules in ITKs.

As of June 1, 62 VTKs held 9,900 juvenile prisoners. Conditions in the VTKs were significantly better than in the ITKs, but some juveniles in the VTKs and juvenile SIZO cells reportedly suffered from beatings and rape. While juveniles were generally held separately from adults, there were two prisons in Moscow and one in St. Petersburg where children and adults were not separated. Schooling in the prisons for juveniles was reportedly mandatory through high school.

According to the NGO For Human Rights, prison officials did not allow human rights observers or defense attorneys to enter the 41 of 765 prisons with the worst records of abuse, such as torture or collective punishment.

On May 31, guards severely injured four inmates while using excessive force to end a riot in a Chelyabinsk prison. After a prison doctor determined their injuries were not life threatening or worthy of medical treatment, the inmates were returned to their cells, where they died. Eight prison employees of the IK-1 (penal colony #1) in Kopeysk, Chelyabinsk region, were subsequently charged with brutality for beating the inmates. The investigation of the criminal case was ongoing at year's end, with an additional six employees of IK-1 indicted.

In 2007, the human rights ombudsman received almost 3,000 complaints from persons in the prison system. According to its 2007 annual report, the Office of the Human Rights Ombudsman received a high number of complaints about prison conditions; such complaints made up approximately 20 percent of the total number of complaints received by the office. More than 150 FSIN staff members were charged with abuse and other violations in 2007.

On September 1, a new law came into force that limits public access to detention facilities. The human rights community criticized the law, noting that its practical effect was to eliminate public oversight of prison facilities.

Authorities continued to refuse to grant the International Committee of the Red Cross (ICRC) access, under ICRC's standard criteria, to persons detained as part of the conflict in Chechnya, and the ICRC subsequently was forced to suspend its detention visits.

The ECHR ruled against the country in five cases involving improper prison and transport conditions.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, in practice they remained problems.

Role of the Police and Security Apparatus.—The Ministry of Internal Affairs, the Federal Security Service (FSB), and the Office of the Prosecutor General are responsible for law enforcement at all levels of government. The FSB's core responsibilities are security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The FSB operated with limited oversight by the prosecutor general and the courts.

The national police force, which falls under the Ministry of Internal Affairs, is organized on federal, regional, and local levels. Although regulations and national laws prohibit corrupt activities, corruption was widespread, and there were few crackdowns on illegal police activity.

According to the investigative branch of the Prosecutor's Office, during the first six months of the year 750 members of law enforcement were prosecuted for abuse of their position.

In November 2007, four police officers were found guilty of charges relating to the "werewolves in uniform" case that involved Ministry of Internal Affairs officers using their positions to engage in criminal activity. The four officers were sentenced to prison terms ranging from nine to 17 years. In 2006, the group's leader and six other officers were convicted of charges that included extortion, bribery, and trafficking in drugs and weapons.

Arrest and Detention.—By law an individual may be taken into custody for 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the crime committed or a witness. Otherwise a court-approved arrest warrant is required. After arrest detainees are typically taken to the nearest police station, where they are informed of their rights. Police are obliged to write an official protocol, signed by the detainee and the police officer, within three hours of detention stating the grounds for the detention. Police must interrogate the detainee within the first 24 hours of detention. Prior to the interrogation, the detainee has

the right to meet with an attorney for two hours. No later than 12 hours after detention, police must notify the prosecutor and the detainee's relatives about the detention unless a prosecutor issues a warrant to keep the detention secret. Police must release the detainee after 48 hours, subject to bail conditions, unless a court decides to keep the person in custody in response to a motion filed by police no later than eight hours before the expiration of the 4-hour detention period. The defendant and his or her attorney must be present at the court hearing. By law, police must complete their investigation and transfer the file to the prosecutor for arraignment within two months of a suspect's arrest, although a court may extend a criminal investigation for up to six months in cases classified as complex. With the personal approval of the prosecutor general, a judge may extend that period up to 18 months.

Legal limitations on detention were generally respected; however, there were reports of occasional violations of the 4-hour time limit following an arrest. Frequently, authorities failed to write the official protocol of detention within three hours after the actual detention and held suspects in excess of detention limits. In addition, there were reports that police obtained defense counsels friendly to the prosecution. These "pocket" defense counsels allowed interrogation of their clients. The general ignorance of legal rights on the part of both defendants and their legal counsel contributed to the persistence of these violations.

Judges occasionally suppressed confessions of suspects if they were taken without a lawyer present. They also freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court deemed inadequate grounds.

During the year, the ECHR found the country in violation of the European Convention on Human Rights in one case for not providing a defendant with a lawyer and in two other cases for keeping a suspect in detention too long.

Authorities selectively detained and prosecuted members of the political opposition. Maksim Reznik, chairman of the Petersburg branch of Yabloko, was arrested during the March election campaign and briefly imprisoned on what many observers called fabricated charges of assault on police.

On March 24, a court sentenced Aleksey Makarov, arrested in 2006 for allegedly assaulting persons on his way to a court hearing about registering the National Bolsheviks political party, to two years' imprisonment in a labor camp. In June the ECHR found that the country's lengthy pretrial detention of Makarov had violated his rights.

Amnesty.—Unlike in 2006 and 2007, when the Government issued a partial amnesty for militants and servicemen who surrendered (excluding those suspected of crimes such as rape, murder, or terrorism, or those accused of selling or stealing weapons), there were no amnesties during the year.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judicial branch did not consistently act as an effective counterweight to other branches of the Government.

The law requires judicial approval of arrest warrants, searches, seizures, and detentions. Judges allegedly remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases, in making decisions.

In May 2007, the Government enacted a law that substantially reduced prosecutorial oversight of criminal investigations and transferred investigative authority over many serious cases from the General Procuracy to a new body called the Investigation Committee. The Investigation Committee is formally part of the General Procuracy but its chief is appointed directly by the president, not by the general prosecutor, and it therefore operates largely independently of the General Procuracy.

Beginning in September 2007, investigators no longer needed prosecutorial approval to open criminal investigations.

In an effort to combat corruption, the Government continued to raise judges' salaries, increasing them by 8.5 percent during the year. However, there were continued reports of judges being bribed by officials and others. In December the Supreme Qualifying Collegium of Judges reported that during the last four years, 279 judges and court leaders were removed from their positions before their terms expired, and 1,219 judges received warnings. The number of disciplined judges remained constant, with 70 removals and approximately 300 warnings per year. These figures incorporated a variety of offenses, including unreasonable length for processing cases, alcohol-related and other lapses of behavior, and conflicts of interest/corruption-re-

lated issues. Authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include District Courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. An arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. The Federal Constitutional Court (as well as constitutional courts in a number of administrative entities) constitutes the third branch.

The president approves judges after they have been nominated by the qualifying collegia, which are assemblies of judges and some members of the public. After a three-year period, the president must reconfirm the judges. Judicial observers alleged that the executive's role in approving and reconfirming judges ensured an increasingly pro-government judiciary. The collegia also have the authority to remove judges for misbehavior and to approve prosecutors' requests to prosecute judges.

Justices of the peace deal with criminal cases involving maximum sentences of less than three years and with some civil cases. Justices of the peace work in all regions except Chechnya.

During the year the ECHR found the country in violation on multiple counts dealing with trial procedures. In 2007, 127 of the ECHR's 192 decisions against the country involved the right to a fair trial, and 11 involved proceedings that exceeded a "reasonable" length of time. Some violations included excessive pretrial detention, providing no effective remedy for a complaint, non-enforcement of judgments, failure to take a case to trial in the appropriate amount of time, and failure to provide a defendant with a lawyer.

Trial Procedures.—Trials typically are conducted before a judge without a jury. The defendant is presumed innocent. The defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area and must consult with their attorneys through the bars. Defendants have the right of appeal.

The law provides for the use of jury trials for a limited category of "especially grave" crimes, such as murder, in higher-level regional courts. In 2007, the most recent year for which the judicial department of the Supreme Court had data, the number of jury trials conducted in the country was 606 out of a total 1,185,000 criminal cases, a decrease of 100 from 2006. These jury trials represented 14 percent of the cases tried at the oblast and republic level, and the number of defendants was approximately 1,200 persons, of whom 20.5 percent were acquitted. In the total caseload of the oblast and republic level trials, 4.2 percent of persons were acquitted. All regions except Chechnya have implemented jury trials. The professional competence of jury trial participants, including both parties and, to some extent, judges, remained an issue of serious concern to domestic and international observers.

In December, the Duma passed a bill removing certain crimes, including terrorism, espionage, hostage taking, and mass disorder, from the jurisdiction of jury trials. Under the new law, such cases will be heard by panels of three judges, rather than by juries. Supporters of the legislation justified it as an allegedly necessary measure in the war on terrorism. They also alleged that clan relations in the North Caucasus made it impossible to empanel objective juries there. Critics of the bill, including the Public Chamber, liberal Duma deputies, some judges, lawyers, and former jurors criticized the draft legislation as a constitutional violation and a major step backwards in the protection of individual liberties and called on the president not to sign it. However, on December 31, President Medvedev signed the bill into law.

In December, a draft law which would substantially expand the definitions of espionage and treason was introduced into the Duma. Among other things the proposed law would define treason to include "the rendering of financial, material-technical, consultative, or other assistance to a foreign government or international or foreign organization or their representatives in activities directed against the security of the Russian Federation or its constitutional structure." The draft law caused serious concern among some lawyers, human rights activists, and government officials who claimed that the law, if passed, would provide virtually unfettered discretion to security forces to charge almost anyone who had any contact with foreign governments or international organizations or persons with treason. At year's end,

the draft law had not yet had a first reading in the Duma, and a number of persons in and out of the Government were working to modify its provisions.

The Government substantially increased the use of plea bargaining in criminal cases, which rose from 10,000 plea agreements in 2002 to more than 380,000 in 2007. Plea bargains reduced the time that defendants spend in pretrial detention, reduced the average prison sentence by one-third, and allowed the courts and prosecutors to devote their resources to other cases.

Prior to trial, defendants are provided a copy of their indictment, which describes the charges in detail. They are also given an opportunity to review the criminal file following the completion of the criminal investigation. Defense attorneys are allowed to visit their clients in detention, although conditions reportedly made it difficult for attorneys to conduct meaningful and confidential consultations with their clients.

The law provides for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision was often ignored in practice. The high cost of competent legal services meant that lower-income defendants often lacked competent representation. There were few defense attorneys in remote areas of the country. Public centers, staffed on a part-time basis by lawyers, continued to offer free advice on legal rights and recourse under the law; however, they were not permitted to handle individual cases.

The federal government funds a limited experimental system of legal assistance for indigent persons in 10 regions.

According to the NGO Independent Council of Legal Expertise, defense lawyers were the targets of police harassment. Professional associations at federal and local levels reported police efforts to intimidate attorneys and cover up their own criminal activities.

Authorities abrogated due process in continuing to pursue espionage cases involving persons, including foreigners who allegedly obtained information considered sensitive by security services. In some instances prosecutors pursued such cases after earlier courts had rejected them. The proceedings in some of these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Some human rights observers contend that the FSB sought to discourage citizens and foreigners from investigating problems that the security services considered sensitive.

Human rights organizations and activists identified the following individuals as political prisoners: Zara Murtazaliyeva, Valentin Danilov, Igor Sutyagin, Mikhail Khodorkovskiy, Platon Lebedev, and Svetlana Bakhmina. All were still imprisoned at year's end.

Zara Murtazaliyeva of Chechnya was convicted in 2005 of preparing to carry out a terrorist attack in Moscow in 2004. She was sentenced to nine years in a general regime prison. Murtazaliyeva's defense lawyers and human rights defenders who monitored her trial maintained that the charges against her were fabricated, and some considered her a political prisoner. The defense lawyers appealed the verdict to the Presidium of the Supreme Court and also filed an appeal with the ECHR in 2005. The appeal was pending and Murtazaliyeva remained in prison. In June her lawyer requested that she be paroled. There were no further developments by year's end.

Valentin Danilov was serving a 13-year prison sentence for allegedly transferring classified technology to China. Colleagues and supporters asserted that the information in question was declassified over a decade prior to his arrest, leading some human rights organizations to consider the case to be politically motivated. In 2004, the Supreme Court overturned a 2003 jury acquittal, and Danilov was retried by a judge and convicted. Danilov appealed to the ECHR, and in 2006 his defense attorney appealed the verdict to the Presidium of the Supreme Court. Neither court had responded to the appeals by year's end. In June 2007, Danilov applied for a pardon; the Presidential Pardon Commission declined to pardon Danilov because he had not admitted his guilt.

Igor Sutyagin, a disarmament researcher with the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, was convicted in 2004 on espionage-related charges and continued serving a 15-year sentence in a maximum security prison for allegedly passing classified information about the country's nuclear weapons to a London based firm. Sutyagin and human rights groups claimed that he had no access to classified information and that the Government sought a severe sentence to discourage others from sharing sensitive information with other countries. Amnesty International deemed Sutyagin a political prisoner, and other domestic and international human rights groups raised concerns that the charges were politically motivated and that there were problems in the conduct of the trial and the lengthy sentence. In 2005, Sutyagin was transferred to a colony in Arkhangelsk Oblast, which was further from his family than his previous detention place in

Udmurtiya. Sutyagin appealed to the Supreme Court and the ECHR in 2006; the appeals were pending at year's end. In June 2007, the Presidential Pardon Commission declined to pardon Sutyagin because he had not admitted guilt.

Mikhail Khodorkovskiy and Platon Lebedev continued to serve eight-year prison sentences following their 2005 convictions for fraud, tax evasion, and embezzlement. On July 16, Khodorkovskiy's lawyers filed for parole, and on August 22, a District Court in Chita denied his request on the grounds that he had not admitted his guilt and repented and that he had violated prison rules, such as sharing food with other prisoners. Some viewed the latter as a pretext for the decision. Khodorkovskiy's and Lebedev's appeals of their convictions in the country's courts were rejected in November 2007 and were pending at the ECHR at year's end.

In late June, after more than a year of investigation, prosecutors filed new charges against Khodorkovskiy and Lebedev for money laundering and tax evasion, which could extend their imprisonment up to 15 years. In October, prison authorities placed Khodorkovskiy in solitary confinement for 10 days for giving an interview to *Esquire* magazine, a punishment that the Ingondinsky Court in November found to be illegal. Also in October the Chita Regional Court rejected an appeal by Khodorkovskiy's lawyers against an August decision by a lower court to refuse parole. In December, the District Court granted investigators' request to extend the defendants' pretrial detention to March 2009.

Both Khodorkovskiy and Lebedev remained in a prison in Chita Oblast (3,000 miles from Moscow) despite appeals that sending them to prison in an area different from where they lived or were sentenced violated the law. In July 2007, the criminal code was amended, allowing convicts to be sent to any other region of the country, no longer just to "another nearest-neighbor." In October the Supreme Court ruled that Khodorkovskiy's detention in Chita was legal. The arrest and conviction of Khodorkovskiy raised concerns about the right to due process and the rule of law, including the independence of courts and the lack of a predictable tax regime. Some observers believed that, despite the possibility that the charges against Khodorkovskiy may have had some merit, he was selectively targeted for prosecution because of his politically oriented activities and as a warning to other oligarchs against involvement in political or civil society issues or providing financial support to independent civil society.

In December, former Yukos lawyer Svetlana Bakhmina failed to receive early parole despite a high-profile campaign to secure her release on humanitarian grounds. In April 2006, Bakhmina was convicted of tax evasion and embezzlement and sentenced to seven years in prison, which was reduced on appeal to six-and-a-half years. At the time of the campaign for her release, she had served over half of her sentence, which commonly enables a prisoner to apply for parole. Several organizations expressed concern about reports regarding Bakhmina's lack of access to her children while in custody. Some human rights groups considered Bakhmina a political prisoner and claimed that she was being held in an attempt to pressure Dmitry Gololobov, her former boss at Yukos, to return from London.

Bakhshetsyan, head of the Russian Customs Service in the Far East, was charged in 2006 with abuse of office. Observers believed that the charges were fabricated by local businessmen who were threatened by Bakhshetsyan's crackdown on smuggling. Bakhshetsyan remained in custody. His trial began in October 2007.

The criminal procedure code provides that an individual or business may seek civil compensation for a criminal violation. The law clearly provides for bringing a criminal or civil case on human rights violations, but implementation was inconsistent.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allows officials to enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision. Authorities did not always observe these provisions in practice. The law permits the Government to monitor correspondence, telephone conversations, and other means of communication only with a warrant and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his or her consent. While these provisions were generally followed, problems remained. There were allegations of electronic surveillance by government officials and others without judicial permission and of entry into residences and other premises without warrants by Moscow law enforcement. Late in 2007, prosecutors brought several cases against law enforcement officers for illegal wiretapping. Illegal wiretapping charges have been brought against a former high-ranking member of the State Narcotics Control Service, and several former Ministry of Internal Affairs officials were being tried in Moscow at the end of 2007 for conducting illegal wiretaps in exchange for money.

In July 2007, Boris Kuznetsov, a prominent human rights lawyer, filed information with the court in defense of his client, a former member of the Federation Council, which included transcripts of conversations recorded by the FSB without court authorization. The state prosecutor subsequently charged Kuznetsov with revealing state secrets, and Kuznetsov fled the country. A number of human rights observers described the charges against Kuznetsov as politically motivated, since he had represented sensitive high-profile cases, such as the family of Anna Politkovskaya and the families of the Kursk submarine crew. In February, Kuznetsov received political asylum abroad. In September, the case against Kuznetsov was suspended indefinitely because of the absence of the defendant. Nonetheless, Kuznetsov appealed to the ECHR; the ECHR reportedly accepted the request.

Law enforcement agencies have legal access to telephone and cellular telephone company clients' personal information and require providers to grant the Ministry of Internal Affairs and FSB 24-hour remote access to their client databases. In past years some experts opined that this access was unconstitutional, but no legal challenges were ever filed.

The Government requires Internet service providers to provide dedicated lines to the security establishment, enabling police to track private e-mail communications and monitor Internet activity. On January 16, the Ministry of Information and Communication officially required telecommunications companies and Internet service providers to allow the FSB to tap telephone calls and monitor information over the Internet. The ministry maintained that no information would be accessed without a court order, and there were no new wiretapping cases at year's end.

Human rights observers continued to allege that officers in the special services abused their positions by gathering compromising materials on public figures. Regional branches of the FSB reportedly continued to exert pressure on citizens employed by foreign firms and organizations, often to coerce them into becoming informants.

Federal forces and pro-government Chechen forces reportedly abducted relatives of rebel commanders and fighters.

g. Use of Excessive Force and Other Abuses in Internal Conflicts.—During the year complex and interlocking insurgencies caused continuing instability in the North Caucasus. These included the remnants of a nationalist separatist insurgency in Chechnya, a widening Islamist insurgency throughout the North Caucasus, violence committed by both government and nongovernment actors in Ingushetiya, and continued clan warfare among elite groups struggling for power.

Federal and local security forces were implicated in the excessive use of force to quell the insurgencies and engaged in human rights abuses, including torture, summary executions, disappearances, and arbitrary detentions. Chechen rebels also committed human rights abuses, including major acts of terrorism and summary executions. The role and number of federal forces decreased considerably, leaving most security operations to local forces. In August 2007, federal forces were rushed to Ingushetiya following the failure of local forces to deal with a deteriorating security situation, and abductions and attacks increased. Overall, despite decreases in disappearances and killings in some areas, the human rights record remained poor, and unrest continued in and around the Chechen Republic and worsened considerably in the Republic of Ingushetiya.

Killings.—The Government used indiscriminate force in areas of the North Caucasus with significant civilian populations, resulting in numerous deaths. Security forces generally conducted their activities with impunity.

For a second year, there was a significant increase in the number of killings, usually by unknown assailants, of both civilians and officials in Ingushetiya. Human rights organizations reported that there were more killings, attacks, and abductions in Ingushetiya during the year than in any other republic in the North Caucasus. Ingushetiya authorities, including President Murat Zyazikov, attempted to minimize the reporting of the number of abuses and attacks, despite the deployment of several thousand additional Interior Ministry troops in 2007 to stabilize the republic. In October, President Medvedev replaced the unpopular Zyazikov with Colonel Yanus-Bek Yevkurov.

On September 24, unknown assailants in Moscow shot and killed Ruslan Yamadayev, a former State Duma member, whose family had been involved in high-profile disputes with President Kadyrov. The investigation was ongoing at year's end.

In December three Chechen brothers, Zurab, Akhdan, and Alvi Ilaev, were found dead with traces of beating and torture after allegedly having been detained by local

officials. Local NGOs took the case to the Chechen ombudsman, but there were no further developments by year's end.

On January 17, the ECHR found the country responsible for the deaths of Khalid Khatsiyev and Kazbek Akiyev in 2000. The two men were working with Ilias Akiyev in a field in Arshty, Ingushetiya, when a government helicopter allegedly fired on them, killing Khatsiyev and Kazbek Akiyev and wounding Ilias Akiyev. The ECHR also found the country in violation of the European Convention on Human Rights for not properly investigating the deaths and for not providing an effective remedy.

There were no developments reported during the year in the 2007 police or security force killings of suspected insurgent Ruslan Aushev, of Apti Dolokov in the town of Karabulak, of the brothers Said-Magomed Galayev and Ruslan Galayev, or of Albert Gorbakov in Malgobek.

There were no results in the investigation of the 2006 disappearance of Bulat Chilayev and Aslan Israilov, who were detained at a checkpoint near the village of Sernovodsk by armed men thought to be members of the Chechen Republic security forces. The Chechen Interior Ministry stated that it could not find the abductors. According to some reports, Chilayev's and Israilov's relatives were told they had been killed on the day of the abduction. Chechen officials acknowledged the presence of mass graves and dumping grounds for victims. In 2007 Chechen Ombudsman Nurdi Nukhazhiyev reported that the remains of approximately 3,000 persons were buried in mass graves in Chechnya. Although the ombudsman repeated this statement during the year, he took no action to locate these mass graves.

There were no new developments during the year in the following instances of alleged excess use of force by security forces in the North Caucasus: the killing of Khaldat Mutakova and wounding of Zalpa Mutakova and Zaira Kasumova in Shatoy District, Chechnya; the killing of an adult and a child in Khasavyurt, Dagestan; and the killing of three persons in a crowded square in the town of Kaspiysk, Dagestan.

In most cases security forces acted against civilians with impunity, and even the limited efforts by authorities to impose accountability failed. In December, a court in Ulyanovsk granted early parole to Yuriy Budanov, a former tank commander for Russian forces in Chechnya, who was convicted in the 2003 rape and murder of an 18-year-old Chechen woman, Elsa Kungayeva, and had been sentenced to 10 years in jail. Thousands of Chechens, along with human rights activists, participated in street protests against the decision. On December 30, lawyers for the Kungayeva family filed an appeal with the court asking that the decision be overturned; however, Budanov was released.

Periodic killings of government officials were reportedly connected with ongoing strife in the North Caucasus. According to Caucasian Knot, 226 law enforcement officers were killed and 420 were injured during the year in the North Caucasus. The Prosecutor's Office of Chechnya reported that between 2000 and 2006, 71 criminal cases were opened based on actual or attempted assassinations of municipal administration leaders or their staff. Of these cases, nine had gone to trial by year's end.

On January 12, assailants shot and killed Anatoliy Kyarov, head of the Anti-Organized Crime Directorate of the Ministry of Interior (MVD) of Kabardino-Balkaria in Nalchik. In April, Kabardino-Balkaria MVD officials announced that they identified Kyarov's killers as an insurgent group led by Anzor Astemirov. Authorities had not made any arrests at year's end.

On April 13, assailants shot and killed Deputy Chairman of the Supreme Court for Ingushetiya Hasan Yandayev in the suburbs of Karabulak City, Ingushetiya. Many observers believed that his killing took place as revenge for his involvement in the conviction of more than 20 suspected insurgents.

On December 29, unknown assailants shot General Valeriy Lipinskiy, deputy commander of the Dagestan MVD in Makhachkala, in his car. General Lipinskiy died in hospital; his wife was injured.

There were no new developments in the 2006 killings of the following: Ingushetiya Ministry of Internal Affairs Lieutenant Colonel Musa Nalgiyev, three of his children, a driver, and bodyguard; deputy district administrator Galina Gubina; Dagestani prosecutor Bitar Bitarov in a car bomb attack; and the administrative head of the village of Chechen-Aul, Umar Khatsiyev.

Federal forces and their opponents continued to use antipersonnel mines in Chechnya, although Landmine Monitor reported that Chechen fighters increasingly used improvised explosive devices. Landmine Monitor reported 39 deaths and 171 casualties overall in the past three years from landmines and other unexploded ordnance in Chechnya. The number has decreased in each of the past three years, although Landmine Monitor stated that casualty numbers were often underreported.

Abductions.—During the year there were reports of federal and local government involvement in disappearances in Chechnya, Dagestan, and Ingushetiya. The number of disappearances declined in Chechnya and Ingushetiya but remained the same in Dagestan. There were continued reports of abductions followed by beatings or torture to extract confessions, abductions for political reasons, and kidnappings for ransom by criminals. Security forces alleged to be involved in these disappearances acted with impunity. Caucasian Knot reported 50 kidnappings in the North Caucasus, including 15 in Chechnya and 24 in Ingushetiya.

Caucasian Knot and the NGO Memorial alleged that the decrease in abductions had resulted in an increase in extrajudicial killings. According to Caucasian Knot, during 120 special operations conducted in the North Caucasus, 231 members of illegal armed formations were killed and 315 militants detained.

On August 3, according to HRW and local eyewitnesses, 42-year-old Chechen Mokhmadalakh Masaev was abducted by security forces and disappeared. Masaev, a Muslim preacher, had previously been accused of “Salafism” by authorities, and police detained and tortured him. He had announced his intention to disseminate details on abuses he witnessed in Chechnya’s detention centers on the day that he disappeared. His whereabouts remained unknown at year’s end.

In January 2007, according to Memorial, members of an unknown security agency abducted Zelimkhan Kurbanov in Grozny. He was later charged with carrying out terrorist attacks and sabotage in Grozny. On February 13, Interior Ministry police took into custody Kurbanov’s brother Said Magomed Kurbanov and held him in custody for one day and reportedly mistreated him. Federal Interior Ministry police (ORB-2) officers reportedly warned Magomed Kurbanov not to tell anyone how they treated him and that they still held his brother in custody.

During the year there were no convictions in the country’s courts in cases involving disappearances in Chechnya. There were no updates during the year in the detention of Ramzan Khasiyev and Shakhid Ipayev. In February 2007, Memorial reported that ORB-2 police took Khasiyev and Ipayev into custody; they beat Ipayev and tortured Khasiyev with suffocation and electric shocks. The two were reportedly released after Khasiyev’s brother, a member of another law enforcement agency, intervened. In March 2007, a criminal case was opened against the ORB-2 policemen for the torture of Khasiyev. In April 2007, Ipayev was detained by federal narcotics police after he testified against the ORB-2 officers.

There were no developments during the year in the disappearance of Ramaz Dibirov, Isa Isayev, and Muhamar Mammayev. In late April 2007, the three residents of Makhachkala disappeared. According to Memorial, the head of the division for combating terrorism of the Dagestani Republic Ministry of Internal Affairs told relatives of the men in June 2007 that they were in police custody. At year’s end their whereabouts remained unknown.

There were no developments during the year in the 2007 abduction of Vagap Tutakov by armed men in Chechnya. The International Helsinki Federation stated that there was reason to believe that he was targeted for political reasons. Tutakov, a former member of the Ichkeria Parliament to the Parliamentary Assembly of the Council of Europe and Aslan Makhadov’s Special Representative in Strasbourg, had supported Chechnya’s independence and was critical of Russian policies in the North Caucasus.

In December, the ECHR found the country responsible for the disappearance of Chechen Ruslan Kasumov in 2003 and in violation of the European Convention on the Protection of Human Rights. Kasumov’s family was awarded 37,000 euros (approximately \$47,300), but there was no information on compliance with this decision at year’s end.

There were continued reports during the year that government forces took relatives of Chechen rebels as hostages to force them to surrender. Law enforcement forces continued arrests not only of relatives of rebels but of many persons whom they suspected of possible contacts with rebels. Unwarranted searches of homes were also reported.

In September human rights organizations and international media outlets reported that the Chechen government began a widespread, concerted campaign of arson in villages and towns designed to punish families of suspected insurgents. During the course of three months, a number of districts or towns—including Alleroi, Geldagan, Khidi-Khutor, Kurchaloi, Samashki, Shali, Shatoi, Nikikhita and Tsenteroi—were visited by men in uniforms and black ski masks who herded residents outside and then burned their homes. Many of the attacks were accompanied by declarations that the homes were being destroyed as punishment. The campaign followed explicit threats announced by Chechen President Kadyrov and by Grozny Mayor Muslim Khuchiyev. As part of this campaign, on November 3, in the village

of Pervomayskaya, Khamzat Dzeytov was arrested without explanation. At year's end, Dzeytov was in pretrial detention in Grozny, awaiting trial.

On November 27, Adi Magomadov was taken to a SIZO of the Chechen Interior Ministry and forced to sign a report about his participation in a militant group after receiving threats to his family. He was released the next day. The Magomadov family did not file a complaint out of fear of reprisal.

There were no developments during the year in the kidnapping by Chechen security forces of Doku Umarov's father and sister in 2005; their whereabouts remained unknown. Human rights activists suggested the kidnappings were attempts to get Umarov, a Chechen commander, to surrender.

Criminal groups in the Northern Caucasus, possibly having links to rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

Although incidents continued, statistics of both authorities and Memorial appeared to indicate a continued decline in abductions and disappearances in Chechnya compared to previous years. However, human rights groups and authorities interpreted the data differently. Human rights groups estimated that the numbers were underreported due to the reluctance of detainees' relatives to complain to the authorities or human rights groups out of fear of reprisals. Citing numerous incidents in which unidentified armed men wearing camouflage broke into houses and abducted civilians, they expressed skepticism about government assertions that regulations governing the behavior of security forces were being more closely observed.

The decline in abductions by federal forces was partly offset by the increasing role of the security forces under the command of Chechen President Kadyrov, either on their own initiative or in joint operations with federal forces. Human rights groups reported that these forces were frequently suspected of disappearances and abductions, including those of family members of rebel commanders and fighters.

In April 2007, Kadyrov and other officials announced that steps had been taken to remove units from Kadyrov's direct oversight. Kadyrov abolished the Chechen Republic's Antiterrorist Center and reorganized its forces into two police battalions and subordinated them to the federal Ministry of Internal Affairs. Human rights activists contended, however, that these forces maintained their loyalty to Kadyrov and that he continued to exert control over them.

According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants.

Amnesty International reported that federal and Chechen security forces targeted female civilians, both in response to terrorist bombings carried out by Chechen women and to put pressure on male relatives suspected of being rebels.

There were no developments in the 2006 kidnappings of Yelena Yersenoyeva, the widow of Chechen terrorist Shamil Basayev and a journalist and HIV/AIDS activist in Grozny, and her mother.

During the year the ECHR found the country responsible in 15 cases involving the disappearance and presumed death of disappearance victims, and for inhuman treatment of families by refusing to provide information on the victims' fate. In some cases appellants said that they were offered settlements or threatened in an effort to have them drop their cases.

On May 29, the ECHR found the country responsible for the 2002 disappearance and death of Islam Utsayev, Movsar Taysumov, Idris Abdulazimov, and Masud Tovmerzayev, residents of the village of Novye Atagi. The men were detained after federal forces conducted a sweeping operation in their village and were not seen again. The ECHR further found the country in violation for not conducting a proper investigation into their disappearances and for suffering caused to their families, mistreatment of Utsayev's father, violating the men's right to security and liberty, and failure to provide an effective remedy.

On June 26, the ECHR found the country responsible for the death of Apti Isigov and Zelimkhan Umkhanov, and also for the lack of an effective investigation into their deaths, violation of their right to liberty and security, and for the suffering caused to their families. The two were illegally detained in Sernovodsk, Chechnya, in 2001.

On July 3, the ECHR found the country in violation for the 2000 detention and presumed death of Magomed Umarov. In 2000 security forces came to the house of Ruslan Umarov, Magomed's father. They beat Ruslan and then detained Magomed when he tried to stop them; his whereabouts have been unknown since then. The country was also found in violation of the European Convention on Human Rights for failing to investigate the detention of Magomed, the ill-treatment of his father,

the suffering caused to his family, and the absence of an effective remedy for these violations.

In November, the ECHR found the country in violation of the Human Rights Convention for the killing of Akhmad Gekhaev and Zalin Mezhidov in 2001 during an extralegal detention. Their families were awarded compensation of 119,500 euros (approximately \$152,776); there was no information regarding compliance with the decision at year's end.

In April and May, the ECHR found the country responsible for five human rights violations in the disappearance and killing of Shakhid Baysayev and Shamil Akhmadov and awarded their families compensation. The ECHR asked the Government to investigate the cases and to bring those responsible to justice.

On June 21, in the case of Bitiyeva v. Russia, involving the killing of four members of a Chechen family in 2003, the ECHR found that the country violated several articles of the European Convention on Human Rights and ordered it to pay 85,000 euros (approximately \$111,000) compensation.

Physical Abuse, Punishment, and Torture.—Armed forces and police units were reported to have routinely abused and tortured persons in holding facilities where federal authorities sorted out fighters or those suspected of aiding rebels from civilians.

In Chechnya and Ingushetiya, there continued to be reports of torture by government forces. In March 2007, the Council of Europe (COE) Committee for Prevention of Torture published a statement about cruel treatment and torture in Chechnya, based on visits to the region in 2006 and the Government's comments. The committee noted the country's inability to effectively combat torture in Chechnya. In March 2007, the COE commissioner for human rights, Thomas Hammarberg, visited Chechnya and stated that torture and cruel treatment were widespread in Chechnya and that those who used torture acted with total impunity. Also in March 2007, Amnesty International accused the Government of negligence with regard to violations in Chechnya and called on it to take immediate steps to eradicate torture, cruel treatment, arbitrary detentions, and disappearances, and to prosecute those who committed such crimes.

In 2006, HRW reported that it had documented 115 torture cases in Chechnya between July 2004 and September 2006. The report concluded that most of the incidents occurred at one of at least 10 unlawful detention centers. In 2006, Memorial representatives discovered an illegal detention center in Groznyy where detainees were reportedly held, tortured, "disappeared," and killed by federal police units that had temporarily been assigned to Chechnya. Despite appeals to officials to investigate Memorial's allegations, the building, a former boarding school for deaf children, was demolished.

On July 25, 50 armed men, reportedly law enforcement officials, forcibly searched the home of Ingushetiya human rights activist Zurab Tsechoev without a warrant and abducted him. He was allegedly detained and beaten by officials who questioned him about his work with the human rights NGO MASHR. There were no further developments in the 2007 cases of alleged torture and mistreatment by security officers of Shamsudi Khadisov, Ramzan Khasiyev, and Mikhail Akbulatov.

In July, the NGO Forum 18 reported that 59 suspects were still being held for the 2005 attack on security service buildings in Nalchik. Many of the suspects alleged that they were put on a list of extremists before the attack occurred because of their religiousness and then, after the attack, they were arrested and tortured to extract confessions. Earlier, HRW reported that at least eight detainees were mistreated and that lawyers for five detainees were barred from representing their clients. Their trial began in Nalchik in October; on December 12, the Supreme Court of Kabardino-Balkaria refused to move the trial to a different region.

Ruslan Nakhshiev, head of the Islamic Research Institute in Nalchik, who sought to promote dialogue between authorities and the Muslim community, disappeared in 2005 after being questioned about the Nalchik attack by the FSB; in 2006 the Ministry of Internal Affairs of Kabardino-Balkaria included him on its list of most wanted criminals. A court hearing in Nalchik in November 2007 was inconclusive. At year's end, his whereabouts remained unknown.

According to Memorial, the resumption of *zachistki* (security sweeps) in 2007 added to abuses reported in the North Caucasus. During April and May 2007, federal forces and local law enforcement conducted sweeps in the villages of Ali-Yurt, Surkhakhi, Gaybek-Yurt, and Vosnesenovskaya, and in the town of Malgobek in Chechnya. The sweeps lasted for several days and in some cases officers refused to identify themselves. In at least one case, security forces also looted homes and beat civilians. Similar security sweeps were conducted in Ingushetiya. Human rights activists believed that such operations contributed to a culture of fear that authorities used to minimize resistance.

Government forces continued to abuse individuals seeking accountability for abuses in Chechnya and continued to harass those who appealed to the ECHR. Amnesty International and other human rights groups reported reprisals against applicants to the court, including killings, disappearances, and intimidation. According to press reports and human rights NGOs, by year's end at least six applicants to the ECHR had been killed or abducted. In its July 2007 ruling in the case of *Alikhadzhiyeva v. Russia*, the ECHR noted that the relatives of disappeared persons and witnesses should be protected from intimidation and revenge.

Chechen Human Rights Ombudsman Nurdi Nukhazhiyev continued the practice of his predecessor in not cooperating with the human rights NGO Memorial, and he and Chechen President Kadyrov spoke out publicly against the NGO.

The Independent Commission on Human Rights in the Northern Caucasus, headed by the chairman of the State Duma Committee on Legislation, continued to hear hundreds of complaints, ranging from destruction or theft of property to rape and murder; however, it was not empowered to investigate or prosecute alleged offenses and had to refer complaints to military or civil prosecutors. Almost all complainants alleged violations of military discipline and other crimes by federal and Chechen Republic forces.

In contrast to past years, there were few reports of Chechen rebel fighters committing serious human rights abuses such as terrorist acts against civilians in Chechnya and elsewhere in the country or using civilians as human shields.

In a large number of incidents, unidentified persons targeted officials in violent attacks. On September 30, an unidentified suicide bomber attacked Ingushetiya MVD chief Musa Medov in his car. Medov escaped unhurt, but two persons died and several were injured. Medov called the attack an attempt to destabilize the situation in the republic.

On November 18, unknown persons made an attempt on the life of Sultan Sultanmagomedov, advisor to the mufti of Dagestan. An improvised explosive device exploded as he was passing it in his car. Sultanmagomedov and his driver were injured and brought to a hospital.

In February 2007, Mayrbek Murdagamov, the deputy administration head of Veden District, Chechnya, was killed by an explosive device as he was leaving his home. In February 2007, Patriots of Russia Dagestan branch leader Eduard Khidirov and his brother were severely injured when their car came under fire in Makhachkala. Also in February 2007, Vladimir Albegov, a federal judge of Prigorodnyy District Court in North Ossetia, was found dead on a road near Vladikavkaz. Albegov had disappeared three days earlier. A criminal case was opened, but there were no updates at year's end.

Other Conflict-Related Abuses.—By year's end an estimated 54,606 persons remained displaced within Chechnya; approximately 4,600 lived in temporary accommodation centers, all of which President Kadyrov ordered closed in 2007. At the end of 2006, the Office of the UN High Commissioner for Refugees (UNHCR) registered 20,075 IDPs from Chechnya in Ingushetiya, a fourth of whom remained in temporary settlements. Conditions in those centers reportedly failed to meet international standards.

Throughout the year security forces continued to conduct security sweeps and passport checks at temporary settlements in Ingushetiya housing IDPs from Chechnya. These sweeps sometimes led to reports of human rights abuses or disappearances.

Human rights groups documented illegal detention centers in Chechnya and other locations in the North Caucasus where abuses continued to occur. Chechen Republic security forces reportedly maintained secret prisons in Tsentoroi, Gudermes, and other locations. HRW reported it had detailed descriptions of at least 10 unlawful detention facilities. Human rights groups reported that officers of the federal Ministry of Internal Affairs' Second Operational Investigative Bureau illegally detained and tortured persons in its Grozny offices.

Since 2004, authorities have refused to grant the ICRC access, under ICRC's standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits. The suspension remained in place.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press; however, in practice government pressure on the media persisted, resulting in numerous infringements of these rights.

The Government used direct ownership or ownership by large private companies with links to the Government to control or influence the major media outlets, especially television; many media organizations saw their autonomy further weaken.

The Government used its controlling ownership in major national television and radio stations, as well as the majority of influential regional ones, to restrict access to information about issues deemed sensitive, including coverage of opposition political parties and candidates, particularly during the 2007 State Duma and the March presidential election campaigns. During the campaign leading up to the presidential election, COE Parliamentary Assembly election observers criticized the unfair access to the media for candidates, noting that 80 percent of the campaign's prime-time television coverage—its primary source of information the public receives—was devoted to Dmitry Medvedev in his capacity as deputy prime minister. During the State Duma election, the Organization for Security and Cooperation of Europe (OSCE) representative on freedom of the media highlighted numerous press freedom abuses, including harassment of media outlets, legislative limitations, lack of equal access, and arbitrary application of rules.

Unresolved killings of journalists remained a problem. Mistreatment of journalists by authorities included reported cases of abuse, including physical assault. The Government severely restricted coverage by all media of events in Chechnya and Ingushetiya. There were indications that government pressure led reporters to engage in self-censorship, particularly on issues critical of the Government.

While the Government generally respected citizens' rights to freedom of expression, it increasingly restricted this right with regard to issues such as the conduct of federal forces in Chechnya, human rights, uncovering corruption, and criticism of the administration. Some regional and local authorities took advantage of the judicial system's procedural weaknesses and laws with a broad scope of applicability to detain persons for expressing views critical of the Government. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings on occasion resulted in stiff fines.

Two of the 14 national newspapers are owned by the Government or state-owned companies, as are more than 60 percent of the country's 45,000 registered local newspapers and periodicals. The Government continued selective attempts to influence the reporting of independent publications. While the largest daily newspaper, *Moskovskiy Komsomolets*, is independently owned, other influential national newspapers, including *Izvestiya*, *Rossiyskaya Gazeta*, and *Kommersant*, are owned by the Government, persons affiliated with the Government, or state-owned companies. Additionally, the Ministry of Defense owned the newspaper *Krasnaya Zvezda*.

In May, government-affiliated Bank Rossiya purchased a controlling stake in *Izvestiya* from state-owned Gazprom. Under its new ownership, *Izvestiya* maintained a pro-government stance on key policy issues and increasingly avoided controversial topics. In 2006 the daily *Kommersant* was purchased by Alisher Usmanov, majority shareholder of the *Metalloinvest* company (in turn affiliated with Gazprom). As a result of this change in ownership, *Kommersant* changed editors, and several journalists left the paper; the paper also replaced its opinion and comment page with a page that reprinted articles on foreign policy issues from international papers. However, there was no discernible shift in *Kommersant's* editorial position.

In April, the Moscow-based *Moskovskiy Korrespondent* newspaper stopped publishing shortly after running a tabloid-style article about former president Putin's personal life. Although the paper denied any political reasons for the decision to suspend publication and for the editor's resignation, the press freedom watchdog Center for Journalism in Extreme Situations said the case was an example of the Government using extralegal methods to pressure the media. According to the NGO Glasnost Defense Fund (GDF), a warning from media oversight authorities caused the closure, and the paper reopened, only to close again later in the year due to lack of funds.

In November, unknown assailants seriously beat independent Khimki journalist Mikhail Beketov, publisher of the weekly *Khimkiskaya Pravda*. Beketov's paper had frequently criticized local authorities for construction projects that damaged the local environment, and for corruption associated with those projects. The attack on Beketov prompted the Public Chamber to hold a high-profile hearing at which they proposed a center for defense of journalists and a new law increasing the punishment for endangering the life of a journalist. However, at year's end no results had emerged from these proposals; Beketov remained in a coma with an amputated limb as a result of sustained injuries; and no arrests were made in the case.

There are six national television stations. The federal government owns Rossiya and a controlling interest in First Channel; state-owned Gazprom owns a controlling interest in NTV; government-affiliated Bank Rossiya owns a controlling interest in Ren-TV and Fifth Channel; and the Moscow city administration owns TV Center. Approximately two-thirds of the 2,500 other television stations in the country are completely or partially owned by the federal and local governments. The Govern-

ment indirectly influenced private broadcasting companies through partial ownership of such commercial structures as Gazprom, which in turn owned controlling or large stakes of media companies. This ownership of television media often resulted in editorial constraints.

Influence over editorial policies was not uniform. For example, some observers initially alleged that the Ren-TV network's editorial line became more pro-government when it was purchased by government-affiliated Bank Rossiya, but during the year it appeared to provide balanced news coverage relative to other television networks.

Despite a majority ownership of Ekho Moskv by Gazprom, the radio station provided independent coverage of controversial political themes, but according to media reports, faced increasing pressure from the Government during the year, particularly during the crisis with Georgia, including from government officials.

International media continued to face some impediments to their ability to operate freely. In 2007 authorities curtailed a number of stations broadcasting Radio Free Europe/Radio Liberty and Voice of America news programs, but they continued to produce independent reports in Moscow and St. Petersburg. In August 2007 the state licensing authorities ordered the British Broadcasting Corporation (BBC) World Service's Russian partner, Bolshoye Radio, in Moscow to remove BBC programming or lose its license. Bolshoye Radio's decision to halt the rebroadcasting of BBC programming and similar decisions by two other radio stations eliminated BBC broadcasting on the FM band. As a result, the BBC's Russian-language services were available only on medium and shortwave broadcasts.

The Government exerted its influence most directly on state-owned media. During the August conflict in Georgia, reporting in state-owned or state-controlled media adhered closely to the Government's position. Public opinion strongly supported the Government's invasion, and there was strong condemnation among the Russian independent media of "bias" in western reporting of the conflict. Journalists and news anchors of Rossiya and First Channel reported receiving "guidelines" from management prepared by the presidential administration indicating which politicians they should support and which they should criticize. government-controlled media exhibited considerable bias in favor of the former president and current prime minister, Vladimir Putin, and the current president, Dmitry Medvedev. In the campaign before the December 2007 State Duma and March presidential elections, state-controlled print and broadcast media resources overwhelmingly favored United Russia, President Putin's party and Deputy Prime Minister Medvedev, the ruling party's candidate for president, to the exclusion of other parties and candidates.

The Government maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya.

The Government owned the national news agencies ITAR-TASS and RIA-Novosti. In May 2007, the new director general of the Russian News Service reportedly established an editorial policy that required at least 50 percent of reports about the country to be "positive" and forbade the mention of some key opposition politicians. The changes prompted many staff members to quit in protest.

In November the General Prosecutor's Office announced that it would monitor the media for any "damaging" articles that might worsen the financial crisis. Soon afterward, the Prosecutor's Office sent a warning letter to commentator Yevgeny Gontmakher, who in October wrote a column for Vedomosti entitled "Novocherkassk-2009," in which he envisioned a scenario for the growing economic crisis involving widespread sociopolitical upheaval. However, in response to widespread protests from Gontmakher's media colleagues, the Prosecutor's Office issued a statement indicating that the letter had not been meant as a warning.

On December 29, an organizer for the Ulyanovsk branch of the Russian People's Democratic Union (RNDS), Aleksandr Bragin, was arrested for posting an article discussing the economic situation in the region on the RNDS Web site. The officers of the local Department for the Struggle Against Terrorism and Extremism demanded that the article be removed from the Internet site, because it "damages the image of the region."

In September 2007, a District Court in Moscow postponed hearings in the case of political analyst and Yabloko political party member, Andrey Piontkovskiy, pending further detailed analysis of his book. Piontkovskiy was charged with inciting "extremism" through his book *Unloved Country*. Earlier in 2007, after a local branch of the Yabloko party published a collection of Piontkovskiy's articles, a court in Krasnodar Kray attempted to halt Yabloko's distribution of the book, warning the party that it contained passages which violated the law on extremism. On December 5, the Basmannyy court in Moscow cleared Piontkovskiy of all extremism charges after a panel of independent linguists examined the book and found nothing that met the definition of extremism. In 2006, the Federal Registration Service (FRS)

warned the media that references to the banned National Bolshevik Party without indicating that it had been banned could be considered dissemination of false information and lead to the “application of restrictive, precautionary, and preventive measures.”

In May 2007, a District Court in Samara sentenced Sergey Kurt-Adzhiyev, the editor of the local edition of *Novaya Gazeta*, to a 15,000 ruble (approximately \$630) fine for using unlicensed software on his office computer. Kurt-Adzhiyev denied the charges, and his lawyers pointed out inconsistencies in the evidence submitted by the prosecutors. The paper was unable to publish its Samara edition after November 2007.

In February, immigration officials again denied entry into the country to Natalya Morar, a correspondent for *The New Times* magazine. Morar, a Moldovan citizen residing in Moscow, had not been able to return to Russia since she was denied entry in December 2007. Morar had published investigative articles about the Government’s handling of the 2007 State Duma elections and illegal financial transactions by senior government officials. Border officials reportedly told her that she was considered a threat to state security and that the order to refuse her entry had come from the FSB. After several unsuccessful appeals to the country’s courts, in August Morar filed a lawsuit with the ECHR. There were no further developments at year’s end.

The federal Ministry of Internal Affairs continued to control media access to the area of the Chechen conflict. Foreign journalists were required to obtain government accreditation to enter Chechnya, but even those with proper documents were sometimes refused access. On April 21, police in the Chechen capital Grozny detained Jane Armstrong, a correspondent for the Canadian daily *Globe and Mail*, and her Russian interpreter. The police confiscated her reporter’s accreditation and deported her from Chechnya. Police claimed that she lacked the special accreditation required to report from Chechnya and that she had failed to clear her itinerary with local law enforcement authorities. There were no known detentions of reporters in Chechnya during the year.

In July, the Investigative Committee of the General Prosecutor’s Office launched a criminal investigation against Nadira Isayeva, editor in chief of the Chernovik newspaper, published in Dagestan, on suspicion of publishing articles that “called for extremist activities” and “incited hatred or enmity on the basis of ethnicity.” The articles in question alleged widespread corruption in the local Interior Ministry. Investigators searched the homes of Isayeva and several journalists of Chernovik. In November, the Makhachkala District Court found in favor of the ministry and ordered Chernovik to publish a retraction.

In 2006, Moscow journalist Boris Stomakhin, editor of the monthly *Radikalnaya Politika* newspaper, was sentenced to five years in prison on charges of inciting ethnic hatred for violent and provocative writings. Human rights activists asserted that the severity of the sentence was unprecedented. In February his appeal for early release was denied, and the NGO For Human Rights, after visiting him in prison, reported concerns for his health.

In July 2007, *Kommersant Vlast* published an interview with exiled Chechen rebel leader Akhmed Zakayev. RosOkranKultura, then the agency within the Ministry of Culture that oversaw compliance with the media law, asked the General Prosecutor’s Office to investigate whether the publication violated the law and warned the magazine against violating the law in the future. There were no further developments in the case during the year.

In June 2007, the Government reinstated accreditation to the U.S.-based ABC television network, and reportedly in October 2007 ABC assigned a Moscow correspondent who continued to report during the year. The Government had withdrawn ABC’s accreditation in 2005 after ABC News broadcast an interview with Chechen terrorist Shamil Basayev.

Mistreatment of journalists by authorities was not limited to Caucasus-related coverage. The GDF and other media freedom monitoring organizations reported cases of abuse of journalists by police and other security personnel elsewhere, including physical assault and vandalism of equipment. In most instances, the mistreatment appeared to have been at the initiative of local officials.

In December, during a series of protests in response to a planned increase in tariffs on imported cars, mistreatment of journalists was a problem. Police beat a number of journalists, including correspondents of Primorskoye TV, TV Center, NHK, Moskovskiy Komsomolets daily, and ITAR-TASS, and destroyed their equipment.

On November 12, police detained a film crew from Fifth Channel for attempting to film footage of a fire in a building in St. Petersburg. The journalists were taken to a police station and released shortly afterwards.

On December 14, police in Moscow detained journalists who covered a Dissenters' March opposition rally, including correspondents of Kommersant daily, Gazeta.ru and Liberty.ru on-line publications, and a Ren-TV camera crew. The police released the journalists on the same day, after notifying them that they may be charged with participation in an illegal rally.

In December, authorities in Saratov denied correspondents of Saratovskiy Vzgl'yad newspaper access to events during a visit by Federation Council Chairman Sergey Mironov. According to the newspaper's management, accreditation was denied because of the paper's critical articles about the local division of the FSB.

According to the GDF, 69 journalists were physically attacked and five journalists were killed during the year. Eight journalists were killed in 2007. In most cases, authorities and observers were unable to establish a direct link between an assault and the persons who reportedly had taken offense at the reporting in question. Independent media NGOs characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. The foundation reported that in some cases the killings appeared to be related to the journalists' work.

On March 21, assailants shot Gadzhi Abashilov, head of the local branch of the Russian State Television and Radio Company in Makhachkala, Dagestan. Law enforcement authorities and Abashilov's colleagues believed that his murder was related to his journalistic work, including reporting on the situation in Dagestan. In July local authorities charged three men with murdering Abashilov. There were no further developments in the case at year's end.

On August 31, a member of the Ingush Interior Ministry shot and killed Magomed Yevloyev, owner of the opposition Web site Ingushetiya.ru, known for its investigations into local government corruption and electoral manipulation. He died from the gunshot wound in his head while in the custody of police officers in their car. Earlier in August the Moscow City Court upheld a lower court's decision to close Ingushetiya.ru on charges that it carried extremist content. The Web site's editor in chief, Rosa Malsagova, left the country with her three sons and applied for political asylum in France, claiming that Ingush officials had threatened her and her family.

On September 2, two assailants shot Telman Alishayev, a journalist from the Islam-focused TV Chirkey, in Makhachkala, Dagestan. He died the following day. Alishayev was well-known in Dagestan for his criticism of Islamic extremism in the North Caucasus. The Dagestan branch of the Federal Investigator's Office opened a criminal case, and police identified two suspects in the murder, one of whom was already wanted on suspicion of killing local police officers. At year's end both suspects remained at large.

On April 12, unidentified attackers in the town of Dolgoprudny, near Moscow, beat Gregory Belonuchkin, parliamentary correspondent of the Panorama Publishing House. Belonuchkin reported that in the December 2007 State Duma elections, voting results reported by some precincts in Dolgoprudny differed from the official statistics released by election authorities. According to Belonuchkin, he received repeated telephone threats after his reports had been published. A criminal case was initiated, but at year's end no arrests had taken place.

On September 2, unknown attackers in Nalchik, Kabardino-Balkaria, severely beat Miloslav Bitokov, editor in chief of Gazeta Yuga newspaper. Bitokov was hospitalized with a severe brain concussion. His colleagues and relatives strongly believed the attack was related to the paper's independent reporting on the economic problems and crime situation in the republic. The Investigative Agency of the Kabardino-Balkaria Interior Ministry stated that it agreed that the attack was related to Bitokov's work and opened up a criminal case. However, at year's end no arrests had been made.

On December 23, two men attacked Zhanna Akbasheva, a correspondent for the Regnum news agency in Karachay-Cherkessia, while she was walking toward the office of a state-funded newspaper, Cherkess Heku. The men punched and kicked her, causing damage to her abdomen. Akbasheva had written about corruption and press freedom and had recently written about a conflict between the Government and Cherkess Heku over the paper's refusal to follow a government order to publish an open letter critical of the minority Circassian population. The attackers warned her that she would suffer worse attacks if she did not stop writing about government officials.

Most high-profile cases of journalists who were killed or kidnapped during the year or in earlier years remained unsolved. There were some cases where some family and colleagues disagreed with official findings in the deaths of journalists, alleging that the deaths were connected to their reporting. These included the March 2007 death, officially ruled a suicide, of Kommersant military reporter Ivan

Safronov after falling from a fifth-floor window at the time he was writing a sensitive article about the country's plan to sell military equipment, and of Aleisk New Television cameraman Vyacheslav Ifanov, who was found dead in his garage in April 2007. Authorities determined Ifanov died of carbon monoxide poisoning but relatives and colleagues disputed this and noted that his body had numerous bruises. Shortly before his death, military servicemen severely beat him and destroyed his camera as he filmed a report near their base. Ifanov was hospitalized with a concussion, but he pressed charges and identified one of the attackers prior to his death; however, the case remained stalled due to the suspects' military status.

In June, authorities charged a former police officer and two residents of Chechnya in the 2006 killing of prominent investigative journalist Anna Politkovskaya in Moscow. An officer from the FSB, whom authorities had previously accused of giving Politkovskaya's killers her address, was separately charged with extortion and abuse of office. Authorities said that the suspected shooter, Rustam Makhmudov, remained at large. The trial began in November, continued through December, and was still ongoing at year's end. The judge initially ruled that the trial would be closed, citing jurors' concerns for their safety; however, one of the jurors publicly denied any such concerns, and the judge opened the trial, only to reverse again and close it a week later, citing the possibility that defendants might reveal state secrets. This decision prompted criticism from rights activists, and in December the judge once again opened the trial. A number of human rights activists, as well as the human rights ombudsman, criticized the investigation for focusing only on the shooters without investigating who ordered the killing. Politkovskaya's writing was highly critical of the war in Chechnya, Chechen authorities, human rights abuses, and President Putin's administration; as a result of her writing, she had previously received many death threats.

In March 2007, a Moscow court suspended the trial in the case of the 2004 murder of Paul Klebnikov, the U.S. citizen editor in chief of *Forbes Russia*, and the Supreme Court ordered a new trial. The first trial was suspended when the lead defendant, Kazbek Dukuzov, failed to appear. Prosecutors obtained an arrest warrant for Dukuzov and claimed to be searching for him; the case will not resume until he is apprehended and brought to court. There were no new developments in the case at year's end.

During the year, a court convicted Georgiy Totoyev, a police officer in Vladikavkaz, of the June 2006 beating of Channel One reporter Olga Kiriy and sentenced him to three-and-one-half years' imprisonment.

On April 4, the Investigative Committee of the General Prosecutor's Office opened a murder case in connection with the 2003 death of Yuriy Shchekochikhin, a member of the State Duma and deputy editor of the newspaper *Novaya Gazeta*. According to the official diagnosis, Shchekochikhin died in a Moscow hospital of a severe allergic reaction to an unknown substance; however, some speculated that he was killed because of allegations he made about high-level corruption. At the time of his death, Shchekochikhin was investigating allegations of FSB responsibility for a series of 1999 apartment building bombings and the purported involvement of senior officials of the FSB and General Prosecutor's Office in smuggling goods through FSB storage facilities.

In September 2007, police officers in Kazan assaulted Natalya Petrova, an independent filmmaker known for her criticism of government policies in Chechnya. The attackers also assaulted her daughters and mother. No investigation into the assault was launched during the year. According to the GSF, at year's end Petrova had left the country and her family had not reported any additional harassment.

There were no developments in the case of three REN-TV journalists and Memorial's Oleg Orlov, who in November 2007 suffered kidnapping and beating in Ingushetiya; they were there to cover an opposition political demonstration and also reportedly filmed a special forces operation the day before during which a young boy was killed by stray gunfire. At year's end no investigation had been opened into the attack.

Authorities at all levels used their authority, sometimes publicly, to deny access to journalists who criticized them. One method was to deny the media access to events and information, including filming opportunities and statistics theoretically available to the public.

On January 26, police in Ingushetiya detained correspondents from Radio Liberty/Radio Free Europe, Ekho Moskvyy radio, *Novaya Gazeta*, RIA Novosti, *Tvoy Den*, and television crews from Channel 5 and Rossiya TV, for attempting to cover an opposition rally. Some of the journalists were released within hours, although others spent two days in detention. Police beat three of them.

During the March 2 presidential elections, law enforcement officers and election workers barred correspondents from polling stations in Moscow, Rostov-on-Don, and

Astrakhan. During the 2007 State Duma election campaign, there were widespread reports of authorities pressuring the media to cover United Russia and not give equal coverage to opposition parties.

Through legislation and decrees, the Government curtailed freedom of the press. In July 2007, the Government enacted a law that expanded the definition of extremism and provided law enforcement officials with broad authority to suspend media outlets that did not comply with restrictions. Media freedom advocates expressed concern that this broad interpretation of extremism could create a basis for government officials to stifle criticism and label independent reporters as extremists. On October 1, the State Duma Security Committee introduced an amendment to the current law that will enable authorities to close any organization deemed extremist by submitting charges to the court which cannot be challenged by the accused. In November, in the context of rising concerns over the economy, the General Prosecutor's Office announced that it would monitor the media for any "damaging" reports that might exacerbate the financial crisis. Prime Minister Putin also publicly admonished media not to print anything "unpatriotic," and media members were told to avoid using the word "crisis" in reference to the situation.

Officials or unidentified individuals sometimes used force or took extreme measures to prevent the circulation of publications that were not favored by the Government. On February 27, the entire issue of the Orlovskaya Iskra daily newspaper was stolen from a local distribution company. The newspaper journalists said the issue contained stories that cited financial violations by officials of the administration of Oryol region. On April 23, police in Barnaul seized copies of the Barnaulskiy Listok daily newspaper, without providing a justification. The newspaper's staff said that police threatened to put several journalists in custody if they resisted the confiscation. The newspaper's publisher Sergey Mikhaylov said that the seized issue included a critical article about Altayskiy region Governor Aleksandr Karlin. Mikhaylov filed a complaint with the Regional Prosecutor's Office, which found no grounds for legal prosecution of the police. In May, authorities in Ingushetiya banned the local magazine Dosh from newsstands for publishing an interview with former Ingush president Ruslan Aushev, which Dosh's editor said had occurred in 2004.

Government officials occasionally used legal actions against journalists and media outlets in response to negative coverage. The GDF estimated that at least 46 criminal cases and more than 200 civil cases were brought against journalists during 2007. Although the law prohibits courts from imposing damages in libel and defamation cases that would bankrupt the media organization, one NGO reported that local courts did not always follow this in practice. The GDF noted that during the year the courts upheld civil defamation claims against journalists in 48 cases for amounts equivalent to approximately 9.5 million rubles (\$261,104). This represented a sharp increase from the 2007 figure of 3.5 million rubles (\$96,196).

Some NGOs alleged that authorities continued to target media outlets and organizations which are in opposition to the administration by raiding them for pirated software. According to the GDF and other media NGOs, there were some instances of authorities using investigations into intellectual property rights violations (i.e., software piracy) to selectively confiscate computers and pressure media across the country.

On February 1, police searched the office of Tolyattinskoye Obozreniya newspaper in the Samara region and confiscated the newspaper's computers on suspicion it had used pirated software. The newspaper's management asserted that the police raid was in retaliation for its positive comments about a candidate in the upcoming mayoral election who was critical of the ruling United Russia party. In January, authorities attempted to seize issues containing articles about the candidate.

In May 2007, police in Samara seized computers from the offices of Novaya Gazeta and an organization that was coordinating an antigovernment protest. Also in May 2007, police in Tula confiscated a computer from the political movement the Popular Democratic Union. In July 2007, law enforcement authorities confiscated the computers of the Nizhny Novgorod offices of Novaya Gazeta; some alleged that this was part of a broader action against human rights organizations in that city. In late August 2007, Nizhny Novgorod police raided the offices of the Tolerance Support Foundation and the Nizhny Novgorod Human Rights Society, as well as Novaya Gazeta, allegedly searching for unlicensed computer programs. The police confiscated computers from the Tolerance Support Foundation, disrupting its work, and from Novaya Gazeta, preventing the newspaper from publishing its next issue.

Some authorities used the media's widespread dependence on the Government for transmission facilities, access to property, and printing and distribution services to discourage critical reporting, according to the GDF and media NGOs. The GDF reported that approximately 90 percent of print media organizations relied on state-

controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the Government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate the price of printing at state-controlled publishing houses, to apply pressure on private media rivals. The GDF noted that this practice was more common outside the Moscow area.

Internet Freedom.—The Government did not restrict access to the Internet. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail, but traffic was reportedly monitored by the Government. The Government continued to require Internet service providers to install, at their own expense, a device that routes all customer traffic to an FSB terminal called the “system for operational investigative measures” that enabled police to track private e-mail communications and monitor Internet activity. There appeared to be no mechanism to prevent FSB access to the traffic or private information without a warrant. The FSB was not required to give telecommunications companies and individuals documentation on targets of interest prior to accessing information.

In April, law enforcement authorities in Omsk ordered administrators of the popular local Internet forum Omskiy Forum to provide personal information about forum participants who posted comments critical of local authorities. Omskiy Forum stated in an open letter that its Internet service provider had provided the Ministry of Internal Affairs with Internet addresses used by forum contributors.

On July 7, a court in Syktyvkar sentenced blogger Savva Terentyev to a suspended one-year prison term for extremism, for inciting hatred against a “social group” by posting a comment in an online discussion on LiveJournal about the elections in Komi and police corruption, and calling for the police to “burn in the squares of Russian cities.” A linguistic examination conducted by the Scientific Center of the Komi Republic alleged that Terentyev’s comment aimed to stir up hatred and humiliate persons belonging to a “social group.” A number of NGOs and rights activists criticized the court’s ruling, asserting that the broad interpretation of extremism legislation was used to target criticism of authorities, and questioned the classification of police as a “social group.”

On April 22, an Internet service provider in Kirov stopped supporting the Internet site of Vyatskiy Nablyudatel newspaper, citing an order from the local office of the Ministry of Internal Affairs that the site be shut down for “calling for extremism” and “inciting hatred and enmity towards the Government of the Kirov region.”

The Government generally did not impose content restrictions, except in a few cases where the law on extremism was applied. In contrast to other forms of media, the Government does not require Web sites to register as mass media, and unregistered Web sites were not subject to administrative sanctions. Postings on the Internet were subject to the same restrictions that applied to other types of expression, and some bloggers were charged with inciting hatred for their Internet postings. A State Duma proposal in April to amend the law on media to define Internet sites as mass media and place them under greater government control did not pass. Internet forums, including blogging services, continued to serve as a more open media vehicle for expressing political views. Bloggers, including journalists and politicians, used online diaries in the run-up to the December 2007 State Duma and March presidential elections to express views about the campaign.

In August 2007, Dmitry Shirinkin, a blogger from Perm, was charged as a “telephone terrorist” after he posted a fictional work that authorities considered an announcement of intent to commit a terrorist act.

There was widespread and growing access to the Internet through home, work, or public venues. Approximately 25 percent of adults had Internet access, almost all of whom used the Internet at least once a month.

Academic Freedom and Cultural Events.—The Government did not restrict academic freedom; however, human rights and academic organizations believed the continued imprisonment of disarmament researcher Igor Sutyagin, physicist Valentin Danilov, and others inhibited academic freedom and contact with foreigners on subjects that the authorities might deem sensitive.

On February 12, authorities in St. Petersburg suspended all activities at the private European University, allegedly due to fire safety violations. Activists said that they believed the decision was related to a grant the university received from the European Union in 2007 to study the country’s elections. The university decided to discontinue the research project, and city authorities then declared the university free of fire safety violations. The university reopened in March.

On April 13, in Pskov, the OMON disrupted the opening of an art exhibit by Natalya Chernova because of its political content. The police came to the opening and began to take down the names of the organizers and visitors. Chernova was a

member of National-Bolshevik “Decembrist” group that tried to take over the presidential administration building, for which she was imprisoned from 2004–06.

In June 2007, a Moscow district prosecutor opened a criminal case against Yuriy Samadurov, director of the Sakharov Center, for instigation of ethnic and religious hatred because the center had hosted a provocative art exhibit in March of that year. Samadurov subsequently resigned as director of the center, and the Prosecutor’s Office formally presented Samadurov with the charges against him on May 15. The case remained ongoing at year’s end.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly, but local authorities increasingly restricted this right in practice.

Permits are required for public meetings, demonstrations, or marches, and must be requested between five and 10 days before the event. Local elected and administrative officials selectively denied some groups permission to assemble or offered alternate venues that were in inconvenient locations. Permits are not required for religious gatherings and assemblies, and unlike past years, there were no reported incidents of authorities denying religious groups access to venues where they could hold assemblies. According to the Moscow Prosecutor’s Office, during the year there were approximately 1,500 public rallies in the country, of which 150 were unsanctioned.

On January 26, police dispersed several hundred opposition demonstrators, and arrested 30 to 40 persons, including at least 10 journalists and human rights representatives covering the demonstration in Nazran. This followed the FSB’s January 25 order that banned demonstrations and restricted movement in several districts of Nazran.

In July, several human rights activists from Nizhny Novgorod, Kirov, and Samara filed an application with the Constitutional Court regarding restrictions on freedom of rallies. Authorities can deny permission for a rally if it will interfere with traffic or if another rally is being held at the same place; however, the activists alleged that their request for permission was actually denied for political reasons. The activists had not received a response from the court by year’s end.

On May 6, the opposition group Other Russia attempted to organize a Dissenters’ March to register disapproval of President Medvedev’s inauguration. Moscow authorities refused to issue permits for a march or demonstration, and Other Russia cancelled the event. However, at the planned time for the march, police arrested 50–60 Other Russia members, in locations away from the site of the cancelled rally.

On June 1, after a number of gay rights activists were repeatedly denied permission to hold parades, gay pride organizers held two demonstrations in Moscow. Organizers had announced that the demonstration would take place across the street from the mayor’s office, and police and counter-protesters gathered there to confront them. However, the organizers secretly notified participants of a different location and, in contrast to the banned parade in 2007, a short march took place largely free of violence. The human rights ombudsman criticized the mayor’s policy of denying permission for gay parades. In October, the Moscow City Court upheld a ruling by the Tverskoy District Court banning 10 marches that were part of the gay parade.

On November 13, unknown assailants attacked activist Karine Clement, director of the Institute for Collective Action, with a syringe near the Lubyanka Metro station in Moscow. She was on her way to a meeting of an organization devoted to defending local housing rights. Clement had suffered other attacks in the past, including two in the preceding week, from assailants who expressed displeasure with her support of leftist movements.

On December 14, Other Russia held a Dissenters’ March in Moscow protesting changes to the constitution lengthening presidential and Duma terms. Moscow City Hall officials rejected three proposed march routes, and police visited Other Russia member Mikhail Makarov and attempted to force him to record a video saying he would not organize the march. However, the Dissenters’ March proceeded without authorization, and police—who outnumbered the protesters—detained approximately 100 participants, in some cases using violence, including in one instance dragging a woman by her hair. Most detainees were released, but many were ordered to appear in court later and to pay a fine. On the same day, the pro-Kremlin Nashi youth movement rallied near the Kremlin; authorities allowed this as part of what many observers called a pattern of encouraging government-friendly rallies while preventing politically sensitive demonstrations.

On December 21, OMON special forces from Moscow beat protesters in Vladivostok who were displeased with a planned increase in tariffs for imported automobiles.

In May 2007, participants in a Moscow gay rights demonstration were assaulted by counterdemonstrators. Security forces did not protect the demonstrators and arrested approximately 25 gay rights activists.

Throughout 2007, authorities harassed participants and organizers of various "Dissenters' Marches." In April 2007 in Moscow and St. Petersburg, police detained more than 300 participants in the Marches of Dissenters and beat 35 persons. In May 2007, Ilya Gureyev and Mikhail Gangan, two organizers of the Samara March of Dissenters, were arrested; Gureyev was sentenced to six months' imprisonment and Gangan was sentenced to house arrest. Journalists and human rights activists were also detained. Other Russia representatives and accompanying journalists were also prevented from traveling to Samara to cover the event.

In May 2007, police took Other Russia organizer Dmitriy Treshchanin to a draft commission, where he was found eligible for military service and ordered to report for duty later in the month.

Red Youth Vanguard leader Sergey Udaltsov was detained at Sheremetyevo Airport in June 2007 on his way to St. Petersburg.

In April 2007, Lev Ponomarev, head of the Movement For Human Rights, his wife, and three young representatives of youth organizations were arrested while walking along the street downtown Moscow and delivered to the Krasnoselskoye interior affairs department.

In August 2007, the militia dispersed a protest in support of a hunger strike by the group Mothers of Dagestan, who worked on behalf of families of persons who have disappeared in the conflict in the North Caucasus.

In August 2007, the Popular Democratic Union, led by former prime minister Mikhail Kasyanov, was refused use of a hotel in Yekaterinburg for their conference. The hotel claimed it did not provide accommodation for political events. However, in 2006 United Russia held its conference in the same venue.

In August 2007, following a demonstration at the United Russia offices in St. Petersburg, police arrested 10 protesters, injuring three of them, including United Civil Front leader Olga Kurnosova.

In October 2007, an international conference in honor of Anna Politkovskaya in Nizhny Novgorod was cancelled after authorities raided the offices and seized the computers of the organizers, the Fund to Promote Tolerance. Participants found their hotel reservations cancelled, and the bank holding the funds to pay for the conference refused to transfer the funds to the organizers.

In November 2007, authorities forcefully intervened to break up or prevent opposition protests in a number of cities, including Moscow, St. Petersburg, Nizhny Novgorod, and Nazran. Authorities detained opposition leaders, including Yabloko youth leader Ilya Yashin, Union of Right Forces Duma candidates Boris Nemtsov and Nikita Belykh, as well as human rights activists. Following an attempt to lead a march to the Central Election Commission, police arrested Other Russia leader Garry Kasparov. He was sentenced to five days in jail during an abbreviated hearing, in which he had only last-minute access to his lawyer and was not provided the opportunity to present witnesses. In Ingushetiya two protests over human rights abuses by authorities were reportedly broken up. Authorities reportedly fired upon a crowd of demonstrators in Nazran.

In 2006, the Government restricted freedom of assembly in many instances, with disproportionate actions and representation by police, FSB, and special forces. For example, police detained hundreds of opposition activists ahead of and during a Dissenters' March in Moscow; police in Ingushetiya arrested rights activists and violently broke up a rally in memory of murdered reporter Anna Politkovskaya; and during the G-8 Summit in St. Petersburg, human rights activists claimed 577 alleged incidents of illegal action by law enforcement officials against protesters, including short-term detentions on dubious charges such as "verbal abuse" and preventing protesters from traveling by bus or train to protest sites.

In 2006, authorities prevented participants from attending an Other Russia conference in Moscow through threats or detentions and removing them from trains or aircraft en route to the city. Tactics reportedly included summoning attendees to police departments, coercing from them written promises to stay at home, and threatening them with detention on administrative charges. Some participants were reportedly attacked before the conference.

Freedom of Association.—The law provides for freedom of association, and the Government generally respected this right; however, there were notable exceptions. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. Several organizations were forced to suspend programmatic activities while registration was pending.

The law requires that political parties have 50,000 members nationwide and at least 500 representatives in each of half of the country's regions with no fewer than 250 members in each of the remaining regions to be registered.

The finances of registered organizations are subject to investigation by the tax authorities, and foreign grants must be registered. A decree from the prime minister in June removed tax-exempt status from the majority of NGOs, including international NGOs, and imposed a potentially onerous annual registration process for those which met the proposed requirements. Many NGOs interpreted the decree as a further step to restrict NGO funding. Authorities subjected some NGOs to lengthy investigations of their finances or delayed the registration of their foreign financed programs. Some NGOs said that these actions were intended to restrict their activities. For smaller NGOs without the organizational capacity to respond to tax investigations, such investigations had a more crippling effect on operations. In several cases authorities seemed to selectively apply these tax requirements to threaten organizations with possible closure.

On July 25, human rights defender Zurab Tsechoev, working for the human rights organization MASHR (peace) in Ingushetiya, was taken away from his home in Troitskaia by armed men in federal law enforcement vehicles. A few hours later he was found on a roadside near Magas, the capital of Ingushetiya, with serious injuries requiring hospitalization. At year's end, no investigation had been opened.

In December, the newly formed Solidarity movement, composed of a number of liberal groups, held its founding conference in the Moscow suburb of Khimki. The groups attempted to found the organization months earlier in Moscow, but authorities repeatedly thwarted their attempts to find a venue, citing a myriad of pretexts. Venue owners also expressed fear of allowing their premises to be used. The December meeting, however, took place without incident.

On December 15, new charges of assault were reportedly launched against Maksim Reznik, who had been detained in March. Following the Dissenters' March on December 14, an unknown individual poured a bucket of mud onto Reznik. Reznik and his supporters then detained and delivered the attacker to the police. A few hours later, the police summoned Reznik to the police station and informed him that instead he might be charged with assault based on a complaint filed by the individual who had attacked him. There were no additional developments at year's end.

In July 2007, the St. Petersburg branch of the FRS sent the results of its investigation to three NGOs that had legally accepted foreign funding to promote human rights, democracy, protection of the environment, and immigrant rights and began liquidation proceedings against them. The FRS later rescinded proceedings against two of them, St. Petersburg Bellona and Citizens Watch, but continued against the Center for Educational and Research Programs (CERP), which it accused of tax evasion and interfering with Russian government agencies. The center advised other NGOs in the northwest part of the country how to comply with the 2006 amendments to the NGO law. On February 14, a court ruled to close the center, and the order was carried out. CERP filed a complaint with the ECHR, but it had not yet been heard at year's end. The CERP director later founded a new NGO specializing in legal assistance to NGOs.

The 2006 NGO law introduced strict oversight of NGOs by the FRS, now a part of the Ministry of Justice. The law imposed stringent registration requirements for NGOs, particularly the branch offices of foreign NGOs; strict monitoring of organizations; extensive reporting requirements on programming and activities; and some limitations on the participation of foreign citizens. The law enabled more intrusive means for the Government to scrutinize all forms of NGOs and granted the FRS discretion to deny registration or shut down an organization based on vague and subjective criteria. All NGOs who attempted to reregister their organizations were ultimately successful. On March 19, the FRS informed 43 international organizations that they would need to reregister under a more burdensome requirement. Beginning October 1, the FRS, formed in response to the 2006 law, shifted back to the Ministry of Justice. In the transition period, this shift reportedly created confusion and difficulty for some NGOs, particularly in some regions, as they attempted to fulfill registration requirements.

In May 2007, the Tula office of the Popular Democratic Union, the movement lead by former prime minister Mikhail Kasyanov, was subjected to a financial inspection by law enforcement. Officials arrived at the office, interrupting a meeting of 70 participants, 20 of whom were arrested.

The Government at times applied restrictions in a discriminatory manner. For example, in June 2007 the Government used a personal administrative violation by the director of Educated Media Foundation (EMF), also known as Internews Russia, an NGO promoting professional and independent media, as a pretext to seize the

computers and financial records of the organization. The EMF director, Manana Aslamazyan, was charged with an administrative violation when she failed to properly declare the currency she brought into the country. Authorities subsequently elected to charge her with a criminal offense. Human rights advocates argued that the case against Aslamazyan was politically motivated and that the infraction would normally be treated as an administrative, not criminal, violation. Internews was forced to curtail its activities, and in November 2007, a court approved Internews' request to close the NGO by March. In May the Constitutional Court ruled that the smuggling charges against her were unconstitutional.

In 2006, the Government amended the law "On Countering Extremism," increasing concerns among many that the amendments may restrict freedom of association and legitimate criticism of the Government. In July 2007, and again in October, the Government enacted additional amendments that expanded the definition of extremism. Critics feared that even the threat of application of the law could have a chilling effect on NGOs and associations. In October, the Government amended the law on extremism to make it easier to bring cases against an organization.

Some senior officials made critical statements during 2007 that contributed to, and reflected, increased suspicion of NGO activity. In February 2007 in Munich, then president Putin stated that Russia considers NGOs that receive financing from other governments to be instruments of foreign influence. In November 2007, then president Putin called those who receive funding from foreign embassies "jackals" who want to divide and disorient the country.

In 2006, the Russian Federal Tax Service filed a tax claim against the Center for International Legal Defense, an NGO headed by one of former Yukos CEO Mikhail Khodorkovskiy's lawyers, after it was audited by tax inspectors. During the year, the center continued to be targeted for harassment, including irregular administrative inspections.

The Supreme Court considered Hizb ut-Tahrir a terrorist organization, and 46 persons were convicted of being members, including 11 convicted during 2007. Of these, 29 were serving prison sentences ranging from 11 months to four-and-a-half years.

A number of political parties have had their registration revoked or denied since 2006, including the National Bolshevik Party, the Republican Party, the political party Great Russia, and the Popular Democratic Union, former premier Mikhail Kasyanov's political movement.

Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the constitution provides for the equality of all religions before the law and the separation of church and state, the Government did not always respect these provisions in practice. Conditions improved for some minority religious groups while remaining largely the same for most, and government policy continued to contribute to the generally free practice of religion for most of the population.

Religious groups do not need to register with the Government in order for members to practice their faith, but the law requires all religious groups that want legal status (needed in order to open bank accounts, purchase property, or enter into contracts) to register with the Government. The law prevents religious groups who have existed in the country for fewer than 15 years from registering as legal organizations. According to the FRS, 21,963 religious organizations had registered with the Government as of January, an increase of 443 from 2006. Local courts largely upheld the right of nontraditional groups to register or reregister, but a few religious groups continued to contest denials of registration in the courts. In some cases, government officials refused to comply with court orders to register certain groups such as the Salvation Army in Moscow. According to Vice Chairman of the Commission for Religious Associations Andrei Sebestsov, approximately 800 religious organizations were dissolved in 2007. In October, the Government circulated a list containing approximately 20 religious organizations slated for possible liquidation, but there were no further developments at year's end.

The country does not have an official state religion, and the law recognizes Russian Orthodoxy, Islam, Judaism, and Buddhism as "traditional." The Russian Orthodox Church is the dominant faith in the country, and while no faith holds legal privileges or advantages, in practice the Russian Orthodox Church maintained a preeminent status and a number of formal and informal agreements with government ministries on matters such as guidelines for personal education, religious training for military personnel, and law enforcement and customs decisions. These agreements give the Russian Orthodox Church far greater access than other religious groups to public institutions, such as schools, hospitals, prisons, and the mili-

tary. The onset of the economic crisis late in the year led the Orthodox Church and Orthodox social groups to seek aid from the Government.

Some human rights groups and religious minority groups criticized the procurator general for encouraging legal action against some minority religions and of giving official support to materials that were biased against Muslims, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (the LDS Church), and others. There were credible reports that individuals within the federal security services and other law enforcement agencies harassed minority religious groups, investigated them for purported criminal activity and violations of tax laws, and pressured landlords to renege on contracts.

The Ministry of Justice, which absorbed the duties of the abolished FRS and other federal and local authorities, continued to restrict the rights of a few religious minority groups. Legal obstacles to registration under the Law on Religions disadvantaged some religious groups considered "nontraditional." The 2006 NGO law contained provisions that applied to registered religious organizations. That law permits government inspections of religious organizations and attendance at some public events with advance notice. Registered religious organizations must provide annual financial reports and other documents upon request to the Ministry of Justice and report within three days any changes in the organizational leadership or address. However, according to Forum 18, Ministry of Justice officials could not explain which government agencies, other than the tax inspectorate, had the right to initiate the closure of religious organizations.

Some regional officials used contradictions between federal and local laws and varying interpretations of the law to restrict the activities of religious minorities. According to many observers, local governments were more susceptible to pressure from the local religious majority and therefore were more likely to discriminate against local minority religious communities. However, there were only isolated instances in which local officials detained individuals engaged in public discussion of their religious views, and these incidents were usually resolved quickly.

The human rights ombudsman received 20 complaints from different churches and religious organizations throughout the country in 2007. There were also a substantial number of complaints of religiously motivated violence.

On June 10, the Supreme Court ruled that the March 24 decision of a Smolensk regional court to dissolve a local Methodist church was unlawful, because it had run a Sunday school without obtaining an educational license, but the Supreme Court ultimately ruled that the church did not need this license.

The federal government banned only one religious organization, Hizb ut-Tahrir, which it designated as a terrorist organization. There were indications that the security services, including the FSB, treated the leadership of some other Islamic groups as security threats. The republics of Dagestan and Kabardino-Balkaria have laws banning extremist Islamic Wahhabism, but there were no reports that authorities invoked these laws to deny registration to Muslim groups.

Some observers said that police harassment, detention, and torture of Muslim clerics and alleged militants in the Kabardino-Balkaria Republic increased after a 2005 rebel attack on the Nalchik police headquarters. In contrast with the period following the 2004 hostage-taking in Beslan, when authorities increased the number of criminal "extremism" cases against Russian and foreign Muslims, during the year such cases were specific and isolated.

In May, police opened a criminal case against Aslambek Ezhayev, the Moscow-based publisher of "The Personality of a Muslim" by Arab theologian Muhammad Ali Al-Hashimi Ezhayev, for incitement to religious hatred. In December 2007 the publication had been placed on the list of banned extremist literature. On October 8, Forum 18 News Service reported that the economic crimes police searched the publishing department offices at Moscow's Islamic University for six hours and seized computers and books. The police determined that the accounts were in order but passed the materials to the Prosecutor's Office for the criminal case.

The law recognizes three categories of religious communities (groups, local organizations, and centralized organizations) with different levels of legal status and privileges. The Church of Scientology had faced the greatest difficulties in registering branches as religious organizations. The law requires religious groups to have had at least a 15-year presence in the country before becoming eligible to register as a legal organization.

The Church of Scientology challenged this provision of the law at the ECHR; the case was ongoing at year's end. A 1997 Supreme Court ruling grandfathered religious organizations that had registered before the 1997 law took effect, but the Church of Scientology had only one local organization (in Moscow) that was legally entitled to reregister. In 2007, the ECHR ruled that Moscow authorities violated the

religious freedom rights of the Church of Scientology by refusing to reregister that Moscow branch. The Government appealed the decision.

There continued to be some restrictions on establishing, building, or maintaining places of worship and training sufficient clergy to serve believers. For example, Jehovah's Witnesses have had difficulty getting permits to build assembly halls in some regions. In Zlatoust, Chelyabinsk Oblast, local authorities first provided the Jehovah's Witnesses with a plot of land to build a Kingdom Hall, and in April they began holding meetings there. However, in September, following complaints from local residents, the authorities opened a case against the Jehovah's Witnesses for alleged violations of fire regulations posed by a neighbor's garage. The Jehovah's Witnesses received a warning, paid a fine, and applied to have the garage removed. At year's end the Jehovah's Witnesses had not been allowed to use the facilities.

On July 16, the FSB searched a meeting place for Jehovah's Witnesses in Yekaterinburg and detained 18 members. The raid and detentions were in connection with the criminal investigation instigated by the Asbest City Prosecutor's Office in June relating to the alleged distribution of extremist literature by Jehovah's Witnesses in Asbest. Several boxes of religious literature were confiscated as "evidence" in the pending court case. There were no further developments at year's end.

Various minority religious organizations encountered similar difficulties in obtaining or renovating property. The mayor's office in Krasnodar continued to deny the Muslim community's request to build a mosque in the city of Sochi.

During the year two Baptist congregations in the regional center of Lipetsk lost their legal status, and a third lost its rented prayer house. In the first two instances, authorities removed their status for alleged tax violations. In the case of the prayer house, the Orthodox diocese of Lipetsk filed a suit for control of the building, and local authorities offered a building in need of substantial repair as compensation.

Some local and municipal governments prevented minority religious groups from obtaining venues for large gatherings and from acquiring property for religious uses.

There are no restrictions on individual worship in public or private.

Regional and local authorities as well as businessmen on a number of occasions refused to lease facilities to local Jehovah's Witnesses communities. According to Forum 18, at least nine Jehovah's Witnesses congresses were prevented from being held by the authorities during the year; 30 others have taken place but with some disruptions.

There are no legal prohibitions on missionary activities. There was societal pressure against proselytizing by non-Orthodox faiths, and some groups reported that missionaries had been harassed or attacked when proselytizing.

Authorities either deported or denied entry to several religious workers with valid visas. Some religious personnel experienced visa difficulties while entering or leaving the country. Laws in three regions-Belgorod, Kursk, and Smolensk-forbid foreign visitors from engaging in missionary activity or preaching unless specifically authorized by their visas. According to local religious officials, the laws were not enforced.

In November 2007, Chechen President Ramzan Kadyrov called for all women in the republic to cover their heads with scarves. While officially this is nonbinding, several government institutions in Grozny reportedly posted signs forbidding women without headscarves from entering, and guards were enforcing the rule. Two universities in Chechnya reportedly prohibited women with uncovered heads from attending classes.

Since September 2006, schools in four of the country's 85 regions required the teaching of a controversial Foundations of Orthodox Culture course; in many other regions, the course was taught as an elective.

Restitution of religious property seized by the Communist regime remained a problem, particularly for Muslim and Protestant groups. Many properties used for religious services, including churches, synagogues, and mosques have been returned, and other restitution cases continued. The Russian Orthodox Church had greater success reclaiming prerevolutionary property than other groups, although it still had disputed property claims. During the year the Russian Orthodox Church continued to try to reclaim a mansion on Moscow's Red Square that it alleges was expropriated in 1917, but the Government has not enforced court rulings in the church's favor. In 2006, Muslims in Beslan appealed to the Presidential Council for Cooperation with Religious Associations to return the historic Cathedral Mosque to the Muslim community, which was occupied by a vodka bottling plant and a bottle washing shop. The Jewish community was seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, a revered collection of the Chabad Lubavitch, which the authorities claimed as part of the country's cultural heritage. The Roman Catholic Church re-

ported 44 disputed properties, including the Saints Peter and Paul Cathedral in Moscow.

The authorities permitted Orthodox chapels and priests on army bases and also gave Protestant groups limited access to military facilities. Authorities largely banned Islamic services in the military and generally did not give Muslim conscripts time for daily prayers or alternatives to pork-based meals. Some Muslim recruits serving in the army reported that their fellow servicemen insulted and abused them on the basis of their religion. In December 2007, the military appointed the first Jewish chaplain since 1917.

Societal Abuses and Discrimination.—There were reports of societal abuses and discrimination based on religious belief or practice. Religious matters were not a source of social tension or problems for the large majority of citizens, but there were some problems between majority and minority groups, including incidents of harassment and violence.

Prejudices against non-Orthodox religions were behind manifestations of anti-Semitism and occasional friction with non-Orthodox Christian denominations. Because xenophobia, racism, and religious bigotry were often intertwined, it was sometimes difficult to determine which prejudice was the primary motivation behind discrimination against members of religious groups. Conservative activists claiming ties to the Russian Orthodox Church occasionally disseminated negative publications and held protest meetings against religions considered nontraditional, including alternative Orthodox congregations. Some Russian Orthodox clergy publicly stated their opposition to any expansion of the presence of Roman Catholic, Protestant, and other non-Orthodox denominations.

Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti-Semitism as well as societal hostility toward adherents of more recently established religions, such as the LDS Church, Jehovah's Witnesses, and Scientology. Ethnic tensions ran high in the predominantly Muslim Northern Caucasus, and there were problems in some cities outside that region. Government officials and journalists often labeled Muslim organizations "Wahhabi," a term associated with extremism. The republics of Dagestan and Kabardino-Balkaria formally prohibited Wahhabism.

Unlike the previous year, there were no recorded cases of acts of vandalism against Muslim communities; in 2007, there were a number of reports of mosques, Muslim community centers, and cemeteries being vandalized.

Reports of the harassment of evangelicals and Pentecostals reportedly decreased during the year. In March, Forum 18 announced that a Smolensk region Methodist Church was dissolved for not having an education license for its Sunday school; however, in June the Russian Supreme Court ruled that the church did not need this license. African Russian and African ministers of non-Orthodox Christian churches experienced prejudicial treatment, based apparently on a combination of religious and racial bigotry.

According to the Moscow Bureau of Human Rights (MBHR), during the year there were six reported cases of vandalism against Orthodox Christian churches and nine cases of vandalism against non-Orthodox churches, which was comparable to the level in 2007.

An estimated 250,000 Jews lived in the country, comprising less than 0.25 percent of the population, according to government sources and Jewish groups in Russia, Israel, and the United States. Some researchers suspected that the number was underreported due to the reticence of some Jews to publicly identify their religious or ethnic background. The Jewish population declined over the past two decades through large-scale emigration, but recent years have seen an overall influx of Jews as some emigrants have returned from Israel and other countries.

During the year, as in 2007, there was a decrease in racially motivated violent attacks against Jews. In September, Chief Rabbi of Russia Berel Lazar said that anti-Semitism had declined slightly, citing the following factors: a Jewish community center that opened in Moscow last year; 200 officially registered Jewish communities, including 94 Jewish Sunday schools and five Jewish higher education institutions; and the inclusion of rabbis among those who provide spiritual guidance to military conscripts.

In June 2007, in Ivanovo, skinheads shouting anti-Semitic slogans attacked two Jewish men. On March 3, the Ivanovo Leninsky Regional Court found one of the attackers, Sergey Novikov, guilty of a hate crime and sentenced him to four years in prison.

In 2006, a Moscow court sentenced Aleksandr Koptsev to 16 years in prison for attempted murder and inciting racial hatred after he attacked worshipers in a Moscow synagogue with a knife, wounding nine. An appeals court extended the original

sentence of 13 years after finding that the trial court had failed to consider the ethnic hatred motive of the crime. A student attempted a copycat attack on a synagogue in Rostov-on-Don in 2006, but security guards stopped him before he could harm anyone. An appeals court overturned his attempted murder conviction on the basis that he was mentally unfit to stand trial and ordered him to undergo psychiatric treatment.

Skinheads and ultranationalists, usually acting in gangs, attacked persons in the country during the year. However, their main targets were foreigners and persons from the Caucasus or Central Asian ethnic groups.

There continued to be reports across the country of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community. Anti-Semitic graffiti and leaflets appeared frequently in many regions. Anti-Semitism on television or in other mainstream media was infrequent and was more likely to appear in low-circulation newspapers or in pamphlets. Anti-Semitic materials on Russian-language Internet sites have increased. There was no evidence of state-sponsored anti-Semitism.

The MBHR reported that seven synagogues and community centers were vandalized during the year. The SOVA anti-extremism center also reported grave desecrations in Jewish cemeteries in Nizhny Novgorod, Makhachkala, and Kaliningrad. Officials often classified these crimes as "hooliganism." In many cases where local authorities prosecuted cases, courts imposed suspended sentences. In some cases, however, the hate crime motive was taken into consideration.

In August, vandals damaged 21 Jewish graves in the Krasnaya Etna cemetery in Nizhny Novgorod and 80 gravestones in two cemeteries in Makhachkala.

On June 18, Oleg Polonsky was asked to disclose his religious orientation by two young men; when he responded that he was Jewish, he was beaten by the men and required hospitalization.

In 2006, there were many similar reports of Jewish religious centers, community centers, and cemeteries being vandalized throughout the country.

There were many reports of anti-Semitic publications during the year. A number of small, radical-nationalist newspapers that print anti-Semitic, anti-Muslim, and xenophobic articles, many of which appeared to violate the law against extremism, were readily available throughout the country. There were also reports of anti-Semitic literature on sale in cities across the country. The estimated number of xenophobic publications exceeded 100, many sponsored by the local chapters of the National Power Party. In addition, there were at least 80 Web sites in the country with anti-Semitic content.

In contrast with previous years, there were no notable anti-Semitic statements by government officials during the year. Anti-Semitic statements were legally prosecuted, and the Government publicly criticized nationalist ideology and expressed support for legal action against anti-Semitic acts.

The Euro-Asian Congress noted that in 2006 prosecutors recorded the highest number of attempts to prosecute purveyors of anti-Semitic propaganda. While the Government publicly criticized nationalist ideology and supported legal action against anti-Semitic acts, the reluctance of some lower-level officials to call such acts anything other than "hooliganism" remained an impediment.

The support of federal authorities, and in many cases regional and local authorities, facilitated the establishment of new Jewish institutions. In 2007, and during the year former president Putin publicly criticized anti-Semitism and supported the establishment of the Museum of Tolerance being planned by the Federation of Jewish Communities of Russia. In June 2007, Arkadiy Gaydamak, president of the Congress of Jewish Religious Organizations and Associations of Russia, and Chief Rabbi of Russia Adolph Shayevich signed a contract regarding the construction of a Moscow Jewish community center. Work began on the 2.7 billion rubles (\$100 million) complex on land donated by the Moscow city government to house Jewish community institutions, including a school, a hospital, and a major new museum devoted to the history of the country's Jews, the Holocaust, and tolerance.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement Within the Country, Internally Displaced Persons, Protection of Refugees, Stateless Persons.—The law provides for these rights; however, the Government placed restrictions on freedom of movement within the country and on migration. The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

All adults must carry government-issued internal passports while traveling internally and must register with the local authorities within a specified time of their arrival at a new location. Authorities often refused to provide governmental services to individuals without internal passports or proper registration. The official grace period for registration given to an individual arriving in a new location is 90 days; however, darker-skinned persons from the Caucasus or Central Asia were often singled out for document checks. There were credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes from them.

Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Citizens moving permanently must register to reside, work, or obtain government services and benefits or education for their children in a specific area within seven days of moving there; those who are temporarily residing in a new place may stay for only 90 days before they must register. Citizens changing residence within the country and migrants, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. There were frequent reports of police demanding bribes when processing registration applications and during spot checks for registration documentation.

Georgian diaspora groups in Russia reported no major campaign against their communities in response to the August conflict over the breakaway regions of South Ossetia and Abkhazia. An anti-Georgia campaign following the 2006 diplomatic row between Russia and Georgia resulted in the deportation of approximately 4,000 ethnic Georgians, three of whom died in detention.

International agreements permit persons with outstanding warrants from other former Soviet states to be detained for periods of up to one month while the prosecutor general investigates the nature of those warrants. This system was enforced among senior law enforcement officials in many of the republics of the former Soviet Union. Human rights groups continued to allege that this was employed to detain opposition members from the other Soviet republics without legal grounds.

In November, the ECHR ruled that Abdullazhon Isakov could not be sent back to Uzbekistan despite an extradition request there. Russian authorities had denied Isakov's claim to Russian citizenship, but he disputed the decision with the help of lawyers from Memorial. The appeal remained with the court at year's end.

On December 15, the ECHR ruled in favor of the "Ivanovo Uzbeks," a group of 13 ethnic Uzbeks who fled from Uzbekistan in 2005 after their arrest in connection with violent unrest in Andijan in May 2005. After their arrival in the country, authorities arrested them at the request of Uzbek law enforcement. The Uzbeks denied any connection with the Andijan events and applied for asylum based on credible fear of persecution if they returned to Uzbekistan. The authorities rejected their applications for refugee status and ordered their extradition to Uzbekistan. The Ivanovo Uzbeks spent the following two years in detention; they won release in March 2007 but continued to reside in Ivanovo, as Russia refused to grant them exit permission to move to Sweden, which, based on UNHCR referrals, had offered them refugee status. According to refugee workers, the Uzbeks lived under unusually difficult social and economic conditions during their time in Ivanovo. In the December 15 ruling, the ECHR ordered authorities to allow the Ivanovo Uzbeks to go to Sweden and also ordered the Government to pay each man 15,000 euros (\$19,191) in restitution. The Government had not complied at year's end.

The law provides for freedom to travel abroad and citizens generally did so without restriction; however, there were exceptions. Citizens with access to classified material needed to obtain police and FSB clearances to receive an external passport.

The law prohibits forced exile, and the Government did not employ it. The law provides all citizens with the right to emigrate, and this right was generally respected.

Internally Displaced Persons (IDPs).—At year's end, 11,671 IDPs from Chechnya were in temporary settlements or in housing in the private sector in Ingushetiya; 3,765 Chechens were in Dagestan, and an estimated 54,606 Chechens were living as IDPs within Chechnya itself.

During the year officials continued to stand by their position that they would not pressure or compel IDPs to return to Chechnya. However, the UNHCR reported that government officials stated their intention to deregister those IDPs who had received compensation from federal assistance lists and indicated that 52 families were deregistered in 2005. Those who were deregistered faced the threat of eviction

from their accommodations in temporary settlements, despite their willingness to pay for the accommodation. Although some of the inhabitants chose to remain in Ingushetiya, the UNHCR estimated that 70 to 75 percent chose to return to Chechnya despite the inadequacy of temporary lodging. For example, in August 2007 the Government of Chechnya submitted to the UNHCR a list of 169 IDP families, largely from Ingushetiya, willing to return to Chechnya. The UNHCR reported that 1,141 IDPs returned to Chechnya from Ingushetiya in 2007. During the year the number of Chechen residents at temporary accommodation centers and temporary shelters decreased from 6,240 to 4,571.

During the year the Government continued to deny UNHCR requests to set up an office in Grozny to ensure that those returning were provided international standards of safety and dignity. Repatriated Chechens remained vulnerable to being viewed by the local population as possible militants or as wealthy because they were able to afford traveling abroad. Such perceptions placed them in danger of harassment and of kidnapping for ransom.

The UNHCR reported that, despite passport checks and occasional security sweeps that continued in IDP settlements, IDPs were generally able to remain in Ingushetiya without any pressure to return. However, other international and domestic organizations expressed concerns during the year over the Government's treatment of Chechen IDPs in Ingushetiya. IDPs were frequently denied status as "forced migrants" under Russian law, which severely limited their access to social benefits and protection. Others living in regions outside Chechnya were often denied residential registration by local authorities, in what the council characterized as discriminatory practices against Chechens.

Protection of Refugees.—The law provides for granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government sometimes provided protection against the expulsion or return or persons to countries where their lives or freedom would be threatened; however, asylum seekers were often denied access at border points to apply for asylum and the Government rarely granted asylum. Any decision of a migration service could be appealed to a higher-ranking authority or to a court. During the appeal process, the person received the rights of a person whose application for refugee status was being considered. If a person did not satisfy the criteria for refugee status but could not be expelled or deported for humanitarian reasons, he could be granted temporary asylum. Individuals who sought entry into the country without proper documentation and who sought to claim asylum were often denied access to the Federal Migration Service by border guards and Aeroflot airlines and often returned to their countries of origin, including in some cases to countries where a well founded fear of persecution could be demonstrated. The UNHCR and NGOs stated that many asylum seekers at times faced detention, deportation, fines by police, and racially motivated assaults, which sometimes led to the loss of life. Persons who did not satisfy the criteria for refugee status, but could not be deported for humanitarian reasons, could be granted temporary asylum.

The UNHCR and the International Organization for Migration (IOM) assisted the Government in trying to develop a more humane migration management system. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of countries that were formerly Soviet republics than those from other countries. Officials continued to demonstrate widespread ignorance of refugee law.

In January, the UNHCR ceased providing refugee status determinations (RSD) in parallel with the Government, deeming the practice no longer necessary. The Government committed to, and in the UNHCR's judgment provided, unimpeded access to its RSD process to applicants, regardless of national origin. The Government agreed to reconsider the UNHCR mandate refugees to whom it had previously denied asylum, provided the UNHCR prepared updated dossiers on each individual. The UNHCR continued to provide counseling services to support the Government's RSD.

In April, Jong Koun Tchona, a North Korean seeking asylum in Russia, was accepted by and resettled to South Korea, with the understanding that his Russian wife and children would later join him there. Tchona had disappeared in November 2007 after being called to a Federal Migration Service office in Moscow. He later escaped from a detention facility in Khabarovsk, from which he understood he was to be forcibly repatriated to North Korea. The intervention of NGO Civic Assistance, the UNHCR, and the human rights ombudsman prevented Jong's deportation.

In 2006, Bakhrom Dadazhenov was accused of associating with an extremist group in a high-profile case in Arzamas, Nizhny Novgorod region. The court pro-

ceedings were reportedly based on fabricated evidence. The intervention of NGO Civic Assistance prevented the Dadazhenov family's deportation, and in April 2007 he and his family were resettled to Sweden.

The UNHCR and NGOs reported that undocumented asylum seekers continued to face problems with law enforcement bodies over their status in the country. The Government does not issue documents to asylum seekers who are awaiting review of their requests for asylum. They remained vulnerable to fines and detention, and were denied access to government assistance.

At Moscow's international airports, authorities regularly deported improperly documented passengers before they were able to file asylum claims with the Federal Migration Service, including persons who demonstrated a well-founded fear of persecution in their countries of origin. Airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. Most cases involved labor migrants entering or leaving the country, but a few cases involved asylum seekers. For those allowed to stay to pursue their claims, the law on refugees provided for the right to be lodged in temporary accommodation centers; however, there were only three shelters nationwide, and they were located outside the major cities where asylum seekers were concentrated. Reception facilities at border crossing points were also inadequate, with harsh conditions for asylum seekers accommodated there.

While federal law provides for education for all children, regional authorities occasionally denied access to schools to children of asylum seekers if they lacked residential registration. According to IOM, during the year all children of asylum-seekers (even without civil registration) were entitled to attend school and had free access. Authorities consistently cooperated with IOM if it alerted them to cases where children faced problems being accepted by their respective school. Authorities frequently denied migrants the right to work if they did not have residential registration. Refugees also cannot work legally if they are not registered and cannot obtain registration if they are not officially accepted as refugees by the Government.

International agreements permit persons with outstanding warrants from other former Soviet states to be detained for periods of up to one month while the prosecutor general investigates the nature of those warrants. This system was reinforced by means of informal links among senior law enforcement and security officials in many of the republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without legal grounds.

In December 2007, Russian officials administratively expelled Tyumen resident Abdujani Kamaliyev, an Uzbek married to a Russian citizen, to Uzbekistan even though a domestic court had ruled against his extradition in 2006. This was in direct violation of a December 2007 ECHR ruling stating that he may be subjected to torture if returned to Uzbekistan.

In August 2007, a Moscow District Court ordered the extradition of another Uzbek, Yashin Dzhurayev, who claimed that he had been persecuted for religious reasons in Uzbekistan. However, Russian authorities did not fulfill the extradition request, and the decision on expulsion was later cancelled by the court as well. On December 10, Dzhurayev's application for resettlement to a foreign country was accepted, and he was awaiting this resettlement at year's end.

The law exempts the estimated 1.5 million former Soviet citizens residing in the country without benefit of citizenship from having to meet most requirements for naturalization. In 2006 a new law extended the deadline for former Soviet citizens to obtain citizenship until January 1. In addition, the new law extended the right to seek citizenship to those who obtained a residence permit in the country after January 1, 2002, increasing the number of persons potentially eligible for citizenship.

In Krasnodar Kray, Meskhetian Turks without Russian passports were denied the right to register, which deprived them of all rights of citizenship and prevented them from working legally, leasing land, or selling goods. The Krasnodar Kray law for the definition of illegal migrant also includes unregistered Russian citizens as well as foreign citizens and stateless persons. At year's end an estimated 2,000 Meskhetian Turks remained in Krasnodar Kray. With the departure of 11,316 Meskhetian Turks since 2004, facilitated by the Russian Federation, human rights groups reported a significant decline in arbitrary fines and harsh treatment used previously by authorities against the community. However, the Meskhetian Turks who remained in Krasnodar continued to struggle economically.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully in regularly scheduled national and regional elections, although their ability to exercise that right has lessened considerably in recent years by changes in the electoral law, a change from elected to appointed governors, and increased government control of mass media. Little competition existed in the system, which was dominated by the pro-presidential United Russia party. Authorities often blocked the political opposition from exercising their right to freedom of assembly.

Elections and Political Participation.—On March 2, the country held presidential elections in which Dmitriy Medvedev, the candidate of the ruling United Russia party who was hand-picked by his predecessor, Vladimir Putin, received 70 percent of the vote. The public and media showed a lack of interest in the campaign, which lacked genuine competition and in which Medvedev declined to participate in debates with the three other candidates. Former premier Mikhail Kasyanov was refused registration after the Central Election Commission ruled that many of the two million signatures he had collected were invalid. Official turnout for the election was reported at approximately 70 percent, with voter turnout in the North Caucasus region approaching 100 percent according to official statistics, which were questioned by a number of analysts. Observers from the Parliamentary Assembly of the Council of Europe (PACE) stated that while the election results reflected the will of the people, “an election where candidates are confronted with almost insurmountable difficulties when trying to register risks not qualifying as free. An election where there is not a level playing field for all contestants can hardly be considered as fair.” The domestic voting rights NGO GOLOS, some of whose members experienced difficulties gaining access to polling stations, alleged massive, widespread violations. As in the December 2007, parliamentary elections, the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) was again precluded from sending an observation mission due to delays in issuing visas and restrictions placed on the mission by the Government. Medvedev was sworn in as the country’s third president on May 7.

There were no new developments regarding the April 2007 ban on the NBP as an extremist organization. On February 14, NBP member Andrey Nikitin was arrested for having shown an anti-Putin film while distributing leaflets accusing Putin of mass crimes and calling for his resignation. He was placed under house arrest. In October Nikitin received a one-year suspended sentence under anti-extremism laws, which the Presnenskiy District Court of Moscow upheld on December 25. Nikitin appealed the decision, and the case was pending at year’s end.

In the December 2007, elections for the State Duma, the United Russia party received a two-thirds constitutional majority. A total of four parties exceeded the seven percent threshold for gaining seats in the Duma. After the Central Election Commission imposed delays and unprecedented restrictions on the number of international observers, ODIHR decided it was not able to send an observer mission. A team of parliamentarians from PACE, the Parliamentary Assembly of the OSCE, and the Nordic Council observed the elections and concluded they were “not fair and failed to meet many OSCE and Council of Europe commitments and standards for democratic elections.” The observers noted that the elections took place in an atmosphere which seriously limited political competition. Frequent abuses of administrative resources, media coverage strongly in favor of the United Russia party, and the revised election code combined to hinder political pluralism.

The OSCE representative on freedom of the media reported numerous media freedom violations during the elections, including harassment of media outlets, legislative limitations, and media bias in political coverage, which prevented equal media access. Although some of its observers were impeded, GOLOS reported numerous electoral violations and problems including an “unprecedented” number of absentee ballots, collective voting under pressure, multiple voting by the same voters, and vote counting violations. GOLOS observers, however, reported good organization of voting procedures and that secrecy of voting was mostly observed.

The Communist Party of the Russian Federation later appealed the results of the December 2007 parliamentary elections, asking the Supreme Court to annul the results because of electoral fraud. On July 16, the court denied the appeal. On December 25, Vedomosti reported a decision by the Communist Party’s Mordovia branch to file a case with the ECHR, stating that they were prevented from distributing any election fliers prior to the 2007 election.

The December 2007, State Duma elections were marked with apparent fraud in many of the North Caucasus republics and other regions, as the voter turnout numbers were reported by a several analysts to be artificially high. Chechnya reported

99.5 percent voter turnout, with 99.5 percent of the votes going to the United Russia party. Ingushetiya reported 98.3 percent voter turnout, with 98.8 percent of the votes for United Russia. Kabardino-Balkaria reported 97 percent turnout, with 96.5 percent of the votes for United Russia. In Ingushetiya, with 159,000 registered voters, an opposition organization claimed to have collected 87,340 signatures from registered voters who said that they had not voted in the December 2007 elections.

Fifteen regions held legislative elections in March and April 2007. Many observers claimed that some parties, most often United Russia, unfairly used administrative resources to sway results. Many observers viewed the elections as flawed, with numerous irregularities and abuses during the election process. There were problems in some regions with unequal access to the media and the use of administrative resources by incumbents to support their candidacies. The counting of votes in most locations was professionally done, but there were exceptions, notably in Dagestan. In several regions opposition political parties, such as Yabloko and the Union of Right Forces (SPS), were removed from the ballot after the election commissions cited violations in elections procedures. In February 2007, the St. Petersburg elections commission cited a handwriting expert and claimed that hundreds of the 40,000 signatures on Yabloko's registration application were forgeries. The commission gave Yabloko only two days to refute the charges with signed affidavits and copies of passports of those signatures that it ruled invalid. Yabloko did not comply with this request and was removed from the ballot. The SPS was removed from ballots in Vologda and Pskov.

Laws enacted in 2005 and 2006, particularly those eliminating direct gubernatorial elections, contributed to the consolidation of the Government's political power. Further changes to the election law made in 2006 created a strict party list system, banned electoral blocs, raised the threshold for party representation in the State Duma to 7 percent of the vote, and eliminated the minimal voter turnout provision. The changes worked to the advantage of parties already represented in the State Duma, particularly United Russia, and had the effect of reducing the number of competitive parties. The electoral law also prohibited nonpartisan domestic observation of federal elections, making it difficult for NGOs to observe elections.

The law provides that republic presidents and regional governors be nominated by the president subject to confirmation by regional legislatures. If a regional legislature fails to confirm the president's nominee three times, the legislature may be dissolved. The president also acquired the power to remove regional leaders in whom he had lost confidence, including those who were popularly elected. By year's end no regional legislature has failed to confirm the president's nominee. The law gives the president significant influence over the Federation Council, since regional leaders selected by the president in turn appoint half of its members. Political parties that win elections to regional parliaments are allowed to propose their own candidates for head of a region, but this is still subject to the president's and the regional legislature's approval.

Several other provisions of the election law were amended in 2006: the option "against all candidates" was eliminated from ballots; early voting was eliminated; a mandatory minimum voter turnout was eliminated; circumstances under which a candidate may be removed from the ballot (including for vaguely defined "extremist" behavior) were expanded; and "negative" campaigning was prohibited.

The law gives the executive branch and prosecutor general broad powers to regulate, investigate, and close parties. Other provisions limit campaign spending, set specific campaign periods, establish conditions under which candidates can be removed from the ballot, and provide for restrictions on campaign materials. To register as a political party, the law requires groups to have at least 50,000 members with at least 500 representatives in half of the country's regions and no fewer than 250 members in the remaining regions, making it difficult for smaller parties to register.

Prospective presidential candidates from political parties that are not represented in the Duma must collect no less than two million signatures from supporters throughout the country to register to run for president. Independent candidates also are required to submit signatures to the Central Election Commission (CEC) to be certified to run. A candidate is ineligible to run if more than 5 percent of signatures are found to be invalid by the CEC. Parties that are represented in the Duma can nominate a presidential candidate without having to collect and submit signatures.

In March, a Moscow court denied registration to the political party People for Democracy and Justice led by former prime minister Mikhail Kasyanov. The court cited errors in 18 percent of the more than 57,000 signatures as grounds for denying registration.

According to the CEC chief Vladimir Churov, three of the 14 parties that wanted to run in the December 2007 Duma elections were disqualified due to problems with their registration documents.

Before the March 2007 regional elections, the acting head of the FRS announced that, of the 35 political parties that applied for reregistration in accordance with the amended and more demanding law, only 19 passed the inspection, although two decided to register as "public associations." As a result the 15 parties that did not pass the inspection had to choose to reregister as public organizations, movements, or NGOs or were dissolved through court procedures.

In 2006, the Government enacted the law On Countering Extremism, increasing concerns among many that authorities would apply the law to restrict election-related activities of political parties, the media, and NGOs and discourage criticism of the Government. The law was used in some cases to stifle opposition political parties during the 2007 and 2008 elections, but not for materials of the ruling United Russia party. For example, authorities used the laws against campaign materials for the St. Petersburg branch of Yabloko in March and evicted staff members from their offices.

In April 2007, the FSB began an investigation of Other Russia member Garry Kasparov for inciting extremism by encouraging radio listeners to attend an opposition rally in St. Petersburg. In 2006 government agents raided the offices of the political organization United Civil Front, also headed by Kasparov. The officers had an order to search the premises on suspicion of "extremist activity" and seized books and material promoting Dissenters' Marches (See Section 2.b.). No charges were ultimately brought, but some viewed the incident as an example of the Government attempting to use the new law on extremism to intimidate the opposition. The law was also used by public figures to intimidate their critics.

In December 2007, 58 women won seats in the 450 member State Duma; there were nine women in the Federation Council. Three women were deputy committee chairs. Valentina Matviyenko, governor of St. Petersburg, was the only woman to lead one of the 85 regions of the country.

National minorities took an active part in political life; however, ethnic Russians, who constitute approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

Government Corruption and Transparency.—Corruption continues to be a widespread problem in the country and studies, including the World Bank's worldwide governance indicators, have found that it increased during the year. While the law provides criminal penalties for official corruption, the Government acknowledged that it has not implemented the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, and extortion. The NGO Information Science for Democracy (INDEM) reported that other official institutions, such as the higher education system, health care, the military draft system, and the municipal apartment distribution system were also corrupt.

President Medvedev designated the fight against corruption and "legal nihilism" as priorities. On December 25, he signed into law a package of anticorruption legislation that defines the term and sets forth key principles for combating it. The legislation imposes financial disclosure requirements, restricts post-government employment at entities with which the official had prior connections, and requires reporting of actual or possible corrupt activity. Enabling regulations that identify agencies responsible for enforcing the legislation and specific mechanisms for complying with it had yet to be drafted at year's end.

Overall, government initiatives to address the problem, either through regulation, administrative reform, or government-sponsored voluntary codes of conduct, made little headway in countering endemic corruption. While there were prosecutions related to bribery, the general lack of enforcement remained a problem. Cases of bribery and other corrupt practices are investigated by the Ministry of Internal Affairs and the Federal Security Service, both of which were widely perceived as corrupt.

Under the criminal code, the giving and receiving of bribes are punishable by up to 12 years of incarceration; a person who pays a bribe is relieved of criminal liability if the bribe was extorted from him or if he voluntarily informs law enforcement about it.

According to the Interior Ministry, the total number of corruption cases increased 7.6 percent in the period from January to October. Of the year's 11,492 corruption cases, 8,890 were sent to court. There was an increase of 6.4 percent of officials sentenced (5,285) compared with the same period in 2007. INDEM estimated that mil-

lions of corruption-related offences were committed every year and cost the country approximately 7.4 trillion rubles (approximately \$300 billion), almost equal to the country's entire federal budget.

No high-level officials were charged with corruption during the year, but most anticorruption campaigns were limited in scope and focused on lower-level officials. Allegations of corruption were also used as a political tactic, which made it more difficult to determine the actual extent of corruption.

In October, Deputy Finance Minister Sergey Storchak was released upon the completion of the procuracy's investigation of his 2007 arrest on suspicion of preparing to embezzle more than 1 billion rubles (approximately \$43 million) from the state budget, which was the most high-profile corruption incident of the year, although some observers concluded that the case was politically motivated.

On February 12, the mayor of Togliatti, Nikolay Utkin, was sentenced to seven years' imprisonment for abuse of power, bribery, and illegal land transfer. He also received a 200,000 ruble penalty (\$5,495) and was prohibited from occupying a state service position for two years.

The law authorizes public access to all government information unless it is confidential or classified as a state secret. Government refusal to provide access to open information, or the classification of information as a state secret without cause, has been successfully contested in court. However, access to information was often difficult and subject to prolonged bureaucratic procedures.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, but official harassment continued, and the operating environment for these groups was increasingly restricted. Authorities increasingly harassed many NGOs that focused on politically sensitive areas, and other official actions and statements indicated a low level of tolerance for unfettered NGO activity, particularly for NGOs that received foreign funding and reported on human rights violations. NGOs operating in the Northern Caucasus were severely restricted.

There were several dozen large NGO umbrella organizations as well as thousands of small grassroots NGOs. In the regions, NGO coalitions continued to advocate on such issues as the rights of the disabled and of entrepreneurs, environmental degradation, violations by law enforcement authorities, and the war in Chechnya.

A decree from the prime minister in June removed tax-exempt status for grants from most international NGOs and imposed a potentially onerous annual registration process for those which met the proposed requirements. Many NGOs interpreted the decree as a further step to restrict NGO funding and operations.

In 2006, the Government enacted a law that strictly regulates NGOs and requires them to register with FRS. The law has more stringent registration requirements for local affiliates of foreign NGOs than for domestic NGOs. The law provides intrusive means for officials to scrutinize NGOs, including "public associations," but provides NGOs with only limited procedural protections. The law grants the FRS discretion to deny registration or to request that the courts close organizations based on vague and subjective criteria.

Starting in 2007, all NGOs were required to submit periodic reports to the FRS that disclose potentially sensitive information, including sources of foreign funding and detailed information as to how funds are used. As a result NGOs stated that they were increasingly cautious about receiving foreign funds; while they still in many cases received foreign funds, many restricted their activities to less sensitive issues. The FRS has the authority to audit organizations; in May 2007, it audited the prominent human rights NGO Memorial International in a regularly scheduled inspection. FRS found several violations of the law, particularly with regard to the society's charitable activity, and issued a 1.5 million ruble (\$61,000) fine, which the NGO successfully appealed.

Observers believed the Government applied the NGO law to target some human rights organizations. The 2006 amendments to the law on extremism have been used to restrict activities of NGOs and some criticism of the Government. The revised law expands the definition of extremist activity to include public libel of a government official or his family, as well as public statements that could be construed as justifying or excusing terrorism. In October new amendments to this law passed enabling authorities to carry out an accusation of extremism without evidence or a court case.

On December 4, seven Prosecutor's Office representatives, three of them wearing masks, arrived at the office of the Memorial Research and Information Center in St. Petersburg. They presented a search warrant, as part of a criminal investigation

against newspaper Novy Peterburg; the search investigation was looking for evidence of financial ties between Memorial and the newspaper. Both Memorial and the newspaper denied any ties. The investigators removed 12 hard drives and the archives of Memorial member Aleksandr Margolis, a local expert on architectural preservation. That week, the head of Memorial's office, Irina Flige, went to the Prosecutor's Office to discuss the incident but received no additional explanation for the raid. Shortly afterwards, part of Margolis's confiscated archive was returned. No other materials had been returned at year's end.

Memorial filed a suit against Prosecutor's Office challenging the legality of the search. Human rights activists, foreign governments, and international organizations issued statements calling for the quick return of the confiscated materials and due process, to which the Government responded by stating it had acted in accordance with its own laws. Court hearings on the case were postponed twice in December due to absence of the defendants. The case was still pending at year's end.

On October 26, GOLOS and a foreign democracy-related NGO attempted to hold a training seminar on conducting focus groups, but the facility informed them that the reserved room was without power. After attempting to hold the seminar in the GOLOS office, participants were evacuated for a bomb threat against the building, although no one else in the building was evacuated. In the evening a man who identified himself as a FSB officer reportedly entered the hotel room of a staff member, held a threatening conversation, and made it clear that neither the foreign NGO nor GOLOS was welcome in Novosibirsk. Approximately one week later, a new organization called "The Committee Against Espionage" appeared on a web forum, alluding to the incident and claiming that western NGOs were spying on the country. The group made one further attempt to intimidate the NGO in November, but by year's end had taken no further actions. GOLOS also suffered harassment in Samara in the week before the March presidential election. The prosecutor ordered the local GOLOS director to undergo psychiatric and drug examinations while investigating accusations of software piracy that activists stated were unfounded.

In April, the country's Supreme Court upheld the liquidation of Sodeistvie, a refugee assistance NGO in Vladimir. Sodeistvie had submitted an activity report in 2007 but was liquidated for failure to submit past reports, a violation the Government argued could not be remedied.

On September 16, militia officers in Nizhniy Novgorod searched the office of Dront Ecocenter, an environmental organization, allegedly due to deficiencies in the organization's tax reporting. Authorities did not provide the NGO with advance notice of the inspection and seized a number of documents not covered by the warrant.

Authorities continued to target the Russian Chechen Friendship Society (RCFS), an NGO that had urged negotiations between the Government and Chechen rebels to settle the conflict and had reported on human rights abuses perpetrated by both sides of the conflict. The RCFS was ordered closed in 2006 after the RCFS executive director, Stanislav Dmitriyevskiy, was convicted of inciting racial and ethnic hatred for publishing statements by Chechen rebel leaders. Dmitriyevskiy appealed his conviction to the ECHR, which had not ruled on the appeal by year's end. The RCFS registered in Finland and continued to operate in Russia. On March 20, police searched the offices of RCFS's successor organization, the Foundation to Promote Tolerance, and confiscated equipment, such as cellular telephones, reportedly for violations of the extremism law.

The Government continued to scrutinize organizations that it considered to have an opposition political agenda. Numerous human rights and opposition groups reported politically motivated hostility from the Government. During the year the Government attempted to damage the public image of the NGO community with statements that NGOs were suspicious organizations funded by foreign governments. Government accusations that implied connections between foreign funded NGOs and alleged espionage by resident diplomats increased public perceptions that NGOs served foreign interests and fueled instability.

At the April meeting of the National Antiterrorism Committee, Nikolay Patrushev, then head of the FSB, accused unnamed foreign NGOs of supporting terrorism in the southern part of the country. The deputy speaker of the Federation Council, Aleksandr Torshin, seconded this charge, adding that 59 foreign NGOs were providing assistance to Chechen terrorists.

A number of indirect tactics were applied to suppress or close domestic NGOs, including creative application of various laws and harassment in the form of investigations and raids ostensibly to check for pirated software.

In May, the Volgograd Interior Ministry opened a criminal case against Irina Malovichko, the head of Child's Dignity, an NGO that works with troubled local juveniles, for allegedly embezzling 8,584 rubles (\$236) from the NGO's budget. Her apartment was searched without a warrant, and all documents and computers

seized. Malovichko filed an appeal in June that the Voroshilovsky Court rejected. The investigator in the case threatened to open new charges against her daughter and her colleague unless she admitted guilt. A lawyer retained by Malovichko subsequently had his license removed without explanation. The case was ongoing at year's end.

In June 2007, the Government seized the computers and financial records of the EMF, an NGO promoting professional and independent media. The seizure was allegedly part of its investigation of EMF director Manana Aslamazyan, who was charged with an administrative violation when she failed to properly declare the currency she was bringing into the country. Authorities subsequently charged her with a criminal offense. The Government used the charge as a basis to allege criminal activities by the NGO and seize its equipment, effectively stopping its operations. In May the Constitutional Court agreed with Aslamazyan's lawyers that Article 188 of the criminal code, under which she was charged and convicted, violated the constitution. The charges against EMF, however, were still being investigated.

The Government subjected the Center for International Legal Defense (CILD), which was headed by one of former Yukos CEO Mikhail Khodorkovskiy's lawyers, to irregular administrative inspections. In a note to Ombudsman Lukin, CILD complained about a January 2007 visit to their office by an officer of the Ministry of Internal Affairs' Tax Offenses Department in Moscow. The officer questioned the center's director and deputy director about CILD's activities and asked if they worked on any Chechen cases. Later in the month, the officer visited CILD with orders summoning the executives to the Tax Offenses Department. In 2006 the Federal Tax Service filed a claim against CILD after it was audited by tax inspectors; the center appealed the claim. The tax claims and fines against CILD amounted to approximately \$170,000 (approximately 4.6 million rubles), which if collected could potentially put the NGO out of business.

Regional human rights groups generally received little international support or attention and often suffered from inadequate funding. Due to limited resources, the NGO reporting requirements created a particularly onerous burden. They reported that at times local authorities obstructed their work. While these groups were generally free to criticize government and regional authorities, authorities in some areas were intolerant of criticism. Local human rights groups in the regions had some opportunities to interact with legislators to develop draft laws; however, local authorities excluded some organizations from the process entirely.

The Government subjected international human rights and humanitarian groups, particularly those involved in promoting democracy during the election year as well as those located in the North Caucasus, to increasing pressure, such as foreign workers facing trouble with visas, FSB officers arriving with questions that intimidated their members, and pressure to curtail more sensitive activities. In the view of some observers, NGOs working in the North Caucasus were particularly vulnerable to interference.

In January, authorities announced that the British Council, an international cultural body funded by the United Kingdom, must suspend operations outside of Moscow due to alleged irregularities in legal status and tax arrears; the offices in St. Petersburg and Yekaterinburg closed. In October, a Moscow arbitration court ruled that the tax claims were illegitimate, and the two offices reopened. The British government and others alleged that the closure order was politically motivated. Dmitry Medvedev, in his presidential campaign, accused the British Council of conducting espionage, stating that "among other things, they are involved in intelligence activities," a charge the British Council denied.

In the December 2007 parliamentary elections and the March presidential elections, GOLOS observers were denied access to polling stations or election committees in several regions, including Astrakhan and Saint Petersburg.

Government and legislative officials recognized and consulted with some NGOs, primarily those focused on social issues, and select groups participated, with varying degrees of success, in drafting legislation and decrees. Officials, such as the human rights ombudsman, Vladimir Lukin, and the chair of the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, Ella Pamfilova, regularly interacted and cooperated with NGOs. During the year, however, Pamfilova's reappointment was pending.

In the Jewish Autonomous Republic, Amur Oblast, and some regions in Primorskiy Kray, NGOs worked with local governments to encourage citizen participation in local self-governance. In Astrakhan government officials worked closely with local NGOs devoted to building civil society.

Some international NGOs maintained small branch offices staffed by local employees in Chechnya; however, all were based outside of Chechnya. In a meeting with NGOs in August 2007, Chechen president Kadyrov stated that all foreign NGOs

that worked in Chechnya should move their offices from neighboring republics to Grozny, register with the tax inspectorate, and employ local citizens. Critics contended that this enabled Kadyrov to keep tighter control over the NGO sector. During the year a number of NGOs applied for access to Chechnya, but the majority was reportedly denied because the Government implemented a new monthly information reporting requirement.

By law every person in the country may bring alleged human rights violations that occurred after 1998 to the ECHR, provided they have exhausted "effective and ordinary" appeals in the courts. This provision was usually satisfied by two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. The ECHR has received more than 40,000 complaints since the country ratified the European Convention on Human Rights in 1998. The ECHR, which has received more than 10,000 complaints involving the country including 643 during the year, ruled against the state in 245 cases on which it reached a decision during the year. The Demos Center reported in December that state agencies enforced ECHR rulings approximately 60 percent of the time. When it did so, the Government generally paid financial judgments ordered by the ECHR in a timely fashion; however, it issued blanket refusals in response to ECHR requests for disclosure of the domestic case files relating to alleged gross violations in Chechnya. The ECHR criticized this failure of disclosure.

Government human rights institutions challenged local government activities, promoted the concept of human rights, and intervened in selected abuse complaints. Human Rights Ombudsman Vladimir Lukin commented on a range of human rights problems, such as police violence, prison conditions, the treatment of children, and hazing in the military. During the year Lukin criticized intolerance and the growing wave of ethnic, religious, sociopolitical, and human hatred in the country. Lukin defended the rights of participants in the dissenters' marches, noting that the constitution states clearly that citizens have a right to participate in meetings and marches and that only notification of the authorities is required to hold meetings and marches, not permission from the Government. Lukin's office and individual members of the Public Chamber intervened in May to convince the FSIN to move former Yukos Oil Company vice president Vasili Aleksanyan, who was HIV positive and diagnosed with lymphoma cancer, to a hospital following a public outcry over his poor treatment in the prison clinic. In August 2007, his office intervened to help secure the release from an Apetity psychiatric institution of Other Russia activist Larisa Arap, who had been involuntarily hospitalized. Lukin assembled a panel of independent experts, who examined Arap and testified that she should be released.

The ombudsman's annual report noted that his effectiveness was limited because he was not empowered to propose legislation that could address human rights problems. He also noted the difficulty of getting some government officials to respond to inquiries from his office. In 2006, for example, the ombudsman intervened in more than 1,500 cases of prisoner abuse, but only 123 cases were satisfactorily resolved by prison officials. Lukin's office has used its influence to draw attention to human rights questions in prisons. The ombudsman's office had several specialized sections responsible for investigating complaints. During the year the office published one report on the protection of crime victims' rights. Lukin's role remained primarily consultative and investigatory, without powers of enforcement. There was no information available on the investigations proposed by Lukin during 2007. As of year's end, 47 of the country's 85 regions had regional human rights ombudsmen with responsibilities similar to Lukin's; their effectiveness varied significantly.

The status of the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights was uncertain at year's end, and its head, Ella Pamfilova, had not been approved by President Medvedev. Prior to February the council, which promoted NGO concerns and worked to advance human rights, was respected within the NGO community, despite being limited in its capacity to address many human rights problems. In some notable cases, such as abuses to freedom of assembly during opposition demonstrations, advocating for easing regulations on NGOs, and election violations, Pamfilova had provided effective intervention.

In 2006 the 126-member Public Chamber of the Russian Federation began operation. The chamber was established to channel public and civil society input into legislative decision-making. Some prominent human rights groups declined to participate in the chamber out of concern that the Government would use it to increase control over civil society. The chamber employed some 30 committees to cover problems ranging from juvenile justice to anticorruption to philanthropy. Committees were intended to conduct public discussions on key issues, review draft laws, travel to the regions to promote the role of regional public chambers, conduct studies, and give nonbinding recommendations to the Government and legislature. The chamber

was generally not considered effective as a check on the federal government; for example, in December it publicly and unanimously called upon President Medvedev not to sign the law curtailing jury trials but did not have an influence on the decision. However, some members of the Public Chamber succeeded in raising the profile of human rights cases such as that of journalist Mikhail Beketov. In December, President Medvedev signed a law requiring all future draft legislation that deals with restriction of individual freedoms to be reviewed by the Public Chamber. Previously, the Duma forwarded laws to the chamber for examination at the chamber's own request.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

Women.—Rape is illegal, and the criminal code makes no special distinctions (such as spousal rape) on the relationship between the rapist and the victim. Between January and October, 5,271 rapes and attempted rapes were reported, a 13.9 percent decrease from the same period in 2007. However, according to NGOs many women did not report rape or other violence due to social stigma and lack of government support. Rape victims can act as full legal parties to criminal cases brought against alleged assailants and seek compensation as part of a court verdict without initiating a separate civil action. While members of the medical profession assisted assault victims and sometimes helped identify an assault or rape case, doctors were reluctant to provide testimony in court.

Spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement. Women were unlikely to report cases of rape by persons they knew. Law enforcement and prosecutors held many of the same notions and reportedly did not encourage reporting or prosecution of such cases. A very small percentage of spousal or partner rape was reported to the court.

Domestic violence remained a major problem. The Ministry of Internal Affairs reported that during the year approximately 12,000 women were killed by their husbands, boyfriends, or other family members. The ministry also estimated that 3,000 men were killed by wives or girlfriends whom they had beaten. Law enforcement authorities frequently failed to respond to incidents of domestic violence. Amnesty International estimated that approximately 36,000 women were beaten by a husband or partner every day. There were no official statistics on domestic violence, but officials estimated that there were more than 250,000 violent crimes committed against women every year. Because violence was frequently not reported, the real figures were impossible to ascertain.

There is no legal definition of domestic violence. The law prohibits battery, assault, threats, and murder, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. Victims of these crimes must prosecute such cases themselves, which was difficult without legal training or state assistance. Consequently, few cases were prosecuted, and there were few convictions. According to a 2005 survey, police frequently discouraged victims from submitting complaints, and the majority of cases filed were either dismissed on technical grounds or moved to a reconciliation process by a justice of the peace, with focus on preservation of the family rather than punishment of the perpetrator. Civil law remedies for domestic violence included administrative fines and divorce.

There were more than 600 government centers for social rehabilitation assistance and shelters for various groups; it was unknown how many of these offered services for domestic violence victims. There were also an estimated 20 crisis centers with 200 beds, 90 percent of which were run by NGOs. Crisis services were not focused exclusively on violence against women, although some did offer services to domestic violence victims, including temporary shelter.

The organization and operation of a prostitution business is a crime, while selling sexual services is a lesser criminal administrative offense. Prostitution remained widespread, and some observers noted that the country was a destination for sex tourism; police worked closely with at least one foreign government to ensure the prosecution of sex tourists. There were reports of prostitutes bribing police and police violence against prostitutes. It was widely believed that police were involved in the protection of prostitution.

The law does not prohibit sexual harassment, which remained a widespread problem. NGOs operating hot lines reported that women routinely sought advice on the problem. The lack of legal remedies and limited economic opportunities caused many women to tolerate harassment. Only two sexual harassment cases have been successfully prosecuted since 1992. In July, a 22-year-old female executive attempted to pursue a third sexual harassment suit but lost the case when the judge

declared that sexual harassment is necessary to further the human species. According to research conducted by the Gender Inequality Institute, 100 percent of female professionals said their bosses had sexually harassed them, 32 percent said that they had had sexual relations with their boss, and 7 percent said that their boss had raped them. Eighty percent of the respondents said that they could not achieve promotion without engaging in sexual relations with their male superiors.

Although the law states that men and women have equal rights and opportunities to pursue those rights, women encountered discrimination in employment. Job advertisements often specified gender and age groups. Some even specified desired physical appearance and preference for applicants open to intimate relations with their prospective supervisor. Employers often preferred to hire men to save on maternity and childcare costs and avoid the perceived unreliability that accompanied the hiring of women with small children. The labor market displayed gender discrimination in compensation, professional training, hiring and dismissal, and career promotion. Such discrimination was often very difficult to prove. According to both RosStat, the federal state statistics service, and the Center for Labor Studies (of the Higher School of Economics), in 2007 the gender differential in wages was 35 percent.

A series of murders of young women took place in November in Chechnya. According to the head of Chechnya's Investigation Committee, a likely motivation for the murderer or murderers was the women's refusal to adhere to Muslim traditions. President Kadyrov spoke out against the killings and called for the perpetrators to be brought to account, but there were no arrests by year's end.

Children.—The Government expressed its commitment to children's rights and welfare, but provided limited resources to the welfare of children. The law does not provide adequate protection for children, and child abuse remained a problem.

Although education is free until grade 11 and compulsory until age 15 or 16, regional authorities frequently denied school access to the children of unregistered persons, including Roma, asylum seekers, and migrants.

Child abuse was a widespread problem, but the majority of child abuse cases were not subject to legal action.

Children, particularly homeless children or orphans, were exploited in child pornography. While authorities viewed child pornography as a serious problem, laws against child pornography do not define, criminalize the possession of, or provide for effective investigation and prosecution of child pornography. The statute on the production and distribution of pornography was poorly drafted and seldom used. Criminal cases were often dismissed because of the lack of clear standards. In addition, when a suspect was convicted, the courts frequently imposed the minimum sentence, often probation. Relatively few child pornography cases were investigated and prosecuted, creating an environment where child pornography proliferated. Nonetheless, according to the latest figures from the General Prosecutor's Office, the number of child pornography investigations increased from 98 in 2005 to 299 in 2007.

In December, the NGO Children's Rights estimated that approximately 40,000 children ran away from home annually to flee abuse and neglect, along with 20,000 orphans who fled orphanages. The same estimate also noted that there were approximately 120,000 new orphans every year in the country. The Moscow Helsinki Group indicated in 2005 that each year approximately two million children under 14 years of age were victims of domestic violence. While there was some government attention to child abuse, it was generally not linked to the broader problem of domestic violence. At a public roundtable on children's rights in January, the MVD announced that approximately 2,000 children died every year from violence, most of it domestic. At year's end, approximately 5,000 cases against parents for abuse and neglect were active in the country's court system.

During the past seven years, according to the NGO Children's Rights, an average of 690,000 children lived in the streets. However, police attempted to return approximately 70 percent of them to a home or to an institution.

Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the streets turned to, or were forced into, prostitution, often to survive. According to the Ministry of Interior Affairs, between January and October, 97,567 crimes out of total of 2,730,424 crimes were committed by minors or with their complicity. This was a 15.7 percent decrease compared with the same period in 2007.

According to 2007 data from the Moscow Department of Social Security, 12 percent of street children in shelters had run away from orphanages or boarding schools. Law enforcement officials reportedly abused street children, blamed them for unsolved crimes, and committed acts including extortion, illegal detention, and psychological and sexual violence against them.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, internal and external trafficking continued to be a significant problem. The scope of trafficking was difficult to quantify with reliable estimates, but observers believed that it remained widespread. The country continued to be a source, destination, and place of transit for men, women, and children trafficked for various forms of exploitation; however, because of rapid economic growth, there was allegedly a decrease in the number of citizens trafficked abroad. Women and children were usually trafficked for commercial sexual exploitation, while men were trafficked into the country for construction or agricultural work. There were some cases of forced begging, i.e., persons compelled to beg through threats of force and violence, who turned their earnings over to traffickers.

According to the IOM, women were trafficked to almost 50 countries in North America, Europe, the former Soviet republics, the Middle East, and Asia. Women who were trafficked abroad and returned seldom reported their experiences to police because they feared social stigma and retaliation by traffickers. Men and women from the Russian Far East were trafficked to China, Japan, the Middle East, and South Korea for purposes of sexual exploitation, debt bondage, and forced labor, including in the agricultural and fishing industries. Moscow and St. Petersburg are destination centers for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging. Moscow continued to be a significant destination for men and women trafficked within Russia and from Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, Moldova, and Belarus for purposes of sexual exploitation and forced labor, including work in the construction industry. Moscow remained a transit point for women trafficked from Uzbekistan and Armenia to the United Arab Emirates for purposes of sexual exploitation. Men from Western Europe and the United States travelled to Western Russia, specifically St. Petersburg, for the purpose of child sex tourism.

In August, a court in Nizhniy Tagil convicted five members of a gang accused of organizing a brothel and murdering as many as 15 women that were found in a mass grave in 2007. The gang forced underage women (13 to 19 years old) to work as prostitutes and killed those who refused. The court sentenced the leader of the gang, Eduard Chudinov, to life imprisonment and four others to various terms in maximum security penal colonies.

In February, one man and three women in Ozersk, Chelyabinsk Oblast, were charged with organizing a brothel at a local sauna and coercing underage women (15 to 19 years old) to become prostitutes, severely beating those who tried to escape. In June the head of the gang, a 26-year-old woman, was arrested. The trial began soon after the arrest but had not reached a conclusion by year's end. If convicted, the prosecutor stated that the accused would be subject to a 6- to 8-year sentence in prison.

Traffickers typically targeted unemployed females between the ages of 14 and 45, with females between the ages of 15 and 25 being the primary targets, with promises of economic or educational opportunities abroad. Some victims knowingly agreed to work in prostitution before realizing the severity of the conditions and abuse they would suffer.

Traffickers targeted homeless children or children in orphanages for sexual exploitation. There were no reliable estimates of how many children were trafficked. The country has become a major producer and distributor of Internet child pornography, leading to confirmed cases of child sex trafficking and child sex tourism.

Traffickers typically used a front company, frequently an employment agency, travel agency, or modeling company, to recruit victims with promises of well-paying work overseas. Victims often surrendered their passports or other documentation to their employers, despite passage of a 2007 migration law requiring workers to register directly with the state.

Traffickers threatened workers with deportation or prosecution if they demanded payment for their work and often threatened to harm victims' families if they tried to escape.

Trafficking and forced labor are punishable by a maximum of 15 years' imprisonment, recruitment into prostitution by a maximum of eight years, organization of a prostitution business by a maximum of 10 years, and manufacture and distribution of child pornography by a maximum of eight years. Convicted traffickers may have their assets confiscated.

The Government officially opposed human trafficking and was effectively using anti-trafficking statutes and traditional criminal remedies to prosecute traffickers. Human trafficking and child sexual exploitation investigations and prosecutions significantly increased over the past four years. However, corruption among police and border guards remained a serious problem, and there were allegations that corrupt

police and border guards protected and facilitated trafficking. Where such instances were discovered, the corrupt officials were prosecuted.

There were three human trafficking shelters in the country, although they are funded by American and European money. The Government, and in particular the MVD and Federal Border Service, worked closely with these shelters during the year but did not fund them. A significant impediment to adequate assistance to trafficking victims was the lack of comprehensive victim assistance legislation that protects trafficking victims. A patchwork network of local government, regional government, local NGOs, and international organizations provided assistance and protection for trafficking victims. Although the Duma passed witness protection legislation designed, *inter alia*, to assist trafficking victims, it was not effective.

There was no official federal trafficking prevention program, although a number of ministries addressed trafficking on an individual basis; both the MVD and Ministry of Foreign Affairs Web sites contained information cautioning travelers abroad about the hazards of human trafficking. On a regional and local level, there were a number of active trafficking prevention campaigns, albeit typically conducted by local NGOs, often with varying degrees of support from NGOs, ranging from in-kind support such as facilities and equipment to active agreements between regional government and NGOs. For example, the local administration in Vladivostok supported a local NGO in anti-trafficking activities.

During 2007, the Ministry of Internal Affairs increased trafficking investigations by 50 percent and worked closely with foreign governments to assist international trafficking prosecutions. Government officials shared information on investigations and prosecutions but had no specific mechanism in place to track prosecutions, convictions, and sentences. The majority of trafficking initiatives remained local. However, no progress had been made on creation of a national action plan and a high-level government office to coordinate trafficking activities by year's end.

There were continued allegations that corrupt government officials facilitated trafficking. Corrupt elements in the Ministry of Internal Affairs and other law enforcement bodies allegedly facilitated and, in some cases, controlled trafficking. Individual officials reportedly took bribes from traffickers in return for false documents and the facilitation of visa fraud. Law enforcement sources agreed that document fraud was often committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal activity. There were reports of prosecutions of officials involved in such corruption.

The IOM's Human Trafficking Rehabilitation Center continued to receive its funding primarily from foreign donors and stated that without government funding, it might be forced to close at some point during 2009. However, during the year the center functioned with sufficient funding.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—Several laws prohibit discrimination against persons with disabilities or mandate equal treatment of them; however, the Government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and were denied equal opportunity to education, employment, and access to social outlets. The situation for persons with disabilities has reportedly worsened due to the replacement of government subsidies for items such as transportation and medicine with cash payments in 2004. Some affluent regions, such as Moscow, preserved benefits for persons with disabilities at preexisting levels, while most other regions provided a limited number of benefits, such as free transportation.

The Ministry of Health and Social Protection estimated that there were 15 million persons with disabilities. In 2006, the human rights ombudsman said that in the previous 10 years, more than 120,000 persons became invalids as a result of military actions and war injuries. According to the NGO Perspektiva, the number continued to grow as a result of new conflict; however, there were no new figures available at year's end. Persons with disabilities were generally excluded from the social and political life of their communities and isolated from mainstream society.

During 2007, police discovered and arrested a criminal ring that forced persons with disabilities to beg in the streets of Moscow. There were no further developments in this case by year's end.

The residents of institutions for adults with disabilities were mainly "graduates" of the institutions for children. Institutions rarely attempted to develop the abilities of the residents. Residents were frequently confined to the institutions and sometimes movement within the institutions was restricted. The use of psychotropic

drugs as punishment was allegedly widespread. Conditions in the institutions were often poor, with unqualified staff and overcrowding.

Laws provide penalties for enterprises that fail to build ramps or other accessibility features but contain no enforcement mechanisms. Federal law on the protection of persons with disabilities requires that buildings be made accessible to persons with disabilities, but authorities did not enforce the law and in practice most buildings were not accessible.

Laws providing employment quotas exist at the federal and local levels; however, some local authorities and private employers continued to discourage persons with disabilities from working, and there was no penalty for failure to honor quotas. Human rights NGOs made some progress in persuading foreign companies in larger cities, including Moscow, to consider persons with disabilities as potential employees, and the Moscow city government reportedly encouraged employers to hire disabled persons. According to the NGO All-Russia Society of Disabled Persons, the overall number of persons with disabilities in the workforce declined from 72,500 in 2002 to 28,000 in 2007. The NGO attributed this to the 2002 elimination of tax benefits, which encouraged employment of persons with disabilities. In December, the NGO Perspektiva reported that the number of unemployed persons with disabilities had decreased to 85 percent from 90 percent in 2007.

In 2007, the Ombudsman's Office reported that approximately 700,000 of the country's invalids were children. Authorities generally segregated children with disabilities from mainstream society through a system that institutionalized children until adulthood. Observers concluded that issues of children's welfare were often ignored and little clear recourse to systemic problems of abuse existed. Human rights groups alleged that children in state institutions were poorly provided for and, in some cases, physically abused by staff members. "Graduates" of state institutions also often lacked the necessary social, educational, and vocational skills to function in society. According to a 2006 report by the Prosecutor General's Office, half of the more than 600,000 children with disabilities in state care lacked medicines, hearing aids, and wheelchairs. The NGO Children's Rights confirmed that this situation had not changed during the year.

There appeared to be no legal mechanism for contesting commitment to a facility for the disabled. The assignment of categories of disability to children with mental disabilities often followed them through their lives. The labels "imbecile" and "idiot," which were assigned by a commission that assesses children with developmental problems at the age of three and signified that a child was uneducable, almost always were irrevocable. Even the label of "debil" (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or caregivers, but there were few advocates for the rights of institutionalized children.

Youths with disabilities not in institutions faced significant barriers to education, including lack of access to schools.

Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. At the same time, the "home program" for children with disabilities was highly inferior to school classes. The majority of teachers and administrators in schools and universities had little or no understanding of disability issues. Often parents of children without disabilities were averse to their children studying with children with disabilities.

NGOs cited some examples of courts ordering children with disabilities admittance to schools that initially refused to take them. For example, two children with disabilities in Petrozavodsk, Karelia, were denied permission to attend a preschool program because the preschool stated that it did not have the capacity to accommodate children with their disabilities. In a final decision in April 2007, the Petrozavodsk court ruled that the children's right to education had been violated, and the court ordered a local special school (at the time of the verdict, the children were of school age) to provide a satisfactory special education program for the children.

According to government reports, of approximately 450,000 school-age children with disabilities, approximately 200,000 did not receive any education. Of the approximately 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools comprised only 3 percent of all schools, most children with disabilities could not study in the community where they lived, were isolated from other members of the community, and received an inadequate education.

Persons with disabilities faced barriers to participation in political life, including inaccessible government buildings. The election laws contain no special polling-place

accessibility provisions, and the majority of polling places were not accessible to persons with disabilities.

Government bodies charged with protecting human rights also protected the rights of persons with disabilities. These bodies carried out a number of inspections in response to complaints from disability organizations and, in some cases, subsequently appealed to the responsible agencies to remedy the situation. The human rights ombudsman conducted inspections of homes for children with mental disabilities that disclosed severe violations of children's rights and substandard conditions.

National/Racial/Ethnic Minorities.—The law prohibits discrimination based on nationality; however, minorities were subjected to frequent discrimination by government officials. There continued to be a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, and dark-skinned persons, as well as foreigners. Skinhead groups and other extreme nationalist organizations fomented racially motivated violence; the number of hate crimes increased. Racist propaganda was still a problem during the year, although there were an increasing number of convictions for inciting ethnic hatred through propaganda.

Federal and local law enforcement continued disproportionately targeting members of ethnic minorities. Police reportedly beat, harassed, and demanded bribes from persons with dark skin or who appeared to be from the Caucasus region, Central Asia, or Africa.

Authorities in Moscow continued to subject dark-skinned persons to far more frequent document checks than others and frequently detained or fined them in amounts that exceeded legally permissible penalties.

Police often failed to record infractions against minorities or to issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. According to the UNHCR, five temporary accommodation centers across Chechnya were closed during 2007.

During the August conflict with Georgia, in contrast with the 2006 diplomatic dispute between Russia and Georgia, Russian authorities did not open a campaign against the approximately one million ethnic Georgians living in Russia. At the time of the 2006 dispute, Russian officials stepped up actions against ethnic Georgians. Approximately 4,000 persons were deported, and there were raids on Georgian businesses, police demands for lists of Georgian students, and an interruption in transportation and postal links.

In March 2007, authorities in Chudovo, Novgorod Oblast, demolished the homes of several members of the local Romani community. According to a court decision, the construction of the homes was unauthorized as there were no proper deeds of ownership for the houses or land.

Authorities previously bulldozed 37 houses in 2006 that belonged to more than 200 Roma, including more than 100 children, in the village of Dorozhnoe, Kaliningrad Oblast, and set fire to the ruins. More than 100 of the displaced Roma were forced to live in temporary shelters and were threatened with physical expulsion. Regional authorities began their eviction campaign by initiating court proceedings to have the Romani families' ownership of their homes declared illegal. According to observers, the proceedings violated fundamental standards of due process. In 2006, the Open Society Institute's Justice Initiative filed a request for interim measures with the ECHR on behalf of 33 of the evicted. The Justice Initiative carried out fact-finding missions in Kaliningrad in March 2007 and again in March, during which time three of the Romani litigants died. There were no further developments in the case at year's end.

In Bashkortostan, authorities required applicants for new identification documents to state their ethnic origins contrary to the constitution, which states that "nobody shall be forced to identify and state their ethnicity."

On September 14, unknown persons abducted a 35-year-old Ingush man, Magomed Khamkhoyev, and held him captive in the basement of a cottage in northwest Moscow for several days. During that time, he was beaten and tortured, but he managed to escape. An Ingush opposition leader later visited the cottage with police and was informed that the cottage belonged to a military unit of the Defense Ministry.

Societal violence and discrimination on ethnic and racial grounds continued to be a serious, slowly increasing, and intractable problem. Government officials made appeals for tolerance but issues such as migration often exacerbated the problem. Numerous racially motivated attacks took place against members of minority groups and foreigners, especially those of Central Asian, Caucasian, or African ethnicity. These attacks took the form of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups.

Skinhead violence continued to be a serious problem. Skinheads primarily targeted foreigners, particularly Asians and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments. According to the Ministry of Internal Affairs, neofascist movements had approximately 15,000 to 20,000 members, of which more than 5,000 were estimated to live in Moscow. According to the MBHR, there were up to 60,000 skinhead and radical nationalistic organizations operating in the country. Skinhead groups were most numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh.

According to the SOVA center, during the year 85 persons were killed and 367 injured in violent attacks by nationalists, an increase from 75 killed (with 550 injured) in 2007. The MBHR reported 180 racially motivated attacks resulting in 81 deaths and 217 injuries during the year. The MBHR also reported 205 convictions for "aggressive xenophobia" during the year. According to the Ministry of Internal Affairs, 8,963 crimes were committed against foreign citizens or persons without citizenship during the first six months of the year, approximately a 5 percent decrease from 2007.

On March 16, a group of 15 neo-Nazis attacked and killed Alexey Krylov on his way to an antifascist concert in Moscow. Prior to the concert, postings had appeared on a Web site, giving instructions on how to watch for people going to the concert.

In May, a group of 10 skinheads attacked three students of the Ufa (Bashkortostan) State Technical Aviation University. Among the victims were Kyrgyz and Vietnamese nationals. During the attack the young men shouted "Russia is for Russians." One of the victims was hospitalized with a knife wound.

On July 28, five young men in masks attacked a group of Tajik guest workers in Moscow and threw incendiary devices into their homes, severely injuring many of the victims. The attack was seen as a reprisal for the sentencing that day of 13 persons for a string of ethnically inspired attacks. Some of the incendiary devices had neo-Nazi symbols on them. At year's end no arrests had been made in the case.

On November 4-National Unity Day, which has increasingly been used by ultranationalists as a rallying point-10 neo-Nazis attacked a Turkmen embassy official, Kyrbandury Saparov. He suffered bruises and was hospitalized. In separate attacks on the same day, an unidentified Uzbek and a Turkmen were stabbed to death. Prior to National Unity Day, the Movement Against Illegal Immigration distributed leaflets calling on Russians to kill "persons of Caucasus nationality."

In December, individuals from a nationalist group calling itself the Militant Organization of Russian Nationalists attacked two Tajik workers south of Moscow, beheading one and leaving his head in a dumpster 12 miles away. At year's end the SOVA center reported that authorities were working with them to find the perpetrators; however, no arrests had been made in the case.

There were developments in ethnically motivated killings reported in previous years.

On October 1, Artur Ryno and Pavel Skachevsky, the ringleaders of a skinhead criminal group accused of 20 murders and 12 attempted murders from 2006 to 2007, pleaded guilty to all charges against them. Two other members of the group pleaded guilty, while two others denied the charges. Sentences ranged from six to 20 years in prison. Human rights activists criticized the sentences as insufficient. In August 2007, Ryno's gang murdered Shamil Umadanov, a worker in Moscow from Dagestan, along with an unidentified man and subsequently posted the killing on the Internet. In June the Investigative Committee of the General Prosecutor's Office determined that the killing took place in the Kaluga region of the country.

On July 29, three persons were found guilty in Saratov Oblast for participating in the June 2007 attack and murder of two workers, including one from Chechnya. Two were found guilty for the murder of Zurab Albastov and one was found guilty for the murder of Azrutdin Galimov. However, they were convicted for "murder completed on hooligan motives," not for murder based on ethnic hatred.

In December, the St. Petersburg Prosecutor's Office completed the investigation of the Borovikov gang case. Members of the gang, which was active between 2003 and 2006, were charged with seven murders motivated by ethnic hatred, including the murder of Nikolay Girenko and a Senegalese student. However, there was no verdict by year's end.

In June, seven skinheads who filmed and published their undated acts of racist violence actions on the Internet received six- to 10-year prison sentences in a Moscow court. They were also ordered to pay compensation to the families of the victims.

There were no developments in the February 2007 killing, presumed by the Prosecutor's Office to be racially motivated, of Fagret Naimov and the assault of another Uzbek man in St. Petersburg; the 2006 killing of Grigoriy Marienkov, an 80-year-old Romani man from the Volgograd region; the 2006 killing of Singh Nitesh

Kumar, an Indian medical student studying in St. Petersburg; or the 2006 stabbing of a nine year-old girl, whose father was a native of Mali, in St. Petersburg.

On December 2, seven men were sentenced to six to 20 years' imprisonment for the racially motivated murders of 19 individuals. The group preyed on Central Asians, Caucasians, and other dark-skinned individuals. Their attacks were often filmed and broadcast on the Internet.

On May 15, a Moscow court found four persons guilty of terrorism and participation in a criminal association in connection with the 2006 bombing of the Cherkizovskiy market in Moscow that killed 13 persons and injured 53, many of whom were from the North Caucasus and Central Asia. All four received a sentence of life imprisonment.

During the year court cases continued pertaining to the 2006 ethnic rioting in Kondopoga, Karelia. In 2006, a former police major received a four-year suspended sentence for "negligence leading to the death of two or more persons" and 12 other persons each received a three-year suspended sentence for participating in the rioting. In March 2007, a court sentenced two Russians to three-and-a-half years and eight months in prison for instigating the fight that precipitated the rioting. Since 2007, court proceedings were ongoing for six ethnic Caucasians charged with murder, assault, or hooliganism. On June 19, the Karelia Supreme Court began hearings of the case. On July 22, the court brought official charges against the six ethnic Caucasians. At year's end the case remained in court.

In 2006, a homemade bomb exploded outside the Moscow apartment of antifascist activist, Tigran Babadzhanian, injuring police who were trying to defuse it. Babadzhanian's photograph had previously been posted on skinhead Internet sites, and he had received death threats. The district prosecutor's office opened a criminal investigation for "hooliganism committed in a socially dangerous way" and identified three suspects from an extremist group. However, in 2007 the charge was reduced to "damage of property." As a result of continued concern for his safety and that of his family, Babadzhanian and his family fled to Armenia and remained there at year's end.

Police investigations of such cases were frequently ineffective, and authorities were at times reluctant to acknowledge the racial or nationalistic element in the crimes, often calling attacks "hooliganism." Many victims, particularly immigrants and asylum seekers who lacked residence documents recognized by police, chose not to report such attacks or experienced indifference on the part of police. According to the SOVA Center, willingness to acknowledge hate crimes varied widely depending on the personal views of the prosecutor; they noted that the number of prosecuted hate crimes in Moscow significantly increased after a new prosecutor took over.

According to the SOVA Center, there were 85 convictions during the year for ethnically or racially motivated crimes, compared with 24 convictions in 2007 and 109 convictions in 2006. In most cases, the attackers wore skinhead attire or proclaimed nationalist slogans.

Muslims and Jews continued to encounter prejudice and societal discrimination, although it was often difficult to separate religious discrimination from ethnic discrimination.

Attempts to address xenophobia at the national level were almost nonexistent; however, there was evidence that officials were addressing the problem at a local level. For example, in Karelia in 2007, one year after the ethnic riots in Kodopoga, authorities attempted to generate dialogue among various ethnic and religious groups, and prosecutions on both sides of the riot were generally reported to be proceeding fairly. The Karelian Prosecutor's Office reported in December that one resident of Karelia was found guilty of inflaming religious hatred through Internet publications and was given a one-year suspended sentence. As in previous years, the St. Petersburg local government continued to run the tolerance program aimed at combating racism and xenophobia; however, NGOs were not involved with the initiative. In general, law enforcement agencies did not do enough to address the problem, in part because the Government did not provide the necessary resources and, in some cases, because some working-level staff allegedly sympathized with the nationalistic causes.

Indigenous People.—The law provides for support of indigenous ethnic communities, permits them to create self-governing bodies, and allows them to seek compensation if economic development threatens their lands. In some regions local communities organized to study and make recommendations regarding the preservation of indigenous cultures. Groups such as the Buryats in Siberia and ethnic groups of the north (including the Enver, Tafarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of

their regions. Most asserted that they received the same treatment as ethnic Russians, although some groups believed they were not represented or were underrepresented in regional governments.

The principal problems of indigenous persons in recent years included the distribution of necessary supplies and services, particularly in the winter for those who lived in the far north, and claims to profits from exploitation of natural resources.

Due to the construction of a new port in the village of Vistino, outside of St. Petersburg, the Izhora people, listed in the law on small and indigenous peoples, were losing their traditional fishing sites. In the course of construction of the new port, the only road to the village was destroyed and bus service to the village was terminated. According to the environmental NGO Zeleny Mir, government officials did not take into account the objections of Izhora representatives in this decision; however, there was no evidence that the Izhora people were specifically targeted for eminent domain.

There continued to be reports of pressure on members of the Finno-Ugric Mari ethnic group. The Moscow Helsinki Group and International Helsinki Federation for Human Rights asserted that authorities prosecuted two activists in 2006 on politically motivated charges for their involvement in the Mari national movement. One activist, Vitaliy Tanakov, who published a brochure about the Mari persons and their religious beliefs, was convicted for inciting ethnic, racial, or religious enmity and sentenced to 120 hours of labor. A second activist, Nina Maksimova, faced similar charges for helping to distribute the brochure.

NGO reports from 2006 through the end of the year noted that wider government use of authoritarian methods of rule, harsher migration laws and campaigns against illegal migration, increasing authority of law enforcement bodies, and reduction in government support for minority-language media and education had adversely affected national minorities.

Other Societal Abuses or Discrimination.—Persons with HIV/AIDS often encountered discrimination. Federal AIDS law contains antidiscrimination provisions but was frequently not enforced. HRW reported that HIV-positive mothers and their children faced discrimination in accessing healthcare, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. In 2006, the Moscow city Duma criticized the activities of foreign NGOs that fight HIV/AIDS for allegedly encouraging pedophilia, prostitution, and drug use among teenagers.

While homosexuality is not illegal, the gay community continued to suffer societal stigma and discrimination. Medical practitioners reportedly continued to limit or refuse their access to health services due to intolerance and prejudice. According to recent studies, male homosexuals were refused work due to their sexuality. Openly gay men were targets for skinhead aggression, which was often met with police indifference. A few gay rights organizations operated out of public view.

The law does not provide for increased penalties for violence motivated by sexual orientation. In March, two youths killed a man in Sverdlovsk Oblast whom they perceived to be a homosexual. Both individuals were arrested and remained under investigation. There was no update in the case at year's end.

On June 1, gay pride activist Alexey Davydov was assaulted while addressing reporters at the Moscow Gay Pride event. Members of the National Slavonic Union pushed to the ground and severely beat Davydov. The police managed to arrest the attackers, although police also detained Davydov and sent him to the same police station along with the attackers. There were reportedly no charges filed against the perpetrators.

Section 6. Worker Rights

a. The Right of Association.—Although the law provides workers the right to form and join unions, in practice government policy limited the exercise of this right. The Federation of Independent Trade Unions of Russia (FNPR) reported that approximately 50 percent of the workforce was unionized, and approximately 95 percent of union members belonged to the FNPR (approximately 27.8 million members in 2007). Three other unions had memberships between 500,000 and one million persons. There were many smaller unions, but they were not formal or organized and did not provide membership statistics.

The FNPR and other trade union federations acted independently of the Government at the federal level, but in some cases FNPR unions were affiliated with local political structures, giving the FNPR advantages over unions without political ties. FNPR unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses.

Despite a separate law specifically governing trade unions, the FRS stated that the legal provisions that govern the creation and operation of NGOs also apply to

unions. Specifically, the FRS has stated that trade unions must receive permission to register and submit program and financial reports to authorities and that their failure to do so can result in a legal process to abolish the union. However, according to the law, labor unions are not required to register with the FRS. Although the Government oversight agency has the right to attend union meetings and monitor all union activities, there was no evidence during the year that government oversight agencies had attended union meetings or monitored their activities.

If labor union activities contradict the national constitution, regional constitutions, or federal laws, the Supreme Court or the corresponding regional courts can ban or suspend those activities for a period of six months. Furthermore, a labor union's activity may be suspended or forbidden by law enforcement bodies in accordance with the federal law on "Fighting Extremist Activities."

According to labor rights and labor union organizations, there were no cases by year's end of the Government using the anti-extremist legislation to prohibit collective action by labor unions. However, in some cases the "extremist" pretext was used against individual union members. For example, in July 2007 an AvtoVAZ union activist was prosecuted for extremist activities (distribution of "antisocial" leaflets among the factory employees). The AvtoVAZ labor union claimed that the accusations were fabricated.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal because they violated one or more of the exceedingly complex procedures governing disputes. A strike may be called at an enterprise only after approval by a majority vote at a conference composed of at least two-thirds of all personnel, including management.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Strikes are prohibited in the railway and aviation sectors, government and military agencies, at nuclear power stations, and in disaster assistance organizations. Workers in these sectors at times resorted to other forms of protest, such as rallies, days of action, or hunger strikes. Although the law prohibits reprisals for strikes, they frequently occurred and included threats of night shifts, denial of benefits, blacklisting, and firing. Strike actions were further discouraged by the ability of civil courts to order confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, labor actions were often organized by strike committees rather than by unions.

In June, assailants attacked Sergei Bruzgalov, one of the Taganrog Automobile Plant labor union activists, on the street while going home after the work shift. He was hospitalized for one month with serious injuries. The perpetrators were not found.

In November, there were two attempts to attack Aleksei Etmanov, the leader of the labor union at the Ford plant in St. Petersburg. Police were not able to find the suspects.

There were other cases of extreme pressure on union activists. In December police detained and held Aleksei Konarev, a Tenneco Automotive Volga Plant labor union activist, in the police station for four hours. The police later released him with the explanation that he had been mistaken for a certain criminal.

In December, Valentin Urusov, the union leader of the Alrosa Company Subsidiary in the town of Udachny (Republic of Sakha) was sentenced to six years' imprisonment for "keeping" narcotics. Union members asserted that the case was fabricated as retaliation by the company's owners and management for Urusov's union activity. His lawyers claimed they would bring the case for appeal in the court of higher instance.

In June 2007, at least two persons stabbed and beat a local politician and chairman of the Kaliningrad branch of the independent Dockers' Union of Russia, Mikhail Chesalin, who was hospitalized with serious injuries. While local NGOs claimed the attack was motivated by Chesalin's longstanding dispute with the management of the dock, police treated the case as a simple assault. In October 2007, after a wave of public support for Chesalin, the case was officially closed; the criminals were not found.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of unions to conduct their activities without interference and the right to bargain collectively, but also gives employers a strong role in labor relations. Collective bargaining is legally mandated if either an employer or employees requests it. The law obliges labor and management to enter into negotiations within seven days of such a request and sets a three-month time limit for concluding an agreement. Unresolved issues are to be included in a protocol of disagreement, which may be used to initiate a collective labor dispute. Negotiations were often slow and difficult. Em-

ployers were often reluctant to accept union requests for collective bargaining and did not provide financial reports (including base wages) to unions. According to the International Trade Union Confederation, the law specifies that company information on wages is a commercial secret. Lack of access to such information disadvantaged unions engaged in collective bargaining. According to the International Labor Organization (ILO), unions experienced the most difficulty engaging employers in collective bargaining in the trade, tourism, and agricultural sectors.

The law requires the designation of a majority union as the exclusive bargaining agent for workers at an enterprise, a provision that favors larger unions. The labor code also stipulates that there be only one collective agreement per enterprise, covering all employees, a provision that limits the ability of professional or “craft” unions (the majority of new unions in the country) to represent their members. Only an enterprise-level affiliate of a national trade union body may negotiate with the employer, even if the majority union is an independent or craft union. An employer has the right to refrain from negotiating with trade unions whose membership does not comprise a majority of an enterprise’s workers. Smaller unions have the right to send a representative to negotiations, but their participation depends on the majority union and the employer. Employers who tried to negotiate with smaller unions encountered difficulties, as demands were often contradictory and unstructured.

In 2006, the FNPR reported that approximately 88 percent of its enterprises had collective bargaining agreements. This figure did not include other agreements that may not have been registered with the Labor Ministry. The law states that collective agreements become effective upon signature, whether registered or not.

The law prohibits antiunion discrimination, but management harassment of union leaders and employees continued to be a problem. Neither the ILO nor the FNPR characterized such harassment as a political or large-scale trend. While high-level officials and ministries generally were not antiunion, harassment occurred at the local level. Union leaders were sometimes followed by security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demonstrations. Unregistered unions faced operational constraints, such as difficulty in opening bank accounts and collecting fees. There were, however, fewer reports of employers using tax authorities or offices of the public prosecutor to put heavy pressure on unions by initiating falsified investigations, which often resulted in large decreases in union membership.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. According to credible reports, approximately one million illegally employed migrants from other countries of the former Soviet Union were forced to work without pay because the firms that brought them into the country held their passports. There were also reports that women, children, and men were trafficked for commercial sexual exploitation and labor.

In August, police arrested two businessmen suspected of labor exploitation in Gubakha, Perm Kray. According to prosecutors the suspects had been detaining homeless persons since 2003 and forcing them to work at construction sites. A criminal case opened in August. Two articles were cited in the investigation—“Unlawful deprivation of freedom” and “Unlawful use of slavery labor”—with possible penalties of up to 10 years in prison. At year’s end, the case was still in progress.

While many North Koreans, Kyrgyz, Uzbeks, and Tajiks worked under difficult circumstances in the country, they usually appeared to do so voluntarily and for wages that were high by home country standards.

There were reported incidents in previous years of military officers forcing soldiers under their charge to work for private citizens or organizations, often under abusive conditions.

The law prohibits forced or bonded labor by children; however, such practices reportedly occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—While the law is intended to protect children from exploitation in the workplace and prohibits forced or compulsory labor, the Government did not effectively implement laws and policies to protect children from exploitation in the workplace, as it did not consider child labor a social problem. There continued to be reports that children were trafficked for commercial sexual exploitation and labor. According to the NGO Children’s Rights, it was difficult to pinpoint in which sectors trafficked children worked due to the shadow economy in which they were involved; however, they believed that the children’s work was primarily producing textiles.

While there have been no recent statistical studies, prosecutors from around the country stated that the child labor problem was worsening. However, the Ministry of Health and Social Development's Federal Labor and Employment Service (FLES) and the Ministry of Internal Affairs, which are responsible for child labor matters, did not enforce the laws effectively. The law prohibits most employment of children under the age of 16 and regulates the working conditions of children under the age of 18, including prohibiting dangerous nighttime and overtime work. Children are permitted, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten a child's health or welfare.

The FLES is responsible for checking enterprises and organizations for violations of labor and occupational health standards for minors. Most serious violations of child labor and occupational health standards were believed to occur in the informal sector. Local police investigations only occurred in response to complaints.

Accepted social prohibitions against employing children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. However, children working and living on the streets remained a problem and were at heightened risk of being trafficked.

e. Acceptable Conditions of Work.—The monthly minimum wage, essentially an accounting reference for calculating transfer payments, increased at the end of the year from 2,300 rubles (\$63) to 4,330 rubles (\$119). The amounts were not sufficient to provide a decent standard of living for a worker and family. Monthly subsistence wages have been set at the regional level since 2004 and averaged 3,880 rubles (\$162) in 2007. Approximately 14 percent of the population had incomes below the official subsistence minimum. According to official statistics from the Ministry of Economic Development and Trade, one-third of salaries were unreported; unofficial estimates claimed that up to one-half of salaries were unreported.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period and requires premium pay for overtime or work on holidays; however, workers complained that employers required them to work in excess of the standard workweek, abrogated negotiated labor agreements, and transferred them against their will.

The law penalizes employers who pay their employees late or make partial payments and requires employers to pay two-thirds of a worker's salary if the worker remains idle by fault of the employer. Courts often ruled in favor of employees seeking payment of back wages. Collection, which had been difficult in previous years, improved. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. Individually filed cases made for a lengthier process, one more difficult for the individual worker, and one that left them more exposed to possible retaliation.

Although the law establishes minimum conditions for workplace safety and worker health, the Government did not allocate sufficient resources to enforce these standards effectively. According to the Center for Social and Labor Rights, approximately one-third of employees worked under unsafe conditions. In many cases, workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near flammable substances. The labor code requires businesses employing more than 50 workers to establish a work safety division and create a work safety specialist position; the code includes procedures for investigating industrial accidents.

The law provides workers the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, the Government did not effectively enforce this right. Many companies employing workers in hazardous conditions (such as the mining industry) awarded bonuses based on worker productivity, thereby encouraging workers to jeopardize their safety for higher salaries. Statistics on safety violations and workplace accidents and deaths were not complete or reliable, and the risk of industrial accidents or death for workers remained high. Labor inspectors, injury compensation offices, and RosStat collected limited information on workplace accidents. The ILO cautioned that the number of deaths was underreported by 70–90 percent. Accidents were rarely reported in small and medium-sized businesses, while large companies provided better reporting.

The law entitles foreign workers working legally in the country to the same rights and protections as citizens. Foreign workers residing and working illegally in the country were subject to deportation but could seek recourse through the courts. According to the Federal Migration Service, during the year the number of illegal migrants was between five and eight million persons. According to independent experts (Institute of Demographics, Center for Migration Studies, and others) the

number ranged between three and seven million persons. Most of these migrants were citizens of other countries of the former Soviet Union and were working for lower wages than Russian citizens and in generally poor conditions.

Legislation passed in 2007 clarified labor laws for migrant workers, and there were numerous examples of local authorities' efforts, in collaboration with NGOs, to protect migrant workers from exploitation. Nonetheless, during the year there continued to be reports that migrant workers suffered from unequal access to employment and health care.

SAN MARINO

The Republic of San Marino, with a population of approximately 30,000, is a multiparty democracy. The popularly elected unicameral Great and General Council (parliament) selects two of its members to serve as captains regent (cochiefs of state). They preside over meetings of the council and the Congress of State (cabinet), which has no more than 10 other members (secretaries of state) selected by the council. Parliamentary elections held on November 9 were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were some reports of violence against women.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. The Government permitted visits by independent human rights observers. The human rights commissioner of the Council of Europe visited the penitentiary in January.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the civil police, the Gendarmerie, and the National Guard, and the Government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention.—Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a detainee with the right to a prompt judicial determination of the legality of the detention, and the authorities generally respected this right in practice. There is a well-functioning bail system. Detainees are allowed prompt access to family members and to a lawyer of their choice; the state provides legal assistance to indigent persons.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and are presided over by a single judge. There are no provisions for a jury trial. Defendants have the right to be present and to consult with an attorney even during preliminary investigations. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. They have access to government-held evidence relevant to their cases. They enjoy a presumption of innocence and have the right to two levels of appeal.

In case of legal actions against military personnel, a civil judge is temporarily given a military grade and assigned to an ad hoc military tribunal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Judges act independently and impartially on civil matters, and administrative as well as judicial remedies exist for alleged wrongs, including human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. As of March the country had 15,600 Internet users and more than 1,500 broadband connections.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for these rights and the Government generally respected them in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Catholic Church receives direct benefits from the Government's income tax revenues; taxpayers may request that 0.3 percent of their income tax payments be allocated to the Catholic Church, regulated under a concordat with the Holy See, or to other charities, including religious groups such as the Waldesian Church, the Baha'is, and Jehovah's Witnesses—all of which are included in a registry of cultural associations.

The Government does not require official recognition, registration, or licensing for religious groups. However, it requires legal status for tax or other commercial purposes.

Societal Abuses and Discrimination.—There were small numbers of Muslims, Jews, and other religious groups in the country. During the year there were no reports of violence or discrimination against religious minorities or of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government was committed to cooperating with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—While the law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the Government has a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government may grant refugee status or asylum by an act of the cabinet. There were no requests for asylum during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Parliamentary elections held on November 9 were considered generally free and fair. The "Pact for San Marino," a Center-Right coalition led by the Christian Democratic Party, won 35 of the 60 seats in the Great and General Council (the unicameral parliament).

Political parties could operate without restriction or outside interference.

Nine women were elected to the Great and General Council in the November elections, and two women were in the 10-member Congress of State.

There were no members of minorities in the Government.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption. However, there were no reports of corruption by public officials during the year. Public officials are subject to financial disclosure requirements.

The law provides for public access to government information, and the Government provided access for citizens and noncitizens through the Great and General Council's Web site.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights organizations, although the Government did not restrict their formation. The Government declared itself open to investigations by international nongovernmental organizations (NGOs) of alleged human rights abuses; there were no known complaints or requests for investigations during the year.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government effectively enforced it. On June 20, the parliament approved a law entitled "Prevention and Repression of Violence against Women and Gender Violence," which defines proscribed acts against women, including domestic violence, and establishes a framework for state protection and assistance to victims and their families in all civil, criminal, or administrative proceedings, including legal assistance free of charge.

Women.—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted persons accused of such crimes. The penalty for rape is two to six years' imprisonment. In the case of aggravating circumstances, the penalty is four to 10 years' imprisonment. There were no reports of rape during the year.

The law prohibits violence against women, and the Government effectively enforced it. The penalty for spousal abuse is two to six years' imprisonment. In the case of aggravating circumstances, the penalty is four to 10 years' imprisonment. According to official sources, there were 25 cases of violence against women during the year.

Prostitution is illegal and was not common. No arrests were reported during the year.

Sexual harassment is prohibited, and the Government effectively enforced the law. There were no reports of sexual harassment during the year.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. There was no reported economic discrimination against women in pay, employment, or working conditions. There was no special government office to ensure the legal rights of women.

Children.—The Government was committed to children's rights and welfare.

Violence against or abuse of children was uncommon. According to government sources, there were six cases of violence against minors.

Trafficking in Persons.—All forms of trafficking in persons became a criminal offense as of June 20, under a law replacing (and broadening) the penal codes' trafficking in slaves crime. The penalty for trafficking in persons is 10 to 20 years' imprisonment. If the trafficking involves minors, prostitution, or the taking of organs, the penalty is from 14 to 24 years' imprisonment. There were no reports that persons were trafficked to, from, or within the country during the year.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the Government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

Other Societal Abuses and Discrimination.—There were no reports of discrimination based on sexual orientation.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except those in the Gendarmerie and National Guard) are free to form and join independent unions of their choice, and workers exercised this right. The law sets the conditions to establish labor unions. Union members constituted an estimated 50 percent of the workforce, which numbered approximately 15,000 citizens plus 6,000 workers who resided in Italy. The law allows all civilian workers, including the civil police, the right to strike, and workers exercised this right. A “conciliatory committee” composed of representatives from labor, business, and government generally resolved complaints of antiunion discrimination amicably.

b. The Right to Organize and Bargain Collectively.—The law prohibits antiunion discrimination and allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining agreements have the force of law and are applicable to all workers, whether unionized or not. Negotiations were conducted freely, often in the presence of government officials by invitation from both unions and employer associations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively enforced laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16, and the Ministry of Labor and Cooperation granted no exceptions. The law does not limit children between the ages of 16 and 18 from any type of legal work activity. The Government devoted adequate resources and oversight to child labor policies, and the Ministry of Labor and Cooperation effectively enforced compliance with the law.

e. Acceptable Conditions of Work.—The national minimum wage is 7.04 euros (approximately \$9.92) per hour. According to NGOs, this amount did not provide a decent standard of living for a worker and family who do not own their own home. However, 90 percent of citizens owned their own homes, and wages generally were higher than the minimum provided by law.

The law sets the workweek at 36 hours in the public sector and 37.5 hours for industry and private businesses, with 24 consecutive hours of rest per week mandated for workers in both categories. The law requires a premium payment for overtime and allows a maximum of two hours of overtime per day. There was effective enforcement of laws and industry contracts that prohibit excessive compulsory overtime.

The Government set safety and health standards, and the judicial system effectively enforced these standards. Most workplaces complied with the standards. However, there were exceptions, especially in the construction industry, where some employers did not consistently abide by safety regulations, such as work hour limitations. There were no serious on-the-job injuries reported during the year. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

SERBIA

The Republic of Serbia is a parliamentary democracy with approximately 7.5 million inhabitants. Boris Tadic was reelected president on February 3. On May 11, voters elected a new parliament, with some minority ethnic parties winning seats. Observers deemed both elections to be mostly in line with international standards. On July 8, President Tadic selected Mirko Cvetkovic to be prime minister and lead the country’s coalition government. Democratic parties formed a ruling coalition within constitutionally prescribed time limits. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, the following human rights problems were reported: police brutality; corruption in the police and the judiciary; inefficient and lengthy trials; government inability to apprehend the two remaining fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY); harassment of journalists, human rights advocates, and others critical of the Government; limitations on freedom of speech and religion; societal intolerance and discrimination

against ethnic and religious minorities, particularly Roma; large numbers of internally displaced persons; violence against women and children; and trafficking in persons.

During the year the Government arrested and extradited Stojan Zupljanin and Radovan Karadzic, two of the final four indictees sought by the ICTY for war crimes.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, on August 15, Ranko Panic died from internal injuries after police allegedly beat him during a July 29 pro-Radovan Karadzic demonstration. On September 16, Interior Ministry director of police Milorad Veljovic suspended six officers from Belgrade, Nis, and Novi Sad, including a senior commander, and initiated disciplinary proceedings against them for exceeding their authority during the demonstration. On November 7, the republican public prosecutor's office announced that Panic died as a result of injuries incurred during the beating and launched a joint investigation with the police to determine who inflicted the injuries. The investigation continued at year's end.

On March 21, Knjazevac municipal court President Dragisa Cvejic died from injuries suffered when a hand grenade exploded as he left his home for work. Police arrested Ivan Stojadinovic, Denis Ivanovic, and Elvis Catakovic on suspicion of involvement in the attack, but subsequently released Ivanovic and Catakovic. Police suspected that Cvejic's killing was related to his work as a judge. Stojadinovic's trial in the Zajecar municipal court was pending at year's end.

On January 18, Judge Milimir Lukic of the Belgrade District Court sentenced Milorad Ulemek, former commander of the Special Operations Unit (JSO), and three members of the Zemun organized crime group to maximum sentences of 40 years' imprisonment for a total of 18 murders, three kidnappings, and two bombings that were classified as terrorist attacks. Of the 30 initial indictees, 26 were convicted and sentenced. On August 6, Judge Lukic signed the verdict; the Office of the Special Prosecutor for Organized Crime appealed the verdict on August 27, citing violations of criminal procedure regulations and incomplete facts.

On February 8, the Special Prosecutor's Office submitted a request for further investigation into the 1999 killing of prominent independent journalist Slavko Curuvija, owner of the Dnevni Telegraph newspaper and Evropljanin magazine. In August Special Prosecutor Miljko Radisavljevic announced that he would request a formal court investigation in September, but the investigation had not begun as of year's end.

During the year authorities reviewed forensic evidence in the investigation into the 2004 deaths of Dragan Jakovljevic and Drazen Milovanovic, two guards from Belgrade's Topcider military facility. Prior to the investigation, a military commission pronounced the deaths suicides, while an independent commission determined they were murders.

The Government continued to investigate the disappearance and subsequent killing of Ylli, Mehmet, and Agron Bytyqi in 1999. The bodies of the three U.S. citizen brothers were recovered, with hands bound and gunshot wounds to their heads, in 2001 from a mass grave in rural Petrovo Selo, near a police facility. On June 9 and 10, the special war crimes court questioned police trainees and employees at the facility, as well as Slobodan Borisavljevic, General Vlastimir Djordjevic's former chief of staff. Djordjevic was head of the state security forces at the time of the killings. In July, Goran Radosavljevic, former head of the gendarmerie, also appeared as a witness. In October the special war crimes court resumed the trial of Sreten Popovic and Milos Stojanovic, two former members of the police unit accused of the killings.

On June 20, the Supreme Court sentenced 10 persons involved in the 1999 killing of four Serbian Renewal Movement members and the attempted assassination of movement leader Vuk Draskovic. Milorad Ulemek and Rade Markovic, the former head of the state security service, received 40-year sentences, while Nenad Ilic, Dusko Maricic Gumar, Nenad Bujosevic, Branko Bercek, Leonid Milivojevic, Mihalj Kertes, Dragisa Dinic, and Vidan Mihajlovic were also convicted.

The special war crimes chamber of the Belgrade District Court continued to try cases arising from crimes committed during the 1991–99 conflicts in the former Yugoslavia.

On February 8, the trial of eight police officers for the 1999 killing of 48 ethnic Albanians in Suva Reka, Kosovo resumed. On June 4, retired Yugoslav Army general Bozidar Delic testified on behalf of the defense. During September and October

the court heard testimony from crime scene investigators and local police officers. The trial continued at year's end.

On April 17, the war crimes chamber began hearing the trial in the 1991 killing of over 70 civilians in the village of Lovas, Croatia. The defendants included four former members of territorial defense units, four Yugoslav National Army (JNA) members, and six members of the "Dusan Silni" paramilitary unit. In September and October the defense put on its case. Radovan Vlackovic, a former JNA reservist, denied forcing civilians to walk across a minefield and blamed the "Dusan Silni" commander for any abuses that took place. Also in September the Supreme Court accepted a defense appeal and released one of the defendants, Jovan Dimitrijevic, from custody during the trial. The trial continued at year's end.

On April 22, the war crimes prosecutor indicted four members of the Scorpions paramilitary unit for the 1999 killing of 14 ethnic Albanians in the town of Podujevo, Kosovo; their trial began in September. A court had previously convicted Scorpions member Sasa Cvjetan and sentenced him to 20 years' imprisonment.

On May 12, the war crimes prosecutor indicted Sasa Djilerdzica and Goran Savic for war crimes against civilians in Zvornik, Bosnia and Herzegovina in 1992.

On May 26, the war crimes prosecutor indicted Boro Trbojevic for the 1991 killing of five civilians in Grubisno Polje, Croatia. The District Court in Bjelovar, Croatia previously sentenced Trbojevic in absentia to 20 years' imprisonment for crimes committed in the villages of Topolovica and Velika Peratovica. The case was one of 12 that the Croatian national prosecutor passed to the Serbian war crimes prosecutor under an agreement between the two countries regarding cooperation in prosecuting war crimes.

On June 12, the war crimes chamber issued a judgement in the Zvornik case, the first war crimes case which the ICTY partially transferred back to Serbia for adjudication. Dragan Slavkovic, Ivan Korac, and Sinisa Filipovic, members of the Yellow Wasp paramilitary group, were sentenced to 15, 13, and three years respectively for involvement in the 1992 killing of 21 Bosnian Muslims and the expulsion of 1,822 civilians in the Zvornik region of Bosnia and Herzegovina; a fourth suspect, Dragutin Dragicevic, was acquitted. On August 5, the war crimes prosecutor announced the indictment of Branko Grujic and Branko Popovic, leader of the self-proclaimed "interim government of the Serbian municipality of Zvornik." The charges included imprisonment, inhumane treatment, and the deaths of over 700 persons, 270 of whom have been exhumed from mass graves in Crni Vrh and Grbavci and identified.

On July 17, the war crimes prosecutor requested an investigation of Fatmir Limaj and 27 Kosovo Liberation Army (KLA) members in connection with the killing of 22 ethnic Serb and Albanian civilians in the Kosovo municipalities of Lipljan, Stimlje, and Glogovac in 1998. The ICTY acquitted Limaj of unrelated charges in 2005.

There were developments in the Ovcara case (also known as the Vukovar massacre). On January 21, former JNA officer and acquitted ICTY indictee Miroslav Radic testified at the retrial of 14 former Serb militia members convicted in 2005 of murder, torture, and inhuman treatment of more than 200 Croatian prisoners of war at the Ovcara farm near Vukovar in November 1991. In September a witness testified that defendant Stanko Vujanovic had control over detainees in Ovcara and that numerous trucks with 20-30 people each left the camp in the evening of November 1991.

On April 14, the war crimes prosecutor announced that the Norwegian government would extradite indicted suspect Damir Sireta to Serbia. Prosecutors alleged that Sireta participated in the Ovcara killings as a member of the Vukovar Territorial Defense unit; his trial began in December.

On August 29, the war crimes prosecutor requested the war crimes chamber of the Belgrade District Court open an investigation of U.S. citizen Peter Egner on suspicion of having committed crimes in Belgrade during World War II as a member of the Gestapo. The request accused Egner of war crimes against civilians, including genocide, related to the killing of 17,000 Serb civilians at the Staro Sajmiste concentration camp between 1941 and 1943. On September 26, the war crimes chamber granted the request and opened an investigation. The war crimes prosecutor also requested documentation from the United States that would support a request to extradite Egner to Serbia.

On September 24, the war crimes prosecutor filed a request for investigation against Sandor Kepiro for war crimes allegedly committed in Novi Sad in 1942. Kepiro, who now lives in Hungary, was suspected of participating in the killing of at least 2,000 Serbs and Serbian Jews.

On December 12, the war crimes prosecutor asked the war crimes chamber of the Belgrade District Court to order Nenad Malic taken into custody in connection with

charges that he, as a member of the Sixth Krajina Brigade of the Republika Srpska Army, committed war crimes against three Muslim civilians in Bosnia and Herzegovina in 1992. On December 19, the war crimes chamber granted the request and ordered Malic placed into custody for one month.

On December 26, special police anti-terrorist units and gendarmerie, acting on information provided by the war crimes prosecutor, arrested nine ethnic Albanian Serbian citizens accused of war crimes, including involvement in the kidnappings of 159 Serb civilians and the killing and rape of at least 51 persons in the area of Gnjilane, Kosovo between June and October 1999. On December 29, a war crimes chamber investigating judge ordered the suspects, allegedly members of the KLA's Foreign Legion branch, to be held in pretrial detention for 30 days.

b. Disappearance.—There were no reports of politically motivated disappearances.

The Government continued to make modest progress in cooperating with neighboring countries, the International Commission on Missing Persons, and other international organizations to identify missing persons from the Kosovo conflict. In September, the Humanitarian Law Center (HLC) issued a press release stating that the Ministry of Defense had begun cooperating with HLC on members of the army who were killed or went missing in Kosovo, but that the Interior Ministry had not yet responded to a request submitted for obtaining access to information on killed and missing members of the police force. During the year, the International Committee of the Red Cross (ICRC) chaired three meetings of the Working Group on Missing Persons, which included government representatives from both Serbia and Kosovo. The total number of persons still unaccounted for from the Kosovo conflict stood at approximately 1,900 at year's end. During the year, 60 cases were closed, and all bodies uncovered in Serbia were returned to Kosovo. According to the ICRC, case files of 1,250 families with family members missing as a result of the regional conflicts remained open.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

On August 4, officers in Kursumlija allegedly beat Ivica and Toni Jovanovic, two Romani brothers accused in the theft of a water meter, in an effort to extract a confession. After more than 450 Kursumlija residents signed a petition calling for an investigation, the Interior Ministry suspended three officers and initiated disciplinary proceedings. Those suspended included Inspector Miljan Komnenovic, who had been the subject of two prior brutality complaints filed by the Committees for Human Rights in Serbia (CHRIS). Those cases also remained pending. Police released the Jovanovics after arresting other suspects in the theft.

In September unidentified plainclothes police officers allegedly beat three youths in Brus. The police detained the youths on suspicion that they robbed a gas station. Eighteen-year-old A.R. suffered the most severe injuries, including a broken eardrum and numerous bruises on his body. In December CHRIS lawyers criticized the Interior Ministry for failing to identify the plainclothes officers after a three-month investigation, even though the youths provided detailed physical descriptions of the officers and stated that they spoke with a Belgrade accent. According to CHRIS, the police did not take any actions by year's end to identify the perpetrators.

On November 9, four Valjevo police officers allegedly beat and abused Goran Z., Aleksandar S., and Zarko Dj. at the Valjevo police station. On December 17, the Valjevo district prosecutor requested an investigation against Dejan R., a 29-year-old police officer, for involvement in this incident. The Valjevo police directorate confirmed the existence of a criminal complaint against Dejan R. and that he had been suspended from duty on the basis of the complaint and disciplinary procedures. The directorate initiated disciplinary procedures against the other three unidentified officers but did not suspend them.

On December 14, three police officers in Arandjelovac allegedly beat college student Nemanja Mijaljevic after he failed to obey a command to stop his vehicle at a checkpoint. Mijaljevic admitted to drinking and alleged that the police offered to dismiss drunk-driving charges if he remained silent about the beating. On December 16, Nikola Tkalec, a 72-year old neighbor, confirmed that he witnessed a group of people beating someone at the location where police stopped Mijaljevic. Interior Minister Ivica Dacic announced on December 16 that a commission from the police directorate in Belgrade had been sent to Arandjelovac to investigate and promised criminal prosecution if it was determined that officers beat Mijaljevic. On December 18, the police filed criminal charges against Dr. Svetlana Grujic, alleging that she falsified the initial medical report by stating that Mijaljevic suffered a broken rib and severe concussion when in reality he had a scraped nose.

Participants in the February 21 demonstration against Kosovo's independence declaration engaged in looting and property destruction. Police initially protected foreign embassies but then withdrew, which allowed mobs to attack the embassies, causing serious damage and the death of Zoran Vujovic, one of the protesters. Some government officials made public statements justifying and inciting violence. On February 29, prosecutors announced the filing of 44 indictments against 80 suspects in the violence. On March 1, the Belgrade District Court investigative judge initiated an investigation against Milan Zivanovic for grave offenses against general safety and aggravated larceny in connection with the embassy attacks. On June 2, Belgrade prosecutors requested investigations against 38 additional suspects for charges including aggravated larceny, joint criminal enterprise, and preventing officials from discharging official duties.

In April the District Court in Nis dismissed a June 2007 verdict against four police officers from Doljevac for the 2003 torture and interrogation of an 11-year-old girl in the village of Sarlinac and ordered a new trial, which began in July and continued at year's end. The Youth Initiative for Human Rights (YIHR) had criticized the initial sentence as far too lenient.

There was no further information available on the following 2006 cases: the police beating of Kikinda resident Mihalj Koloncaj; the series of incidents in which police inspector Tomislav Lendvai allegedly beat and sexually assaulted two residents of Subotica; and the case of the gendarmerie unit led by Mileta Novakovic that allegedly used excessive force on a crowd of rowdy basketball fans.

Prison and Detention Center Conditions.—Prison conditions varied greatly among facilities. The media reported prison overcrowding, and Damir Joka, head of the Department for the Treatment of Prisoners, stated in October that the country had 9,400 prisoners incarcerated in 28 prisons, almost double the official capacity established by his department. An additional 6,500 persons were waiting for prison placement. In some prisons inmates continued to complain of dirty and inhuman conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained in the proper handling of prisoners.

According to media reports, in 2007 nine prisoners committed suicide, 67 inmates attempted suicide, and 215 prisoners physically injured themselves as a sign of protest. There were 352 hunger strikes, and the incidence of infectious diseases and addiction increased. Prison authorities registered 6,580 substance abusers, 27 HIV positive inmates, and 1,931 cases of hepatitis B and C.

The Government permitted the ICRC and local independent human rights monitors, including the Helsinki Committee for Human Rights in Serbia (HCS), to visit prisons and to speak with prisoners without the presence of a warden. Reports from HCS and the Council of Europe's Committee for the Prevention of Torture (CPT), released in 2006, were critical of prison conditions, including poor facilities, corruption of prison officials, and mistreatment of prisoners, although HCS did note some improvements since its 2005 report. The CPT report also found that facilities lacked appropriate procedures to deal with prisoner allegations of mistreatment.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The country's approximately 43,000 police officers fall under the authority of the Interior Ministry. The police are divided into four main departments, which supervise 33 regional secretariats that report to the national government.

The effectiveness of the police was uneven. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, ethnic Montenegrins, a small number of ethnic Albanians, and other minorities. The police force in southern Serbia was composed primarily of Serbs, although there were small numbers of ethnic Albanian officers.

There were reports of police corruption and impunity, which the Government took measures to address during the year.

On December 24, the Sabac police directorate and the Belgrade criminal investigation department arrested 16 border police officers from the Gucevo border police station on charges that the officers accepted bribes from four individuals in order to facilitate smuggling of cattle across the Drina River to Bosnia and Herzegovina.

In January, the municipal court in Negotin completed an investigation against nine Kladovo border police officers, three customs officers, and one entrepreneur from Kosovo in connection with October 2007 charges that the border police allegedly received bribes and allowed customs-free transport of goods across the Serbia-Kosovo border. A trial was not scheduled at year's end.

Arrest and Detention.—Arrests were generally based on warrants, although police were authorized to make warrantless arrests in limited circumstances, including well-founded suspicion of a capital crime. The law requires an investigating judge to approve any detention over 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than five years were often released on personal recognizance.

The law provides that police must inform arrested persons immediately of their rights, and authorities respected this requirement in practice.

The law provides access for detainees to counsel, at government expense if necessary, and authorities generally respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be detained for up to six months without being charged. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays occurred regularly. Authorities frequently held such persons for the full six-month period allowed before charging them.

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.

According to press reports, just over 20 percent of the prison population was in pretrial remand. The law limits the length of pretrial detention from indictment to the conclusion of a trial to two years for most cases, but allows detention for up to four years for crimes that carry up to the maximum penalty (40 years in prison). The law sets two years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. Due to inefficient court procedures, some of which were required by law, cases often took extended periods to come to trial; once begun, trials often took a long time to complete.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary; however, the courts remained susceptible to corruption and political influence, and judicial corruption was a problem. Observers believed that judicial reform, particularly replacement of judges appointed during the Milosevic era, was essential to eliminating corruption. The 2006 constitution expanded the role played by the High Judicial Council (HJC) in the appointment of judges, and gives the parliament the right to appoint eight of its 11 members. Human rights groups and the independent Association of Judges criticized this provision for giving the parliament a controlling voice in judicial appointments and affairs. Parliament adopted implementing legislation for the HJC on December 22.

Judges and prosecutors—particularly those handling organized crime and war crimes—frequently received death threats or were subject to physical attack. On February 6, unknown assailants attacked and seriously injured Belgrade judge Milica Trbovic-Svilarevic. On March 21, an exploding hand grenade killed Dragisa Cvejic, president of the Knjazevac municipal court, outside his home. On April 15, Nebojsa Stojicic, president of the municipal court in Leskovac, discovered a hand grenade in his official vehicle. War crimes prosecutor Vladimir Vukcevic received death threats from within the country and abroad following the arrests of Stojan Zupljanin and Radovan Karadzic. Supreme Court President Vida Petrovic Skero noted that in an environment where judges have been murdered, it is very difficult for judges to effectively safeguard the rights of individuals who come before the courts.

In contrast to previous years, there were no specific reports that officials attempted to undermine politically sensitive prosecutions. During the year, however, Supreme Court President Skero stated that it was “necessary to establish responsibility for pressure placed on the judiciary by the media and politicians and to ensure that government representatives refrain from commenting on court decisions.” On November 26, the Association of Judges protested statements made during parliamentary debate of a judicial reform package. The association stated that MPs, by voicing false information and commenting on court decisions, exerted pressure on judges and created “an atmosphere akin to lynching.”

On February 29, acting chief republic prosecutor Slobodan Radovanovic announced the suspension of Zrenjanin district prosecutor Dragan Lazic on suspicion of bribery following an investigation that revealed serious irregularities in his work. Lazic reportedly delayed trials of executives of a local brick factory and received a large quantity of construction materials as bribes.

On March 10, Smederevo prosecutors indicted former Belgrade district prosecutor Rade Terzic for abuse of official authority. In late March, the Smederevo court ruled that it had no jurisdiction over the case and transferred the case to Belgrade, which

in turn appealed to the Supreme Court because Terzic had previously acted as prosecutor before the Belgrade court. In May the Supreme Court granted the appeal and ordered the case to be tried before the Smederevo court. The trial was pending at year's end.

On May 28, a Belgrade court adjourned the trial of former deputy public prosecutor Milorad Cvijovic due to Cvijovic's illness. On September 15, the court again postponed the case. On October 9, the parliament revoked Cvijovic's immunity, and he was placed in detention. Cvijovic was charged with the unauthorized appropriation of a court document from the archives of the state prosecutor's office in 2005 in order to influence proceedings in a commercial case. The trial was ongoing at year's end.

The private sector considered corruption in the commercial courts to be widespread. Land transfers often were difficult to conclude, leading many in the private sector to allege administrative corruption. It was unclear, however, to what extent these problems were due to corruption rather than bureaucratic inefficiency.

The courts were inefficient, and cases could take years to be resolved. On December 9, Justice Ministry State Secretary Slobodan Homen stated that 1,000 criminal cases had been in the courts for more than 10 years. The number of judges at the main courts was inadequate to meet the increasing caseload. During the year, Supreme Court President Skero criticized the parliament for failing to act upon the nominations of more than 100 proposed judges. A lack of professional court administration, the existence of a centralized budget for all courts managed by the Ministry of Justice, and failure to invest in professional personnel and modern infrastructure contributed to the problem. In many cases, unwieldy procedures required by the law contributed to delays.

The judicial system consists of municipal courts, District Courts, commercial courts, a Supreme Court, a Constitutional Court, an administrative court, and courts of appeal. The law also provides for special courts within the Belgrade District Court for war crimes and organized crime. The law provides for a Constitutional Court, an administrative appeals court, and a second instance appeals court to reduce the Supreme Court's caseload.

On December 22, parliament adopted a set of laws required by the 2006 constitution to regulate the courts. This judicial reform package created a new network of courts that would reduce the number of municipal courts, consolidate others, and cut the number of judges from 2,500 to 2,000. The law also requires the HJC to select new judges for all courts. While the Association of Judges criticized this provision as undermining the constitution's guarantee of life tenure for judges (unless dismissed for misconduct), other observers welcomed this step.

Trial Procedures.—Trials are generally public, but they are closed during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent, have the right to have an attorney represent them at public expense, and have the right to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. These rights were generally respected in practice.

The criminal procedure code, adopted in 2006, introduced prosecutor-led investigation, plea bargaining, and use of special investigative techniques, such as wiretaps and undercover operations, but parliament had not passed legislation to implement these changes by year's end.

The special war crimes chamber continued trying war crimes cases. According to the law, evidence gathered by special investigative techniques is admissible.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution establishes an independent and impartial judiciary in civil matters, and citizens can bring lawsuits seeking damages for or cessation of a human rights violation. Remedies generally involved monetary awards.

Property Restitution.—During the year a government commission continued to register claims of foreign owners and their successors for private property seized since 1945. The deadline for citizens to file claims expired in 2006. However, the Government made no progress toward enacting a private property restitution law or in returning property. The Government enacted a law on restitution of communal property in 2006, but it took no significant action to register claims or return communal property.

The law set a deadline of September 30 for churches and religious communities to register claims. There were 3,059 claims registered; the Government Directorate

for Restitution of Communal and Religious Property also was in contact with a number of claimants who did not file complete documentation. As of December 20, approximately 15,000 square acres of land (including woods, agricultural land, and construction lots) were returned to claimants, the largest portion of which went to the Serbian Orthodox Church. The Catholic Church received property in Pancevo and Sremska Mitrovica, while the Jewish community received approximately 5,400 square feet of apartments and business space in Belgrade.

The Union of Jewish Communities has noted that the country has not ensured the restitution of private Jewish property that was expropriated, mainly between 1941 and 1944. Its representatives also expressed concern that linking religious community restitution with individual restitution would cause delays.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions; however, the Government interfered with privacy and correspondence. While the law requires the Interior Ministry to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save people or possessions, police occasionally did not respect these provisions in practice.

In December, the Agency for Privatization published on its website and in *Politika* newspaper a list containing the full names, one parent's name, and personal identification numbers of 169,411 citizens who did not qualify to participate in the distribution of free shares in the privatization of state-owned enterprises. Rodoljub Sabic, the commissioner for information of public importance, and human rights organizations criticized publication of the information as a violation of the Data Protection Act adopted in October and citizens' right to privacy.

Most observers believed that authorities selectively monitored communications, eavesdropped on conversations, read mail and e-mail, and tapped telephones. Human rights leaders also believed that their communications were monitored.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press.—The law provides for freedom of speech and of the press; however, there were reports that the Government interfered with these freedoms. Generally, the press were not limited or prevented from criticizing the Government publicly or privately.

Parliament approves the budget of the independent Republic Broadcast Agency (RBA), which has broad authority to revoke radio and television station licenses without the right of appeal; however, it did not revoke any national broadcasting licenses during the year.

The print media were mostly independent and privately owned. The oldest nationwide daily, *Politika*, was co-owned by a German company and the Government but operated by several shareholding companies. *Politika's* reporting and editorials continued to have a progovernment slant, particularly during the May parliamentary elections.

Broadcast media were mostly independent and privately owned, although privatization of municipally owned media was not yet completed. Radio-Television Serbia (RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. RTS' coverage was generally objective, although the Government had considerable influence over RTS and public service Radio Television of Vojvodina. In addition, many television stations relied on the state-owned agency Tanjug for news. Independent news agencies BETA and FONET complained that state financing gave Tanjug unfair commercial advantage.

Binding RBA instructions required RTS to broadcast parliamentary sessions live, despite RTS' complaints that it suffered financial and advertising losses as a result. RTS' managing board stated that the order directly interfered with its editorial policy. The Organization for Security and Cooperation in Europe (OSCE) Mission in the country expressed concern that the RBA's decision was not in accordance with European media freedom standards.

Independent media organizations were generally active and expressed a wide range of views; however, some media organizations experienced threats or reprisals for publishing views critical of the Government. During the year, particularly during the preelection period and after Kosovo's independence declaration, there were increased concerns about declining professional and ethical standards and the rise of tabloid journalism.

During the year, some reporters and media organizations were victims of vandalism, bomb threats, and intimidation for coverage and portrayal of views unpopular with the Government and right-wing elements of society, such as the capture and extradition of war crimes fugitives. In July protesters attacked reporters from FoNet and B92 who were reporting on protests organized following the arrest of

Radovan Karadzic. On July 24, Bosko Brankovic, a cameraman for B92, was attacked while filming a protest and suffered a broken shin. The incident reportedly took place in the immediate vicinity of police officers who did not react, although the police later arrested Milan Savatric, Nikola Lazic, and Stefan Milicevic in connection with the attack. Their trial began in the third District Court in Belgrade in December and was ongoing at year's end.

Several journalists and reporters were injured in February during Kosovo-related protests in Belgrade. According to the Association of Independent Electronic Media (ANEM), protestors attacked Dirk Jan Viser, a Dutch reporter for Handelsblad, during protests at the U.S. Embassy. Protestors allegedly also beat two journalists from Russia Today, Andrei Fyodorov and Andrei Pavlov. The police prevented an attempted arson attack and assault on Radio Television B92.

Independent media associations criticized government officials for making statements seen as justifying assaults on the media. Following violent protests over Kosovo's independence declaration, former infrastructure minister Velimir Ilic stated that the "breaking of windows was a democratic act," while the former minister for Kosovo, Slobodan Samardzic, stated that violent incidents at Kosovo border crossings in which several journalists were attacked were "in line" with government policy.

During protests organized from July through September by the right-wing groups Obraz and 1389 in support of Radovan Karadzic, protestors on several occasions entered the Beta News Agency premises by force, demanding that their official statements be published.

Late in the year, Vukasin Obradovic, owner of the weekly *Novine Vranjske*, and his family received several death threats following the publication of articles alleging connections between a local political party and an organized crime group reportedly engaged in money laundering. Obradovic had been the target of numerous death threats in recent years.

The Government did not censor the media, but journalists sometimes practiced self-censorship due to possible libel suits and fear of offending the public, particularly on subjects relating to corruption. Human rights activists charged that they were subjects of smear campaigns in the majority of media for expressing views critical of the Government or that challenged the popular narrative regarding the country's role in the wars of the 1990s.

Libel is a criminal offense; those convicted of libel face imprisonment or fines of 40,000 to one million dinars (approximately \$720 to \$18,000).

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

On August 25, following public criticism, the telecommunications agency withdrew a proposed regulation to require Internet operators to provide state institutions access to client information as part of a system for the legal surveillance of telecommunications. Under the proposal, Internet providers would have to enable at their own expense autonomous surveillance of clients' Internet activities and reroute incoming and outgoing traffic to authorized agencies, the police, and the Security Information Agency (BIA). The ombudsman, the commissioner for information of public importance, the Lawyers' Committee for Human Rights (YUCOM), and ANEM opposed the proposal.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected it in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice; however, the Government maintained a discriminatory law on religion and a discriminatory property tax. In contrast to previous years, government officials did not criticize minority religious groups using pejorative terms.

While there is no state religion, the majority Serbian Orthodox Church continued to receive some preferential treatment.

The law recognizes seven "traditional" religious communities (the Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic community, and the Jewish community) and requires all "nontraditional" religious groups to register with the Ministry of Religion. The ministry has discretion to decide whether to grant approval to "nontraditional" groups. Many minority religious

groups which attempted to register with the ministry reported confusing and irregular procedures. Throughout the year, nontraditional religious communities and NGOs continued to advocate changing the law.

Four of the seven nontraditional religious communities denied registration appealed to the Supreme Court. On June 10, the Supreme Court ruled that the Ministry of Religion violated procedures in November 2007, when it failed to register the Montenegrin Orthodox Church, and ordered the ministry to reconsider the application. After the ministry rejected the application a second time, the Montenegrin Orthodox Church filed a new appeal, which was pending before the Supreme Court at year's end.

Tax law exempts property owned by the seven recognized traditional religious groups, although a challenge to the law was pending in the Constitutional Court at year's end. The complaint was filed 2006 on behalf of the Union of Protestant-Evangelical Churches in Serbia; there was no further information available at year's end.

Non-Serbian Orthodox religious organizations continued to report difficulty obtaining permission from local authorities to build new worship facilities. The League of Baptists in Belgrade, which conducted its services and other activities in an old building it purchased to use as a church, reported that the municipal authority continued to refuse, without explanation, a permit to renovate the building. The Romanian Orthodox Church continued to receive no response to its permit request to build a monastery in Vojvodina.

The law requires students in primary and secondary schools either to attend classes of one of the seven traditional religious communities or take a civic education class. Leaders of religious groups excluded from the program continued to express dissatisfaction at the Government's narrow definition of religion. The appointment of new religious teachers-supporters of the Belgrade-based Islamic Community of Serbia-in elementary schools in Tutin and Sjenica, provoked protests from the Novi Pazar-based Islamic Community in Serbia that the teachers were unqualified.

Unlike in previous years, there were no reports that government officials made pejorative public statements against small religious groups.

The Government Directorate for Restitution of Communal and Religious Property continued to accept and process property restitution claims from the traditional and registered nontraditional religious communities. The directorate accepted a total of 3,059 property restitution claims, the largest number of which came from the Serbian Orthodox Church. Some property was restored to the Serbian Orthodox Church in the Dioceses of Backa, Zica, and Srem. Some communities had difficulty assembling the required documentation to submit claims. The Union of Jewish Communities and other religious groups protested the use of 1945 as a baseline, since their properties were largely confiscated from 1941-44.

Societal Abuses and Discrimination.—There were a few cases of physical and verbal attacks against religious minorities.

On July 8, in the town of Bor, citizens prevented further construction of a Jehovah's Witnesses temple.

During the first week of August, unidentified individuals twice sprayed graffiti with nationalist symbols and vulgar messages about Jehovah's Witnesses on the Kingdom Hall in Sremska Mitrovica.

On November 17, the Christian Adventist Church reported that unknown perpetrators had damaged four vehicles in the courtyard of its church in Belgrade the previous day. The church also reported that "hate messages" had been written on the walls of Adventist churches in Kragujevac, Leskovac, Jagodina, and Sivrac during October and November and called on the Ministry of Religion, other religious groups, and the international community to condemn the attacks. The church reported the damage to its vehicles to the police, which conducted an investigation. There were no arrests as of the end of the year.

There was no further information available on the March 2007 attack on Jehovah's Witnesses missionaries in Stari Banovci or the June 2007 stabbing of Zivota Milanovic, a Hare Krishna follower in Jagodina.

Religious communities, especially minority religious communities, reported continuing vandalism of buildings, cemeteries, and other religious sites. NGOs criticized authorities for their slow or inadequate response. On November 26, Deputy Religion Minister Dragan Novakovic told Forum 18 that he regretted that most attacks on religious communities were prosecuted as minor offenses such as disturbing the peace instead of as incitement of hatred, which carried more severe penalties.

The press, mostly tabloids, continued to label smaller, multiethnic Christian churches, including Baptists, Adventists, Jehovah's Witnesses, and other smaller religious groups, as dangerous "sects." A number of right-wing youth groups referred

to nontraditional religious communities as sects posing a threat to Orthodox Christian society in the country.

The Jewish community comprised an estimated 3,000 persons. Jewish leaders reported continued incidents of anti-Semitism, including anti-Semitic graffiti, vandalism, small circulation books, and Internet postings. Bookshops widely sold books with anti-Semitic content. Several booksellers at the annual Belgrade Book Fair in October displayed "The Kingdom of the Hazars," an anti-Semitic work by the Serbian author Dejan Lucic. Right-wing youth groups and Internet forums continued to promote anti-Semitism and use hate speech against the Jewish community.

In January police filed criminal charges against several neo-Nazis, including their leader Goran Davidovic, for violent behavior and spreading racial hatred during an unauthorized rally in Novi Sad in October 2007.

Holocaust education was incorporated into the school curriculum, and the role of the Government in the Holocaust was also discussed. There was a tendency among some commentators to minimize and reinterpret the role of national collaborators' movements from the World War II period and their contribution to the Holocaust in Serbia.

During the year the Islamic community remained divided along political lines. One group aligned itself with a newly established local Riyaset in Belgrade, and the other retained its traditional ties to the Riyaset in neighboring Bosnia and Herzegovina. Both communities blamed the Ministry of Religion for the conflict within the Islamic community and for violating the law by allowing both communities to register. Occasional violence between the communities continued throughout the year. On March 7, after the main weekly prayer in the Tutin mosque, supporters of the rival communities clashed, with one person injured by gunfire. Several clashes over mosques in Prijepolje and Novi Pazar resulted in physical attacks on supporters of the communities and police intervention. The Islamic Community in Serbia, led by chief mufti Muamer Zukorlic, held elections on all levels in June and July. The Islamic Community of Serbia, led by Reis Adem Zilkic, did not recognize the elections.

For a more detailed discussion, see the 2008 International Religious Freedom Report.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Internally Displaced Persons (IDPs).—According to UNHCR figures, approximately 205,842 IDPs resided in the country, mainly Serbs, Roma, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), Gorani, and Bosniaks (Slavic Muslims) who left Kosovo as a result of the 1998–99 conflict. Approximately 4,041 IDPs remained in 57 official collective centers and 998 in 31 unrecognized collective centers. Although the Government continued to close collective centers, many IDPs remained in minimally habitable facilities that had been constructed as temporary accommodations rather than for long-term occupancy.

Without an official IDP card, individuals were not able to access IDP services. The Government allowed IDPs access to assistance from NGOs and international organizations.

The Government continued to pay minimum wage salaries, including social and pension contributions, to IDPs who were in the Kosovo government and state-owned enterprises before June 1999 and who were not currently employed. IDPs who found another job permanently lost eligibility for government assistance. The Government investigation into the eligibility of IDP recipients for such payments was ongoing at year's end.

The law requires residents to record changes of residency and to appear in person at the place of prior registration to remove themselves from the registry. IDPs from Kosovo who lacked personal or residency documents from Kosovo were unable to deregister from their Kosovo addresses and register at a new address in Serbia. Without an authorized local address in the country, individuals were ineligible for health insurance, social welfare, and public schools. NGOs provided legal assistance to IDPs to register residency.

There were 22,104 officially registered Romani IDPs in the country. However, the UNHCR estimated that there were a total of 40,000 to 45,000 internally displaced Roma living in the country, many of whom presumably lacked personal documents necessary to register as IDPs. Many Roma displaced from Kosovo were assumed to have been Serb collaborators during the Kosovo conflict and could not safely return. While some Romani IDPs lived in government-supported collective centers, living conditions for Roma (both local and IDPs) were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived in unauthorized encampments near major cities or towns.

While government officials continued to make public statements that IDPs should return to Kosovo, senior government officials also claimed that it was unsafe for many to return. IDP returns to Kosovo slowed; approximately 540 individuals who had been living in displacement in Montenegro, Serbia, and Macedonia returned to Kosovo during the year.

Protection of Refugees.—On April 1, a new asylum law went into effect. The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection for refugees. The new law's definition of statelessness complies with the 1954 Convention on the Status of Stateless Persons. As of April 1, the Government assumed from the UNHCR responsibility for refugee status determination (RSD) and for care of asylum-seekers and refugees from outside the territory of former Yugoslavia. The Government registered 52 asylum seekers after the law went into effect, compared to 25 during the first four months of the year. The Government rendered six RSD first instance decisions, all of them negative, during the year.

In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Asylum seekers had freedom of movement in the country after establishing their identity and filing an application for asylum. They were eligible for public assistance, including accommodation and food, but they did not have the right to employment until recognized as refugees through an RSD.

On December 22, the Commissariat for Refugees officially assumed control of the country's sole asylum center from UNHCR. The center had capacity for approximately 90 persons. The commissariat was also responsible for status determination and care of refugees from the former Republic of Yugoslavia.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers and provided temporary protection (refugee status on *prima facie* basis) to individuals from former Yugoslav republics who may not qualify as refugees under the 1951 convention and its 1967 protocol. The refugee status of individuals from the Socialist Federal Republic of Yugoslavia continued to be regulated under the 1992 Decree on Refugees. The Government and the UNHCR estimated that 96,466 refugees from Croatia and Bosnia and Herzegovina resided in the country, while the Government estimated approximately 400,000 former refugees who were naturalized, but not socially and economically integrated into the country. There were 1,295 refugees living in 57 official collective centers and 607 in unrecognized collective centers.

Stateless Persons.—The basis for citizenship is *jus sanguinis*, and there were no de jure stateless persons. The UNHCR estimated that there were up to 17,000 de facto stateless persons in the country, mostly due to a cumbersome and lengthy citizenship registration process. Lack of information, administrative fees, difficulty obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity made it difficult or impossible for some to register. These problems disproportionately impacted Romani, Ashkali, and Egyptian communities, particularly IDPs, although they also affected others who were destitute and living in isolated areas.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—The country held presidential elections on January 20 and February 3 and parliamentary and municipal elections on May 11. The OSCE and other election observers, including domestic organizations, judged these elections mostly free and fair. Ethnic Albanian parties participated in the parliamentary elections for the second straight year after 15 years of boycotts.

Political parties generally operated without restrictions or outside interference. However, in its final report on the May 11 parliamentary elections, the OSCE Limited Election Observation Mission noted that some aspects of the campaign went beyond the acceptable limits for a democratic society, in particular when death threats to senior officials were reported. The mission reported that this culminated with the display, in Belgrade, of a large number of posters that could be interpreted as suggesting the assassination of top state officials.

There were 56 women in the 250-seat parliament. The speaker and three of six parliamentary vice presidents were women. There were five women in the 27-member cabinet. The law on elections of members of parliament requires parties' election lists to include at least 30 percent women, and political parties participating in the May elections observed this requirement.

The constitution and law exempt ethnically based parties from the five percent threshold required for a political party to enter parliament. However, the Government did raise the number of signatures required to register a minority party list from 3,000 to 10,000. Minority party representatives, in particular ethnic Albanians, criticized this change but ultimately were able to collect the requisite number of signatures. In the May parliamentary elections, minority parties and lists received a combined 3.9 percent of the vote. Seven members of national minorities, including ethnic Hungarians, Bosniaks, and Albanians, were elected to parliament. Two members of ethnic minorities, both Bosniaks, were in the 27-member cabinet.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels.

Many public officials are subject to financial disclosure under the conflict of interest law; however, the Republic Board for Resolving Conflicts of Interest may only recommend dismissal for failure to file reports, not based on the contents of the reports it receives. The board has no authority or means to investigate the substance of the information reported. Board Head Slobodan Beljanski announced on October 15 that his committee received only 3,100 property disclosures from former and current state officials following the May parliamentary elections, although the law required some 20,000 officials to submit reports.

During the year authorities made some new arrests for corruption and continued the prosecution of high-profile cases from previous years. While the Government's anticorruption council frequently made public statements and granted interviews, the body had no legal standing and had only an advisory role. The council discussed irregularities in the privatization of the Belgrade port.

On October 23, the parliament approved a law to establish a new anticorruption agency, an independent state body that reports to the parliament. The agency was charged with implementing the national anticorruption strategy and overseeing issues related to conflict of interest and financial disclosure. The new law also provides for criminal sentences of six months to five years, fines, and prohibitions on holding public office for failure to submit disclosures or submission of false information.

There were reports of authorities failing to act in response to detailed reports of suspected corruption. There were no reports of high-profile politically motivated investigations.

On June 5, Belgrade police announced the arrest of a 53-year-old tax inspector, Ratka V., on the suspicion that, on April 22, she solicited a bribe of 55,000 euros (approximately \$78,000) from the owner of a public company in Obrenovac.

On September 26, police arrested Commercial Court judge Zeljko Munjiza and lawyer Nemanja Jolovic in connection with the bankruptcy of the BIM Slavlija company. The Belgrade district prosecutor charged Munjiza, whose immunity the parliament stripped in an emergency session, and Jolovic, already a defendant in the prominent "bankruptcy mafia" case, with corruption and abuse of power for allegedly conspiring to defraud BIM Slavlija of approximately 65 million dinars (approximately \$1.2 million) during bankruptcy proceedings.

On October 1, police, in cooperation with the special prosecutor for organized crime, arrested 11 people in Zrenjanin on charges of abuse of office, forging public documents, and bribery. Suspects included Zrenjanin Mayor Goran Knezevic, head of the Urban Planning Department Nikola Halas, Vojvodina Assembly Democratic Party deputy Bratislav Tomic, Zrenjanin Tourist Organization director Milan Milosev, and several private businessmen. The group allegedly defrauded Zrenjanin municipality of approximately 3.5 million euros (approximately \$5 million) by allotting to selected businessmen the most attractive parcels of construction land at low prices. The businessmen then sold the parcels at much higher prices. According to

press reports, Halas admitted under questioning that he accepted a 10,000 euro (\$14,150) bribe from a local investor, but Knezevic and the other defendants denied the allegations.

On October 7, police arrested Branko Gligoric, former manager, and Verica Dujovic, former finance director, of the Official Gazette public company on suspicion that they defrauded the company of 180 million dinars (approximately \$3.3 million) by signing contracts and making investments without government consent. According to police, Gligoric and Dujovic failed to conduct requisite due diligence before entering into a number of contractual relationships from 2002–06.

On October 27, the court issued its fourth postponement of the trial of Dejan Simic, former vice governor of the National Bank of Serbia, and Socialist Party of Serbia director Vladimir Zagradjanin, indicted for bribery. Simic allegedly accepted 100,000 euros (\$141,500) in exchange for agreeing to register the Credit Export Bank. The trial remained pending at year's end.

In July, Goran Kljajevic, former president of the Belgrade commercial court, and judge Delinka Djurdjevic became the last of 29 defendants standing trial on charges of bribery, abuse of office, and illegal bankruptcy in the "bankruptcy mafia" trial to be released from detention. The Supreme Court ruled the defendants no longer presented a risk to flee, destroy evidence, or influence witnesses while standing trial. The Government accused the defendants of operating a scam in which the commercial court would declare enterprises bankrupt and the Postal Savings Bank would provide cheap loans to favored businessmen to buy the enterprise's assets at a below-market price. The trial was ongoing at year's end.

On May 26, Savetije Jovic, one of 53 defendants in the "highway mafia" case, committed suicide in Nis. He was the third defendant in this matter to commit suicide since 2006. Prosecutors accused the defendants of using false payment cards and illegal software on two major tollgates from 2004–06, resulting in a loss of approximately 6.5 million euros (\$9.2 million) in state revenue. The trial resumed on May 28 and continued throughout the year.

Three officers who prepared the police report against Ljubomir Geric and three other former executives of the public power utility Elektroprivreda Srbije, were either demoted or forced into retirement. Geric and the other executives had been charged in connection with agreements between the utility and two trading companies from 2001–04 that led to the loss of millions of dollars from the state budget. The prosecutor's office had not filed a request for investigation as of year's end.

On June 30, Mihalj Kertes, former head of the Customs Service during the Milosevic era, pleaded not guilty to fraud and embezzlement charges. The case, part of the ongoing "Cyprus money laundering" investigation of former Milosevic officials, continued as of year's end.

Government implementation of the 2004 access to information law continued to be slow, and the Government generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner, selected by parliament, to handle appeals when government agencies reject requests for information. According to a 2006 report by Transparency International, 81 percent of local institutions, 67 percent of public enterprises, and 35 percent of ministries were failing to fulfill their obligations under the access to information law, even as requests for information tripled between the end of 2005 and the end of 2006. NGOs reported that their requests for information from the Government frequently went unanswered. On December 22, the commissioner for information of public importance criticized BIA for failing to provide information as required by law; he also singled out the Infrastructure Ministry and the Petroleum Industry of Serbia for their lack of compliance.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, these groups were often subjects of harassment, threats, and libel suits for expressing views critical of the Government or contrary to nationalist views of Kosovo, the ICTY, and the wars of the 1990s. Prominent human rights groups included HCS, the HLC, YUCOM, the Fund for an Open Society, YIHR, and the Belgrade Center for Human Rights.

Following Kosovo's independence declaration, some media and right-wing groups launched campaigns targeting the most prominent human rights NGOs and their activists for their opinions on Kosovo's status. On February 22, for example, YUCOM activists received threatening phone calls. Police inspectors investigated the case but did not make any arrests. A number of Web forums called for fighting

“national traitors” and “burning the witches” (a reference to a group of prominent female human rights activists) and posted activists’ home addresses and other personal information on blogs. Throughout September and October daily newspapers Pravda and Kurir, weekly Tabloid, and weekly magazine Pecat published a number of articles targeting HCS head Sonja Biserko for criticism, which contributed to a hostile atmosphere toward human rights advocates in general.

On February 27, Infrastructure Minister Velimir Ilic gave a statement to media claiming the Government “could not defend people who advocate that Kosovo is not ours from being beaten up by somebody who came from Kosovo.” On February 28, a group of 44 NGOs expressed concern that Ilic’s statement appeared to condone verbal or physical attacks against anyone in society with differing opinions.

On September 30, a group believed to be Serbian Radical Party members protesting against the arrest of Radovan Karadzic drew a swastika in front of the HCS office. This incident came shortly after the release of HCS’ annual report on the human rights situation in Serbia in 2007 generated controversy and media attacks. The group forcibly entered the building housing HCS but did not attempt to enter the organization’s offices. On October 6, two persons accosted and threatened Sonja Biserko as she approached her home. Belgrade police responded quickly and promised additional patrols, but the investigation did not produce any arrests and police did not act upon an HCS request for enhanced protection following these incidents. HCS also criticized the lack of a government statement condemning the attack on its office.

On December 1, activists from the right-wing group 1389 marched to YUCOM’s office and demonstrated for 30 minutes in an attempt to deliver a letter criticizing YUCOM’s head Biljana Kovacevic-Vuco for her role in “dismembering the Serbian state.” In response, YUCOM issued an open letter to President Tadic, Prime Minister Cvetkovic, and Interior Minister Dacic calling on the Government to “take adequate measures against bullies who have been harassing the citizens of Belgrade and especially representatives of NGOs.”

There were no further developments in the January 2007 attack on Violeta Djikanovic and Milos Urosevic of the NGO Women in Black, the January 2007 attack on YIHR activist Radojica Buncic, or the July 2007 attack on youth members of My Initiative.

Sasa Jankovic continued to serve as national ombudsman, giving periodic public statements on issues of concern. Vojvodina province had its own ombudsman, who operated independently during the year. According to the Ministry of Human and Minority Rights, 14 of the country’s 169 municipalities had an ombudsman.

During the year the Government arrested and extradited Stojan Zupljanin and Radovan Karadzic, two of the remaining four indictees sought by ICTY. Two ICTY suspects, Ratko Mladic and Goran Hadzic, remained at large, and ICTY continued to insist on their arrest.

While the law prohibits the extradition of any person with Serbian citizenship, it allows for an exception in cases of extradition of citizens to the ICTY.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, discrimination against women and ethnic minorities, trafficking in persons, and violence against women and children were problems. During the year, the Government reinstituted a Ministry for Human and Minority Rights, elevating its status and fulfilling the demand from the NGO community that human and minority rights be represented at the ministerial level.

Women.—Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates suspect that only a small percentage of rape victims reported their attacks, fearing reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women’s groups reported that sentences were often too lenient.

Violence against women was a problem, and high levels of domestic violence persisted. Domestic violence is a crime punishable by up to 10 years’ imprisonment. The law provides women the right to a restraining order against abusers. Such cases were difficult to prosecute due to lack of witnesses and evidence and unwillingness of witnesses or victims to testify. In a 2006 World Health Organization study, two-thirds of physically abused women reported that they did not seek help because they thought such abuse was normal or not serious. The few official agencies dedicated to coping with family violence had inadequate resources. The NGO community played an active role in combating violence against women. Osvit, a Nis-based NGO, continued to operate a Romani language telephone hotline for women who were victims of domestic violence or abuse.

A report by several Romani NGOs released in April 2007 found that, of the half of the respondents who would discuss domestic violence, over 75 percent reported experiencing verbal or physical abuse. The respondents said that police did not act to protect them and that they were excluded from some state-funded safe houses.

The Serbian Victimology Society reported in 2006 that one-third of women have been victims of physical violence and half of women have been victims of psychological violence. According to the Magistrates Association of Serbia, domestic violence was significantly underreported and the problem was widespread and usually long-lasting. Violence frequently became a way of life in a country where contributing factors such as financial dependence, cramped living quarters (multifamily living arrangements were common), and the lack of support from extended family were prevalent.

Prostitution is illegal, although being a client of a prostitute is not a criminal offense.

Sexual harassment was a common problem, but public awareness remained low and few complaints were filed during the year. The law provides that sexual harassment is a crime punishable by up to six months' imprisonment for a simple case and up to one year's imprisonment for abuse of a subordinate or dependent.

Women have the same legal rights as men, including under family law, property law, and in the judicial system, and these rights were generally enforced in practice. The Government's Council for Gender Equality worked during the year with NGOs to raise public awareness of gender equality problems.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. In these areas, it was common for husbands to direct the voting of their wives.

The social status of women was generally considered inferior to that of men, and women were not well represented in commerce. Women were legally entitled to equal pay for equal work; however, according to statistics in the draft National Strategy for Improving the Status of Women quoted at a roundtable in October, women's average wages were 16 percent lower than those of men, there were 54 percent more women unemployed than men, and only 21 percent of women occupied management positions. The Government's Bureau of Statistics reported in November that women earn an average of 1,400 dinars (approximately \$25) less per month than men.

Children.—The Government was committed to the rights and welfare of children. In October, Rasim Ljajic, minister for labor and social policy, stated that 155,000 children lived in poverty, while approximately 161,000 children received some kind of social assistance. He added that children from the refugee community and Romani families were in the most difficult position with almost 60 percent of Romani children living in non-hygienic settlements and 46 percent not having a meal every day. Ljajic also reported that in 2007 government institutions registered 1,640 cases of child neglect, emotional, and physical violence against children.

Romani families experienced some difficulties registering the births of children, mostly due to a lack of permanent address or documentation of parents' identity.

While the educational system provided nine years of free, mandatory schooling, including a year before elementary school, ethnic prejudice, cultural norms, and economic distress discouraged some children, particularly Roma, from attending school. According to an August 2007 government report, 95 percent of children started elementary school on time and 76–86 percent of secondary school-age children attended school. The report noted, however, that school attendance was significantly lower among children from vulnerable groups, including Roma and poor populations. Only 14.4 percent of children in rural areas attended preschool.

Romani education remained a problem. Many Romani children, especially girls, did not attend primary school; reasons included family objections, lack of identity documents, judgments by school administrators that they were unqualified, and societal prejudice. According to an Open Society Institute report presented in October, only two percent of Romani children were in preschool, while fewer than 40 percent attended primary school. In some cases, children who attended school sat in separate Roma-only classrooms or in a group at the back of regular classes. Few teachers were trained in the Romani language, and many Romani children did not learn to speak Serbian. Some Romani children were mistakenly placed in schools for children with emotional disabilities because the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. In October the Ministry of Education announced the introduction of assistant teaching positions for Roma in pre- and primary schools.

While the law provides that government clinics offer free medical care, including free medicines from a limited list of covered drugs, there were reports that corruption resulted in restricted access to medication for some. Romani children often were not vaccinated.

Child abuse was a problem. In December a representative of the Government council for children's rights reported that government centers for social assistance across the country continued to see a rise in child abuse and neglect within families; 22 percent of such cases documented by the centers included physical violence. According to the Poverty Reduction Strategy Report, reported cases of family violence rose in 2006. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police generally responded to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims, and there was an incest trauma center. There was increasing incidence of peer-abuse among children.

Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average; boys generally married a few years later than girls. Child marriage was most common among Muslim Ashkali, most of whom were displaced from Kosovo.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked through, to, within, and from the country.

Serbia was a transit point and a point of origin and destination for trafficking in women and children. Domestic trafficking increased compared to previous years, and the number of domestic victims identified was much higher than foreign victims. To a lesser extent than in previous years, Serbia was a transit point for women trafficked to Western Europe. East European and Central Asian countries were the primary source countries for persons trafficked to and through Serbia. Minors comprised approximately 40 percent of all identified victims. Victims were trafficked for commercial sexual exploitation, labor, begging, forced marriage, and adoption.

Roma, poor rural families, and persons who lacked identification documents were at the highest risk of being trafficked. In 2006 the Ministry of Labor, Employment, and Social Policy and the NGO Children's Rights Center released results of a survey that showed Romani children and children from poor, rural communities and foster families were at the highest risk for child labor abuse, including begging, theft, prostitution, dealing narcotics, and hard physical labor. Some Romani children were trafficked within the Romani community and to Roma abroad for exploitation in begging and theft rings.

Traffickers tended to be part of small crime groups with international links. In the majority of cases, friends or family members facilitated contact between traffickers and victims.

Traffickers recruited victims through enticements including advertisements for escorts, marriage offers, and offers of employment. Some women went to work as prostitutes knowingly and only later became trafficking victims. Authorities reported increased use of the Internet and mobile text messaging as a method of recruiting victims.

The Government continued funding antitrafficking programs. Early in the year, a new law introduced a mandatory, supplemental postage stamp to generate revenue for antitrafficking activities. The agency for coordination of protection of victims disbursed income from the stamps to NGOs that provided direct assistance to victims.

The criminal code differentiates between trafficking and smuggling. The penalty for trafficking in persons is two to 10 years in prison; for trafficking minors, the penalty is a minimum of three years; if the act of trafficking resulted in death, the penalty is a minimum of 10 years; if it involved serious physical injury, the penalty is three to 15 years; if there were multiple acts of trafficking or if perpetrated by an organized group, the penalty is a minimum of five years.

During the year authorities filed more than 30 criminal charges against persons for trafficking. Government officials estimated that the number of unidentified cases was increasing. Antitrafficking groups worked with trafficking victims, including 55 victims identified during the year. The police initially referred 40 of the victims for identification, while NGOs and other groups referred the remaining 15.

The Government cooperated in combating trafficking with neighboring countries, including Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Bulgaria, Romania, Greece, and Ukraine. However, the law prohibits extradition of citizens, including

dual nationals (except to the ICTY for war crimes), and the Government did not extradite any citizens who were accused of trafficking in other countries.

In May a court commenced the trial of Senad Palamar, the former public prosecutor in Novi Pazar, and 12 others for running a trafficking and prostitution ring. Palamar allegedly failed to investigate or report victims of trafficking forced to work as prostitutes at a night club in Novi Pazar and allegedly sexually abused those victims. Twelve defendants were convicted and received sentences ranging from one to eight years, although Palamar and two policemen were released on time served.

On October 25, the Interior Ministry reported the arrest of Nebojsa Vojnic, a Subotica police officer, on charges that he facilitated the trafficking of 18 Albanian and Macedonian citizens into Hungary. Police accused Vojnic of accepting a payment of 3,600 euros (approximately \$5,100) to transport the illegal immigrants from Subotica to the Hungarian border. Police also arrested Redzep Aliaj, the alleged organizer of the trafficking ring, and Dejan Tikvicki, accused of housing the immigrants in Subotica.

On November 6, police in Novi Pazar arrested 33-year-old Elvir Jasarevic on charges that he, Edvin Jasarevic, Mithat Bisevec, and Veljko Stankovic operated a trafficking and prostitution ring from 2006 through June. There was no further information available at year's end.

On November 19, the Government appointed Interior Ministry official Mitar Djuraskovic to be the new coordinator of the National Team to Combat Trafficking in Persons, filling a position vacant since the December 2007 retirement of the previous coordinator. The Government's antitrafficking team incorporated government agencies, NGOs, and international organizations and led government antitrafficking efforts. The organized crime police force included a full-time antitrafficking unit, and the border police force had a full-time office to combat trafficking and alien smuggling. The Government assisted in international investigations of human trafficking and participated in regional antitrafficking operations.

The Government offered temporary resident visas to foreign victims, regardless of their willingness to testify against their traffickers. It also provided victim and witness protection, and did not prosecute victims.

The Government agency charged with coordinating victim protection worked to ensure that trafficking victims were correctly identified and referred to assistance providers. Every police station had a focal point for human trafficking to provide rapid response and assistance to possible victims. Separate shelters for domestic and foreign trafficking victims operated during the year. During the year, 35 victims were accommodated in two shelters and the Center for Children without Parental Care. The NGO Astra and the Interior Ministry operated hotlines for trafficking victims. NGOs, government agencies, and volunteers provided legal, medical, psychological, and other assistance to victims. The NGO Atina operated a long-term reintegration program for victims.

The International Organization for Migration (IOM) maintained funds for repatriation of foreign victims. During the year the NGO Atina also had limited repatriation funds.

The IOM and the OSCE funded training programs for police and social welfare officers.

Government and NGO public awareness efforts to combat trafficking included conferences on trafficking and awareness raising campaigns. Astra launched an awareness campaign entitled Naked Facts, and Atina and IOM took part in a televised antitrafficking campaign.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government generally enforced the law. However, lack of access to older public buildings and public transportation was a problem. The law mandates access for persons with disabilities to new public buildings, and the Government generally enforced this provision in practice.

The Center for Independent Living (CIL), a disability rights NGO, reported that most persons with disabilities lived isolated from their communities and that facilities for their education and care were nonexistent or inadequate.

Unemployment remained a serious problem for persons with disabilities. According to government estimates presented by the National Employment Service in November, only 21,000 out of 700,000 people with disabilities were employed. A lack of workplace accommodations, combined with overall high unemployment, made it difficult for persons with disabilities to obtain work. While there were no reports of overt discrimination against persons with mental or physical disabilities, CIL reported that it was difficult to determine if there was discrimination in employment because employers usually gave other reasons for not hiring persons with disabilities.

ities. A study released by the Center for Development of Inclusion and the Center for Study of Alternatives in 2006 found that 87 percent of persons with disabilities were unemployed. The study also found that a greater percentage of women with disabilities were dependent on public assistance compared to men with disabilities. In December the minister for labor and social policy reported that 70 percent of persons with disabilities lived in poverty, while 50 percent relied on various forms of government assistance for survival.

In a report released in February 2007, the HCS found that psychiatric hospitals in the country often provided inadequate living conditions and that staff lacked training to deal with these cases. Most institutions were large facilities, isolated from the community. Many patients stayed in institutions for 10 or 20 years because there were no other options. Rights of psychiatric patients are not protected either by law or regulation. The HCS reported that some patients were involuntarily confined in locked wards longer than was medically warranted and that abuses of treatment, such as lengthy physical immobilization, could occur.

In November 2007 Mental Disability Rights International (MDRI) released a report on government facilities for the mentally disabled. The report, titled "Torment, Not Treatment," criticized the facilities for inadequate hygiene and treatment of patients. The report also cited a lack of training for personnel and lack of oversight of their activities, resulting in abuses of patients. MDRI gave examples of patients tied to their beds continuously. The Social Affairs Ministry objected that, while the report was partially accurate in its description of the worst institutions, the conditions were not so extreme at all facilities.

National/Racial/Ethnic Minorities.—An April 29 European Commission against Racism and Intolerance (ECRI) report on the country noted the existence of a climate of hostility toward national and ethnic minorities, who constituted 25 to 30 percent of the country's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Roma, who constituted 1.4 percent of the population, continued to be the most vulnerable minority community. Roma were targets of verbal and physical harassment from ordinary citizens, police violence, and societal discrimination.

On August 4, police in Kursumlija allegedly beat Ivica and Toni Jovanovic, two Roma accused in the theft of a water meter, in an effort to extract a confession. The police released the Jovanovics after arresting other suspects in the theft.

On October 29, police arrested Darka M. from Pozega and Milos M. and Vladan M. from Lajkovac on criminal charges stemming from an attempt to burn a Turkish flag on the main square in Cacak. Police charged the three with inciting national, racial, or religious hatred and intolerance against Muslims.

In May the Pozarevac District Court confirmed the decision of a lower court in Veliko Gradiste to pay damages to a Romani minor who was the victim of sexual harassment.

There was no further information available in the following 2007 cases: the January spray-painting of 30 Romani homes in the village of Medja in Leskovac municipality with swastikas and anti-Roma graffiti; the February attack by a group of Serbs on the president and several members of the Democratic Association of Roma in Belgrade; and the series of attacks in August on Roma in Belgrade, including destruction of homes, assaults, and hate speech graffiti.

Many Roma continued to live illegally in squatter settlements lacking basic services such as schools, medical care, water, and sewage facilities. Some settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized. During the year Belgrade authorities continued to suspend demolition of a settlement on privatized land until they could locate alternative housing. Several attempts to resettle the Roma failed when residents of the designated resettlement areas protested.

In June the country assumed the presidency of the 11-country Decade of Roma Inclusion. The Government named improvement of housing conditions and abolition of discrimination in education as priorities. In early September Osman Balic, the coordinator of the League for the Decade of the Roma, noted that public institutions continued to discriminate against Roma and appealed to the president and speaker of parliament to improve the situation.

In October and November the Ministry of Human and Minority Rights, with support from the United Nations Development Program (UNDP) and Deputy Prime Minister Bozidar Djelic, organized public hearings in Kragujevac, Nis, Novi Sad, and Belgrade to discuss government strategies for advancing the status of Roma. In October Minister for Human and Minority Rights Svetozar Ciplic announced the start of a project that would allow Roma to register birth and other vital records

free of charge. The state budget passed on December 29 allocated 1.2 billion dinars (approximately \$218 million) to improving the position of the Romani minority, an amount ten times the sum set aside previously. The deputy prime minister announced that priority would be given to resolving housing problems and programs aimed at countering discrimination in the educational system.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities in Vojvodina, including ethnic Hungarians.

Following Kosovo's independence declaration in February, a group in Sombor distributed free bread to citizens in front of Albanian- and Gorani-owned bakeries to dissuade citizens from buying in those shops. The windows of several bakeries were broken. The district prosecutor filed a request for investigation into acts that fueled racial, religious, and national hatred, but there was no further information available.

In May YUCOM reported that unknown individuals spray-painted graffiti on a Muslim-owned house in Palic that called for ethnic-based violence and the banishment of non-Serbs. Local police officials ordered the homeowner to remove the graffiti and forbade local officials from photographing it.

In September a series of videos appeared on the YouTube web site calling for the assassination of Nenad Canak, the leader of the League of Vojvodina Social Democrats (LSV). Canak called for police to investigate the threats and arrest the author, but there was no police investigation as of year's end.

On October 27, passers-by discovered graffiti, including a swastika and the numbers 18 and 88 (a code representing the initials for Adolph Hitler and "Heil Hitler"), at the monument at the Novi Sad quay in memory of the January 1942 raid in which Hungarian Nazis killed and threw into the river over 1,300 Jews, Roma, and ethnic Serbs. NGO representatives and political parties, including the Democratic Party, G17 Plus, and the LSV condemned the graffiti and demanded an investigation and arrest of the perpetrators. The Liberal Democratic Party also called for a ban on neo-Nazi and anti-Semitic organizations.

The law allows official use of any native language and alphabet of a national minority with 15 percent of the population in a given area. In August municipal authorities in Priboj rejected proposals from local opposition parties to introduce the Bosniak language and Latin script into official use, even though the population was 23 percent Bosniak according to the 2002 census. Many linguists considered Bosniak and Serbian to be dialects of the same language, and the Latin script is used widely throughout the country.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain about underrepresentation of ethnic Albanians in state institutions at the local level. An ethnic Albanian coalition took part in the May parliamentary elections, leading to the election of one Albanian parliamentarian. Other Albanian political parties decided not to support the coalition and abstained from elections.

On August 29, the Government appointed Minister of Public Administration and Local Self-Government Milan Markovic to head the Coordinating Body for Southern Serbia, which coordinates policy and assistance to the region. Ethnic Albanian leaders welcomed the appointment, but a government decision to stop recognizing diplomas issued by Kosovo universities after 1999 resulted in local Albanian political leaders boycotting the work of the coordinating body. On October 30, the Government reversed its decision, but cooperation between Albanians in South Serbia and the coordinating body remained a problem at year's end.

The Government took some steps to counter violence and discrimination against minorities. It operated a hotline for minorities and others concerned about human rights problems.

As an alternative to religion courses on the "traditional" religions, the Government offered students the option of attending a civic education class that included information on minority cultures and multiethnic tolerance.

During a protest organized by the Anti-Fascist Campaign on October 11, police arrested more than 30 supporters of a neo-Nazi organization who came to counter-demonstrate. The Interior Ministry did not issue a permit for either group to gather. On October 13, Belgrade police filed various charges against supporters of the neo-Nazi organization, including criminal charges stemming from an attack in which demonstrators threw rocks and other objects at police.

On October 21, the Cacak District Court sentenced Darko Obrenovic, Milan Milosavljevic, Nikola Cvetkovic, and Mladen Ikonc to prison sentences ranging from 10 to 18 months in connection with the March 7 beating of Ghanaian soccer player Solomon Opoku. Dragan Dragovic received a six-month sentence for threatening a witness. Following a soccer match in Cacak, the defendants confronted Opoku with racial slurs and then attacked and beat him.

On November 14, the Cacak District Court sentenced Dragan Dragovic, Slobodan Gostiljac, and Jovica Ristic each to six-month prison sentences and handed down suspended four-month prison sentences to 23 other fans of the Borac soccer team for inciting national, racial, and religious hatred and intolerance. The convictions stemmed from a 2006 incident in which the fans donned white Ku Klux Klan-like hoods and shouted racial slurs at Michael Temwanjira, a Borac player from Zimbabwe.

Other Societal Abuses and Discrimination.—Violence and discrimination against homosexuals was a problem. A comprehensive survey of societal perceptions of homosexuality and attitudes towards the lesbian, gay, bisexual, and transgender (LGBT) population, conducted in February and March, showed that the dominant opinion was that homosexuality is a disease and represents a threat to society. Several Serbia-based Neo-Nazi web sites and Facebook pages hosted anti-LGBT forums and groups.

During the Eurovision song contest in May, the right-wing youth group *Obraz* organized squads that patrolled Belgrade to protest against the “street conference of gay-lesbian groups.” The group stated it would not tolerate any public promotion of “evil,” but there were no reported incidents.

On September 19, a group of approximately 20 youths wearing surgical masks and hoods attacked participants in a gay rights festival in Belgrade. Several participants suffered minor injuries, while an U.S. citizen suffered a broken arm and concussion. According to press reports, the police reacted swiftly, arresting two of the attackers and filing criminal charges. There was no further information available at year’s end.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, some media carried slurs against homosexuals. A commentary published in May in the daily *Politika* attacked the LGBT presence at the Eurovision contest; a number of gay and human rights organizations criticized the commentary as hate speech. On June 2, the Belgrade-based *Kurir* tabloid published an interview, titled “With Dynamite for Faggots,” with Predrag Radetic, who was arrested on May 21 while attempting to enter a party of Eurovision guests and contestants while strapped with explosives.

On December 11, representatives of the NGO *Queer Life* released a statement calling for the Government to respond to anti-gay placards posted throughout Belgrade on December 10. The posters, authored by the right-wing organization *Nasi*, used crude and offensive language to criticize a Ministry of Culture grant awarded to *Queer Life* to develop its web site. The NGO statement also called for *Nasi* to be banned as an organization that incites hatred and intolerance.

On December 23, the NGO *Gay Straight Alliance* (GSA) issued a statement welcoming the first-ever court decision punishing threats against members of the gay community. Belgrade city magistrate Snezana Aleksic fined B.P. from suburban Rusan 10,000 dinars (approximately \$180) for sending numerous text message threats to GSA activist L.P. in April. GSA however criticized the police department in the Palilula district of Belgrade for its unwillingness to accept a complaint from L.P. and also highlighted that police in the city’s New Belgrade district had yet to investigate threats against GSA head Boris Milicevic reported by the group in October.

NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. NGOs and some health workers also reported that some medical workers discriminated against persons with HIV/AIDS. In 2007 the NGO *Sunce* stated that fear of discrimination prevented many persons from seeking testing, and, as a result, the actual number of HIV-positive persons in the country was as much as ten times greater than the 2,088 reported HIV cases. Health Ministry research on groups at risk from contracting HIV indicated that there was a need to adopt a code to regulate treatment of individuals with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law and constitution provide the right for workers, except military and police personnel, to join or form unions of their choosing. This right was subject to restrictions, including approval by the Labor Ministry and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement. The state-affiliated Confederation of Autonomous Trade Unions of Serbia (CATUS), a federation of unions formed during the country’s socialist period and supported by the Milosevic regime, outnumbered independent labor unions in the public sector. However, independent trade unions were able to organize and address management in state-owned companies on behalf of their members. In the state-owned sector, 55 to

60 percent of workers were unionized while in the private sector 13 to 15 percent were unionized. In newly privatized companies, up to 35 percent of workers belonged to unions.

The law and constitution allow unions to conduct their activities without interference, and the Government protected this right in practice.

The law and constitution provide for the right to strike except by persons providing essential services such as public utilities, radio and TV broadcasting, food production, healthcare, education, social services, military and intelligence services, work in the chemical, steel, and metals industries, and the postal service. Essential service employees constituted more than 50 percent of the workforce and had to announce planned strikes at least 10 days in advance and ensure that a "minimum level of work" was provided. Workers exercised the right to strike. On December 17, for example, after two brief work stoppages, over 300 workers at the Nevena chemical factory in Leskovac began a general strike to demand back wages.

Three publicly-owned companies from Southern Serbia sold workers' vacation resort properties and distributed the proceeds only to members of the state-affiliated trade union federation.

b. The Right to Organize and Bargain Collectively.—The law protects the right to organize and bargain collectively, and it was exercised freely in practice. The law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must have 15 percent of company employees as members. In order to negotiate with the Government, a union must have 10 percent of all workforce employees as members. Collective bargaining agreements covered approximately 40 percent of employed workers.

In April, almost three years after the previous agreement expired, the Government concluded a new general collective bargaining agreement with CATUS and independent trade union Nezavisnost. The agreement outlined general workers' rights such as annual and sick leave as well as employment benefits. The agreement expanded the scope of collective bargaining to include all employees and employers in the country, regardless of participation in trade unions or employers' associations. Trade unions and companies generally were pleased with the new agreement and its expanded scope. However, the onset of the global financial crisis postponed the agreement's entry into effect.

The law does not prohibit antiunion discrimination. According to the trade union Nezavisnost, during the year there were cases of discrimination against trade unions and violations of workers' rights. According to the NGOs Felicitas and the Center for Democracy, the most common workers' rights violations were work performed without an employment contract; nonpayment of salary, overtime, and benefits; employers withholding maternity leave allowances; discrimination based on sex and age; discrimination against disabled persons; unsafe working conditions; and harassment. Workers fired for union activity have the legal right to reinstatement. According to Nezavisnost, there were no cases of workers fired for union activity during the year.

There are no special laws or exemptions from regular labor laws in the three export processing zones created in 2007.

c. Prohibition of Forced or Compulsory Labor.—The law and constitution prohibit forced and compulsory labor, including by children; however, women and children were trafficked for commercial sexual exploitation, labor, and begging.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively enforced laws protecting children from exploitation in the workforce; however, there were reports that children were trafficked for commercial sexual exploitation, labor, and begging. In villages and farming communities, younger children commonly worked in family businesses. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Families often forced Romani children into manual labor and begging or trafficked them abroad to work in begging or theft rings.

The minimum age for employment is 15, and youth under 18 require written parental or guardian permission for employment. The labor law stipulates very specific working conditions for youth, and limits their workweek to 35 hours. Penalties include fines of up to 780,000 dinars (approximately \$14,100).

The Labor Ministry's Labor Inspectorate checked for child labor during its inspections; however, the ministry stated it found no violations during the year. According to Felicitas and the Center for Democracy, there were no examples of children working in factories. The ministry also included prevention of child labor in its regular child and family protection programs.

e. Acceptable Conditions of Work.—The Social Economic Council set the minimum wage for the period between July and December at 13,572 dinars (approximately \$250) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, there was generally effective enforcement of the minimum wage due to trade union monitoring. This was not the case in smaller private companies where employers were either unwilling or unable to pay minimum wages and mandatory social benefits. These companies often employed unregistered workers. Most unregistered workers did not report labor violations because they feared losing their jobs. The minimum wage was established in a transparent and tripartite manner. The Labor Inspectorate is responsible for enforcing the minimum wage.

The average monthly salary in December was approximately 38,626 dinars (approximately \$569) or 1,288 dinars (\$18.97) per day or 161 dinars (\$2.37) per hour. The average salary was not adequate for a worker and family to live comfortably but covered expenses for average monthly consumption. In contrast to previous years, wage arrears were no longer reported to be substantial and widespread.

The standard workweek of 40 hours was generally observed in state-owned enterprises, but not in private companies. The law provides that an employee may not work overtime for more than four hours a day or for more than 240 hours in a calendar year. For an eight-hour workday, one 30-minute break is required. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the labor inspectorate also has enforcement responsibilities. The inspectorate had mixed results enforcing labor regulations due to a variety of factors, including politics and corruption.

It is mandatory for companies to establish a safety and security unit to implement safety and security regulations; however, in practice, these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment.

On September 5, the Jagodina District Court issued the country's first workplace harassment conviction even though there is no specific law against creating a hostile work environment. The court sentenced Zoran Milovanovic, editor of the weekly *Novi Put*, to four months in prison and two years probation for harassing Ivana Delic-Jankovic, a *Novi Put* journalist.

SLOVAK REPUBLIC

The Slovak Republic, with a population of approximately 5.4 million, is a multiparty parliamentary democracy led by a prime minister and a 150-member *Narodna Rada* (National Council). The head of government, Prime Minister Robert Fico of the social democratic *Smer Party*, was elected for a four-year term in 2006. President Ivan Gasparovic, the head of state, was elected for a five-year term in 2004. Both elections were free and fair. Six political parties, three of which comprise the governing coalition, sit in the National Council. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Notable human rights problems included some continuing reports of police mistreatment of Romani suspects and lengthy pretrial detention; restrictions on freedom of religion; corruption in the judiciary, local government, and government health services; violence against women and children; trafficking in women and children; and societal discrimination and violence against Roma and other minorities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

In February the Banska Bystrica Regional Court found seven former police officers guilty of torture and inhuman treatment in connection with the 2001 death of

a Romani man in police custody. The man died while handcuffed to a radiator; the official autopsy revealed injuries to vital organs caused by fist and nightstick blows, kicks, and other forms of physical abuse. Two of the officers were sentenced to eight-and-a-half years in prison, and the other two received sentences between four and seven years.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and the law prohibit torture and other cruel, inhuman, and degrading treatment or punishment, and the Government generally respected these provisions in practice.

Nongovernmental organization (NGO) sources and members of the Romani community cited a continuing trend of mistreatment of Romani suspects by police officers during arrest and while in custody. The Council of Europe's Committee for the Prevention of Torture (CPT) released an inspection report in 2006 that noted significant allegations of mistreatment of detainees by law enforcement agencies, including slaps, punches, kicks, or blows with hard objects such as batons. In a "notable proportion" of cases the victims were Roma.

Police continued to provide special training on Romani culture and language to police officers working in districts with Romani communities in the Kosice and Presov regions. The Bratislava branch of post-secondary schooling for police also offered an elective course in Romani language and culture.

Prison and Detention Center Conditions.—Prison conditions generally met international standards; however, overcrowding continued to be a problem. The Government permitted visits by independent human rights observers.

In 2007 the minister of justice allocated additional funds for prison facility upgrades resulting in a decreased prison occupancy rate, from 102 percent in 2006 to 76 percent of capacity, with only three facilities over capacity. Despite this improvement, a prison official stated that more time and funding would be required to implement all of the necessary modifications.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—The national police has sole responsibility for internal and border security and reports to the Ministry of Interior (MOI). The head of the police force reports directly to the minister of interior, who has the authority to recall any member of the police. Human rights observers believed that police were occasionally reluctant to accept the testimony of witnesses, particularly Roma, women, and homeless persons, and often failed to promptly and thoroughly investigate cases involving Roma and other minorities.

Instances of police corruption and misconduct were reported, primarily the extortion of bribes during traffic stops. Headed by a director who reports directly to the minister of interior, the Bureau for the Inspection Service of the Police Corps is responsible for investigating police abuses. Cases may be initiated by, among others, the inspection service, the Police Corps, the police's organized crime unit, and individual citizens.

The most common charge brought against police officers was abuse of power. Other charges included battery, assault, and illegal intrusion into private homes. In November 2007 two police officers and one former police officer were convicted for the on-duty 2006 murder of a businessman in Polomka. One of the officers, who bargained for a reduced sentence, admitted that a business associate of the victim ordered the murder. The primary assailant received a 25-year sentence, while the other two received sentences of between five and 10 years.

There were some indications that impunity was a problem, as evidenced in the ongoing case of Radoslav Puky, a Slovak citizen of Romani origin. In 2004 Puky's body was found in a Trebisov canal following his disappearance during a police operation. A CPT investigation indicated that police took only perfunctory action to investigate reports of police assault against Puky. In March 2007 the Constitutional Court dismissed a new complaint filed by the League of Human Rights Activists on behalf of the Puky family. The league subsequently submitted the case to the European Court of Human Rights (ECHR), where it was pending at year's end.

Human rights training remained on the curriculum at police training facilities.

Arrest and Detention.—The constitution and the law stipulate that a person can be taken into custody only for explicit reasons and must be informed immediately of the reasons for detainment. A written court warrant is required for arrest. The court must grant a hearing to a person accused of a crime within 48 hours (or a maximum of 72 hours for "serious cases," defined as violent crimes, treason, or other crimes with a sentence of at least eight years) and either release or remand the in-

dividual. Detainees have the right to consult with an attorney immediately and must be notified of this right. The Government provides free counsel to indigent detainees. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody. The authorities respected these provisions in practice.

There was a bail system in place that functioned effectively. Attorney visits were allowed as frequently as necessary. The law allows monthly family visits upon request.

Criminal court procedures mandate that the total time of detention (pretrial plus trial) cannot exceed 12 months in the case of minor offenses, 24 months for regular crimes, 36 months for severe crimes, and four years for crimes in which the expected sentence is more than 25 years. In addition, pretrial detention cannot account for more than one-half of the total detention time. In cases with extenuating circumstances, the Supreme Court may extend pretrial detention to four years. Delays in court procedures and investigations frequently led to lengthy detentions during both the pretrial and trial periods. According to 2007 statistics, pretrial detainees accounted for approximately one-third of the total prison population and were held on the average for 125 days at the District Court level and 399 days at the regional court level. Ten percent of detentions at the District Court level and 51 percent of detentions at the regional court level were longer than one year.

The law allows plea bargaining, which reduced the backlog of court cases. During 2007, 4,428 cases were resolved by plea bargaining, compared with 1,833 cases in 2006.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, problems with corruption and inefficiency in the judiciary continued.

Cases are generally first heard in the District Courts; appeals are made to the eight regional courts. The Supreme Court, consisting of 70 active judges, is the highest court of appeals and the court of last resort in all civil and most criminal cases. The constitutional court, with 13 judges serving 12-year terms, is independent of the Ministry of Justice and rules on cases regarding the constitution and international treaties, considers cases in which constitutional provisions are in conflict, and hears complaints about violations of basic rights and freedoms; its decisions cannot be appealed to the Supreme Court. The Judicial Council, a constitutionally recognized independent body of lawyers and judges, makes decisions regarding disciplinary actions, administrative issues, and appointments of judges. The special court hears cases of official corruption and those related to high-ranking government and political figures and organized crime. The court's decisions may be appealed to the Supreme Court, which has thus far upheld every verdict. Military courts hear criminal cases concerning soldiers, police, prison guards, and related government security services. Military courts also have jurisdiction in cases involving civilians suspected of treason during time of war. Military courts provide the same rights as the regular court system.

With the exception of the constitutional court, courts employed a computerized system for random case assignment to increase transparency. Nevertheless, public skepticism toward the court system remained widespread.

Trial Procedures.—BY law persons charged with criminal offenses are entitled to fair and public trials and have the right to be informed of the charges against them. However, NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. Defendants enjoy a presumption of innocence, have the right to refuse self-incrimination, and may appeal adverse judgments. They are also presumed innocent during the appeals process, meaning that a person found guilty by a court does not serve his imposed sentence nor pay any fine until the final decision on his appeal is reached. The law does not provide for jury trials. A panel of three judges is obligatory in criminal cases and in civil cases at the regional court and Supreme Court levels. Defendants have the right to be present, consult in a timely manner with an attorney (at government expense if indigent), access government-held evidence, confront witnesses against them, and present witnesses and evidence on their own behalf.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—Citizens have unrestricted access to an independent judiciary to bring lawsuits in civil matters including human rights violations. Courts that hear civil cases were subject to the same delays as criminal courts and were often perceived as being corrupt. Administrative remedies are avail-

able in certain cases. The National Center for Human Rights has the authority to provide mediation for cases of discrimination and to represent claimants in court.

The Office of the Public Protector of Rights (ombudsman) determined that 877 of the approximately 14,000 complaints received in the past six years constituted violations of the rights of the claimants, most of which involved delays in court proceedings of five or more years. The ombudsman's office began providing free legal services throughout the country by holding traveling legal clinics in cooperation with individual municipalities. The clinics assisted 5,200 individuals during the year.

The ECHR issued seven rulings during the year against the country based on the "reasonable time" requirement for civil and criminal proceedings under the European Convention on Protection of Human Rights.

Property Restitution.—The law provides citizens an opportunity to apply for the return of land confiscated by the state between 1948 and 1989. Since the passage of the property restitution law of 1991, 48,518 claims have been filed. As of December 2007, 39,369 of these claims had been resolved through land return, land awards, or financial reimbursement. Under the property restitution law of 2003, 34,287 claims were filed, of which 14,340 were resolved (which includes land return, awards, or financial reimbursement) through December 2007. A lack of historical documentation prolonged the process and prevented many cases from being resolved.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Police must present a warrant before conducting a search or within 24 hours afterwards.

Romani advocacy groups pressured the Government to acknowledge and compensate victims for past involuntary sterilization practices on Romani women in public health facilities. Patients are legally required to submit written requests at least 30 days before sterilizations are performed; however, criminal charges cannot be filed for offenses that took place prior to 2005, when the law took effect. No victims of involuntary sterilization or sterilization without informed consent received financial redress for sterilization in the country's court system.

According to the NGO Poradna (Center for Civil and Human Rights), which helped alleged victims prepare cases, several civil court cases have been filed, and in 2007 the Presov regional court decided against the plaintiff.

Two forced sterilization civil suits that predate the 2005 law were filed at the ECHR in 2004. Both were still pending at year's end. In one case three Romani women claimed that they were sterilized without informed consent. In 2006 the Constitutional Court ruled that regional level prosecutors had violated the constitution and the European Convention on Human Rights by improperly closing the investigation of the original claim, and it awarded each of the claimants 50,000 koruna (approximately \$2,380). The court instructed the prosecution to reopen its investigation in 2007, but the investigation did not yield any new results. The NGO representing the victims filed another appeal to the Constitutional Court, which was pending at year's end.

In the second case, eight Romani women, who suspected they had been sterilized without their knowledge, filed a case with the ECHR when hospitals allegedly denied them access to their medical records. Four of the women subsequently received access to their medical files, and at least one discovered she had been sterilized. The remaining four women continued to be denied access to their medical records despite a government decree. In May 2007 the Ministry of Health informed Poradna that the women's medical records were lost.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and the law provide for freedom of speech and of the press; while the Government generally respected these rights in practice, it sought to limit actions of extremist groups.

The law prohibits the defamation of nationalities, which is punishable by up to three years in prison, and denying the Holocaust, which carries a sentence of six months to three years.

The independent media were active and expressed a wide variety of views without restriction, although state-owned television and wire services were subject to political influence by the Government. There were reports that directors of Slovak Public Television exerted pressure in the news department to provide favorable coverage of governing coalition events and activities.

Members of government took several actions that observers believed were intended to pressure the media to curtail reporting critical of the Government.

In September the Bratislava District Court adjourned the trial of Prime Minister Robert Fico's libel suit against the publisher of the weekly *Trend*. Fico filed the suit in response to the cover story "Thief of Your Future Pensions" published in *Trend* in September 2007. The article reported on efforts of the Fico government to roll back pension reform introduced under the previous government.

In February two journalists from the weekly *Zurnal* were charged with leaking classified information and fined 15,000 koruna (approximately \$714) by the National Security Office. Journalists from several leading media outlets declared this an "absurd" limitation of the press. On July 30, prosecutors dropped the case.

On July 29, the Constitutional Court refused the newspaper *Pravda's* appeal of the February 2006 regional court ruling ordering it to apologize and pay damages of four million koruna (approximately \$190,500) to a former Supreme Court chairman and the current minister of justice for news stories and cartoons alleging judicial corruption.

On June 1, a new media law went into effect that requires publishers to print responses to any "statement of fact that impinges on the honor, dignity, or privacy of a natural person, or the name or good reputation of a legal entity." The law requires publishers to print replies on the same numerical page and space as the original article, regardless of whether the original statement was factually correct. Journalists and publishers opposed the law because it could force them to print official government responses without the opportunity for a counterresponse. Miklos Haraszti, the Organization for Security and Cooperation in Europe's representative on freedom of the media, regretted the law's adoption and said, "Instead of handling the right to correction or reply in compliance with the standards, Slovakia is forcing its media to become subject to political give and take. This goes against the country's international commitments to protect the freedom of its media."

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mails; however, police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. The law defines hate speech as speech that publicly threatens an individual or group based on nationality, ethnicity, race, skin color, or that publicly incites the restriction of rights and freedoms of such an individual or group. Individuals and groups could otherwise engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally available across the country.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution and the law provide for freedom of assembly, and the Government generally respected this right in practice.

In December 2007 the Banska Bystrica regional court sentenced five neo-Nazis to probation of three to six months for propagating an ideology that suppresses the rights of others and riotous conduct during a September 2006 rally in Turecka.

Freedom of Association.—The constitution and the law provide for freedom of association, and the Government generally respected this right in practice. However, the law requires organizations to pay a nominal registration fee and stipulates that those registering as foundations have "substantial" financial resources of 180,000 koruna (approximately \$8,571) to operate. In August 2007 the MOI denied Juzanska Rada (Southern Council for Self-determination) registration on the grounds that the organization's calls for separate self-governance structures for Hungarians in southern Slovakia were unconstitutional.

c. Freedom of Religion.—The constitution and the law generally provide for freedom of religion; however, the law prevents smaller religious groups from registering. Catholicism was the dominant religion due to the number of adherents and received larger state subsidies; however, there is no official state religion.

In May 2007 the Government amended the religious registration law to require that religious groups must provide signatures of 20,000 citizens or permanent residents who are adherents of the faith in order to register officially. The law previously required the signatures of 20,000 citizens, not specifically adherents. Registered groups received state subsidies for clergy and office expenses and were permitted to proselytize in prisons and hospitals and to conduct legal marriage ceremonies. There were 18 registered religious groups in the country. No unregistered religious group had sufficient membership to meet the new requirements for registration.

Leaders of smaller religious communities, particularly Muslims, but also some Protestant denominations, the Hare Krishna community, and the Church of Scientology, complained that the membership requirement for registration effectively barred them from obtaining official status, although these groups experienced no restrictions on assembly and worship.

The law requires public elementary school students to take either a religion or an ethics class. The law also allows government-funded religious schools to remove material inconsistent with church beliefs from their curricula.

In November the cabinet approved a penal code amendment that would toughen penalties for extremist acts. The amendment was pending with the parliament at year's end.

The MOI officially disbanded the far-right organization Slovenska Pospolitost in November, after issuing the organization a warning that it was under investigation five days earlier. Pospolitost's spokesman asked for an explanation from the Government and said that he believed the decision was illegal. NGO observers commented that the ministry did not follow the legal procedures and that the action indicated that the Government could disregard the law in the name of rooting out extremism.

Societal Abuses and Discrimination.—There were reports of societal violence and discrimination against religious groups; however, the Government made efforts to prosecute offenders and conducted programs to prevent it.

Organized neo-Nazi groups, estimated to have 500 active members and several thousand additional sympathizers, promoted anti-Semitism and harassed and attacked other minorities, including Roma. Jewish community leaders expressed concern that some media coverage in the country exhibited anti-Semitic undertones. Jewish community leaders and 2001 census data estimated the size of the Jewish community at approximately 3,000 persons.

In August three teenagers (ages 16 to 18) were caught vandalizing the Velka Ida Jewish cemetery near Kosice. They damaged 12 gravestones and a rabbi's mausoleum. The 18-year-old faced a possible sentence of two years in prison, while the two younger boys faced a possible sentence of one year each. The trial remained pending at year's end.

In September the National Council held a special session to debate the political opposition's recall effort of minister of justice Harabin, who was accused of having business ties to a narcotics trafficker. Harabin told opposition parliamentarian Daniel Lipsic that his inquiry reminded him of the "behavior of certain Nazis, who had Jewish ancestors and managed to participate in the killing of innocent children, women, and old men in concentration camps, just to prove their loyalty to fascism," and asked "What is the difference between Goebbels and Lipsic?" Human rights groups, Jewish groups, and opposition groups criticized Harabin's statements as anti-Semitic and organized an anti-Fascism rally in Bratislava in the week following the special session. Prime Minister Fico publicly distanced himself from Harabin's statements, and stated that there was no room for anti-Semitism in his government.

In January 2007 two young men were arrested and charged with defamation against an ethnic group; the men shouted Nazi slogans at the Bratislava rabbi and his son as they were leaving a synagogue. The case was pending trial at year's end.

The 2006 trial of seven neo-Nazis in Kosice charged with possession of illegal weapons and propagating an ideology that suppresses the rights of others was postponed.

While direct denial of the Holocaust was not common, expressions of support for the World War II-era Slovak fascist state, which deported tens of thousands of Slovak Jews, Roma, and others to their deaths in German concentration camps, occurred during the year. Extreme right-wing groups, such as Slovenske Hnutie Obrody, regularly praised the wartime fascist state and denied its role in the Holocaust. Slovenske Hnutie Obrody and similar groups linked their Web sites to those of Matica Slovenska, a cultural heritage organization that received significant state subsidies, and reproduced articles from Slovenska's newsletter.

The Nation's Memory Institute (UPN), which provides access to previously undisclosed records of the Slovak regimes from 1939–89, was attacked by the Slovak National Party (SNS) Chairman, Jan Slota. In April Slota introduced a motion to abolish the UPN, effective January 2009. Slota's proposal was rejected by all other political parties, and in May Slota withdrew the proposal from the National Council. Several of the UPN's researchers, claiming the UPN had lost its independence under the leadership of SNS appointee Ivan Petrasky, left the UPN during the year.

The MOI actively pursued violent extremist groups, and police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. The Government also continued implementing its action plan to fight discrimination, racism,

xenophobia, and anti-Semitism. During the year the Government organized educational programs on minority and human rights issues. High school and university curricula promoted tolerance, and students could also compete in annual essay contests that focused on human rights issues.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government had an established system for providing some protection to refugees. However, the Government granted very few asylum seekers refugee status, and the asylum law gives officials broad authority to reject applicants based on technical errors in their applications.

In practice the Government provided protection against the expulsion or return of refugees to countries where their lives of freedom would be threatened.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 39 individuals from January to August; 185 individuals were rejected. The law provides for temporary protection, classified as “tolerated residence,” which is granted if asylum is denied and the individual is not eligible for deportation to his or her country of origin due to administrative problems or fear for the person’s safety.

The Government accepted refugees from third countries and provided basic facilities and services to encourage integration. Language training and work permits were available for refugees and asylum applicants with extended stays.

In September 2007 the Government, the UNHCR, and the local NGO Human Rights League signed an agreement to monitor border and airport activities in an effort to assist asylum and refugee seekers by providing a more efficient system for processing claims and making counseling and advocacy services available to applicants. The agreement was also designed to improve monitoring of illegal immigration and trafficking. The UNHCR reported that the tripartite cooperation was generally effective; however, the Government on occasion delayed notification of UNHCR and NGO representatives, and individuals were occasionally returned to Ukraine before they are able to receive assistance.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In June 2006 citizens voted six political parties into the National Council in free and fair elections. Three of the six parties then formed the governing coalition. While election observers reported instances of localized vote buying in Romani communities in the eastern part of the country, they noted that it had no impact on the final election results.

Political parties operated without restriction or outside interference. A political party must receive at least 5 percent of the ballots cast to enter the National Council. In the 2006 elections, voters had the option to mark a preferential vote for an individual candidate on a political party list in addition to voting for a party.

There were 29 women in the 150-seat National Council, 36 women on the 70-seat Supreme Court, and one woman in the 16-member cabinet.

The law prohibits collecting information on ethnicity, and it was not possible to determine the number of members of minority groups in government. No member of the cabinet claimed minority status. The party of the Hungarian coalition held 20 seats in the National Council. Some ethnic Romani individuals and parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service, and no Roma were in the National Council. The absence of a Romani political party was cited by some activists as a reason that the minority failed to gain any seats in the parliament, important government positions, or even the attention of mainstream Slovak parties.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was a problem, and cases of corruption were reported in the legislative and executive branches.

NGOs reported several instances of corruption by high-ranking ministerial appointees. During the year a group of governing coalition parliamentarians, led by Movement for a Democratic Slovakia Party chairman Vladimir Meciar, campaigned for the dissolution of the special court. In February they delivered a motion to the Constitutional Court, arguing that the existence of the special court should be allowed only in wartime or other similarly extraordinary situations. The motion remained pending with the constitutional court at year's end.

In January minister of defense Frantisek Kasicky resigned after the discovery that he authorized overpayment by as much as 10 times to public tenders for cleaning services and snow removal.

In July minister of environment Jaroslav Izak resigned. Izak provided subsidies from the Environmental Fund to private individuals, which the prime minister stated violated the ethical principles of his government.

In December Branislav Macaj, the head of the telecommunications regulatory agency, was fired by a parliamentary vote at the request of the minister of transportation, post, and telecommunications, Lubomir Vazny, for allegedly delaying adoption of digital television standards. Macaj subsequently charged that the digital television strategy favored by the coalition's leading party was unduly influenced by financial interests behind two domestic television networks. That strategy aimed to preserve existing market shares for broadcasters, whereas Macaj's plan was to admit more competition as a condition for broadcasters to participate in new market offerings.

In September 2007 police began a criminal investigation of the NGO Privilegium on the grounds that it had failed to pay almost 2.5 million koruna (approximately \$119,000) in payroll taxes associated with government contracts in recent years. The minister of labor and social affairs worked at Privilegium before joining the cabinet in 2006. The investigation remained ongoing at year's end.

Government officials were subject to financial disclosure laws; however, the parliamentary committee that received such information did not have the authority to prohibit specific activities based on any identified conflict of interest.

The MOI is responsible for developing the Government's overall strategy for combating corruption, with a specific focus on investigation and enforcement. The special court for corruption is responsible for most prosecution efforts. The general prosecutor, who is appointed by the parliament and independent of the executive and judicial branches, also plays a leading role in prosecuting corruption. The Office of the Slovak Republic, which answers to the prime minister, also plays a role in developing anticorruption legislation and regulations.

The law provides public access to government information; however, NGOs cited a need for greater public awareness of the responsibility of government to provide information. A few local government offices denied information requests without justification or left them unanswered.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views, although NGOs reported that at times government officials seemed to view their activities with suspicion or mistrust.

In February the Government withdrew a draft NGO law that sparked much public debate and generated significant press attention for its provisions that would effectively eliminate the legal basis for some watchdog organizations and curb the activities of international NGOs in the country.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the Government effectively enforced these prohibitions in practice. However, violence against women and children, trafficking in persons, and discrimination against minority groups were problems. In April the anti-discrimination law was amended to include "temporary balanced actions," or affirmative action. All government agencies are required to create special favorable conditions for groups who are victims of discrimination, including but not limited to employment, education, and vocational training.

Women.—The law prohibits rape, including spousal rape. Although the Government enforced the law effectively, rape was a problem and was underreported. In 2007 there were 22 convictions for rape. Rape victims had access to shelters and counseling offered by NGOs and government-funded programs.

Domestic violence against women also continued to be a problem. The law prohibits domestic violence; however, it was widespread, and activists claimed that the Government did not enforce the law effectively. A joint study performed by the Ministry of Labor, Social Affairs, and Family (MLSAF) and the Public Policy Institute (IVO) concluded that one of every five Slovak women is a victim of domestic violence. In October the parliament passed a law providing police with greater tools to combat domestic violence; the law allows police to prohibit suspected offenders from re-entering the domicile where the victim resides for 48 hours after an incident is reported. In 2007 there were 457 incidents of domestic violence reported and 246 persons convicted for it. The law provides stricter sentences for violence directed toward members of the same household and allows for continued criminal prosecution even when a spouse drops charges. Domestic violence is punishable by two to 12 years' imprisonment. Domestic violence often was underreported due to the social stigma associated with being a victim; crime statistics did not adequately reflect the extent of the problem. The minister of labor, social affairs, and family produced a widely viewed "Stop Domestic Violence against Women" public information campaign from November 2007 to May 2008 with the support of NGOs and the Council of Europe.

Prostitution is legal, but related activities, such as operating brothels, knowingly spreading sexually transmitted diseases, or trafficking in women for the purpose of sexual exploitation, are prohibited. There was no reliable data on the extent of prostitution.

The law does not prohibit sexual harassment, and there were no statistics available to measure the frequency or severity of the problem. Women and men are equal under the law, including family law, property law, and in the judicial system; however, discrimination against women remained a problem in practice. The equal opportunity office in the MLSAF worked in an advisory capacity to ensure the legal rights of women, and has a particular department responsible for gender equality and equal opportunities. Experts believed that reported wage differences were due to large numbers of women working in low-paid occupations, such as in education or social services. According to the Ministry of Labor, the wage gap is due to the high participation of women in low-paid professions such as healthcare, education, social work, and light industry and low participation of women in higher-paid management positions. NGOs continued to push for increased opportunities for the political participation of women.

Children.—The Government was committed to children's rights and welfare; the MLSAF and the Ministry of Education oversaw implementation of the Government's programs for children.

While education is universal, free through the post-secondary level, and compulsory until the age of 16, Romani children exhibited a lower attendance rate than other Slovak children. Although Romani children comprised nearly 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the normal range of intellectual capacity. In many "special" schools, the registered student body was nearly 100 percent Roma. Regular schools in the same communities had very few Romani students, especially at the secondary school level. A special school education did not provide Romani children the necessary knowledge on to higher education institutions, which also do not accept special school certificates as evidence that students meet entry criteria.

In July Amnesty International (AI) released a report on school segregation in the town of Pavlovce Nad Uhom. AI found that 99.5 percent of the pupils in the town's "special" school were Romani students, some of whom were previously functioning at an acceptable level in the mainstream elementary school prior to their transfer. AI also found that Romani parents were offered cultural and financial incentives (through the provision of motivational scholarships to high-performing children at the special school, regardless of the presence of a mental handicap) to send their children to what was locally known as the "gypsy" school. Following AI's report the Government conducted an investigation of enrollment procedures at the special school and found that only 21 of the 57 new pupils admitted in 2007 had been properly assessed; 12 of the 57 students were transferred back to the mainstream school in February, a number that AI believed should have been much higher.

An increasing number of NGOs, including the League of Human Rights Activists (LPR), trained Romani children from special primary schools to help them transfer

to regular schools. As a result of the LPR program, 24 children in Trnava entered regular schools in the 2006–07 school year, and 45 children entered regular schools in Zlate Klasy in the fall of 2007.

Child abuse remained an underreported problem according to child advocates. The Government continues to increase training programs to reduce the instance of child abuse and implemented a publicity campaign to raise awareness of the issue. A number of children's foundations operated programs for abused and/or disabled children and the UN Children's Fund (UNICEF) continued to operate a hot line for children.

In June 2007 the MOI, UNICEF, and corporate contributors announced a new program to search for lost or runaway children, estimated at 700 nationwide, and to provide assistance to families of these children.

Child prostitution is prohibited; however, according to the UN, it remained a problem in Romani settlements with the worst living conditions. Most of the perpetrators were other Roma.

There were approximately 7,500 children in institutional care, the majority of whom were Roma. Most government orphanages were long-term care facilities rather than short-term residences. Activists claimed that orphans had difficulty integrating into society at age 18 and faced an increased risk of falling victim to trafficking.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that women and children were trafficked from, within, and through the country. Men were also trafficked for forced labor.

The International Organization for Migration (IOM) estimated that between 150 and 200 persons were trafficked from or through the country during 2007, mainly for the purpose of commercial sexual exploitation. There were isolated reports that children were forced into prostitution. The IOM reported expanded usage of victims' assistance programs linked to increased awareness of these programs. Most of the victims trafficked through the country came from the former Soviet republics (particularly Moldova and Ukraine), the Balkan and Baltic countries, and China. According to a UN Office on Drugs and Crime (UNODC) study, from 1998 to 2007, an estimated 86,000 illegal migrants transited Slovakia. There were no foreign trafficking victims identified by law enforcement authorities during that same period. The MOI provided training in victim identification for national police and border guards during the year.

Traffickers also recruited Slovaks. Victims were typically trafficked through the Czech Republic or Austria to Western and Northern Europe. Victims were typically between the ages of 18 and 25 and from various social backgrounds, but particularly from areas with high unemployment. Some experts believed that Romani women and persons raised in state institutions were most vulnerable to being trafficked because of their socioeconomic situation and reduced freedom of mobility.

Traffickers lured women with offers of employment, often relying on personal connections. Victims, frequently forced to work while transiting the country, were often placed as prostitutes or as exotic dancers in nightclubs. Such activity was concentrated on the border with Austria, close to Ukraine, and along trucking routes with a prevalence of nightclubs. Traffickers closely monitored victims, withheld their documents, and used violence to ensure their compliance. Some victims allegedly were threatened with violence or even death if they attempted to escape.

By law traffickers may be sentenced to four to 10 years in prison. The sentence may be increased to as much as 25 years depending on complicating factors, for example, if a trafficking incident involves wrongful death.

Police initiated investigations in 10 cases of trafficking during the year. Courts convicted and sentenced seven traffickers in 2007, none of whom were involved in child trafficking. Sentences were often mild or suspended.

In February 2007 police uncovered a trafficking ring organized by Slovak and Slovenian citizens that recruited young Slovak women to work legally in Croatia, and then forced them to work as prostitutes in Slovenia. Four members of the organization were arrested and were in custody at year's end awaiting trial.

The Government agencies responsible for combating trafficking include the national coordinator to combat trafficking in persons; the police antitrafficking unit; the ministries of interior, finance, justice, and education; the Prosecutor's Office; the border police; the equal opportunity office at the MLSAF; and the plenipotentiary for Romani communities. The Government developed a 2008–10 national action plan to combat trafficking in persons, which focuses on training for law enforcement and social workers, as well as victim's assistance.

Police participated in international investigations on a limited basis. Slovenia, Austria, and Belgium made requests for extradition of perpetrators of trafficking in

persons. One person was extradited to Slovenia in 2007 based on a European Union arrest warrant; the other cases were pending at year's end.

During the year, the national coordinator cooperated with five NGOs (Dotyk Crisis Center, Prima, Caritas, IOM, and the Cultural Association of Roma) to identify and provide shelter and services to victims of trafficking. Dotyk reported that it housed and assisted eight victims through the Government's program during the year; IOM reported that it housed and assisted seven victims through the Government's program during the year. The Government also carried out a project with the UNODC in 2007 aimed at strengthening legislative, investigative, prosecutorial, and technical capabilities to combat trafficking and to provide protection and support to victims. The MOI carried out prevention programs for teachers, students, and mayors, with a particular focus on towns near the Ukrainian border. Although no formal screening or referral process was in place, the law required police to provide a list of assistance programs to suspected victims. NGOs reported increased cooperation with police.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem and that laws to provide assistance to students with disabilities were not implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances.

NGOs reported deficiencies in psychiatric care of patients with mental disorders and in mechanisms to monitor human rights violations against them. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds. The law prohibits both physical and nonphysical restraints in social care homes, managed by the MLSAF. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the Health Ministry.

While the Government enacted legislation in 2007 requiring television stations to provide "voiceover broadcasting" for blind viewers, less than 30 percent of television programs provide such services. While the law defines mandatory standards for access to buildings, NGOs noted that they had not been fully implemented, although access to privately owned buildings improved more rapidly than access to state buildings.

The Council for Citizens with Disabilities, chaired by the minister of labor, social affairs, and family, serves as a governmental advisory body regarding persons with disabilities.

National/Racial/Ethnic Minorities.—Discrimination against Roma and individuals of non-European ethnicity was common. Roma are the second largest ethnic minority with a population of 90,000 according to the 2001 census. Experts estimated that the Romani population was actually between 350,000 and 400,000. The discrepancy was attributed to Roma identifying themselves as Hungarians or Slovaks.

Racially motivated attacks on minorities, Roma and otherwise, were reported widely throughout the year, but investigation of attacks and law enforcement varied by jurisdiction. Of the cases brought to trial during 2007, one case of racially motivated murder resulted in conviction; seven of the eight cases of racially motivated assault that involving in serious injury resulted in convictions, 22 of 33 cases of violence against a racial or ethnic group resulted in convictions; and 11 of 17 cases of "violent threatening" resulted in convictions.

Roma were particularly singled out for violence, and police detained numerous individuals for attacks against Roma motivated by racial hatred. There were also reports that police mistreated Roma. Skinhead and neo-Nazi violence against Roma and other minorities continued to be a serious problem. The League of Human Rights Activists (LPR) reported that, although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. The LPR also reported receiving e-mail and telephone threats from skinheads.

Several non-Romani minorities as well as foreigners were also victims of racially motivated attacks.

In April two individuals attacked an African-American basketball player in Kosice. In response, she cancelled her contract with the Kosice sport club and left the country. In August the Kosice Prosecutor's Office filed a case against one of the

perpetrators and bargained a sentence with the other perpetrator. The court sentenced the latter to a two-year suspended sentence and three years' probation.

In April a visiting British doctor of African descent was attacked by a 24-year-old male who shouted racial slurs during the attack. In November the Bratislava District Court found the attacker guilty of disorderly conduct and defamation of nationality and race and sentenced him to a one-year suspended sentence.

In September the District Court in Kosice sentenced a 17-year-old boy to five years in prison for the killing of a 14-year-old Romani boy. The perpetrator repeatedly hit the victim in the head with an axe, continuing after the victim fell down, and left the victim's body near a local creek.

In March 2007 the LPR received reports of attacks on Nigerian, Mexican, and Vietnamese citizens. Several skinheads attacked the Nigerian citizen, a resident married to a Slovak woman, in Bratislava. After visiting the scene of the alleged crime with police, the victim went to the police station to file a complaint and was himself charged with assault and detained. The case was pending trial at year's end, with the LPR representing the Nigerian citizen.

The alleged 2006 attack on ethnic Hungarian university student Hedviga Malinova in Nitra continued to draw media attention during the year, sparking public debate on the Government's handling of the case. Two young men allegedly physically assaulted Malinova after hearing her speak Hungarian. The district prosecutor discontinued the investigation after two weeks, concluding that Malinova had lied. The minister of interior and other officials publicly supported the decision. Journalists and human rights advocates criticized the decision, charging that a cover-up had taken place. Malinova's multiple appeals to the Constitutional Court were rejected, and in May 2007 the Nitra police formally charged Malinova with perjury. In September 2007 the prosecutor reopened the case with new investigative and prosecutorial teams at year's end. In October the Prosecutor's Office asked that Malinova submit to a lie detector test, which her lawyers refused to allow in Slovakia. The case remained pending at year's end. Malinova's case against the Government for "inhuman and humiliating treatment" also remained pending at the ECHR.

Police continued to investigate the 2006 case of three masked attackers who broke into a Romani family's home in Sereď and beat the occupants.

The Slovak National Center for Human Rights reported receiving 760 complaints of discrimination from January to August. In approximately 80 percent of the cases, claims involved labor-related discrimination, especially in regard to hiring processes. Other discrimination complaints concerned the provision of goods and services, social and health care, and education. One NGO criticized the length of time it took for the center to issue required legal opinions on claims of discrimination.

Widespread discrimination against Roma continued in employment, education, health services, housing, and loan practices. Activists frequently alleged that employers refused to hire Roma, whose unemployment rate exceeded 95 percent in many settlements.

Local authorities and groups forced evictions of Romani inhabitants or blocked construction permits or the purchase of land. Many Romani settlements lacked formal infrastructure, access to clean water, and proper sewage systems. In September 2007 the city of Nove Zamky sold a building occupied primarily by Romani tenants, many of whom were in default on rent payments, to a private owner, who announced he would tear down the building as a condition of the sale. The owner evicted and moved 40 Romani families to housing without basic services, mostly in surrounding villages that lacked efficient transportation to the city. The case attracted the attention of the deputy prime minister, who labeled racism as a factor, saying the cases reminded him of World War II relocations. Similar, less-publicized cases were reported in other towns throughout the year, including Tornala, Kosice, and Kezmarok.

The law prohibits defamation of nationalities in public discourse; however, this law was enforced only when other offenses, such as assault or destruction of property, were also committed. There were instances of public officials at every level defaming minorities and making derogatory comments about Roma. Inflammatory speech by government officials also raised tensions between ethnic Hungarians and ethnic Slovaks, especially since 2006.

At a soccer match in Dunajská Streda on November 1, authorities used force to expel rowdy Hungarian fans from the stadium, which triggered a demonstration by Hungarians at the Slovak Embassy in Budapest.

On November 8, members of the Hungarian Guard dressed in Nazi-era uniforms crossed the border to lay wreaths at two war memorials, and were subsequently arrested by Slovak police. Hungarian Jobbik party members attempted to block the border crossing outside Bratislava on November 10. Slovak Prime Minister Fico and

Hungarian Prime Minister Gyurcsany met on November 15 in an effort to reduce bilateral tensions.

Extreme right, nationalist, and neo-Nazi groups such as Slovenska Pospolitost (Slovak Community) and Narodny Odpor (National Resistance) continued to hold events designed to intimidate minority groups. Dressed in uniforms similar to those of the Hlinka Guards (the fascist wartime militia), the groups' members held marches and rallies to commemorate the wartime fascist state and to spread messages of intolerance against ethnic and religious minorities. In November the MOI withdrew Slovenska Pospolitost's registration as a citizen's organization. Pospolitost demanded an official explanation of the ministry's decision, claiming that the organization did not do anything illegal.

Anecdotal reports of increased sales of neo-Nazi and white supremacist materials continued. In September 2007 police arrested the owners of a Bratislava clothing store for selling Nazi apparel and educational materials. The trial remained pending at year's end.

The 2006 cases of racially motivated speech and incitement to violence by the leaders of the white supremacist World Church of the Creator and the National Alliance organizations and the 2006 Banska Bystrica case in which three men held banners with "Death to Hungarians" at a soccer match continued to await trial.

The Government continued to make efforts to address violence and discrimination against Roma and other minorities, although some critics worried that judges lacked sufficient training in the relevant laws. The Government continued to implement its action plan against xenophobia and intolerance, which included a special police unit to monitor extremist activities. A commission consisting of NGOs, police, and government officials advised the police on minority issues.

In January Anina Botosova, the plenipotentiary for Roma affairs, announced the updated national minority strategy, which incorporated a wide range of education, employment, housing, and social integration policy recommendations from the Roma advocacy community. Under an agreement between the Government and the European Union (EU), the country must commit a minimum of 8 billion koruna (approximately \$381 million) of the funds it receives from the EU to projects that specifically address the needs of the Romani community.

The plenipotentiary maintained five regional offices to supervise the implementation of governmental policy on Romani issues, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Roma and non Roma. Although the EU gave the plenipotentiary's office funds to hire 35 new staff members, NGO representatives believe the office remained insufficiently staffed and unable to actively engage with the NGO community on a regular basis. The MLSAF assigned specially trained social workers to Romani settlements to assist with government paperwork and to advocate the importance of education and preventative health care. The Ministry of Health continued to train Romani-speaking health care assistants to improve the community's access to health services.

During the year the Government allocated 9.5 million koruna (approximately \$452,380) for a national antidiscrimination plan. The Office of Deputy Prime Minister for Human Rights served as the secretariat for the Council of National Minorities and the Government Council for NGOs.

Other Societal Abuses and Discrimination.—There were no reports of violence based on sexual orientation but, according to gay rights advocates, prejudice and discrimination persisted.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join independent unions of their choice except in the armed forces, and workers exercised this right in practice. Labor unions estimated that 17 percent of the work force was unionized; business associations believed the actual figure was less than 10 percent. The law provides unions the right to strike with advance notice when collective bargaining fails to reach an agreement or to support other striking employees' demands (solidarity strike). The unions generally exercised these rights in practice without restrictions. The law prohibits dismissing workers legally participating in strikes; however, strikers are not ensured protection if a strike is considered illegal or unofficial. Civil servants in essential services and members of the military may not strike.

b. The Right to Organize and Bargain Collectively.—The law provides for unions to conduct their activities without interference, and the Government generally protected this right in practice. The law provides for the right to organize and bargain

collectively, and workers exercised these rights in practice. There are no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation. According to IOM reports, eight men were victims of forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law provides for the protection of children from exploitation in the workplace; however, there were some reports that children were exploited and that Romani children in some settlements were exploited for commercial sex. NGOs reported that most victims, including children with disabilities, were exploited by family members or other Roma.

The minimum age for employment is 15, although children under 15 may perform light work in cultural or artistic performances, sports events, or advertising activities if it does not affect their health, safety, or schooling. The National Labor Inspectorate and Public Health Office must approve, determine the maximum hours for, and set conditions for child labor under age 15. Children under age 16 may not work more than 30 hours per week, and children ages 16 to 17 are limited to 37.5 hours per week. Children under age 18 are not allowed to work underground, work overtime, or perform work that is inappropriate for their age or health.

District inspection units received and investigated child labor complaints. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the national inspection unit of the MLSAF. Enforcement was consistent across all communities.

Child labor, in the form of begging, was a problem in some communities; there were also isolated reports of children forced into prostitution, often by family members.

e. Acceptable Conditions of Work.—In September President Gasparovic signed an amended Act on the Minimum Wage, which was the result of negotiations between the Ministry of Labor, unions, and employer associations. The amended act increases the minimum wage from 8,100 koruna (approximately \$385) to 8,900 koruna (\$423) as of January 1, 2009. The minimum wage provided a decent standard of living for a worker and family in rural areas of the country, but not in urban areas. The amended act increases the Government's role in the minimum wage negotiations and decreases the role of "social partners" (the Ministry of Labor, unions, and employers) in the event these do not reach compromise on the exact amount of the minimum wage.

The law mandates a maximum workweek of 48 hours including overtime, with 30-minute breaks after six hours of work or after four hours for employees younger than 18, and rest periods of at least 12 hours between shifts. Trade unions, local employment offices, and the MLSAF monitored observance of these laws, and authorities effectively enforced them.

The law establishes health and safety standards that the office of labor safety generally enforced. Workers have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to be paid "relaxation" leave in addition to their standard leave.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic of approximately two million persons. Power is shared between a directly elected president (head of state), a prime minister (head of government), and a bicameral parliament composed of the National Assembly (lower house) and the National Council (upper house). On September 21, the country held free and fair multiparty parliamentary elections. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports of trial delays, indirect government influence on the media, and cursory procedures for review of asylum applications. Societal violence against women, trafficking in women and girls, discrimination against Roma, violence against homosexuals, and discrimination against former Yugoslav residents without legal status were also problems.

On February 15, legislation took effect which provides victims of domestic violence with specific rights and improves the procedures for government agencies that deal with domestic violence cases.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices and, in contrast with 2007, there were no reports that government officials employed them.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. In February the Council of Europe's Committee for the Prevention of Torture (CPT) publicly released its report on its 2006 visits to the country's prisons and detention facilities. The delegation heard a few allegations of physical mistreatment, including slaps, kicks, punches and truncheon blows. Some detained persons alleged that they received threats (including of a sexual character), excessive psychological pressure, and verbal abuse during interrogations. There were several allegations of detained persons being placed in a cell for several hours in a hyperextended position with hand and ankle cuffs linked together behind the back), apparently to "calm them down." The report concluded that juvenile detainees were not properly informed of their rights during police custody; the CPT also reported that overcrowding continues to be a problem in some prison facilities.

During the year the Government initiated quarterly visits to facilities by representatives of the human rights ombudsman's office and nongovernmental organizations (NGOs). After each visit, the group provided recommendations to the facility on how to improve conditions and prevent problems, and then followed up on the recommendations with the facility's administrators to verify implementation.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Police are centrally organized under the supervision of the Ministry of Interior. The ministry oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police and exercises special inspectorial authority in monitoring police performance, with an emphasis on the protection of human rights and fundamental freedoms. The police provided effective law enforcement.

During the year the Independent Commission for the Prevention of Corruption referred 28 credible reports of police corruption or corruption-related criminal acts to police and the state prosecutor for further investigation. There were no reports of prosecutorial corruption.

The law provides procedures for the review of alleged police abuse by a three-person government committee that includes two representatives of civil society organizations. The committee does not have authority to conduct independent investigations, and it relied on information provided by Ministry of Interior or police investigators. Committee findings were usually forwarded to the state prosecutor's office and published; cooperation between the committee and the state prosecutor's office reportedly increased during the year.

During the year the police internal investigation division, which began operations in November 2007, investigated 201 allegations of misconduct by police, prosecutors, and judges.

Arrest and Detention.—Persons taken into police custody were generally apprehended openly with evidential warrants issued by either a prosecutor or judge. Persons can be detained for 48 hours before charges are brought. Authorities must also advise detainees in writing within 48 hours of the reasons for their arrest. Upon arrest, detainees have the right to contact legal counsel of their choice, and authorities generally respected this right in practice. The Government provides indigent detainees with free counsel, and detainees were generally allowed prompt access to family members. The law also provides safeguards against self-incrimination.

Once charges are brought, pretrial detention may last for up to four months, depending on the severity of the criminal act, and must be certified by an investigative judge. Once trial procedures have begun, the total period of detention may be extended for up to two years. Persons detained more than two years while awaiting trial or while their trial is ongoing must be released pending conclusion of their

trial. Lengthy pretrial detention was not a widespread problem, and defendants generally were released on bail, except in the most serious criminal cases.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice. Despite a law that took effect in January 2007 providing the right to a trial without undue delay, court backlogs continued to sometimes result in lengthy delays in trials. As of September 30, the backlog totaled 275,627 cases, and the ministry hired 155 judges and clerks during the year to cope with the backlog.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. The judicial system was overburdened and lacked administrative support; as a result, the judicial process frequently was protracted. In many cases, criminal trials lasted from two to five years.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, court backlogs sometimes resulted in lengthy trials.

Property Restitution.—As of June 30, the Government had resolved 38,584 or 97.3 percent, of the 39,642 property restitution claims that have been filed with authorities. Unresolved cases included those in which the courts had not reached a final decision and those pending appeal. Court backlogs, a lack of trained judicial and administrative personnel, amendments to the Denationalization Act, and inadequate land ownership records slowed claims processing. Some claimants have complained of a general lack of transparency, bias, and potential conflicts of interest on the part of adjudicators, and procedures that were inconsistent with the law. An effort to initiate a program for the restitution of Jewish communal property has encountered a number of delays.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were reports of indirect government influence on the media.

The penal code criminalizes the promotion of “national, race, or religious discord or intolerance or the promotion of superiority of one race over others.” There were no reports that criminal charges were brought against individuals or publications under this provision during the year.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism.

The independent media were active and expressed a variety of views, and international media operated freely. The major print media were supported through private investment and advertising; however, the Government owned substantial stock in many companies that were shareholders in the major media houses. There were reports that indirect political and economic pressures and partial government ownership of media companies influenced journalists and the media, and that self-censorship was practiced in some media outlets. The office of the Government’s human rights ombudsman stated that these indirect attempts by government to control media failed with respect to print media, but did slightly influence broadcast media. Following a March 19–20 visit to the country, the International Press Institute released a report highlighting concerns about media ownership structures, the lack of government-media dialogue, and the delay in creating an independent media commission. At year’s end, the Government had not established a commission.

The Government operated a “media pluralization” fund intended to ensure that media reflected a diversity of viewpoints. Some media watchdog groups reported that a disproportionate level of pluralization funds have gone to Catholic Church media and media outlets favorably disposed towards the Government.

The law provides criminal penalties for defamation that harms a person’s honor or name; there were no reports of any prosecutions for defamation during the year.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Inter-

net, including by e-mail. Internet access was widely available, and nearly one-half of citizens used the Internet at least once a month.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

While there are no governmental restrictions on the Muslim community's freedom of worship, services were commonly held in private homes for lack of a larger venue. On June 30, the Ljubljana city council adopted a zoning plan for the country's first mosque, and the Islamic community's representative and Ljubljana's mayor signed the contract for purchase of the land on December 24. At year's end, construction had not begun.

In July 2007 the Justice Minister, who was the chair of the Government Commission for Religious Communities, and Mufti Nedžad Grabus signed an agreement that acknowledged the Muslim community as an integral part of society, more clearly defined the areas of its activities, and facilitated the implementation of its programs. It also gave the Muslim community the right to establish its own media and educational institutions, to preserve historical and cultural heritage, to conduct religious services in hospitals and for army and police forces, and placed Muslim charities on equal footing with other charities. Negotiations on implementing the agreement were ongoing at year's end.

Societal Abuses and Discrimination.—There are approximately 300 Jews in the country. Jewish community representatives reported some prejudice, ignorance, and false stereotypes of Jews propagated within society, largely through public discourse. There were no reports of anti-Semitic violence or overt discrimination.

The Government promoted antibias and tolerance education in the primary and secondary schools, and the Holocaust is a mandatory topic in the contemporary history curriculum. On September 7, the Jewish community, supported by local government officials, held the third annual European Day of Jewish Culture festival. President Turk was the honorary patron for the celebrations held in Ljubljana, Maribor, and Lendava.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The country adheres to the European Union's Asylum Policy Directive/Treaty of Amsterdam requirements. In practice, the Government provided some protection against expulsion or return of refugees to countries where their lives or freedom would be threatened. As of September 1, the Government had received 146 requests for refugee status or asylum and granted asylum in two cases.

During the year the Government did not provide temporary protection to persons who may not have qualified as refugees under the 1951 convention or the 1967 protocol.

The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Border police can perform an initial screen of asylum seekers and reject applications they deem to be "manifestly unfounded." This procedure could prevent the applications of some asylum seekers from receiving a thorough review. In 2006 the Constitutional Court ruled that asylum seekers should be allowed to change their asylum application if there were considerable changes in their circumstances; however, at year's end, this ruling had not been implemented.

The law provides asylum seekers with the right to appeal decisions on their applications, but many asylum seekers were not informed of this right. The independent

ombudsman for human rights, the UNHCR, and several NGOs reported that the Government put excessive restrictions on refugees' freedom of movement by requiring asylum seekers to sign a statement renouncing their claim to asylum if they left the premises of the asylum center. The Government received some complaints about living conditions, but few complaints about the asylum process itself.

The country's law is intended to comply with European Union asylum directives. However, Amnesty International (AI) expressed concern that the law provides for accelerated asylum procedures with few safeguards, and that its exclusion clauses and broad detention powers could lower the country's asylum standards.

Stateless Persons.—Human rights NGOs estimated that there are approximately 4,000 to 6,000 persons without legal status in the country as the result of the Government's 1992 erasure of the names of approximately 18,000 persons from the register of permanent residents. These persons were mostly Yugoslav citizens residing in the country at the time of independence who did not apply for citizenship in 1991–92. The deletion of these records has been characterized by some as an administrative decision and by others as a politically motivated act, based on a desire to exclude former Yugoslav nationals who did not actively seek Slovenian citizenship. Some of those affected complained that they had been legal residents at the time of the deletions and therefore saw no need to apply for citizenship. Others stated that they were not properly informed of the requirement to apply for citizenship. The deletion of records resulted in a loss of legal status and, as a consequence, the loss of housing, employment, health insurance, pension rights, and access to higher education for some.

In 2003 the Constitutional Court ruled portions of a law governing the legal status of former Yugoslav citizens to be unconstitutional because the law neither recognized the full period in which "erased" persons resided in the country nor provided them the opportunity to apply for permanent residency. As of year's end, the Government had not completed legislation to resolve the court's concerns.

In 2006 a group of 11 "erased" persons filed a complaint with the European Court of Human Rights claiming several violations of their rights, including discriminatory treatment, denial of social benefits, a loss of legal status, and the lack of effective legal remedy due to the Government's failure to implement the constitutional court ruling. The case was still pending at year's end. In a 2006 report, the UN Committee on Economic, Social, and Cultural Rights urged the Government to restore the status of permanent resident to all individuals concerned to allow them to reclaim access to social services, education, and employment. In March local NGOs organized a four-day protest, criticizing the Government for failing to rectify the plight of the "erased" persons.

Section 3. The Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—On September 21, the country held free and fair national parliamentary elections.

Political parties operated without restriction or outside interference.

There were 12 women in the 90-seat National Assembly and one woman in the 40-seat National Council. There were five women in the 18 member cabinet.

There were two members of minority groups in the 90-seat National Assembly and none in the 40-seat National Council or in the cabinet. The constitution provides the "autochthonous" (indigenous) Italian and Hungarian minorities the right, as a community, to have at least one representative in the National Assembly. However, the law does not provide such rights to any other minority group.

Twenty distinct Romani communities, each designated autochthonous at the local level, are entitled to a seat on their local municipal council. As of year's end, one municipality-Grosuplje-remained in noncompliance with this law for a third straight year. Although in 2007 and 2008 both the Government Office for Nationalities and the Romani community submitted proposals to freeze the municipality's budget until it complied with the law, the Government did not take any action on the proposals before year's end.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively; however, officials sometimes engaged in corrupt practices.

Corruption was perceived by the public to be a widespread problem. Only the highest-level government officials—approximately 5,000 of the country's 80,000 public servants—are subject to financial disclosure laws. As of September 1, the Inde-

pendent Commission for the Prevention of Corruption received 661 cases of suspected corruption and found 116 out of the 465 cases that were assessed during the year to be credible. The remaining cases were not assessed by year's end.

The commission played an active role in educating the public and civil servants about corruption; however, it claimed it had neither adequate staff nor funding to fulfill its mandate and assess all cases of suspected corruption that it received during the year. In 2006 the Constitutional Court stayed legislation that would have terminated the commission and replaced it with a parliamentary anticorruption commission. During the year the commission forwarded 143 suspected cases of corruption to police and prosecutors and 65 cases to other state institutions, including cases received in 2007 but not processed until the next year.

The law provides for free public access to all government information, and the Government provided access for citizens and noncitizens alike, including foreign media. The Government may deny public access only to classified information, personal data protected by privacy laws, and other narrowly defined exceptions.

The office of the Government information commissioner reported that the number of complaints related to the nonresponsiveness of state institutions declined. During the year the office received 258 complaints of nonresponsiveness of state institutions and 167 complaints under the Law on Access to Public Information.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views, although some human rights groups complained of lengthy delays in government responses.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions in practice. However, violence against women and children, trafficking in persons, and discrimination against homosexuals and Roma were problems.

Women.—Rape, including spousal rape, is illegal; however, it was a problem. In 2007, AI and SOS Phone, an NGO that provided anonymous emergency counseling and services to domestic violence victims, estimated that one in seven women was raped during her lifetime, but that only 5 percent sought assistance or counseling. Spousal rape, in particular, was rarely reported to authorities. Police actively investigated reports of rape and prosecuted offenders. The penalty for rape was one to 10 years in prison. During the year there were 62 criminal acts of rape, 60 criminal acts of sexual violence, 19 criminal acts of sexual abuse of the weak, and 178 criminal acts of sexual attack on a minor under the age of 15 reported to authorities.

Although no accurate statistics were available, violence against women, including spousal abuse, occurred and was generally underreported. The Office for Equal Opportunity began funding a multiyear research project to gather domestic violence data. Domestic violence, although not specifically prohibited by the law, was prosecuted under statutes criminalizing assault, which provide for penalties of up to 10 years' imprisonment in the case of aggravated and grievous bodily harm. SOS Phone estimated that 25 percent of women had experienced domestic violence. The NGOs SOS Phone and Kljuc provided support hot lines, and SOS Phone reported receiving 5,287 calls during the year. The Government partially funded 19 shelters, safe houses, and maternity homes (12 run by NGOs and seven by government organizations) that offered 305 total beds. Although the Government's report on funding did not distinguish between the types of facilities, SOS Phone reported that only 11 of the 19 shelters are specifically for battered women and children and the total number of beds in these shelters is 182. The other eight facilities—maternity homes or social work centers—were for more general assistance, with staff that were not all trained to work with victims of violence, and did not always accept victims. The Government worked with NGOs to implement the law with regard to handling domestic violence cases, including providing shelters and social work centers. When police received reports of spousal abuse or violence, they generally intervened and prosecuted offenders. The police academy offered training on domestic violence.

Prostitution is illegal, but the Government did not actively enforce this prohibition. Antitrafficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in facilitating or promoting prostitution.

Sexual harassment remained a widespread problem. The amended penal code, effective November 1, expanded the prohibition on sexual harassment to cover the en-

tire workforce and not just the civil service. During the year, 31 criminal acts were reported.

The law provides for equal rights for women, and there is no official discrimination against women in family law, property law, or the judicial system. The Office of Equal Opportunities protected the legal rights of women. While the average length of unemployment was the same for men and women, women frequently held lower paying jobs. On average, women's earnings were 93 percent of those of men.

Children.—The Government was committed to protecting children's rights and welfare.

While education for children is compulsory through grade nine, a 2006 AI report noted that school attendance by Romani children varied widely by region (39 percent of Romani children attend school in the southeastern Dolenjska region and 70 percent attend school in the northeastern Prekmurje region). Poverty, discrimination, and language continued to be the main barriers to the participation of Romani children in education programs. AI reported that the Romani literacy rate was 10 percent. A number of Roma reported that their children attended segregated classes and were selected by authorities in disproportionate numbers to attend classes for students with special needs. A 2006 report by the Council of Europe commissioner for human rights noted that de facto segregation continued to exist in the Brsljin school district in Novo Mesto. For the 2007–08 academic year, the Government hired five additional teachers for the Brsljin schools to work specifically on helping Romani children reach basic standards in Slovene, mathematics, and English.

During the year the Government completed a bilingual primary school curriculum. The Government continued funding efforts to codify the Romani language, but the Roma Association did not accept the codification due to linguistic differences between the two major Romani groups (in Dolenjska and Prekmurje). The Ministry of Education signed an agreement with the European Social Fund to provide six years of funding to hire 26 Romani educators to work with teachers and parents. Prior to this agreement, Romani assistants worked in some schools, but many schools could not hire Romani coordinators due to administrative impediments.

Child abuse was a problem. During the year there were 178 criminal acts of sexual abuse of a child under the age of 15 reported to authorities. Trafficking in children, mainly teenage girls transiting the country, was a problem. The law provides special protection for children from exploitation and mistreatment, and the Government generally enforced the law in practice. The amended penal code, effective November 1, criminalizes the possession of child pornography, in addition to the sale, purchase, or propagation of it prohibited by the previous statute.

The Center for Social Work Grosuplje, the Ministry of Labor, Family, and Social Affairs, and the retail company Mercator operated the "Palcica" safe house, which provided shelter for children up to the age of six who were victims of domestic violence or whose parents had died suddenly.

Child marriage occurred within the Romani community; however, it was not a widespread problem.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, the country continued to be a transit country and, to a lesser extent, a destination country for men, primarily for labor exploitation, and women trafficked for commercial sexual exploitation. Trafficking in children, mainly teenage girls transiting the country, was a problem. There were also rare reports that it was a country of origin for trafficking.

Sources for persons trafficked to or through the country included Ukraine, Slovakia, Romania, Moldova, Bulgaria, Colombia, the Dominican Republic, Turkey, Albania, and Montenegro. A 2006 Peace Institute study reported that, although the majority of trafficking victims were transiting from southern, eastern, and central Europe through the country, it was a source country for trafficking to countries such as Italy, Spain, the Netherlands, and Germany. The study reported that victims were trafficked primarily for sexual exploitation and that traffickers lured victims through advertisements promising high wages, marriage, employment as entertainers and dancers, and employment without indication that it would involve the sex industry. Organized criminal groups, nightclub owners, and local pimps were primarily responsible for trafficking. Those at particular risk of being trafficked were teenage girls and young women who lived in impoverished areas with high unemployment. Many of these women were unaware of the trafficking problem and the risk that they might become trafficking victims.

Penalties for trafficking range from six months to 10 years' imprisonment. Authorities can also prosecute persons for rape, pimping, procurement of sexual acts, inducement to prostitution, sexual assault, slavery, and other related offenses.

The Government apprehended, investigated, and prosecuted traffickers; police investigated nine instances of human trafficking and seven instances of forced prostitution. During the year there were nine criminal acts of trafficking reported to authorities. There were no trafficking convictions during the year for crimes committed in previous years. Regional police directorates had departments that investigated trafficking and organized crime. One prosecutor in each regional state prosecutor's office was dedicated to trafficking cases.

During the year the Government continued to actively cooperate with NGOs and Interpol in project "Red Routes" by sharing information about traffickers and patterns of illegal migration. The Ministry of Interior Border Police Division also actively participated in Plan ILAEIRA, a Greek-led international trans-border police cooperation project to combat trafficking. The Government did not extradite any persons who were accused of trafficking in other countries.

The Government's national coordinator for trafficking in persons served as the head of the interagency working group on trafficking in persons, which is responsible for the Government's long-term national strategy to combat trafficking. The working group consisted of representatives of ministries, NGOs, international organizations, and the media, and met more than six times during the year. In 2007 the group established a 2008–09 action plan against trafficking that included trafficking legislation, prevention, prosecution, victims' assistance, and projects. During the year the Ministry of Interior funded public awareness campaigns conducted by the NGOs Karitas and Kljuc that targeted groups most vulnerable to trafficking. The national coordinator did radio interviews and appeared on television talk shows to highlight the problem. In October the working group facilitated programs in high schools throughout the country in connection with European Antitrafficking Day.

Karitas and Kljuc provided shelter and assistance to trafficking victims under a contract with the Ministry of Labor.

The Ministry of Interior, the UNHCR, Kljuc, and the NGO Filantropia jointly administered a project that addressed trafficking and gender based violence by providing information and assistance to asylum seekers at greatest risk of being trafficked, particularly single women and children separated from their parents.

The Government also continued the "Vijolica" and "CAP" programs, administered by Kljuc, to provide trafficking awareness classes for elementary and secondary school students.

The State Department's Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other government services, and the Government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities. Modification of public and private structures to improve access for persons with disabilities continued at a slow pace, and many buildings were not accessible in practice. The Ministry for Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The law provides special rights and protections to "autochthonous" (indigenous) Italian and Hungarian minorities, including the right to use their own national symbols and have bilingual education and the right for each to be represented as a community in parliament. Other minorities do not have comparable special rights and protections.

Ethnic Serbs, Croats, Bosnians, Kosovo Albanians, and Roma from Kosovo and Albania were considered "new" minorities; they were not protected by the special constitutional provisions for autochthonous minorities and faced some governmental and societal discrimination with respect to employment, housing, and education. A 2006 AI report noted that Roma continue to suffer prejudice and discrimination, in particular with access to health services, education, and employment.

A 2006 law on protection of the Romani community resulted in the establishment of the Roma Council and the legalization of nearly 40 Romani settlements. After complaints from the Romani community and NGOs, the Government updated the national employment register to include the employment advisor positions that the 2006 law had created. During the year these advisors began working in local employment offices to facilitate Roma employment.

In a 2006 report the UN Committee on Economic, Social, and Cultural Rights expressed concern that discriminatory attitudes and practices against Roma persisted and that the distinction between "indigenous" Roma and "new" Roma could give rise to new discrimination. The report also cited the committee's concern that "non-indigenous" Roma do not enjoy protection of their cultural rights, such as education

in their mother tongue, unlike members of Hungarian and Italian minorities who enjoy this right under bilateral international agreements.

Many Roma lived in settlements, apart from other communities, that lacked such basic utilities as electricity, running water, and sanitation, as well as access to transportation. According to Roma Association officials, 68 percent of Romani settlements were illegal, and Roma reported that discrimination in employment complicated their housing situation. Organizations monitoring conditions in the Romani community have noted in recent years that Romani exclusion from the housing market was a problem and that the unemployment rate among Roma was approximately 90 percent.

Following government-facilitated relocation in 2006, approximately 30 members of a Romani family received a new home and land near Ljubljana following the December 2007 conclusion of an agreement between their legal representative and the minister of environment and spatial planning.

Other Societal Abuses and Discrimination.—The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and isolated cases of violence against homosexuals occurred. Recent data on the problem's scope was not available.

On June 21, the eighth annual gay pride parade in Ljubljana took place with the support of local government officials, although there were reports that bystanders shouted homophobic slurs at participants, and antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade. However, two individuals were assaulted following the parade, and three other assaults occurred during evening events. Police did not apprehend the perpetrators.

The law permits homosexual civil unions. In 2006 gay activists filed a complaint with the Constitutional Court that the law does not afford the same social, family, and inheritance rights as those granted to heterosexual married couples. The court had not issued a ruling on the complaint by year's end.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. All workers, except police and military personnel, are eligible to form and join labor organizations. Approximately 30 percent of the workforce was unionized.

The law provides for the right to strike, and workers exercised this right in practice. The law prohibits retaliation against strikers, and the Government effectively enforced this provision in practice. The law restricts strikes by some public sector employees, primarily the police and members of the military services, and provides for arbitration to ensure due process and protection of these workers' rights.

b. The Right to Organize and Bargain Collectively.—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to bargain collectively, and it was practiced freely; however, the law requires that 10 percent of the workers in an industry sector be union members before collective bargaining can be applied to the sector as a whole. All workers were covered by either a general collective bargaining agreement or a collective bargaining agreement that focused on a specific business segment.

There were no reports of antiunion discrimination.

There are no special laws or exemptions from regular labor laws in the country's sole export processing zone at Koper.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women were trafficked for forced prostitution.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace; the Government effectively enforced these laws.

The minimum age for employment is 15; however, younger rural children often worked during the harvest season and on other farm chores. The law limits working hours and sets occupational health and safety standards for children; the Government effectively enforced these provisions in practice. Urban employers generally respected the age limits.

The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. Enforcement practices were generally effective.

e. Acceptable Conditions of Work.—The national monthly minimum wage of approximately 590 euros (approximately \$826) provided a decent standard of living for a worker and family. The law limits the workweek to 40 hours and provides for minimum annual leave of 20 days and a mandatory rest period of at least one day per week. Premium pay for overtime was regulated by collective agreements and was not standardized, and maximum overtime was limited to eight hours per week, 20 hours per month, and 180 hours per year. The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. The laws were enforced effectively.

Special commissions under the Ministry of Health and the Ministry of Labor, Family, and Social Affairs set and enforced standards for occupational health and safety. Workers had the legal right to remove themselves from dangerous work situations without jeopardy to their continued employment, and authorities effectively enforced this right.

SPAIN

The Kingdom of Spain, with a population of approximately 46.1 million, is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral parliament, the General Courts or National Assembly, consisting of the Congress of Deputies (lower house) and the Senate (upper house). The head of the largest political party or coalition is usually named to head the Government as president. The national election held on March 9 was free and fair. The Spanish Socialist Workers Party (PSOE) won the multiparty election, and Jose Luis Rodriguez Zapatero was reelected president. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were some reports of security forces abusing suspects and mistreating migrant children in detention centers, and authorities delayed the arraignment of arrested persons before a judge and delayed legal assistance to arrested persons. There were also reports that authorities at times expelled illegal migrants without adequate screening for potential asylees. In June 2007 the terrorist group Basque Fatherland and Liberty (ETA) declared an end to its 2006 “permanent ceasefire” and continued its terrorist campaign of bombings. As of December 5, the ETA was responsible for four deaths during the year. Jewish groups reported isolated acts of vandalism and anti-Semitism, Muslim groups reported some societal discrimination, and there were incidents of societal violence against other minorities. Domestic violence and trafficking in persons were also reported.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

During the year, there were 32 ETA terrorist attacks, resulting in four deaths and approximately 39 injuries. The deaths occurred in the attacks on March 7, May 14, September 20, and December 3. Others were injured in attacks on April 17, June 1, and October 30. During the year, authorities arrested 79 ETA members and 78 persons allegedly involved in ETA's street violence campaigns. Those arrested included two members who confessed to involvement in the 2006 bombing at Madrid's international airport that killed two Ecuadorians, the suspected leader of the ETA, and three of his chiefs, all of whom were believed to have taken part in planning the airport bomb attack, as well as nine other ETA members implicated in a May 14th attack that killed a member of the civil guard. The ETA has killed eight persons since the 2006 airport attack.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and laws prohibit such practices, and the Government generally respected this prohibition; however, there were reports of police mistreatment and impunity.

In its annual report released in May, the country's coordinator for the Council for Europe's Committee for the Prevention of Torture (CPT) reported that, in 2007, 720 persons filed mistreatment complaints against security forces, an 18 percent increase from 2006. After a June visit to Tenerife, Madrid, and Victoria, Amnesty International (AI) Secretary General Irene Khan stated that officials mistreated persons in custody, adding that such mistreatment was not systematic, but was an "extended practice" in all parts of the country.

On February 22, a Basque Country Court judge interrogated eight members of the Spanish security forces charged with mistreating an alleged ETA member arrested in January. After his arrest, the suspect spent four days in a hospital's intensive care unit. He told the judge that the prison guards beat him. The Ministry of Interior claimed the guards used justified force to thwart an escape attempt.

On May 3, a video was released on "YouTube" that showed private security forces at a Madrid subway station beating a male immigrant at the subway's entrance. According to media reports, Metro authorities fired the agents, but did not report the attack to authorities.

In July a U.S. citizen residing in Morocco alleged that authorities in Cueta mistreated and unnecessarily detained him. The subject complained that the guards humiliated him during a strip search, repeatedly threatened him, and refused him access to a restroom. He received medical attention when he later collapsed in his cell, but was not examined for mistreatment. Authorities suspected the man was using a false passport and allegedly denied him access to counsel and detained him without a hearing for three full days, as allowed by law. As of year's end, the Government had not investigated the allegations.

Prosecutors sought a six-year sentence for four Catalanian regional police officers (mossos d'esquadra), who allegedly assaulted a detainee in March 2007. As of December the trial has not begun. In December 2007 a Barcelona judge initiated a trial against six regional police officers for mistreating a Romanian citizen in July 2006. In November four officers received two- to seven-year jail sentences, another defendant was fined, and one acquitted. In a separate case, prosecutors sought a four-year prison sentence for regional police officers who mistreated a detainee in the Barcelona police station. This trial had not begun by year's end.

On March 5, the prosecutor's office sought a four-month jail sentence for three Catalanian regional police officers, who assaulted and injured a Guinean citizen in a Barcelona police station in 2006.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Prisons were overcrowded, with an inmate-per-cell ratio of approximately 1.7 where cells were designed for one inmate. Three new prison facilities opened during the year.

The CPT's July 2007 report on its 2005 visit to the country cited numerous allegations of mistreatment, including some of a serious nature. The report noted that inmates lacked adequate protection against mistreatment, and recommended that jails maintain a log of inmate injuries and possible origins observed during the admission medical examination. In February the Government ordered the installation of video cameras in detention areas in police and civil guard stations. Although media reports indicated that the cameras were used only from time to time or when ordered by a court, there were stations that used the cameras systematically.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Police forces include the national police and the civil guard, both under the authority of the central government, as well as municipal police and police forces under the authority of Catalonia and the Basque Country regional governments. All police forces operated effectively, with isolated reports of corruption. The constitution provides for an ombudsman who investigates claims of police abuse. The national ombudsman filed 26 ex officio judicial complaints, including several regarding instances of death during incarceration. During 2007 the ombudsman network processed 1,746 complaints relating to matters of justice, defense, and internal affairs.

Arrest and Detention.—The law provides that police may apprehend suspects with probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing. According to the CPT's July 2007 report, the requirement that an arrested person must be brought before a judge within 72 hours was not rigorously met in practice. Detainees were not generally informed of their right to the

services of a lawyer free of charge, and it was common practice for detained persons to be granted access to a lawyer only at the moment when they made a formal statement while in law enforcement custody. Detainees generally were promptly informed of the charges against them. The courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety.

In certain rare instances involving acts of terrorism or rebellion, the law allows authorities to detain persons for up to five days prior to arraignment with the authorization of a judge. In these cases, a judge also may order incommunicado detention for the entire duration of police custody, which may be extended by the court up to 13 days. Human rights observers indicated that this power carried the potential for abuse. Authorities responded that this form of detention was rare.

The law stipulates that suspects held incommunicado have the right to an attorney, but not necessarily to their attorney of choice. The Spanish Bar Association selects an attorney for the detainee.

Lengthy pretrial detention was a problem. As of July approximately 25 percent of the 71,114 persons in prison were pretrial detainees. Under the law authorities may not detain suspects for more than two years before putting them on trial unless a judge authorizes a further delay, which may extend to four years. In practice pretrial detention was usually less than one year.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense if indigent), confront witnesses, present witnesses on their behalf, and have access to government-held evidence. Defendants enjoy a presumption of innocence and the right to appeal.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—An independent and impartial judiciary exists for civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media remained active and generally expressed a wide variety of views without restriction. Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede such criticism.

The law prohibits, subject to judicial oversight, actions including public speeches and the publication of documents that the Government interprets as glorifying or supporting terrorism. In June 2007 Arnaldo Otegi, the leader of the ETA's political front, was sentenced to 15 months in prison for glorifying terrorism while participating in the 2003 commemoration of the 25th anniversary of the death of an ETA member; Otegi was released from prison on August 30.

A 2007 Constitutional Court ruling stated that Holocaust denial could no longer be punished by incarceration, since it is permissible in the framework of freedom of speech. Previously, the law provided punishment of up to two years in prison for the offense. The court concluded that imprisonment for the offense of justifying the Holocaust or genocide would be compatible with the constitution.

This year's report of the NGO Reporters Without Borders criticized the ETA for threatening journalists, contending that several journalists in the country required personal protection or chose to leave the Basque Country due to such threats. The NGO asserted that the country did not meet European Union standards for freedom of the press. On June 8, the ETA detonated a bomb outside printing facilities of the newspaper *El Correo* near Bilbao. The ETA detonated a bomb November 20 near the Mt. Arnotegi television transmitter station on the outskirts of Bilbao, causing serious structural damage. The station, aside from transmitting public television and radio signals, also provides support for police, emergency and security forces' internal communication systems. On December 31, ETA attacked the headquarters

of the Basque News and Informational Channel (EITB), a regional television station, with a 100-kilo (220-pound) car bomb. Extensive material damage to the building, which also houses other media outlets, including Atena 3, Onda Cero, El Mundo, Deia, Marca, and Expansion, was reported; however, there were no injuries or casualties and normal operations resumed within a few hours.

Internet Freedom.—There were no government restrictions on access to the Internet. Authorities monitored Web sites for material containing hate speech and advocating anti-Semitism; there were no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Internet access was readily available from a number of providers. The Government did not require Internet service providers to restrict public access to any Web sites.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Roman Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. The Roman Catholic Church benefited from financing through the tax system in that taxpayers, regardless of denomination, could elect to dedicate a small percentage of their taxes to the Roman Catholic Church. The Government also provided some direct funding to the Roman Catholic Church, as well as funding for religion teachers in public schools, military and hospital chaplains, and other indirect assistance. Jewish, Muslim, and many Protestant communities with “notorio arraigo” (“deeply rooted” traditional) status received some tax benefits through agreements with the Government, but enjoyed fewer privileges than the Roman Catholic Church. Jehovah’s Witnesses, Buddhists, and the Church of Jesus Christ of Latter-day Saints have obtained notorio arraigo status; however, they do not receive the same benefits and privileges granted to the other “deeply-rooted” religions.

Muslim and Protestant leaders cited the work of the Government’s Foundation for Pluralism and Coexistence as a clear step for integrating non-Catholic faiths. The Government attributed significant increases in the number of non-Catholic religious organizations officially registering with the Ministry of Justice to this foundation, since registration was required to apply for foundation funds.

There were isolated instances of local and regional government policies that ultimately restrict some individual religious groups. The Jewish, Islamic, and Protestant federations reported that the building permit process for construction of new sites of worship could be difficult and lengthy, especially for sites in central urban locations. The Islamic Commission reported that sometimes new mosque construction was forced into less visible suburban areas, primarily because of resistance from neighborhood groups.

Numerous Muslims were forced to worship in converted buildings, often called “garage mosques,” because there were few buildings dedicated to Islamic worship for their growing numbers, and some localities resisted selling Muslims land and providing the necessary legal permits to build.

On February 20, the Observatory for Religious Freedom and Conscience declared that observant believers in the country were treated as “second-class citizens” for not sharing the ideology of the party in power. The observatory also criticized the Partido Popular’s (People’s Party’s) proposal to prohibit the Muslim veil in schools.

On February 15, the leadership of the Islamic Cultural Center of Valencia (CCIV) reported that its request to the Valencia city council for land to build a new, larger mosque had not received a response for nearly two years. The CCIV’s facilities were spread among multiple properties and the community was unable to accommodate the significant increase in adherents in recent years.

Societal Abuses and Discrimination.—The growth of the country’s immigrant population occasionally led to social friction, which in isolated instances had a religious component. Muslims continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates in the country. During the year Muslims reported encountering no obstacles to practicing their religion in the country.

Jewish community leaders reported that, while violence against the approximately 48,000-member Jewish community was rare, anti-Semitic incidents, including graffiti against Jewish institutions, continued to be a problem.

On August 28, an organized Israeli tour group was confronted by a group of skinheads, who shouted "Heil Hitler" while raising their arms in a Nazi salute. The skinheads spat in the tour guide's face. The skinheads picked up stones and threatened to throw them at the Israelis, while making gestures of cutting each other's throats.

An August 2007 law went into effect that established sanctions against sports teams and stadiums for prohibited actions by professional athletic clubs, players, or fans. The law resulted from a long history of fans insulting players based on their race or religion.

In October construction workers in Toledo uncovered an ancient cemetery from which skeletal remains were subsequently disinterred without religious supervision. Based on anthropological studies, experts believe the cemetery to be a Sephardic Jewish burial ground. Construction was halted while the Federation of Jewish Communities of Spain (FCJE), international rabbinical groups, representatives from the Spanish Ministries of Justice and Foreign Affairs, and local authorities negotiated a solution.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. According to UNHCR 2007 statistics, the country granted refugee status to 204 persons. An additional 340 persons received subsidiary protection.

During the first seven months of the year the country received 7,165 undocumented migrants, a 9 percent decrease from 2007. In 2007 approximately 92 percent of undocumented immigrants were repatriated to their countries of origin and approximately 69 percent of the undocumented migrants entered the country by way of the Canary Islands.

In its June briefing to the Human Rights Committee, Amnesty International (AI) expressed concern for the rights of asylum-seekers and refugees, stating that their rights are being violated by measures aimed at controlling migration. According to AI, Spain's migration policies lead to "increasingly grave consequences for migrants who, due to the nature of the obstacles faced in migrating, have been forced to travel dangerous routes by unsafe means, suffering abuses at the hands of criminal networks." AI also raised concerns about restricted access to legal assistance and interpretation services, as well as accelerated deportation processes.

According to the NGO Save the Children, the Government repatriated minors without ensuring their safety in their country of origin. The ombudsman made recommendations in its annual report to modify certain procedures to guarantee the legality of the repatriation of minors. According to 2007 government statistics, the Government repatriated 0.4 percent of unaccompanied, undocumented minors.

The national ombudsman, designated to protect and defend basic rights and public freedom on behalf of citizens, opened an investigation into conditions in the country's Canary Islands detention centers in September 2007. The report, released on June 8, confirmed violations of children's rights as previously reported by Human Rights Watch (HRW) in July 2007. The ombudsman concluded that, one year after the HRW investigation, care of unaccompanied migrant children in the Canary Islands remained inadequate. Despite some improvements, including renovation of the La Esperanza emergency center, separate housing for children below the age of 15, and school enrollment of children below the age of 16, systemic shortcomings of

these centers remains unchanged. Specifically, the ombudsman found that there were credible reports of past mistreatment of children in the La Esperanza center; that children were often housed for up to a year in overcrowded, unsafe, and substandard facilities that were intended only as temporary shelters; that children were detained in police stations upon arrival; did not receive the documentation they were entitled under the law, thus becoming undocumented migrants after reaching the age of 18.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—During the year Jose Luis Rodriguez Zapatero of the Socialist Party was reelected president in a free and fair national election. Governmental power was shared between the central government and 17 regional governments. Political parties operated without restriction or outside interference, and linguistic and cultural minorities had representation and participated in both local and national political parties.

There are 124 women in the 350-seat Congress of Deputies, 79 women in the 264-seat Senate, and nine women in the 17-member Council of Ministers. Approximately 33 percent of the parliamentary seats are held by women.

The Government did not keep statistics on the ethnic composition of the parliament, but linguistic and cultural minorities were represented. The Catalan parliament included a member of Moroccan origin. There were Muslim political parties in the city enclaves of Ceuta and Melilla in North Africa. Roma had little representation in government. In 2007 the Government appointed the first Roma to a high-level position, as an advisor in the Women's Institute, a division of the Ministry of Labor and Social Affairs. She was later fired for publicly accusing her employer of preventing her from performing her normal work duties. During the year she filed suit against the PSOE's Secretary for Social Movements and the Director of the Women's Institute for labor harassment; the case was pending at year's end.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these provisions effectively. There were several reports of government corruption during the year, particularly in local government.

On May 8, the chief of police of Coslada (a Madrid suburb) and 25 local police were arrested on suspicion of involvement in a fraud ring. On May 14, a judge authorized detention without bail for 13 of the arrested officers. Trial proceedings had not begun.

In June the anticorruption prosecutor ordered the arrest of 25 people suspected of defrauding the municipality of Estepona (Málaga). The accusations include misuse of public office, bribery, fraud, and money laundering. PSOE Estepona Mayor Antonio Barrientos, and other PSOE local leaders, were among those arrested. PSOE immediately expelled Mayor Barrientos from the party. Since April 2006, nine mayors have been accused of corruption-related offenses.

In 2007, 86 persons were charged in connection with the 2006 investigation into corruption and financial crimes in the Marbella local government. The mayor, former police chief, and much of the local government of Marbella were charged with crimes that included real estate graft, bribery, and embezzlement. Juan Antonio Roca, the suspected ringleader, made bail in April with a bond of one million euros (approximately \$1.3 million); none of the trials of persons connected with the case had started by year's end.

Public officials are subject to financial disclosure laws. The Ministry of Public Administration is responsible for managing and enforcing the Law of Conflicts of Interest. The Government also has a code of good governance that applies to all high government officials.

The law mandates public access to government information, and the Government generally complied.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced it effectively.

Women.—The law prohibits rape, including spousal rape, and the Government effectively enforced the law. According to 2007 government statistics there were 6,845 cases of sexual assault, harassment, and aggression.

The law prohibits violence against women, and independent media and government agencies paid close attention to gender violence. According to 2007 statistics the General Counsel of the Judicial Power, women filed 126,293 complaints of abuse against their husbands, male partners, or former partners. According to an AI report, more than 600,000 women over the age of 18 were victims of gender-based abuse during 2007, but only 21 percent filed a complaint against their male partners.

The law establishes prison sentences of six months to a year for domestic violence, threats, or violations of restraining orders, with longer sentences if serious injuries result. In 2007 statistics, the most recent available, there were a total of 43,048 gender-related trials, and 66 percent of the sentences issued were condemnatory. Since January 2005, when the Law against Gender Violence went into effect, authorities have convicted more than 300,000 persons for gender-related violent crimes.

Over 50 offices provided legal assistance to victims of domestic violence, and there were approximately 293 shelters for battered women. A 24-hour toll-free national hotline advised battered women on finding shelter and other local assistance. According to December 2007 statistics, there were 1,614 specialized security force officers focused on protection of victims of domestic violence. As of February, there were 83 specialized courts dealing exclusively with domestic violence cases, and 90 specialized judicial units.

FGM is prohibited. In Catalonia the law requires that a doctor examine immigrants considered to be in danger of FGM when they travel to and from their countries of origin. Parents whose children are determined to have been subjected to FGM risk losing custody.

Catalonian regional police have implemented procedures to prevent FGM through the early detection of potential victims, immediate reporting of possible cases to appropriate authorities, and, when possible, preventing the travel of potential victims. The Catalanian police detect an average of 40 FGM cases a year and prevented travel in 18 cases during the first six months of the year.

There is no law prohibiting the act of prostitution, but forcing others into prostitution and organizing prostitution rings are crimes; it is illegal to profit from the prostitution of another person. Prostitution was reported to be a problem despite continued efforts by local governments, notably those of Madrid and Barcelona, to discourage it. In July 2007 the Madrid city government installed 31 video cameras in one of the city's largest parks where prostitutes often gathered at night. In February another 30 cameras were installed in Madrid's downtown streets. Other efforts to combat prostitution included advertising campaigns discouraging prostitution, restrictions on prostitution near schools, and police actions such as street closings to deter clients from seeking prostitutes.

The law prohibits sexual harassment in the workplace; however, harassment was reported to be a problem. According to the National Institute of Statistics, over 9 percent of women experienced some form of sexual harassment during 2007.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Women's Institute worked to ensure the legal rights of women, combat economic discrimination, and integrate women into the professional workplace. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men. According to the National Statistics Institute, women in Spain earn 26.3 percent less than men.

Children.—The Government was strongly committed to children's rights and welfare.

There were reports of child abuse. In February 2007 the director of the Reina Sofia Center (RSC) for the Study of Violence stated that 8 percent of children suffered psychological or physical mistreatment, but that only a small fraction of these cases were reported to the authorities. From 2004–07, 48 children died as a result of child abuse and, as of July, four children had died from abuse in 2008. A report by the RSC published in April indicated that an average of 12 children a year died from abuse. Since November 2007 the Government has run a public awareness campaign on child abuse featuring billboards and radio and television advertisements.

Trafficking of teenage girls for commercial sexual exploitation was a problem.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was both a destination and transit point for persons trafficked for the purpose of commercial sexual exploitation and, to a lesser degree, forced labor (primarily in agriculture, construction, and domestic employment). Trafficked women were usually 18 to 24 years of age, but some girls were reportedly trafficked as young as 16. Women were trafficked primarily from Latin America (Colombia, Brazil, and Honduras), Eastern Europe (Romania and Russia), and sub-Saharan Africa (Nigeria). Persons were also trafficked from China for labor exploitation.

Traffickers were generally organized criminals based in the source countries. Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. In the case of women from Eastern Europe, severe violence and threats were the methods most often employed by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture, but forced them into prostitution upon their arrival. NGOs reported an increase in cases in which traffickers allowed their victims to keep a portion of the money they earned through prostitution to reduce their desire to escape the trafficking network.

The law prohibits trafficking in persons for labor and sexual exploitation. The prescribed penalties for sex trafficking are five to 15 years' imprisonment, commensurate with the prescribed penalties for rape. The penalty for labor trafficking is four to 12 years in prison. The law also prohibits the exploitation of prostitutes through coercion or fraud and of workers in general, with penalties ranging from five to 10 years' imprisonment. In 2007 the Government passed numerous acts of legislation that increased the penalties for trafficking by two to six years if the offender is found to be a part of a criminal organization and that gives courts authority to prosecute cases trafficking that occurred outside the country.

In February the Spanish Network against Trafficking in Persons estimated that between 40,000 and 50,000 women are sexually exploited every year in the country. The Federation of Progressive Women, in its report *Fight Against Trafficking of Women*, estimated that over 18,000 foreign women are sexually exploited in the country each year and that the number of victims identified reflects only half of the actual total.

According to media reports, security forces dismantled 41 trafficking networks and made 233 trafficking arrests from January through July.

In June the national police dismantled a network that was illegally trafficking Brazilian women for sexual exploitation purposes. The police arrested 37 persons; nine of them were leaders of the network.

On April 14, 24 Russian women were detained in Caceres for being undocumented and 10 others were charged with trafficking. Since the national operation investigation's beginning in April 2007, a total of 86 persons have been arrested for trafficking.

In April Spanish authorities freed several Honduran women who were being held against their will and forced into prostitution in Valencia.

The national police also dismantled a sexual exploitation ring whose victims were primarily Russian women. The 18-month investigation resulted in 76 trafficking arrests. An additional 53 persons living in Russia were identified as participants in the criminal trafficking organization.

In 2007 statistics officials identified 1,035 sex trafficking victims and 445 labor trafficking victims.

During the year police dismantled 240 trafficking networks, arrested 1,039 persons, and freed 2,288 victims. During the year the Government announced that it would allot six million euros (\$7.8 million) to fund an antitrafficking cooperation agreement with several Central American countries.

The Ministry of Interior coordinates antitrafficking efforts and works closely with the Office of the President, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. The Immigration Networks and Falsified Documents Unit (UCRIF), a special unit of the national police, covers trafficking in persons. The UCRIF intelligence unit analyzed statistical data and trends and coordinated efforts and shared data with the civil guard and Interpol. Regional national police officers conducted quarterly reviews to set goals in combating trafficking and to assess progress in meeting previous goals.

The law permits trafficking victims to remain in the country if they agree to testify against their perpetrators. Victims are given a 30-day "reflection period" to recover in a safe environment before being required to decide whether to cooperate with the investigation and prosecution of their traffickers. After legal proceedings conclude, victims have the option of remaining in the country or returning to their

country of origin. Representatives of the Government's violence education programs for female victims and an NGO partner reported that 89 percent of the victims they assisted filed criminal charges.

The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs. Victims received medical assistance, including emergency care, through the national health care system.

The Government has several programs to prevent trafficking, including a toll-free hotline that offers information to trafficking victims and potential victims. Local governments continued demand-reduction campaigns. The city of Madrid targeted potential sex solicitors with the slogan, "Do not contribute to the perpetuation of 21st Century slavery." Military forces deployed outside the country as international peacekeepers received antitrafficking training. Under the slogan "There are no excuses," the Government warned travelers against child sex tourism. In January the Ministries of Labor and Social Affairs and Foreign Affairs and the NGO Save the Children hosted an international conference on child trafficking that addressed child sex tourism.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the Government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions; however, levels of assistance and accessibility differed between regions. The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities.

In April the National Assembly approved a law that establishes fines for discrimination against persons with disabilities of up to one million euros (approximately \$1.3 million).

National/Racial/Ethnic Minorities.—There were instances of societal violence and discrimination against members of racial and ethnic minorities, and the Government undertook efforts to combat the problem.

According to the European Network on Racism and Xenophobia there are approximately 4,000 racially motivated crimes in the country annually, while the Government only reports between 90 and 120 such crimes. On April 10, AI released a report that asserted the Government has not taken sufficient steps to fight racism and deprives the public of information in an effort to conceal the problem. The report, entitled *Between Aversion and Invisibility*, also noted that the country that does not track or publish information on racially motivated crimes and asserted that the justice system does not sufficiently address the racist component of many crimes.

On September 6, a Spanish Roma killed a Senegalese citizen in Roquetas de Mar, Almeria. The killing set off a seven-hour neighborhood riot that resulted in the burning of two apartment buildings and attacks against members of the security forces that injured three officers. Four sub-Saharan Africans were arrested for their involvement. On September 7, a group of sub-Saharans attacked an ambulance and set fire to street containers in the same neighborhood. Four other arrests were made and the national ombudsman opened an investigation into events. The association "Almería Acoge" denied that the death was racially motivated.

On April 5, several train security guards allegedly attacked a Maghreb man in Barcelona. According to one witness, nine or 10 guards kicked the victim, who subsequently filed an official complaint. The witness provided testimony before a judge, but no further action was taken by year's end.

The Romani population continued to face discrimination. According to the domestic NGO Fundacion Secretariado Gitano (FSG), Roma continued to face discrimination in access to employment, housing, and education. The Romani community, which the FSG estimated to have a population of 600,000, experienced substantially higher rates of unemployment, poverty, and illiteracy than the general population. A 2007 FSG study indicated that 80 percent of Romani children did not finish compulsory secondary education. The FSG 2007 annual report also states that 26 percent of Roma ages 16 to 65 are illiterate. In 2006 unemployment among Roma was at 13.8 percent, while unemployment country-wide was 9 percent.

On April 2, the Council of Europe's Commission against Racism and Intolerance adopted resolution which stated that Roma, and in particular Romani women, still faced particular difficulties and discrimination in their access to employment, housing and social services and, reportedly, in the treatment they received within the criminal justice system. The resolution also noted continued difficulties in ensuring equal access to education for Roma, with Romani students exhibiting higher levels

of absenteeism, drop-out rates, and poor performance than non-Romani children, especially at the secondary school level.

A Romani association in Madrid (Hierbabuena) accused the PSOE of discriminating against Roma when the Government fired a high-level Romani advisor to the Department of Ethnic Minorities within the Women's Institute. The advisor was terminated after filing a harassment suit in July against the PSOE's secretary for social movement.

On July 2, the United Nations Special Rapporteur against Racism asserted before the Catalanian parliament that political parties in the country attempt to exploit racism to gain electoral advantage. After visiting Sikh, Roma, Evangelical, and Muslim communities in Catalonia, the Special Rapporteur noted that the communities were excluded from the mainstream of society and experienced difficulty practicing their religions due to the small size of their places of worship.

Other Societal Abuses and Discrimination.—There were no reports of major societal violence or discrimination based on sexual orientation.

There were no reports of major societal violence or discrimination against persons with HIV/AIDS.

The controversy regarding official language policies continued, with complaints that current policies offend the right to an education in the "mother tongue," or Castilian Spanish. In 2007 the ombudsman received approximately 100 complaints regarding Catalonia's linguistic policies, and in March the "Platform in Defense of the Freedom of Choice in Language Election" filed a formal complaint against a school in the Basque Country. The school had refused to offer all classes in Spanish.

In October 2007 an estimated 5,000 writers, politicians, journalists, academicians, actors, and filmmakers signed a manifesto criticizing Cataluna Radio for firing a journalist for speaking in Castilian (Spanish), rather than Catalan (Catalonia's regional language).

According to security forces, 4,000 people participated in a demonstration in Barcelona on September 28 to protest the Government's linguistic policies and to defend the right to have school classes taught in Castilian.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers, except military personnel, judges, magistrates, and prosecutors, to form and to join independent unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Approximately 15 percent of the workforce was unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike and workers exercised this right by conducting legal strikes. A strike in nonessential services was legal if the union gave five days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers.

The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and that men were trafficked for labor, mainly in agriculture.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws and policies to protect children from exploitation in the workplace. While child labor was generally not a problem, there were reports that children were trafficked for sexual exploitation. The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs has primary responsibility for enforcement of the minimum age law and enforced it effectively in major industries and the service sector. The ministry had difficulty enforcing the law on small farms and in family-owned businesses,

where some child labor persisted. Laws prohibiting child labor were enforced effectively in the special economic zones.

e. Acceptable Conditions of Work.—The minimum wage was approximately 600 euros (approximately \$780) per month, which generally did not provide a decent standard of living for a single-income family. The Ministry of Labor and Social Affairs effectively enforced the minimum wage.

The law provides for a 4-hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. By law overtime is restricted to 80 hours per year unless collective bargaining establishes a different level. Premium pay is required for overtime, up to a maximum of 80 hours per year.

The National Institute of Safety and Health in the Ministry of Labor and Social Affairs has technical responsibility for developing labor standards, and the inspectorate of labor has responsibility for enforcing the law through inspections and judicial action when infractions are found. Unions criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively enforced this right; however, employees with short-term labor contracts may not understand that they have such legal protections.

SWEDEN

The Kingdom of Sweden is a constitutional monarchy with a multiparty parliamentary form of government. The population is approximately 9.2 million. Legislative authority is vested in the unicameral Riksdag (parliament). In national elections in 2006, voters elected a center-right coalition government led by the Moderate Party. The elections were free and fair. The King is the largely symbolic head of state. The prime minister is the head of the Government and exercises executive authority. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Reported human rights problems included isolated incidents of excessive force by police; prison overcrowding and lengthy pretrial detention; government surveillance and interference; incidents of anti-Semitic and anti-Islamic discrimination and civil disturbances; abuse of women and children; and trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were isolated reports that police used excessive force. In August two police officers were reported for assault. The investigation by the Karlstad police prosecutors unit was ongoing at year's end.

During the first six months, law enforcement authorities conducted 537 investigations of police officers, charged and convicted nine for crimes, including minor assault, theft, and sexual molestation.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, although overcrowding and lengthy pretrial detention remained problems. The addition of new detention and prison cells during the year helped mitigate prison overcrowding.

Restrictive conditions for prisoners held in pretrial custody remained a problem. According to the National Agency for Prison and Probation, approximately 40 percent of these detainees were subject to extended isolation or to restrictions on mail delivery or exercise.

The Government permitted visits by independent human rights observers. A delegation from the UN Committee on Prevention of Torture (CPT) visited prisons and detention centers in March. The Justice Ombudsman, who is detached from the Ministry of Justice, performed approximately 10 inspections during the year, based either on complaints or on the Ombudsman's initiative. The Red Cross and church associations are also allowed to visit prisoners, but not to monitor or inspect the prisons.

d. Arbitrary Arrest or Detention.—The constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Civilian authorities maintained effective control over the National Police and the Swedish Security Service, and government authorities had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

The Swedish Helsinki Committee for Human Rights criticized the security police for poor judgment in a number of investigations related to Somalis suspected of terrorist financing crimes. Three Somali men residing in the country were apprehended in February, and eventually released without charge at the end of September.

Arrest and Detention.—The law requires warrants issued by duly authorized officials for arrests, and the Government generally respected this requirement in practice. Police must file charges within six hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. Police may hold a person for questioning for six hours, or up to 12 hours if necessary for the investigation. After questioning, the extent to which reasonable suspicion remains determines whether the individual will be arrested or released. If the suspect is arrested, the prosecutor has 24 hours (or three days in exceptional circumstances) to request continued detention. An arrested suspect must be arraigned within 48 hours, and initial prosecution must begin within two weeks, unless extenuating circumstances exist. Authorities generally respected these requirements.

Detainees may retain a lawyer of their choice; in criminal cases the Government is obligated to provide an attorney if the defendant cannot afford one. Detainees are afforded prompt access to lawyers and to family members. Although there is no system of bail, courts routinely release defendants pending trial unless they are considered dangerous.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is no specific court for human rights violations. Instead, cases are tried in the general court system. As members of the European Union (EU), citizens can appeal to the European Court of Human Rights in matters related to the state.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Human rights organizations, including the Swedish Helsinki Committee for Human Rights, expressed concern over the growing number of government proposals to permit greater surveillance by the police. Human rights groups argued that allowing additional surveillance methods, such as wiretapping, would conflict with protection of the individual's right to privacy. During the year courts issued 966 permits for wiretapping, and denied 16. In September the parliament approved a law to give the National Defense Radio Establishment (FRA) the authority to monitor international cable traffic, provided that prior approval was obtained from a special court. Under this law, scheduled to go into effect in January 2009, government ministries and the Department of Defense will be the only agencies allowed to commission surveillance from the FRA.

An ombudsman in the prosecutor's office is responsible for protecting citizens' rights in court cases that involve use of invasive measures, such as camera surveillance or wiretapping. The ombudsman participates in the court review of all wiretapping and surveillance requests.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law criminalizes certain types of expression considered to be hate speech and prohibits threats or expressions of contempt for a group or member of a group based on race, color, national or ethnic origin, religious belief, or sexual orientation. Hate speech may be punished by penalties ranging from fines up to a maximum of four

years in prison. During the year, members of the National Socialist Front were prosecuted under the hate speech law.

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail.

According to Statistics Sweden, 83 percent of the population between the ages of 16 and 74 had Internet access.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Commission for State Grants to Religious Communities, a government body under the authority of the Ministry of Culture, provides financial aid to religious groups. In reviewing applications from religious groups, the only criteria the commission considers are the number of members in the group and how long the group has been established. In 2007, 50,232,000 SEK (approximately \$6,375,000) was distributed to 22 religious communities in the country. The Government promotes interfaith understanding and meets annually with representatives of various religious groups.

Societal Abuses and Discrimination.—The Jewish community numbered an estimated 18,500 to 20,000 persons; approximately half are estimated to be practicing members. In 2007 there were 118 reported cases of anti-Semitic crime, according to the Swedish National Council for Crime Prevention. Most of the incidents were characterized as “agitation against an ethnic group” or “unlawful threat or molestation.” Twenty-one of the reported cases resulted in convictions.

During the year the media reported that individuals associated with the openly Nazi organization National Socialist Front Party committed numerous discriminatory acts involving violence and harassment aimed at immigrants, minorities, and people of Jewish faith. The reports included cases of assault and hate speech, unauthorized demonstrations, illegal distribution of posters, illegal possession of weapons, and disorderly conduct.

In April a 20-year-old woman was awarded damages of 24,000 SEK (more than \$3,000) for discrimination. She had been asked by a bus driver to get off the bus for wearing a veil.

In August a fire at a mosque in the city of Stromsund was determined by the police to be an act of arson and a hate crime. The Crime Prevention Agency reported 3,700 hate crimes in 2007, an increase of 9 percent from 2006.

In mid-December Muslim youths in a suburb of Malmo clashed with police over a three-week period. The youths threw Molotov cocktails and rocks at police and started fires in garbage bins. The disturbances were related to a dispute over a Malmo city official’s decision not to renew the lease on a property that had been used for many years as an Islamic cultural center that also housed a mosque. The Islamic Association claimed the decision was discriminatory. Seventeen persons were detained, one police officer was injured, and two persons were prosecuted.

The Stockholm police have a hate-crime hot line to receive complaints.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit forced exile, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection

against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Government granted refugee status or asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol, and provided it to 38 persons during the first six months of the year.

During his March visit, UNHCR Commissioner Antonio Guterres discussed asylum issues with Migration Minister Billstrom, including repatriation of Iraqis seeking asylum. The commissioner criticized the country's February agreement with the Government of Iraq to repatriate Iraqis denied asylum. His criticism was based on repatriating Iraqis to southern and central Iraq, areas where the Government maintained that the security situation had improved; but some media sources and human rights organizations did not agree that it was safe for Iraqis to return to those areas. By June, 45 Iraqis had been repatriated.

The Migration Board (the entity that handles asylum applications) was granted 27 million SEK (\$3.4 million) to hire more staff to deal with the increased number of Iraqi refugees. Amnesty International criticized a low level of knowledge of lawyers assigned to refugees by the Migration Board.

In September the Migration Board denied asylum to Adil Hakimjan, an ethnic Uighur from China, despite a direct appeal to the Government from the European Parliament to accept him. Hakimjan had been a detainee in Guantanamo who, upon release, was transported to Albania (the only country that agreed to receive him). He could not return to China because his life would be threatened there. Hakimjan applied for asylum in Sweden where he has a sister. According to the Migration Board, Hakimjan's application was turned down because he already had asylum in Albania. The case was appealed to the Migration Appeals Board and received some media attention.

The Government returned asylum seekers who arrived from EU countries or from countries with which it maintained reciprocal return agreements. In most cases persons returned had passed through or had asylum determinations pending in other EU countries. In many cases authorities deported asylum seekers within 72 hours of their arrival. The Government authorized financial repatriation support for asylum seekers who had been denied residence in the country in the amount of 20,000 SEK (\$2,534) per adult and 12,000 SEK (\$1,520) per child, with a maximum of 50,000 SEK (\$6,337) per family, but very few rejected asylum seekers applied for this support.

Asylum seekers can appeal Migration Board rulings to two special migration appeals courts.

The UN Committee for the Prevention of Torture received complaints against the Government during the year, most concerning repatriation of refugees.

During the year, the court awarded damages in the amount of 3 million SEK (\$380,000) each to Egyptian nationals Ahmed Agiza and Mohammed Alzery, in connection with their 2001 forced repatriation. The judgment followed from a finding by the CPT that the country violated the UN Convention against Torture. However, their new asylum applications were turned down by the Migration Board, and their appeals were pending at year's end. Both men were in Egypt; Agiza reportedly was incarcerated there.

Stateless Persons.—By the end of the year, there were estimated to be more than 8,000 stateless persons in the country. The large number relates to the influx of immigrants and the birth of children to stateless parents who remain stateless until one parent has acquired citizenship, as citizenship is derived from one's parents. The majority of the stateless population originated from the Middle East (Gaza, the West Bank, Lebanon, Syria and Iraq).

Once stateless persons have been granted permanent residence, they can obtain citizenship through the same naturalization process as other permanent residents. The time frame is normally four to eight years, depending on the individual's grounds for residency and ability to establish his/her identity and lack of a criminal record.

There is no legal discrimination against stateless persons in employment, education, housing, or health services, and the Government does not contribute to or deliberately prolong a person's statelessness.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation.—In the 2006 parliamentary elections citizens voted out the Social Democratic Party (SDP), which had dominated the political system for 70 years. The new government was a center-right coalition led by the Moderate Party.

Political parties operate without restrictions or outside interference.

There were 165 women in the 349-seat parliament and 10 women in the 22 member cabinet.

No official statistics on minority representation were available because the law prohibits the Government from holding information about the racial or ethnic background of its citizens. However, media reports stated that there was one ethnic minority member in the cabinet, and 6.5 percent of parliament members were born in other countries.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. The Prosecutor's Office has a special unit working on cases involving corruption. The unit initiated 65 investigations during the year, resulting in 27 prosecutions. Public officials and political parties are subject to financial disclosure laws.

The constitution and law provide for public access to government information, and the Government generally respected this provision in practice. The public has the right of access to government documents unless they are subject to secrecy laws, according to which information may be withheld if its release poses a threat to national security or to individual or corporate privacy.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status. Although the Government effectively enforced these laws, violence against women and children, trafficking in persons, and discrimination against resident foreigners, Roma, and homosexuals remained problems.

Women.—Rape, including spousal rape, is illegal, and the Government enforced the law effectively. The law stipulates more severe penalties for repeated crimes and if the perpetrator had a close relationship to the victim. The National Council for Crime Prevention (NCCP) reported 3,880 rapes of persons over age 14, compared with 3,535 in 2007.

The NCCP reported 19,318 cases of assault against women. Approximately 50 homicide deaths of women and girls were reported during the year, most of them committed by men closely related to the victim. Authorities apprehended and prosecuted abusers.

The law provides victims with protection from contact with their abusers. When necessary, authorities helped women protect their identities or obtain new identities and homes; according to official statistics, some one thousand individuals—mostly women—received such services. Both national and local governments helped fund volunteer groups that provided shelter and other assistance for abused women, and both private and public organizations ran shelters and operated hot lines.

The Government launched an 800 million SEK (\$101 million), four-year action plan to combat violence against women, including honor-related violence. The plan focuses on improving victim protection, the quality of legal investigations, and rehabilitation services for abusers.

At year's end authorities estimated that 1,500–2,000 women had been subjected to honor-related violence (patriarchal violence often linked to cultural and religious convictions about female chastity and marriage). Honor-related violence exclusively involved immigrants from Muslim countries; the police have concentrated on educating law enforcement officers and prosecutors to increase awareness and improve detection and prevention. A survey by Swedish Radio indicated that nearly 60 percent of the country's local social service offices had helped victims of honor violence.

Selling sexual services is legal but the purchase of sexual services and procurement are illegal. In recent years the Government has sought to curb prostitution by focusing on the demand rather than the supply, by arresting clients and not prostitutes. There were 33 reported cases of individuals buying sexual services during the year, a decrease from the previous year.

The law prohibits sexual harassment, and the Government generally enforced this law in practice. Employers who do not investigate and intervene against harassment at work may be liable for damages to the victim.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system, but some sectors of the labor market still showed significant gender disparities in terms of salaries, especially in male-dominated occupations. Women's salaries averaged 85 percent of men's, adjusting for age, education, and occupational differences.

The equal opportunity ombudsman (EOO), a public official, investigates complaints of gender discrimination in the labor market. Complaints may also be filed with the courts or with the employer. Labor unions generally mediated in cases filed with the employer. During the year the EOO's office registered 290 cases. Women filed approximately 75 percent of the cases; 25 percent of those cases concerned salaries. The number of discrimination complaints related to pregnancy rose to 46, compared with 30 in 2007.

Children.—The Government was strongly committed to children's rights and welfare, but child abuse was a problem. At year's end the National Child Protection Council reported 5,954 cases (January-September) of abuse of children under the age of 15 compared to 9,520 a year earlier. Police reported 944 cases of child rape and 955 cases of sexual abuse of children, compared with 1,271 reported cases of rape and 851 reported cases of child sexual abuse in 2007.

There were reports of trafficking of children; the largest case during the year involved 15–20 Vietnamese children working in a Vietnamese-run restaurant. The law prohibits the repatriation of trafficked children if they lack proper documents to prove their identity and national origin. Those children are turned over to social services in the municipality of residence. The Swedish Migration Board has a specific policy for children arriving alone.

The law prohibits parents or other caretakers from abusing children mentally or physically. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. Authorities may remove children from their homes and place them in foster care.

In March the Government committed 50 million SEK (\$6.3 million) to improve municipalities' work on physical health, access to psychiatric treatment, and preventive measures for child abuse. The Government continued to be active in efforts to prevent child abuse through international organizations such as the UN Children's Fund.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, and within the country. Law enforcement officials and analysts estimated the number of trafficked women at 500 per year, cautioning, however, that it was not possible to obtain precise numbers.

For certain origin countries, including Estonia, Russia, and Poland, Sweden continued to be a transit point, and to a lesser extent a destination, for trafficked women and children. The country was a destination point for trafficking victims from Asia. Traffickers typically recruited female victims in their countries of origin to work as cleaners, babysitters, or in similar employment abroad. Once in the country, traffickers isolated and intimidated victims and forced them to work as prostitutes in hotels, restaurants, massage parlors, or private apartments; some were locked up and their passports confiscated by their captors. Male victims were primarily trafficked for forced labor, and in some cases forced begging and petty theft.

The law prohibits the trafficking of persons for sexual purposes, provides for sentences of two to 10 years' imprisonment for persons convicted of trafficking, and criminalizes attempting to traffic, conspiracy to traffic, and the failure to report such crimes. Authorities actively prosecuted trafficking cases. During the year police reported 10 cases of trafficking for sexual purposes.

To prosecute traffickers, authorities continued primarily to use laws against procurement and an offense called "placing in distress," which can apply in cases where traffickers lure women from other countries under false pretenses. The laws on procurement and trafficking complement each other; however, the antitrafficking law requires that prosecutors prove traffickers used "improper means." Judges commonly ruled that improper means were absent in cases involving victims who consented to being trafficked. Although consent is irrelevant under the antitrafficking law, in practice judicial interpretation of the improper means criterion makes it difficult to obtain convictions. Prosecutors consequently continued to rely on the pro-

curement laws for most convictions of traffickers. During the year there were 35 cases of procurement reported, many involving trafficking victims.

The Government has a special ambassador to combat human trafficking, tasked with strengthening international antitrafficking efforts. The country also actively participated in a Nordic-Baltic task force against human trafficking.

The Government allocated funds to domestic and international NGOs to provide shelter and rehabilitation assistance to victims. Police and social services also provided funding. The law enables trafficking victims who cooperate with police investigations to receive at least six-month temporary residence permits, allowing access to the full range of social benefits. Victims who do not cooperate with police investigations are ineligible to receive temporary residence permits and are promptly deported.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits employers from discriminating against persons with disabilities in hiring decisions, and prohibits universities from discriminating against students with disabilities in making admissions decisions. No other specific law prohibits discrimination against persons with disabilities. There is a disability ombudsman.

Regulations for new buildings require full accessibility. Similar requirements exist for some public facilities but not all; many buildings and some means of public transportation remained inaccessible. The legislation on discrimination does not cover accessibility.

The number of reports of discrimination against people with disabilities increased during the year. There were 896 reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; most of the cases involved lack of access to public buildings. Difficulty in accessing apartments, pubs, and bars were the most frequent reports of societal discrimination against persons with disabilities. In June the European Commission urged the country to correct the problem, and the Government has presented an action plan running from 2006–10 to increase accessibility.

Approximately half of the cases submitted to the disability ombudsman under the Disability Act were handled under mediation procedures rather than through formal court hearings.

National/Racial/Ethnic Minorities.—Over a million persons in the country are foreign born, with the largest groups originating from Finland, the former Yugoslavia, Iraq, and Iran. According to figures from Statistics Sweden, approximately 90,000 persons immigrated to the country during the year. The largest single group came from Iraq.

The ombudsman for ethnic discrimination received 737 reports during the year compared to 817 in 2007. Workplace related discrimination cases also decreased by 10 percent from 2007.

Police registered reports of xenophobic crimes (numbers not available), some of which were related to neo-Nazi/white power ideology. The Government investigated and prosecuted race-related crimes. Official estimates placed the number of active neo-Nazis, or white supremacists, at approximately 1,500. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with inflammatory symbols at rallies, since the law prohibits incitement of hatred against ethnic groups.

During the year the media reported that individuals associated with the openly Nazi organization National Socialist Front Party perpetrated numerous discriminatory acts involving violence and harassment aimed at immigrants and minorities. The media also reported an increase in Nazi-related threats and harassment at schools against both teachers and pupils with immigrant backgrounds.

The law recognizes Sami (formerly known as Lapps), Swedish Finns, Tornedal Finns, Roma, and Jews as national minorities. The Government supported and protected minority languages.

The Government estimated the population of Roma to be 40–60,000.

There is a Special Delegation for Romani Issues consisting of representatives of Romani origin, experts on Romani issues, and representatives from Romani associations. The delegation worked to improve the situation of Roma in society and addressed such discrimination issues as social, political, and economic exclusion.

Indigenous People.—There were approximately 20,000 Sami in the country, represented by a 31-member Sami-elected administrative authority called the Sami Parliament; the Sami were not represented in the national parliament. The Sami parliament acts as an advisory body to the Government and has decision-making

powers in matters related to Sami culture, language, and schools. Parliament and government regulations govern its operations.

Longstanding tensions between Sami and the Government over land and natural resources persisted, as did tensions between Sami and private landowners over reindeer grazing rights.

Other Societal Abuses and Discrimination.—There were isolated incidents of societal violence and discrimination against homosexual persons. There were reports that individuals associated with the National Socialist Front Party made threats against the Swedish Federation for Lesbian, Gay, Bisexual, and Transgender Rights. The ombudsman against discrimination on grounds of sexual orientation registered 47 reported cases during the year, the same number as in 2007. Additionally, the ombudsman's office initiated six new discrimination investigations, compared to eight in 2007. A government working group promotes equal rights for homosexual, bisexual, and transsexual persons.

There were no reports of discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers to form and join independent unions of their choice, without previous authorization or excessive requirements, and workers exercised this right in practice. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, as well as for employers to organize and conduct lockouts; workers and employers exercised these rights in practice. Public sector employees also enjoy the right to strike, subject to limitations in the collective agreements protecting the public's immediate health and security.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right in practice. Approximately 80 percent of the workforce was under collective bargaining agreements. The law prohibits antiunion discrimination and there were no reports that it occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children. There were reports that boys and young men were trafficked to and through the country for the purpose of forced labor, many of them on construction sites. Children were also trafficked for forced begging and petty theft.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law and policies (including those on acceptable working conditions) protect children from exploitation in the workplace, and the Government effectively implemented these laws and policies in practice. The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 may work part time or in light work with parental permission. Union representatives, police, and public prosecutors effectively enforced these restrictions.

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages are set by annual collective bargaining contracts. Nonunion establishments generally observed these contracts as well. Substantial benefits (e.g., housing, childcare) provided by social welfare entitlement programs assured even the lowest-paid workers and their families a decent standard of living.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The maximum allowable overtime per year is 200 hours. The law requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of seven days. The law also provides employees with a minimum of five weeks' paid annual leave. The Government effectively enforced these standards.

The Work Environment Authority, a government appointed board, issued occupational health and safety regulations, and trained union stewards and safety ombudsmen. Government inspectors monitored them. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. These rules were effectively enforced. Workplaces were generally safe and healthy. In law and practice, workers could remove themselves from situations that endangered their health or safety without jeopardizing their employment.

SWITZERLAND

The Swiss Confederation, population 7.5 million, is a constitutional republic with a federal structure. Legislative authority is vested in the bicameral parliament (Federal Assembly), whose members were chosen in free and fair elections in October 2007. The Government, elected by the Federal Assembly in December 2007, is a coalition composed mainly of the four major parties. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. However, there were reports that police at times used excessive force, and a few allegations of impunity. Other human rights problems were lengthy pretrial detention, anti Semitic and anti Muslim incidents, violence against women, trafficking in persons, and discrimination against minorities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution prohibits such practices; however, there were reports that police occasionally used excessive force.

A delegation of the Council of Europe's Committee for the Prevention of Torture (CPT) conducted a two week visit in September and October 2007. In its report, published in November 2008, the CPT gave generally good marks to police for their treatment of individuals in their care in most of the cantons they visited, but reported numerous allegations of mistreatment against the Geneva cantonal police, ranging from occasional slaps to more serious abuse such as kicks, punches, blows with a truncheon, the abusive use of tear gas, strangulation, and, in one case, accusations of "submarining" (near submersion). In response to these criticisms, Geneva authorities stated that they had circulated messages to the Geneva police forces concerning mistreatment of detainees and that current practice permitted external experts to assist with investigations of abusive police behavior. With regard to submarining, the Geneva authorities indicated that their investigation turned up no evidence of such abuse and that there were no witnesses or complaints filed in connection with the allegation. At the same time, authorities acknowledged that cases of police abuse, while negligible compared with the number of arrests, were growing and indicated that in recent years some cantons had introduced mediation services or independent police complaint bodies in an effort to address the issue.

In November the Ministry of Justice and Police announced that a new law regulating the use of force by federal police and by cantonal police performing duties on behalf of the federal government would come into force on January 1, 2009. The Government announced that the new law was intended to ensure the appropriate use of force and the greatest possible protection of the integrity of the affected persons.

In its annual report, published in May, Amnesty International (AI) indicated that it continued to receive allegations of human rights violations by law enforcement officers and of their subsequent impunity. In June 2007 AI released a special report accusing the police forces of repeated human rights abuses that were rarely punished. The report documented some 30 instances of alleged police abuse in 14 cantons between 2001 and 2006, some of which led to deaths. Police authorities responded that the AI report was biased against the police.

Prison and Detention Center Conditions.—Prison conditions generally met international standards. According to 2007 statistics, the occupation rate of detention facilities was 86 percent, 10 percent lower than in 2005; however prison overcrowding was a problem in some major urban areas such as Zurich, Bern, and Geneva. The CPT criticized detention facilities for immigrants awaiting deportation as inadequate for detaining individuals for up to two years as envisaged in the law.

The Government permitted access to prisons by independent local and international human rights groups.

A new penal code for young offenders that entered into effect in January 2007 states that juvenile detention prior to conviction should be minimized. It also requires that juvenile offenders be held in reform schools or separate wings of prisons where they can be given educational support; however, a study by the Justice Min-

istry published in May 2007 found that, during investigative detention, juveniles were often held together with adults and kept in prisons rather than reform schools.

According to the law, young offenders up to age 15 may be given a maximum prison sentence up to one year, while 16 to 18 year old offenders may be jailed for up to four years.

d. Arbitrary Arrest or Detention.—The constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over police forces, which primarily are organized and administered by the cantons with federal coordination. The Federal Office of Police, in addition to performing coordination and analytical functions, can pursue its own investigations under the supervision of the Attorney General in cases of organized crime, money laundering, and corruption. The Government has effective mechanisms to investigate and punish abuse and corruption; however, there were a few allegations of impunity.

Arrest and Detention.—By law criminal suspects must be apprehended on the basis of warrants issued by a duly authorized official unless there is a specific and immediate danger to which police must respond immediately. In most cases a suspect may not be held longer than 24 hours before being presented to a prosecutor or investigating magistrate, who must either bring formal charges or order the detainee's release; however, asylum seekers and other foreigners without valid documents may be held up to 96 hours without an arrest warrant. The CPT, in its report released in November, criticized the fact that detained suspects may waive the right to appear personally before a judge, that access to a lawyer was at times not available in the period between apprehension and formal arrest, and that next of kin were not always promptly notified. The Swiss government rejected these criticisms, indicating that the provisions advocated by the CPT were not necessary.

There was a functioning bail system, and courts grant release on personal recognition or bail unless the magistrate believes the person charged is dangerous or a flight risk. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney before charges are brought. The state provides free legal assistance for indigents who are charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

In some cases lengthy pretrial detention was a problem. During the year approximately one third of all prisoners were in pretrial detention, and the average length of such detention was approximately 50 days. In April 2007 an expert group commissioned by Geneva's cantonal parliament reported that a shortage of investigative magistrates reviewing new cases resulted in lengthy pretrial detention periods at the Champ Dollon prison.

All cases of prolonged pretrial detention are subject to review by higher judicial authorities. The country's highest court has ruled that pretrial detention must not exceed the length of the expected sentence for the crime with which a suspect is charged.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials were generally expeditious and public. Those involving minor offenses are generally heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury. Defendants have the right to be present and to consult with an attorney in a timely manner, and an attorney is provided at public expense if defendants face serious criminal charges. Defendants have the right to confront or question witnesses and to present witnesses and evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the highest court, the Federal Tribunal. These rights were generally respected in practice.

The military penal code requires that war crimes and violations of the Geneva Conventions be prosecuted only if the defendant has close ties with Switzerland. Normal civilian rules of evidence and procedure apply in military trials. The military penal code allows the appeal of any case, ultimately to the Military Supreme Court. In most cases defendants used attorneys assigned by the courts. Any licensed attorney may serve as a military defense counsel. Under military law the Government pays for defense costs. Civilians charged with revealing military secrets, such

as classified military documents or classified military locations and installations, may be tried in military courts.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not name anti-Semitism, Holocaust denial, or other specific offenses; however, there have been convictions under this legislation for anti-Semitism and denying the Holocaust as well as other offenses. In October the Bern cantonal prosecutor began an investigation under the antiracism law against a board member of the extreme right wing Party of Nationally Oriented Swiss (PNOS) after the board member posted a message on the PNOS Web site asserting that some recent Miss Switzerland candidates were not sufficiently “Swiss,” because of the immigration or ethnic backgrounds of their families.

It is a crime to publish information based on leaked “secret official discussions.”

Internet Freedom.—There were no government restrictions on access to the Internet or reports that the Government monitored e mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. Internet access was widely available, and over two thirds of the population used it regularly.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no official state church; however, most cantons provided financial support from tax revenues to at least one of three traditional denominations, Roman Catholic, Old Catholic, or Protestant. Each of the 26 cantons has its own regulations regarding the relationship between church and state. Foreign missionaries must obtain religious worker visas to work in the country. Such visas were generally granted.

Islamic organizations have complained that authorities in many cantons and municipalities discriminated against Muslims by refusing zoning approval to build mosques, minarets, or Islamic cemeteries. The efforts of Muslims in the Langenthal Community, Bern Canton, to construct a minaret continued to be delayed by such issues. The original building permit issued by the municipal authorities was cancelled by cantonal authorities in April 2007. Construction of a minaret in Solothurn, which had been delayed by zoning issues, was completed during the year. Efforts of Muslims to construct facilities in St. Gallen reportedly were abandoned.

Religious instruction was a part of the curriculum in most public cantonal schools except in Geneva and Neuchâtel. Most schools offered classes in Roman Catholic and Protestant doctrine, but some schools included discussion of other religious groups present in the country. A number of cantons complemented or replaced traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

The Department of the Interior’s Federal Service for the Combating of Racism sponsored a variety of educational and awareness building projects to combat racism, xenophobia, and other forms of discrimination.

Societal Abuses and Discrimination.—There were reports of societal abuses and discrimination based on religious beliefs or practices. Some observers remained con-

cerned about the climate for members of religious minorities, particularly Muslims and Jews.

According to the 2000 census, the most recent official data available, there were 17,914 members of the Jewish community, constituting 0.24 percent of the population. The Geneva based Intercommunity Center for Coordination against anti-Semitism and Defamation recorded 38 anti-Semitic incidents in the western, French speaking part of the country in 2007; they ranged from verbal and written assaults to offensive graffiti and acts of vandalism against Jewish property. The organization, Children of the Holocaust, which opposes anti-Semitism, racism, and political extremism, recorded 37 anti-Semitic incidents in the German speaking part of the country in its annual report covering 2007.

On February 12, an unknown assailant attacked a 60 year old Jewish man walking on a street in Zurich around noon. The victim was injured slightly but was able to fend off the attacker, who punched him and uttered anti-Semitic slurs.

An investigation was continuing into the May 2007 fire at the Hekhal Hanes synagogue in Geneva, which caused considerable material damage. Alfred Donath, the head of the Federation of Jewish Communities, told Radio RSR that the anti-Semitic nature of the attack was undeniable; local authorities also attributed the fire to arson but did not specify a motive.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not name anti-Semitism, Holocaust denial, or other specific offenses; however, convictions under this legislation have included anti-Semitism and Holocaust denial.

Schools across the country honored Holocaust Remembrance Day, January 27. The country is a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

Some employers prohibited the wearing of headscarves in the workplace. For example, the second largest retailer announced that its dress code did not cover headgear and that it would not allow the wearing of the Islamic headscarf.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees.

In practice the Government provided protection against expulsion or return of refugees to countries where their lives of freedom would be threatened. The Federal Office for Migration relied on a list of “safe countries,” and would be refugees who originated in, or transited, these countries were generally ineligible to apply for asylum. Nongovernmental organizations (NGOs) criticized the inclusion of some countries in Eastern Europe and Africa that they considered not sufficiently stable to justify automatic rejection. Starting on January 1, the Federal Office of Migration increased the scope of the “safe countries” list to include all European Union and European Free Trade Association countries that are commonly used as transit routes by asylum seekers. On April 25, the Federal Office of Migration concluded that repatriation to Syria could reasonably be envisaged, although each case should be closely examined. Some NGOs asserted that in 2007 the number of asylum requests that have been automatically turned down increased by 44 percent over 2006. According to Swiss government statistics, the number of such refusals decreased 6 percent in the first nine months of the year compared to the same period in 2007.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 1,069 persons during the year; there were 23,153 individuals with temporary protection status in the country as of November 30.

Asylum applicants were required to present documentation verifying their identity within 48 hours, and authorities refused to process the applications of asylum seekers who were unable to provide a credible justification for their lack of acceptable documents or to show evidence of persecution. Authorities could detain uncoopera-

tive asylum seekers, subject to judicial review, for up to six months while adjudicating their applications. Rejected applicants could be detained for up to three months to ensure their departure or up to 18 months if repatriation posed special obstacles. Minors between 15 and 18 years of age could be detained up to 12 months pending repatriation. However, rejected asylum seekers were not generally detained, nor were they removed from the country. They were instructed to leave voluntarily. If they refused to return voluntarily, they could be forcibly repatriated.

AI and other NGOs working with refugees complained that detained asylum seekers were often effectively denied proper legal representation in deportation cases because they lacked the financial means to obtain an attorney. Free legal assistance was only provided in cases of serious criminal offenses. The deportation of asylum seekers is an administrative, rather than judicial, process.

Changes in the laws governing aliens and asylum seekers in 2006 and 2008 imposed considerably stricter provisions than prior legislation. International organizations and NGOs raised concerns about the increasingly restrictive nature of the asylum process, which was also criticized by international organizations. In its report to the UN Human Rights Council, the Government reported that, while the number of asylum seekers declined steadily in recent years, the proportion of asylum approvals increased. The Federal Commission against Racism (FCR), a government organization, advised that the stricter verification system and limitations on support for the basic needs of persons who entered the country illegally should be scrutinized for "potential racially discriminatory effects." Legislators defended the changes as necessary to combat immigration and welfare fraud.

The revisions in the legislation that governs refugees gave asylum applicants with temporary protection status easier access to the labor market and permitted them to bring their families into the country after a waiting period of three years.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—In October 2007 citizens chose a new Federal Assembly in free and fair elections. Political parties could operate without restriction or outside interference.

There were 67 women in the 246 seat Federal Assembly and three women in the seven seat Federal Council (cabinet). The proportion of female representatives in cantonal legislatures remained 24 percent. Women held approximately one fifth of the seats in cantonal executive bodies.

There was one member of an ethnic minority in the 200 seat National Council, the lower house of the Federal Assembly.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

The head of the housing division at the national accident insurance was prosecuted on charges of selling buildings at prices below market levels in exchange for financial kickbacks. A court sentenced him to 3.5 years in prison but an appeal to the federal court was pending.

Members of the Federal Assembly must disclose their interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities every year. Investigating and prosecuting government corruption is a federal responsibility. A majority of cantons also require members of cantonal parliament to disclose their interests. A joint working group comprising representatives of various federal government agencies works under the leadership of the federal Department of Foreign Affairs to combat corruption.

The constitution requires the Government to inform the public about its activities, and government information was available freely to all persons living in the country, including foreign media. A transparency law provides for public access to government documents.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, gender, disability, language, or social status. The Government generally enforced these prohibitions effectively.

Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

Women.—Rape, including spousal rape, is a statutory offense, and the Government effectively prosecuted those accused of such crimes. According to a 2003 survey, more than 5 percent of women polled had been raped. In 2007 police recorded 648 instances of rape (compared with 639 in 2005) and there were 571 prosecutions (compared with 486 in 2005) and 117 convictions.

Domestic violence is a statutory offense. A court may order an abusive spouse to leave the family home as a temporary measure. Stalking is a punishable offense. Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. In 2007, 1,132 women and 993 children spent a total of 60,115 nights in 17 women's shelters across the country. Although nationwide shelter capacity is encumbered on average up to 70 percent, in the cantons of Basel, Bern, and Zurich, half of the applicants for shelter reportedly had to be turned away, mostly due to a lack of space or adequate staff for dealing with severely traumatized individuals. The Interior Ministry's Federal Office for Equality between Women and Men has a special unit that focuses on domestic violence. Most cantonal police forces had specially trained domestic violence units. A majority of cantons also had special administrative units coordinating the activities of law enforcement agencies, prosecutors, and victim assistance groups.

Violence against women was a problem. The Federal Office of Public Health published a survey showing that 80 percent of victims of domestic violence already had suffered previous assaults.

Forced marriage is illegal. NGOs asserted the practice occurred, predominantly in underprivileged immigrant families, but its extent remained unknown. In 2006 the Asylum Appeals Commission ruled that forced marriage may be a reason to grant asylum.

Female genital mutilation (FGM) is illegal, but there were reports that the practice occurred. The UN Children's Fund (UNICEF) estimated that there were nearly 7,000 circumcised women and girls in the country as a result of immigration from areas where FGM is practiced. UNICEF continued its efforts to raise awareness of FGM and, in cooperation with local gynecologists, has drafted guidelines for the medical care of circumcised women.

In November 2007 a Zurich cantonal prosecutor opened criminal proceedings charging the parents of a 13 year old girl with grievous bodily harm in a case of FGM. The parents, of Somali origin, reportedly had their daughter circumcised at the age of two. It was the first time that judicial authorities undertook criminal proceedings in a case of FGM performed inside the country. In June a Zurich court sentenced the two parents to two year suspended prison sentences.

Prostitution is legal; however, street prostitution is illegal except in specially designated areas in the major cities. Police estimates from 1999, the latest nationwide data available, indicated that approximately 14,000 persons were engaged in prostitution. Information from individual cantons suggested that the number has increased since then.

The law prohibits sexual harassment and facilitates access to legal remedies for those who claim discrimination or harassment in the workplace; however, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as six months' salary. In a government contracted survey of 2,020 persons conducted in late 2006 and early 2007, 6.5 percent of respondents reported having suffered sexual harassment during the previous 12 months, and 18.1 percent had been subjected to sexual harassment at least once during their professional career. According to the study, women were three times more likely to be victims of sexual harassment than men.

Women enjoy the same rights as men under the constitution, including in family law, property law, and in the judicial system; however, independent observers claimed that some laws, as interpreted by the courts, were discriminatory. For example, the Federal Tribunal ruled that the primary wage earner in a divorce must be left with sufficient income to remain above the poverty level. Since the primary wage earner in most marriages was the man, if the household income was too low to support both parties, the wife and children could be forced to resort to public as-

sistance. In June 2007 the Federal Commission for Women's Issues concluded that twice as many women as men fell below the poverty line following a divorce.

The Federal Office for Equality between Women and Men and the Federal Commission on Women worked to eliminate both direct and indirect gender discrimination. Many cantons and some large cities have equality offices to handle gender issues.

Discrimination against women in the workplace is illegal, but women disproportionately held jobs with lower levels of responsibility. Women were promoted less frequently than men and were less likely to own or manage businesses.

Under the constitution, women and men are entitled to equal pay for equal work; however, women's gross salaries were on average more than 20 percent lower than men's. A government report issued in 2006 estimated that 40 percent of the wage differential was due to gender discrimination.

Children.—The Government was strongly committed to children's rights and welfare, and it amply funded a system of public education and need based subsidies of health insurance.

Child abuse was a problem. In 2007 there were 4,243 reported cases of sexual assault against children. Most of the victims were girls below the age of 18. Most abuse took place in the family or the immediate social environment.

During 2007 the national cybercrime monitoring body referred 278 instances of illegal Internet child pornography to local prosecuting authorities, compared to 259 in 2006. In most cases the cantonal prosecuting office opened a criminal investigation; such investigations usually led to the confiscation of illegal material. The production, possession, distribution, or downloading from the Internet of pornography involving children is illegal and carries heavy fines or a maximum sentence of a year in prison. During the year the Government concluded a three year information campaign against child pornography on the Internet. To help combat child sex tourism, in October the Swiss federal police established a Web site with an online form to allow travel agencies and individuals to report suspicious travel.

Trafficking in Persons.—The penal code prohibits all forms of trafficking in persons and provides for extraterritorial jurisdiction; however, there were reports that persons were trafficked to, from, and within the country and forced into prostitution or domestic servitude.

Officials estimated the number of trafficking victims to be a few hundred a year. Federal police conjectured that between 1,500 and 3,000 victims of human trafficking resided in the country during the year. According to authorities, most victims came from Central Europe, the former Soviet Union, Latin America, Southeast Asia, and, to a lesser extent, Africa. The country was primarily a destination and secondarily a country of transit for trafficked persons.

The great majority of trafficking victims were women trafficked primarily for purposes of sexual exploitation, although trafficking for domestic servitude also occurred. Traffickers were mainly individuals and small groups related through ethnic, clan, or family ties and, occasionally, organized criminals.

Trafficking in persons is punishable by a prison sentence of up to 20 years, and coercing a person into prostitution by up to 10 years. In 2007 authorities conducted at least 28 investigations and reported preliminary data on at least nine prosecutions. Of nine persons convicted, one trafficker was sentenced to 10 months, and one to two years and six months, in prison; the remaining seven received suspended sentences or fines and served no time in prison. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is linked to the Federal Office of Police, hired additional staff and coordinated and monitored all antitrafficking efforts, including those of a federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

A new law that entered into force early in the year included measures to reinforce the existing framework for granting potential trafficking victims a stay of deportation to permit them to recover from their trauma and consider participation in judicial proceedings. The new law authorizes the Government to waive normal immigration requirements and grant residency permits to victims and witnesses who would be in danger if they returned to their home countries. It also allows the federal government to assist victims logistically and financially in their voluntary return and reintegration into the societies of their home countries.

The Government funded several antitrafficking information and education campaigns around the world. The Ministry of Foreign Affairs continued to provide specialized training to its consular staff and to distribute trafficking awareness information to visa applicants in local languages.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the prohibition was generally enforced. The law mandates access to public buildings and government services for persons with disabilities, and the Government generally enforced these provisions in practice. In June 2007 voters approved a government proposed reform of the federal disability insurance scheme, which was facing financial difficulties. The reform restricts access to disability benefits but also offers better and timelier assistance to enable persons with disabilities to remain (partially) employed and strengthens incentives for employers to hire them.

The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of the disabled through counseling and financial support for projects to facilitate their integration in society and the labor market. The Government continued a three year pilot project to empower persons with severe disabilities to live on their own. In September the Government decided to introduce the associated incremental costs of such assistance into federal disability insurance, stating that the pilot project, which began in 2006 in the cantons of Basel, St Gallen, and Valais already had demonstrated its utility.

During the year, NGOs acting on behalf of disabled persons appealed to a federal court against local decisions in the cantons of Zug and Zurich to reject some citizenship applications because of the applicants' mental disabilities. These local decisions reportedly were based on the assumption that the applicants did not have the required mental capabilities to understand the importance and consequences of naturalization or that the applicants would be dependent on social welfare. Appeals to the federal court were pending in three cases.

On December 3, on the occasion of the International Day of Disabled Persons, the Federal Statistics Office released the results of a study indicating that 64 percent of persons with disabilities participated in the labor market.

National/Racial/Ethnic Minorities.—Right wing extremists, including skinheads, continued to be publicly active; police estimated that their numbers remained steady at approximately 1,200. Statistics gathered by the Foundation against Racism and Anti-Semitism indicated that the total number of reported incidents against foreigners or minorities was 118 in 2007, up from the 93 incidents recorded in 2006. These figures included instances of verbal and written attacks, which were much more frequent than physical assaults.

The objects of right wing hostility included foreigners, ethnic and religious minorities, and immigrants. Many of the violent incidents were clashes between right and left wing extremist groups.

Authorities were continuing their investigation of a May 2007 attack against a 43 year old immigrant from Angola at his place of work in a suburb of Zurich. Using chainsaws as weapons, the perpetrators inflicted severe injuries on the victim requiring extensive medical care. The victim reported that the attackers shouted statements against Africans during the attack.

In March the Aargau cantonal police arrested five persons suspected of conspiring to throw a Molotov cocktail at an asylum center housing 40 asylum seekers in the city of Stein im Fricktal. Four of the perpetrators were minors aged 17, and one was aged 20 at the time of the attack. All of the persons, described in the press as "right extremists," reportedly admitted their involvement in the attack and said it was racially motivated and spontaneous. At year's end the police investigation phase had ended, and the case was under review by the cantonal prosecutor.

The number of naturalizations of resident foreigners rose from 26,860 in 2001 to 45,072 in 2007. In September 2007 the FCR released an official report on the country's naturalization procedures for foreign residents. The FCR concluded that the system, in which cantonal and local authorities are responsible for naturalization procedures, either by public assembly or by a special panel, sometimes resulted in discriminatory rejections, particularly of nationals of the former Yugoslavia, and of Muslims. The commission recommended that the power to grant citizenship be delegated to an elected executive body.

The Jenisch are recognized by the Government as a minority group under the Convention for the Protection of National Minorities of the Council of Europe. While the large majority of the 30,000 35,000 Jenisch in the country are settled, the Roma European Rights Center reported that representatives of the several thousand who continued to pursue an itinerant lifestyle urged the Government to carry out its promises to create new campsites and parking areas for them. A lack of proper camping facilities and transit areas reportedly forced many to occupy land illegally.

The federal government allocated 750,000 francs (approximately \$700,000) for measures and projects between 2007 and 2011 to improve the Jenisch living conditions.

The Department of the Interior's Federal Service for Combating Racism sponsored a variety of educational and awareness building projects to combat racism, xenophobia, and anti-Semitism.

Other Societal Abuses and Discrimination.—There were no reports of societal violence or discrimination based on sexual orientation.

There were occasional reports of discrimination against persons with HIV/AIDS. On World Aids Day, the Swiss Aids Federation launched a new awareness campaign to combat prejudices and workplace discrimination against persons with HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law permits all workers, including foreigners, to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 25 percent of the workforce was unionized.

The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. However, collective bargaining agreements commit the social partners to maintaining labor peace, limiting the right to strike for the duration of the agreement. Such agreements generally last several years, with wages being negotiated annually. The Government may curtail the right of federal public servants to strike, but only for reasons of national security or safeguarding foreign policy interests. Public servants in some cantons and many municipalities are prohibited from going on strike.

b. The Right to Organize and Bargain Collectively.—The law provides for the freedom to bargain collectively, and workers exercised this right. Approximately 50 percent of the work force was covered by collective bargaining agreements.

Trade union leaders criticized the absence of a legal requirement obliging employers to offer reinstatement to an employee who is found to be unjustly dismissed. The law provides that a worker found to have been illegally dismissed is entitled to maximum compensation of up to six months' wages. Trade union leaders complained that this penalty was insufficient to deter abusive dismissals of union activists.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women were trafficked for sexual exploitation and domestic labor; there were isolated reports of trafficking in children. Trafficked women were often forced into prostitution and in many cases subjected physical and sexual violence, encouraged toward drug addiction, and incarcerated. Many victims were forced to work in salons or clubs.

d. Prohibition of Child Labor and Minimum Age for Employment.—The Government effectively enforced laws and policies to protect children from exploitation in the workplace; however, there were isolated reports of trafficking in children.

The minimum age for fulltime employment is 15 years. Children 13 and 14 years of age may be employed in light duties for not more than nine hours per week during the school year and 15 hours at other times. The employment of youths from 15 through 18 is also restricted and cantonal inspectorates strictly regulated these provisions. Children are not permitted to work at night, on Sundays, or in hazardous conditions.

The Economics Ministry monitored the implementation of child labor laws and policies, but actual enforcement was the responsibility of the cantonal labor inspectorates; government officials inspected companies to determine whether there were violations of the child labor laws.

e. Acceptable Conditions of Work.—There was no national minimum wage, which resulted in low average wages for workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements, reached on a sector by sector basis, contained clauses on minimum compensation, ranging from 2,200 to 4,200 francs (approximately \$2,000 to \$4,000) per month for unskilled workers and 2,800 to 5,300 francs (approximately \$2,600 to \$5,000) per month for skilled employees. These wages generally provided a decent standard of living for a worker and family; however, parties did not always adhere to these agreements. In September 2007 the Government released the results of a study involving the inspection of more than 31,000 companies between January 2006 and June 2007. The study found that 24 percent of inspected companies paid less than the minimum compensation provisions set in their collective bargaining

agreements. This practice, known as “wage dumping,” was most prevalent in the construction and hospitality sectors.

The law sets a maximum 45 hour workweek for blue and white collar workers in industry, services, and retail trades, and a 50 hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half-day per week. Premium pay for overtime must be at least 25 percent; overtime is generally restricted to two hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours a week and to 140 hours for those working 50 hours a week. The Government effectively enforced these regulations.

TURKEY

Turkey, with a population of approximately 71.5 million, is a constitutional republic with a multiparty parliamentary system. The country has a president with limited powers elected, as of an October 2007 referendum, by popular vote for a maximum of two five-year terms. President Abdullah Gul was elected in August 2007 by the single-chamber parliament, the Turkish Grand National Assembly. In July 2007 parliamentary elections, considered free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one-party government under Prime Minister Recep Tayyip Erdogan. There were six opposition parties and five independent members in parliament. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, serious problems remained in some areas. During the year human rights organizations documented a rise in cases of torture, beatings, and abuse by security forces. Security forces committed unlawful killings; the number of arrests and prosecutions in these cases was low compared with the number of incidents, and convictions remained rare. Prison conditions remained poor, with chronic overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law. There were reports that some officials in the elected government and state bureaucracy at times attempted to undermine the judiciary’s independence. The overly close relationship of judges and prosecutors continued to hinder the right to a fair trial. Excessively long trials were a problem. The Government limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the Government, the state, the “Turkish nation,” or the institution and symbols of the republic. Limitations on freedom of expression applied to the Internet, and courts and an independent board ordered telecommunications providers to block access to Web sites on approximately 1,475 occasions. Non-Muslim religious groups continued to face restrictions on practicing their religion openly, owning property, and training leaders. Violence against women, including honor killings and rape, remained a widespread problem. Child marriage persisted. Incidents of police corruption contributed to trafficking in persons for labor and sexual exploitation.

In April the Government reduced limitations on freedom of expression by amending Article 301 of the penal code to more narrowly define the circumstances under which speech may be criminalized and prosecuted. In June the Government amended the law to reduce restrictions on non-Turkish language broadcasts on state-owned television. On December 25, the Government expanded Kurdish language broadcasts with the introduction of a pilot, 24-hour state television channel in the Kurdish language. The Government took initial steps during the year to recognize and address the concerns of the Alevi population. In February the parliament amended the Foundations Law, expanding the ability of minority religious groups to acquire new property and recover confiscated property.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, security forces killed a number of persons during the year.

The nongovernmental association (NGO) Human Rights Foundation (HRF) reported that security forces caused the deaths of seven persons during demonstrations. On February 15, Yahya Menekse died under an armored police vehicle during a demonstration in Cizre, Sirnak. Official autopsy results confirmed that Menekse died as a result of being crushed under the vehicle. The Cizre District Governorship

initially did not give permission to the Office of the Cizre Public Chief Prosecutor to investigate the death. On October 23, a Diyarbakir court reversed the district governor's decision and issued permission for the prosecution of seven policemen. The investigation was ongoing at year's end.

On March 5, in Ercis, Van province, Mehmet Deniz suffered serious injuries and later died during a clash between demonstrators and security forces at a demonstration to mark World Women's Day.

On March 22, police shot Zeki Erik in the chest during Nevruz celebrations in Van; he subsequently died in Van University Hospital.

There continued to be reports that security forces shot and killed civilians who refused to obey a warning to stop. The Human Rights Association (HRA) reported that nine persons died and 12 were injured specifically for refusing to stop, an increase over the previous year.

Human rights organizations stated that the Government's failure to clearly delineate appropriate situations to use lethal force, in the revised Antiterror Law or other laws, contributed to cases of disproportionate use of force.

On July 26, a police officer in Bursa killed Gokhan Ergun for not obeying a warning to stop. A Bursa penal court prosecuted the police officer on charges of "intentionally wounding in a way that causes death," releasing him on bail following a November 13 hearing. The trial was pending at year's end.

On August 25, a checkpoint police team in Sivas fired on a car for refusing to obey a warning to stop, killing the driver, Turan Ozdemir.

According to the HRF, security forces killed a total of 37 persons for refusing to obey a warning to stop, by haphazard police fire, or other extrajudicial killings.

On October 11, Engin Ceber, who had been detained on September 28 with three other youths for selling the leftist newspaper *Yuruyus* (March), died of a brain hemorrhage, reportedly as a result of beating by security forces during his detention. The detainees' attorney filed a criminal complaint against police officers at Istanbul's Istinye police station for allegedly beating the four youths, who were later transferred to Metris Prison. The justice ministry appointed an investigator to conduct a probe into the death, which was ongoing at year's end. On October 15, the Justice Minister publicly apologized for the use of disproportionate force by security forces. The Ministry of Justice suspended 19 prison personnel during the investigation.

On December 29, an Istanbul prosecutor closed the investigation of seven police officers suspected in the death of Mustafa Kurkcu in Umraniye prison in June 2007 from cerebral hemorrhaging, allegedly as a result of abuse. Countering family observations of Kurkcu's condition and some medical reports, the prosecutor said the injuries occurred before Kurkcu's detention.

There was no progress by year's end on investigating or prosecuting the case of Ejder Demir, an ethnic Kurdish citizen whom security forces shot and killed in September 2007 in the Asagi Kockiran village in eastern Van Province. An NGO delegation that visited the town after his death reported eyewitness statements that soldiers shot Demir in the back without warning; government officials maintained that Demir was trying to flee when shot.

On November 6, an Istanbul court granted bail to police officer Ali Mutlu during his trial for the November 2007 death of 26-year-old Feyzullah Ete in the Avclar neighborhood of Istanbul. Mutlu allegedly kicked Ete in the chest, after which Ete died of a heart attack. Ete and a friend had been drinking in a public park. Witnesses said police warned the victim and his friend prior to the physical confrontation. The trial was ongoing at year's end. There were no results at year's end of a related Ministry of Interior investigation into the officer's conduct.

After a June 6 hearing, the trial continued at year's end of Jandarma officers Ali Kaya and Ozcan Ildeniz and alleged informant Veysel Ates related to the 2005 bombing of a bookstore that killed one person in Semdinli, Hakkari province, and the violent protests that followed. In May 2007 the court of appeals overturned the 2006 conviction of Kaya and Ildeniz for the bombing, and the conviction of Ates in a separate case, directing the cases to be joined and tried in a military court. Related cases against Tanju Cavus for using excessive force against demonstrators after the bombing, and against bookstore owner Seferi Yilmaz for assisting and sheltering members of the terrorist organization Kurdish Workers' Party (PKK), were ongoing at year's end.

On March 12, an Eskisehir criminal court acquitted attorney Tahir Elci of allegations that he tried to interfere with the prosecution of four police officers charged with the unlawful killing of Ahmet and Ugur Kaymaz in 2004. In 2007 prosecutors filed charges against Elci, who represented the Kaymaz family, after he spoke to the press about the case. The four officers were acquitted in April 2007.

The HRF reported 32 suspicious deaths of prison inmates through December, a significant increase over 2007. At least 17 of the deaths were reportedly suicides.

The case against an officer from the Beyoglu District of Istanbul for the August 2007 killing of Nigerian refugee Festus Okey was ongoing at year's end. Okey died in a police station in Istanbul during interrogation by the officer, who allegedly had a gun. The Beyoglu criminal court decided in November 2007 to send the case to the penal court under the charge of "premeditated murder" rather than "negligent killing."

According to the Government, 49 civilians were killed and 252 were injured, 143 members of the security forces were killed and 256 were injured, and 657 terrorists were killed in armed clashes related to the struggle against the PKK during the year. Most of the clashes occurred in the southeast. The numbers of civilian deaths and injuries significantly increased from 2007.

According to the HRF, landmines and unattended explosives killed 24 civilians and injured 43 during the year. Both security forces and the PKK used landmines.

On several occasions throughout the year, government military aircraft attacked areas controlled by the PKK in northern Iraq following attacks in Turkey. According to press reports, one civilian was injured in these attacks.

b. Disappearance.—There were two reports of politically motivated disappearances.

On June 3, the relatives of Enver Elbat notified the HRA that Elbat had been missing since December 2007. Elbat's father reported that his son had been jailed for 12 years. He alleged the police told him to look for Elbat in the mountains when he requested more information about his son's disappearance.

On July 29, the family of Hasan Onay notified the HRA that Onay had been missing since June 13 after allegedly being detained by the police. In December 2006 Onay and others resisted the police during a raid on the Basic Right and Freedoms Association. Onay escaped and had remained in hiding until his alleged detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The constitution and law prohibit such practices; however, members of the security forces continued to torture, beat, and abuse persons.

Human rights organizations and the European Commission reported a rise in cases of torture and abuse during the year. In a July 2007 report, Amnesty International (AI) noted that a "culture of impunity" allowed police and Jandarma to escape accountability for torture and enabled courts to disregard medical evidence of torture and accept as evidence statements allegedly extracted under torture.

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and occasionally even promoted them during their trials, which often took years.

A December parliamentary Human Rights Investigation Commission report found that, between 2003–08, 2 percent of the 2,140 personnel who were investigated due to accusations of torture or mistreatment were given disciplinary sentences.

The Turkish National Police (TNP) reported 14 cases of torture allegations and opened administrative and judicial investigations against 60 personnel. As of October 24, there were no cases of prosecution against alleged torture suspects that had resulted in conviction or firing. Four cases resulted in salary cuts.

According to an October report by the Prime Ministry's Human Rights Presidency (HRP), the number of torture and cruel treatment cases reported in the first six months of the year surpassed the number reported in the first half of 2007. The HRP reported that, in the first half of the year, 178 persons reported cruel treatment and 26 reported torture, up from 79 reports of cruel treatment and 17 reports of torture during the same period in 2007.

According to the HRA, there were 238 incidents of torture in the first nine months of the year. The reports involved a total of 178 victims and 298 suspects (263 police, 15 Jandarma, and 20 other public servants).

The HRF reported that, in the first nine months of year, 312 persons applied to the HRF's centers for assistance. Of these, 182 cases involved torture or abuse inflicted during the year; the rest involved abuse incidents that occurred previously. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because most feared retaliation or believed that complaining was futile.

In its October report, the NGO Societal and Legal Research Foundation (TOHAV) reported an increase in torture cases during the year. Based on a study of 275 surveys from individuals who submitted credible reports of torture from 2006 through February 28, TOHAV found that 210 of the victims were ethnic Kurds, 55 ethnic

Turks, and 10 ethnic Arabs. A total of 217 victims claimed that they were tortured for their political views, 36 for their sexual orientation, and 22 for criminal reasons. Fifteen of the victims said they were abused in a police car, 83 in open fields, and 76 in police stations. Only 70 of the torture allegations resulted in criminal complaints, and only five of those resulted in court cases, which were ongoing at year's end.

The Council of Europe's Committee for the Prevention of Torture (CPT) and domestic human rights observers reported that security officials mainly used methods of torture and abuse that did not leave physical signs, including repeated slapping, exposing detainees to cold, stripping and blindfolding detainees, food and sleep deprivation, threatening detainees or their family members, dripping water on detainees' heads, isolation, and mock executions. Human rights activists, attorneys, and physicians who treated victims said that, because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses, such as speaking out against the Government, although they were less likely to report abuse. Observers believed that security officials tortured some political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured some suspects to obtain confessions.

On September 17, police officer Gazi Ozuak from the Van Security Directorate was arrested on charges of torturing theft suspect Zeki Simsek. Ozuak had detained Simsek for alleged involvement in a theft nine days earlier. Simsek's claim at his subsequent arraignment that he had been tortured with nails and cigarettes during his interrogation was verified by a medical report by the Van State Hospital.

On September 28, police detained Engin Ceber, Ozgur Karakaya, Aysu Baykal, and Cihan Gun for distributing copies of *Yuruyus* (March), a leftist newspaper. The youth were distributing the paper in protest of the shooting and paralysis of Ferhat Gercek by police in 2007 while distributing the same paper. Their attorney filed a criminal complaint against police officers at Istanbul's Istinye police station for allegedly beating the four youths, who were later transferred to Metris Prison. On October 6, Ceber was moved to a hospital for treatment and declared dead on October 11; an investigation into the death was ongoing at year's end (see Section 1.a.). On October 15, the Justice Minister publicly apologized for the use of disproportionate force by security forces. The Ministry of Justice suspended 19 prison personnel during the investigation.

In the related case of the October 2007 shooting and paralysis of Ferhat Gercek while he was selling *Yuruyus*, in June Gercek identified the police officer who shot at him during an investigation into the events. Gercek was indicted and faced 15 years and four months' imprisonment for resisting arrest; the eight police officers who arrested him were indicted and faced up to nine years' imprisonment for disproportionate use of force. The cases were postponed after accused police officers failed to appear for the first hearing.

On September 30, Derya Bakir suffered fractures in both legs due to alleged cruel treatment by 20 guards while visiting his brother, held at the Ankara Sincan "F-Type" (maximum security) prison for being a member of a leftist organization. The guards reportedly began to beat him for failing to leave the visitation room in time, resulting in his left foot being broken.

At year's end, there was still no investigation into the March 2007 criminal complaint filed by a Diyarbakir woman alleging police tortured her while she was visiting her detained husband at a police station. She alleged that one of the officers held her while the other beat her with a police baton for approximately one hour. The police denied any mistreatment.

On December 29, an Istanbul prosecutor closed the investigation of seven police officers suspected in the death of Mustafa Kurkcü in Umraniye prison in June 2007 from cerebral hemorrhaging, allegedly as a result of abuse. Countering family observations of Kurkcü's condition and some medical reports, the prosecutor said the injuries occurred before Kurkcü's detention.

At year's end, there was still no investigation into the July 2007 alleged police beating in Istanbul of Sinan Tekpetek, a leader of 52 Percent, a group that protests the country's university entrance exam system, and editor of 52 Percent Anger magazine and Ozgur Hayat (Free Life) newspaper. Tekpetek alleged that police officers sprayed him with tear gas and beat him during a traffic stop, then drove him to a field where they continued to beat him before driving away and throwing him out of the moving car.

Human rights organizations documented several cases of prison guards beating inmates during the year.

On January 17, three prisoners held in Bolu “F-Type” prison, Muzaffer Akengin, Deniz Guzel, and Naif Bal, filed an official complaint to public prosecutors alleging they were beaten with sticks and kicked by prison guards. On December 1, the prosecutor launched cases against the three for insulting officers, and prison administrators sentenced the prisoners to two months of “discipline punishment.”

In July 2007, Hurriyet newspaper published an expose by reporter Aydin Dogan regarding allegations that two boys, aged 17 and 18, were tortured early in the year by prison officials while they were imprisoned for 10 days on allegations, later withdrawn, that the boys had committed rape in a boys’ shelter. At year’s end, HRF reported that no investigation had been opened.

In September 2007 attorneys Filiz Kalayci, Murat Vargun, and Ibrahim Vargun alleged that a team of guards at Kirikkale “F-type” prison severely beat and mistreated their two clients after they were transferred to Kirikkale from Sincan prison earlier that month. The attorneys observed that their clients had injuries such as bruising, broken teeth, and difficulty standing or breathing after the transfer. There were no reports of an investigation at year’s end.

On March 7, in the third criminal trial opened against 12 orphanage employees accused of abusing children at the Malatya State Orphanage in 2005, the Malatya penal court sentenced eight orphanage employees to one year in prison for “neglecting their duties,” but postponed execution of the sentence. Two other criminal trials against the orphanage employees on charges of abuse continued at year’s end. The investigations began in 2005 when media aired footage of employees beating naked orphanage children, some of whom alleged they had been forced to eat excrement. A physical examination procured evidence that 21 of 46 children had been subjected to torture, including severe beatings and hot water burns.

Prison and Detention Center Conditions.—Prison conditions generally improved during the year, but facilities remained inadequate. Underfunding, overcrowding, and insufficient staff training were problems.

At year’s end, the Ministry of Justice reported that the country had 391 prisons with a capacity of 92,497 and with a total of 90,837 inmates, 53,229 of whom were detainees awaiting trial.

According to the Turkish Medical Doctors’ Association, prisons were not adequately staffed with doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness. The HRA reported that in the first nine months of the year, 370 prisoners were denied access to appropriate medical treatment.

Foreigners who claimed asylum after being detained by security forces were held in “guest houses for foreigners” operated by the Foreigners’ Department of the Ministry of Interior. According to the United Nations High Commissioner for Refugees (UNHCR), detained asylum seekers reported insufficient food and medical attention and overcrowded conditions.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Observers reported that detainees and convicts occasionally were held together. Inmates convicted for nonviolent, speech-related offenses were sometimes held in high-security prisons.

The Government has permitted prison visits by representatives of some international organizations, such as the CPT, which last conducted one of its periodic visits to the country in 2004. In May 2007 a CPT delegation visited the Imrali High Security Closed Prison where PKK leader Abdullah Ocalan was the sole prisoner. The CPT visited psychiatric facilities in 2006. Domestic NGOs did not have access to prisons. Domestic human rights organizations and activists reported that prison monitoring boards composed of government officials and private individuals were ineffective.

In July 2007 the Ministry of Justice issued a regulation that restricted the ability of members of parliament to visit inmates who were convicted of terrorism or violations against the constitution and state. According to government sources, officials adopted the regulation to prevent possible attempts by the pro-Kurdish Democratic Society Party (DTP) deputies to visit Abdullah Ocalan. Human rights activists called the measure undemocratic and argued that reducing parliamentarians’ access to prisons would diminish oversight of continuing problems, such as torture.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention; however, the Government at times did not observe these prohibitions.

Role of the Police and Security Apparatus.—The TNP, under Ministry of Interior control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint Ministry of Interior and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military had overall responsibility for border

control. Human rights groups reported that judicial police, established to take direction from prosecutors during investigations, continued to report to the Ministry of Interior.

A civil defense force known as the village guards, concentrated in the southeast, was less professional and disciplined than other security forces. The village guards were accused repeatedly of drug trafficking, corruption, theft, rape, and other abuses. Inadequate oversight and compensation contributed to the problem, and in many cases Jandarma allegedly protected village guards from prosecution. Although security forces were generally considered effective, the village guards, Jandarma, and police special forces were viewed as most responsible for abuses. Corruption and impunity remained serious problems.

Progress was made to overhaul the village guard system with a May 2007 law passed by parliament that limits the total number of village guards under normal circumstances to 40,000; provides that the Council of Ministers may increase this number by up to 50 percent; provides continued employment for current guards; establishes a mandatory retirement age at age 55; provides a partial salary for early retirement; provides for a pension to guards who served more than 15 years; and requires the Ministry of Interior to establish procedures for hiring, firing, training and otherwise regulating the guard system. According to government officials, the law is intended to gradually phase out the system through retirement while providing social support for the 63,000 current village guards.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. According to the Government, the armed forces emphasized human rights in training for officers and noncommissioned officers.

The Ministry of Interior reported that, through October, judicial and administrative cases were initiated against 60 security personnel for excessive use of force and torture. Four personnel received salary cuts, but none were fired or convicted for torture or excessive use of force. Investigations were dropped in 22 judicial cases, and in 29 administrative cases it was determined that there was "no need to punish" or "no need to reach a decision."

The Ministry of the Interior reported that 93 cases against security personnel for mistreatment and excessive use of force were concluded during the year from previous years. Eighty-four resulted in acquittal and nine personnel were convicted. No personnel were fired.

On October 8, the court of appeals overturned a sentence of three years and four months' imprisonment for eight police officers who were convicted of causing the death of detainee Alparslan Yelden in 1999. The high court ruled that the police officers should have been acquitted.

In October a Burdur penal court sentenced the three commanders of the Bucak Jandarma command headquarters to two years' imprisonment and disqualification from office for one year each on charges of "torturing in detention." In 2000, 17 villagers were detained and beaten in the Jandarma headquarters on accusations of theft.

Arrest and Detention.—Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be detained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The law requires the Government to provide indigent detainees with a public attorney in criminal cases where the defendant faces a penalty of more than five years in prison.

Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees remained consistent with the previous year and continued to vary widely across the country. Numerous bar association representatives and human rights organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney. The HRA observed no change in the percentage of detainees consulting with attorneys.

Human rights observers noted that, in most cases where a defendant could not afford an attorney, one was provided; however, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and inter-

rogated by security forces. Provincial bar associations continued to face difficulties providing such attorneys because the Government was behind on compensation payments for such work.

The HRA claimed police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Detainees were generally allowed prompt access to family members; however, human rights organizations reported that they were hindered from helping families find out whether a relative had been detained because the Government refused to release such information to the organizations.

In February 2007 parliament amended the Law on the Duties and Competencies of Police to significantly expand the authority of security forces to search and detain a suspect. Under the amended law, police and Jandarma may compel a citizen to declare his identity without any cause. The HRA stated that the expanded authority was contrary to legal and civil rights.

During the year police routinely detained demonstrators. Police detained several members of the DTP party on various occasions. Police continued to detain and harass members of human rights organizations, the media, and monitors. Police continued to detain persons on suspicion of "membership in an illegal organization" and for the distribution of leftist material.

On July 14, prosecutors in Istanbul indicted 90 persons, including prominent military, business, and press corps personalities, on charges of plotting to foment unrest and topple the elected government as members of an organization labeled the "Ergenekon Network." The indictment included allegations that the group plotted assassinations of public figures, including religious leaders, as well as planned beatings and bombings of prominent individuals. When the trial opened on October 20, there were 86 persons named in the indictment. Some members of the press and critics of the Government considered the indictment to be politically motivated. Several individuals were held without charge for approximately a month prior to the July 14 indictment.

Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years, without trial.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption.

The law prohibits the Government from issuing orders or recommendations concerning the exercise of judicial power; however, the Government on occasion launched formal investigations against judges who had spoken critically of the Government or state structure.

There was at least one instance of a government official making a statement that could be interpreted as instructions to the judiciary. In November Justice Minister Mehmet Ali Sahin granted permission for the prosecution of Temel Demirer on charges of violating Article 301. Before the trial, Sahin said, "I will not let someone call my state 'murderer.' This is not freedom of expression. This is exactly what the crime of insulting the person of the state is."

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The Justice Minister serves as chairman of the seven-member council, and the undersecretary of the Ministry of Justice also serves on the council. The council's rules stipulate that one of these two officials must preside over meetings. The council selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The council is located in the Ministry of Justice and does not have its own budget. While the constitution provides for job security through tenure, the council controls the careers of judges and prosecutors through appointments, transfers, promotions, and reprimands.

On April 30, the parliament passed an amendment to Turkish Penal Code Article 301, which criminalizes insults to the Turkish state. Previously, it had been a crime to insult "Turkishness." The amendment provides for greater separation between the court and ideologically motivated attorneys by requiring the approval of the Justice Minister for charges of violating Article 301 to proceed to court. However, the Turkish Publishers Association (TPA) continued to find that prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting the state or Atatürk, but ignored complaints of violations of human rights.

In December 2007, the Higher Board of Prosecutors and Judges closed for lack of evidence its investigation opened in March 2007 against Ankara Kazan sub-provincial judge Kemal Sahin for allegedly insulting the judiciary in a 2006 newspaper article. Sahin had written that the judiciary was losing credibility and objectivity

because judges face the fear of being investigated by the High Council if they pursue certain crimes or cases.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the High Council. Once appointed, they are housed together, frequently share the same office space, and often work in the same courtroom for more than five years.

In December 2007 the Government enacted a law that codified the practice of subjecting all judicial candidates to a written and an oral examination administered by the Ministry of Justice and established a mechanism to allow private attorneys with five years' experience who are younger than 35 to enter the judiciary's ranks. The Union of Turkish Bar Associations organized a rally that month protesting the oral examination provision, which it asserted would allow the Ministry of Justice to select candidates based on political considerations. The Government maintained that the law merely codified prior practice and was necessary to fill thousands of vacant posts for judges. At year's end, the High Council continued to make judicial appointments.

According to several regional bar associations, the Government devoted insufficient resources to public defense. The associations also noted that public defense attorneys underwent less rigorous training than their prosecutorial counterparts and were not required to take an examination to demonstrate a minimum level of expertise.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the country's highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases between government entities, and the audit court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. The Ministry of Justice reported that none of the regional appeals courts established by 2004 legislation to relieve the high court's caseload were operational at year's end and that the project was postponed due to delays in building new court houses and assigning judges and prosecutors. In November the European Commission noted this as "a matter of concern."

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules, and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider "decrees with the force of law" issued under a state of emergency, martial law, in time of war, or in other situations as authorized by parliament. Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel.

Administrative and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions of security force personnel for human rights abuses. Under the law courts could not convict unless a defendant attended at least one trial session. Police defendants occasionally failed to attend hearings in order to avoid conviction; prosecuting attorneys claimed courts failed to make serious attempts to locate such defendants, even in cases where the defendants received salary or pension checks at their home address.

According to a 2007 AI report, criminal defendants faced numerous violations of their right to a fair trial during courtroom proceedings. The report found that courts frequently refused to hear defense witnesses, despite a new law allowing the defense to call its own witnesses; courts and prosecutors often refused to consider new exculpatory evidence; pretrial and trial periods frequently lasted for many years due in part to a severe backlog of cases; courts often did not allow defendants to take part in pretrial hearings; and courts frequently failed to provide defendants with qualified interpreters.

According to the AI report, defendants in cases that were transferred from state security courts, abolished in 2004, to heavy penal courts often faced the same judges and prosecutors who presided over their cases in the state security courts. The report also found that these judges frequently failed to investigate or take into account allegations that confessions were brought about by torture or allegations of long periods of "unofficial" detention with no access to legal counsel. The report noted that defendants in these cases were being sentenced on the basis of evidence extracted under torture or other mistreatment.

Trial Procedures.—There is no jury system; a judge or a panel of judges decides all cases. Trials are public for all cases except those involving minors as defendants. The law requires bar associations to provide free counsel to indigents who request

it from the court if the potential sentence is more than five years, and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal.

International human rights organizations and the European Union (EU) stated that the courtroom structure and rules of criminal procedure gave an unfair advantage to the prosecution. Prosecutors enter the courtroom through the same door as the judge; defense attorneys enter through a separate door. Prosecutors sit at an elevated desk that is at the same level as that of the judge; the defense sits at floor level. During the trial, the prosecutor may himself call any witness desired, whereas the defense must request that the judge call a witness. Judges decide whether to ask and how to phrase defense counsel's questions, but ask all of the prosecution's questions in the exact form presented.

The law provides for the right to a speedy trial; however, at times trials lasted for years. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials.

The law prohibits the use of evidence in court obtained by torture; however, prosecutors in some instances failed to pursue torture allegations, forcing defendants to initiate a separate legal case to determine whether the evidence should be excluded. Human rights organizations reported that in such instances the primary case frequently was concluded before the secondary case was decided, effectively rendering the secondary case moot, and leading to unjust convictions.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees from the Ministry of Justice. However, the HRA asserted that there were several thousand political prisoners, including leftists, rightists, and Islamists, and contended that the Government does not distinguish them as such. The Government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the Government, 2,232 convicts and 2,017 pretrial detainees were being held in prison on terrorism charges through September 2007.

International humanitarian organizations were allowed access to alleged political prisoners, provided they could obtain permission from the Ministry of Justice. In practice organizations were rarely granted such permission.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law allows for phone tapping with a court order. There were occasional complaints by individuals and public figures, including higher court members and politicians, that their phones were tapped. In June the court of appeals annulled a lower court decision that ruled Jandarma had permission to tap phones. Only the Turkish Telecommunication Agency was authorized to tap phones when presented with a court order directed against alleged drug traffickers, organized crime members, and terrorists.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government continued to limit these freedoms in occasional cases. Some senior government officials made statements during the year strongly criticizing the press.

The Government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws including articles of the penal code prohibiting insults to the Government, the state, "Turkishness," Atatürk, or the institutions and symbols of the republic. Other laws also restricted speech, such as the Antiterror Law and laws governing the press and elections.

On April 30, the parliament passed a constitutional amendment to reform Article 301, which criminalizes insults to the Turkish state. Previously, it had been a crime to insult "Turkishness." The amendment requires the approval of the Justice Minister in order for charges of violating Article 301 to proceed to court. However, the TPA continued to find that prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting the Turkish state or Atatürk.

Justice Minister Sahin reported that the court continued 527 Article 301 cases during the year, after concluding 217 cases in 2007. After May 15, the Ministry of Justice received 519 applications to initiate a court case under amended Article 301 charges. The minister granted permission for 70 cases to proceed.

Individuals could not criticize the state or government publicly without fear of reprisal, and the Government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, the question of Turks of Kurdish and other ethnic or religious origins as "minorities," and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, persons who wrote or spoke out on such topics, particularly on the Armenian issue, risked prosecution. The TPA reported that serious restrictions on freedom of expression continued despite legal reforms related to the country's EU candidacy.

The TPA reported that it faced more problems related to publishing of books and articles on the Kurdish issue than in the previous year. The most serious problem during the year remained the large number of complaints filed by ideologically motivated attorneys.

According to the Government, there were no journalists held on speech violations during the year. However, the TPA reported there were 21 journalists in jail for the content of their reporting, including Kurdish media members and those accused of being leftist dissidents.

On June 19 and July 3, a Diyarbakir court tried nine children, ages 12 to 17, for "promulgating propaganda on behalf of an illegal organization" after they sang a Kurdish folk song that is also the anthem of Iraq's Kurdistan Regional Government at the San Francisco International Music Festival in October 2007. Three boys were tried in an adult court in Diyarbakir on June 19 and the other six members were tried in children's court on July 3. In both cases, the charges were dropped because the judge determined that the song was sung upon request. An arrest warrant remained active for the choir director, Duygu Ozge Bayar, who had not returned to the country after the festival.

In December an Istanbul court acquitted prominent transsexual singer Bulent Ersoy of alienating people from military service. On February 24, Ersoy said during a television interview that, if she had a son, she would not send him to fight in the cross-border operations in northern Iraq.

In July 2007, police detained Gazi University students Durmus Sahin and two friends for five days after Sahin criticized Health Minister Recep Akdag during a campaign stop by refusing to shake his hand and calling him a "traitor." Akdag filed a complaint with the local prosecutor, who brought charges under Article 301. The students face imprisonment for six months to two years if convicted. The case was ongoing at year's end.

At year's end, the case continued of Tulga Hepis, who was arrested in October 2007 for allegedly insulting Turkishness by dressing his dog in a shirt depicting the Turkish flag during an antiterrorism rally in Bodrum. Hepis told police his aim was not to insult Turkishness but to show patriotism.

Throughout the year, law enforcement and the judiciary increased pressure on members of the pro-Kurdish DTP. The most common tactic used was investigation and prosecution of DTP leaders for speaking in the Kurdish language or for making statements critical of the Government.

In February the DTP sub-provincial chairman in Istanbul's Fatih district, Mehdi Tanrikulu, was convicted for speaking Kurdish during judicial proceedings in 2007, and was sentenced to five months' imprisonment.

On April 22, a court convicted DTP Diyarbakir provincial chairman, Hilmi Aydogdu, of inciting hatred and sentenced him to 15 months in prison for suggesting that Kurds would fight the Government if government forces ever attacked Kurds in Iraq. He was found guilty of threatening public safety after he warned the Government against taking any action in Kirkuk and was banned from politics. In February 2007, police had arrested Aydogdu for the statements; Aydogdu later clarified his remarks to mean that he was suggesting the Government extend a hand of friendship to Kurds in northern Iraq.

In April ethnically Kurdish former parliamentarian Leyla Zana was sentenced to two years' imprisonment by a Diyarbakir criminal court for "spreading terrorist propaganda." In December she received a sentence of 10 years' imprisonment from the same court for violating the penal code and Antiterror Law in nine speeches in which she honored jailed PKK leader Abdullah Ocalan.

In May the Justice Minister dismissed the case against former DTP chairman Nurettin Demirtas and former co-chair Selma Irmak, who were charged in Sep-

tember 2007 with violating Article 301 for handing out flyers with accusations against the military on International World Peace Day.

In September a Mersin penal court convicted the DTP Mersin Province deputy and 2007 election candidate Orhan Miroglu for using Kurdish during his electoral speeches. The court put Miroglu on probation for five years. On September 28, an Antalya penal court sentenced the former DTP Antalya Province branch chairman, Mustafa Gul, to 18 months' imprisonment for using the honorific "sayin" (esteemed) to describe jailed PKK leader Abdullah Ocalan in a January 27 speech.

On November 27, a Diyarbakir court acquitted the DTP mayor of Batman, Huseyin Kalkan, of making propaganda for an illegal organization for his remarks on the PKK and Kurdish sentiments in the Los Angeles Times in 2006, after two Turkish citizens filed a criminal complaint.

Mayor of Diyarbakir Osman Baydemir continued to face multiple charges and investigations for use of the Kurdish language. At year's end, he faced four cases for sending Kurdish language holiday cards during the year. In October 2007, the Diyarbakir public prosecutor opened two cases against Baydemir, demanding sentences of five and four and one-half years, for referring to the PKK as the "armed Kurdish opposition." The cases were pending at year's end.

Security officials also prohibited the use of Kurdish in prisons in several cities. The HRA reported 171 instances of such prohibitions during the first nine months of the year.

Early in the year the Ministry of Justice reportedly distributed a memorandum asserting that speaking in any language other than Turkish was forbidden by the 2006 Prison Regulations Law. In June Sabah reported that Fettah Karatas, an inmate in Erzurum Prison, was not permitted to speak in Kurdish on the phone with his mother, who did not speak Turkish.

On July 14, Birgun reported that the Van Prison prohibited the use of Kurdish and put those who insisted on speaking Kurdish in solitary cells. Birgun reported that authorities did not deliver letters written in Kurdish at several prisons.

The country had an active print media independent of state control. There were hundreds of private newspapers that spanned the political spectrum.

The Government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), as of June there were 213 local, 16 regional, and 23 officially registered national television stations and 952 local, 102 regional, and 36 national radio stations. In addition, 66 television channels were operating on the cable network, and RTUK granted 87 television enterprises and 48 radio enterprises satellite licenses and broadcast permits necessary for operation. Two additional enterprises carried out activities as satellite platform operators. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used media as a tool to build pressure against government policies.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restricted media freedom; however, judges dismissed many of these charges. Police harassed and beat journalists during at least one demonstration. Authorities ordered raids of newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the Government.

On April 2, an Istanbul court acquitted journalists Lale Sariibrahimoglu of Today's Zaman newspaper and Ahmet Sik of Nokta news magazine of violating Article 301. In 2007 the court opened an investigation after Sik published a Nokta story in which Sariibrahimoglu expressed concern about the "mentality" of the military and its role in internal security.

On April 11, an Istanbul court acquitted Alper Gormuz, editor-in-chief of Nokta, of slander charges brought against him by a retired naval forces commander, Admiral Ozden Ornek. In April 2007, approximately 50 police officers from an antiterrorism unit had received a warrant to search the employees and office of the Nokta weekly magazine following Nokta's publication of an article that explored the relationship between unnamed civil society groups and the military, citing the diary of Ornek as its source. AI noted that state security denied Nokta staff access to their computers even though the search warrant allowed only for files to be copied.

On September 16, an Istanbul court sentenced journalist Cengiz Kapmaz to 10 months in prison for his 2006 interview in Ulkede Ozgur Gundem with former Democratic Party deputy Orhan Dogan. During the interview Dogan said that the PKK should be permitted a political personality. The court also fined the administrators of the newspaper.

On September 23, the European Court of Human Rights (ECHR) ruled against the Government for punishing Sakine Aktan, a reporter for the newspaper Ozgur Bakis, for interviewing the president of the Kurdistan Journalists' Association. An Istanbul security court had sentenced Aktan to 20 months' imprisonment in 2001 and then fined him in February for his 1999 interview.

On September 25, an Istanbul court sentenced Hurriyet journalist Sebati Karakurt and editors Necdet Tatlican and Hasan Kilic to 1,000 days in prison in connection with a 2004 interview with a member of the People's Defense Forces, a militant wing of the PKK. They were charged under the Antiterror Law. The sentences were later changed to fines of 40,000 lira (\$30,600).

On November 27, an Istanbul court acquitted journalist and writer Perihan Magden of charges of alienating people from military service. On February 19, a case was opened against Magden for a column she wrote on January 8 that encouraged conscientious objection from mandatory military duty.

In November the Prime Ministry did not renew the press licenses of six journalists, for the purported reason that the reporters had issued inaccurate content. International PEN and other organizations called the dismissals part of a pattern of intimidation of journalists.

At year's end, the investigation continued into the December 2007 beating of Andreas Rombopoulos, editor-in-chief of the Greek language newspaper Iho, outside the newspaper's office in Istanbul by two unknown attackers.

The trial of Ogun Samast, suspected of murdering prominent human rights activist Hrant Dink in January 2007, was ongoing at year's end. Dink, the editor-in-chief of the bilingual, Turkish-Armenian weekly newspaper Agos, was killed outside of his office building in Istanbul. The trial against Samast began in July 2007; he reportedly admitted shooting Dink during an October 1 session of the trial. The investigation resulted in the arrest and indictment of an additional 19 suspects, eight of whom remained in detention. Government officials criticized the killing, while a national debate ensued concerning ultranationalism and the true source of culpability. Dink had previously been convicted in 2005 for "insulting Turkishness" in an article he wrote on Turkish-Armenian relations.

In September Dink's family made an official complaint to the Supreme Board of Judges and Prosecutors against the judges of the regional administration court who did not authorize a trial against the Istanbul security director, Celattin Cerrah, and the Istanbul Intelligence Branch's former director, Ahmet Ilhan Guler. Three state inspectors condemned Cerrah and Guler for not investigating warnings received prior to the killing. Investigations into similar cases of negligence of duty in Trabzon, Samsun, and Istanbul continued at year's end.

In October the Ministry of Justice approved continuance of the case against publisher and writer Temel Demirer under Article 301. Demirer had been charged for a statement he made after Dink's killing, calling for the recognition of the tragic events of 1915 as "genocide." The case continued at year's end, as did a separate trial of Demirer for speaking about Ibrahim Kaypakkaya, a former leader of the Turkish communist movement.

The Government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. In June amendments to the law permitted the state-owned television channel to broadcast nationally in languages other than Turkish during the entire day, as opposed to half of the day. The amendments were challenged in the Constitutional Court, where the appeal was pending at year's end. RTUK regulations required non-Turkish language radio programs to be followed by the same program in Turkish and non-Turkish language television programs to have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. On December 25, the state-owned TRT broadcasting company started a pilot 24-hour station dedicated to news, music, and cultural events broadcasting in Kurdish and other non-Turkish languages. The programming does not include Turkish subtitles and carries no time limitations for news broadcasts.

Officials at Radyo Imaj reported that they faced increasing pressure in the form of two continuing administrative closure cases and efforts by unknown parties to jam the station's frequency, reportedly because the station played Kurdish music and conducted occasional Kurdish language interviews. Government officials responded that Radyo Imaj never obtained legal rights to the frequency at issue and

was only one of numerous stations waiting for a frequency to become available. Radyo Imaç continued to broadcast over the Internet.

The TPA reported that, unlike the previous year, the banning and recall of books was a concern. Five publications were recalled without a final court decision during the year. Writers and publishers were still prosecuted on grounds of defamation, denigration, obscenity, separatism, subversion, fundamentalism, and blasphemy. Printing houses were required to submit books and periodicals to prosecutors at the time they are published. According to the TPA, prosecutors investigated and in several cases pressed charges against printing houses for late submission of materials deemed problematic. The TPA reported that publishers often avoided works with controversial content. According to the TPA, from June 2007 to June 2008, authorities investigated or opened court cases against 38 authors and 22 publishing houses for 47 books they had either written or published. These cases resulted in eight acquittals, 17 convictions, seven dismissals, and 18 ongoing cases. The TPA noted that publishers continued to be held liable for books whose authors were foreigners or living abroad.

The case against Atilla Tuygan for translating two books dealing with Turkish-Armenian relations continued at year's end. The case was opened in May 2007 after the books' publisher, Ragıp Zarakolu, was acquitted, and the court ruled that Tuygan should be tried instead. In a second case, Ragıp Zarakolu was convicted on June 19 and sentenced to five months in prison for publishing *The Truth Will Set Us Free*, a book describing the experience of the author's grandmother during the tragic events of 1915. The court postponed the imposition of punishment, and Zarakolu and his lawyer appealed the verdict. The appeal was ongoing at year's end.

Authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source.

On September 1, an Istanbul court halted the publication of Ozgur Ulke for one month for publishing information on rights violations in prisons and reporting on military operations.

On October 7, an Istanbul court halted publication of Kurdish daily newspaper *Azadiya Welat* for "propagandizing the PKK and publishing its statements." On October 8, the Istanbul Public Prosecution stopped the publication of Kurdish weekly *Yedinci Gun* for one month for allegedly praising the PKK.

Some members of the AKP party and Prime Minister Erdogan continued to file suits against journalists and cartoonists during the year. Human rights organizations, publishing associations, and journalists alleged that those litigious tendencies created an environment of self-censorship.

In October cartoonist Mehmet Cagcag was fined 4,000 lira (\$3,060) by an Ankara court for using Prime Minister Erdogan's image in a critical photo montage. Erdogan had asked for 20,000 lira (\$15,300) in a civil case against the cartoonist for insulting him. An appeal was pending at year's end.

Several large holding companies which owned news agencies in the country were concerned over losing business opportunities if their journalists wrote articles critical of the Government. One journalist reported that his senior management discouraged the company's journalists from writing articles critical of the AKP or its members.

Senior government officials, including Prime Minister Erdogan, made statements during the year strongly criticizing the press and media business figures, particularly following the publishing of reports on alleged corruption in entities in Germany connected to the ruling party.

Under the law editors at media organizations that disclose the identities of public personnel fighting terrorism may be fined, and a judge may order the closure for up to one month of a publication that "makes propaganda for terrorist organizations." Former president Ahmet Necdet Sezer challenged the law in the Constitutional Court, arguing that such restrictions violate the constitution. At year's end, the Constitutional Court had not ruled on the case, and the laws remained in effect.

During the year cases against the press under the Antiterror Law continued. The TPA and human rights groups reported that the law contains an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The status of at least 550 cases opened against pro-Kurdish daily *Ozgur Gundem* under the Antiterror Law was unclear at year's end. Some NGOs reported there had been convictions in some of these cases during the year.

Internet Freedom.—The Internet was widely available in the country. It was used in schools, libraries, private Internet cafes, and other public locations, and the Government encouraged its use. There were some restrictions on Internet access.

In May 2007 the Government adopted a new Internet law governing criminal and civil law violations. The law allows the Government to ban a Web site if there is sufficient suspicion that one of eight crimes is being committed by the site: encouraging suicide; sexual abuse of children; facilitation of drug abuse; provision of dangerous substances for health care; obscenity; prostitution; gambling; or crimes regulated in Turkish Code 5816 (crimes against Atatürk). Upon receiving a complaint or as a result of personal observations, a prosecutor may file an application to prohibit access to the offending site or, in an urgent situation, the prosecutor or the Telecommunication Presidency may impose a ban. In either case, a judge must rule on the matter within 24 hours. Following a judicial ban order, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. The ISP may face a penalty ranging from six months' to two years' imprisonment for failing to comply with a judicial order. The law also allows individuals who believe a Web site violates their personal rights to request the ISP to remove the offensive content. By December 1, the court and prosecutors had issued 1,475 distinct orders to ban Web sites in response to approximately 17,768 complaints, a significant increase over the approximately 900 bans ordered in the previous year.

In May, for the third time, an Istanbul court banned access to the "YouTube" Web site to block a cartoon video that lampooned the country's founding father, Atatürk. Access remained restricted at year's end.

Controversial author Adnan Oktar, widely known as an antievolutionist who authored the book *Atlas of Creation*, successfully petitioned for the closure of six Web sites. On September 3, a Sisli court banned the Web site of British evolutionary biologist Richard Dawkins in response to a petition filed by Oktar's lawyers claiming that Dawkins posted insults about Oktar. On September 24, a Gebze court restricted access to the Web site of the Education and Science Workers' Trade Union for publishing criticisms of Oktar's perspectives. On October 15, a Silivri court restricted access to the newspaper Vatan's Web site for permitting a reader's comment on an article in the online version of the newspaper that criticized Oktar. At year's end, all of the bans remained in effect.

Government authorities on rare occasions accessed Internet user records to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

Academic Freedom and Cultural Events.—There were generally no government restrictions on academic freedom or cultural events; however, a court convicted one academic who publicly supported views contrary to the official state ideology, and there was some self-censorship on sensitive topics.

On January 29, an Izmir court sentenced suspended Gazi University professor Atilla Yayla to one year and six months in prison under a law pertaining to the "protection of Atatürk" for saying in 2006 that Kemalism was "more regressive than progressive." The court later offered to cancel Yayla's punishment if he does not commit a similar crime for two years. The verdict remained under appeal at year's end.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The law provides for freedom of assembly; however, the Government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.

The HRF reported that security forces killed seven persons during demonstrations, and there were reports that police beat, abused, detained, or harassed some demonstrators during the year.

The Ministry of Interior reported that police detained 3,119 persons involved in demonstrations through October. These detentions varied in length from several hours to several days.

Approximately 180 public events around the country celebrating the Nevruz holiday in March were generally peaceful. Some organizers applied for permission to celebrate on March 22, instead of March 21, so participants would not miss work. However, a mayoral decision in Van permitted the celebration to occur only on March 21. During an initially peaceful protest against the decision on March 22, police shot and killed one person and injured 155 after the crowd did not abide by police requests to disperse. Police also killed one demonstrator during protests against a similar decision by Yüksekova officials. According to one public official, security forces killed two demonstrators, injured 187 others, and detained 653 persons during Nevruz demonstrations throughout the country.

On May 1, police used excessive force to prevent labor unions and other civic organizations from gathering in Taksim Square to mark the 31st anniversary of "Bloody

Labor Day,” when over 30 persons were killed in the square after gun shots into the crowd from an unknown source prompted a stampede. Istanbul’s governor denied permits for use of the square for the demonstrations, but unions associated with the Revolutionary Workers’ Unions publicized their intention to hold them anyway. On the morning of May 1, police besieged the headquarters of the Revolutionary Workers’ Union and fired tear gas as members prepared for the event, and the union president decided not to march to Taksim in order to minimize injuries. Police also fired tear gas into a children’s hospital near Taksim Square and used water cannons, batons, and tear gas to disperse demonstrators, including journalists covering the event. One journalist suffered a broken arm. Istanbul’s governor announced that police detained 530 persons, although many were released the same evening. Six police officers and 32 civilians were injured. There were no reported trials resulting from the May 1 incident.

In late August the Sinop Governorate banned Ecotopia, an international camp for environmentalists, on the grounds that its antinuclear protests disturbed the peace and harmed the image of the city. Environmentalists protested the decision and police detained 32 protestors.

On September 18, a Diyarbakir court sentenced one demonstrator, Abdullah Gergen, to one year in prison for chanting pro-PKK slogans during a rally in Siirt. The court later postponed the punishment and prohibited him from participating in demonstrations for one year.

In 2006 the first session of a case against 54 police officers began for alleged use of excessive force during a 2005 international Women’s Day demonstration in Istanbul. The case was ongoing at year’s end.

Freedom of Association.—The law provides for freedom of association; however, there continued to be several restrictions on this right in practice.

Under the law persons organizing an association do not need to notify authorities beforehand, but an association must provide notification before interacting with international organizations or receiving financial support from abroad, and must provide detailed documents on such activities. Representatives of associations said this placed an undue burden on their operations.

On November 28, the Supreme Court of Appeals overturned an Istanbul court’s decision ordering the closure of the lesbian, gay, bisexual, and transgender solidarity organization, Lambda Istanbul. On May 29, the Istanbul court had ruled that Lambda Istanbul’s objectives violated Turkish “moral values and family structure,” justifying its closure.

According to the Third Sector Foundation of Turkey, an advocacy NGO, the criteria for NGOs to obtain public benefit status that entitles them to certain tax exemptions were restrictive and complicated. Applications for public benefit status must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

c. Freedom of Religion.—The constitution and laws provide for freedom of religion, and the Government generally respected this right in practice; however, the Government imposed significant restrictions on Muslim and other religious groups.

The constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet regulates the operation of the country’s 77,777 registered mosques and employs local and provincial imams, who are civil servants. A few groups, particularly Alevi, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the Government asserted that the Diyanet treated equally all who request services.

Academics estimated the Alevi population at 15 to 20 million, including ethnic Turks, Kurds, and Arabs. In general, Alevi follow a belief system that incorporates aspects of both Shia and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The Government considers Alevism a heterodox Muslim sect; however, some Alevi and absolutist Sunnis maintain that Alevi are not Muslims.

Alevi “cem houses” (places of gathering) have no legal status as places of worship in the state. However, two municipalities ruled that Alevi cem houses are considered places of worship. On September 3, the Kusadasi municipal assembly voted unanimously to consider a cem house as a temple. In October the Tunceli municipal assembly voted unanimously to provide temple status to cem houses. Both assemblies included members from major parties, who voted also to apply mosque tariffs

to the cem houses' utility charges as part of efforts to improve relations with the Alevi community.

In 2006 authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and promised not to interfere with the project. The municipality filed a case against the association after it proceeded with construction following the ban; in January 2007 the court decided in favor of the municipality. The municipality had not demolished the cem house at year's end.

During the year the Government took initial steps to recognize and address the concerns of the Alevi population. The minister of culture and tourism participated in the December 23 opening ceremony of an independent, autonomous Alevi Academic and Cultural Institute during which he officially apologized for the past treatment of Alevis.

Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats) are officially prohibited; however, tarikats and cemaats remained active and widespread. Many prominent political and social leaders continued to associate with these religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations (GDF), regulated a few administratively critical activities of non Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There were 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 74 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with approximately 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, Protestant, and Maronite foundations. The GDF also regulated Muslim charitable religious foundations, including schools, hospitals, and orphanages.

In July 2007, the Jehovah's Witnesses received a letter of certification confirming their official registration as the "Association for the Support of Jehovah's Witnesses." However, due to their stance as conscientious objectors to military service, they continued to face difficulties. According to Jehovah's Witnesses officials, harassment of their members included arrests, court hearings, verbal and physical abuse, sleep deprivation, strip searches, and psychiatric evaluations by security forces. At year's end, members of Jehovah's Witnesses had three applications pending with the ECHR that alleged government mistreatment, and they also continued to appeal restrictions on worship at four kingdom halls based on zoning laws.

Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha'i, are unable to state their religion on their cards because it is not included among the options; they have expressed their concerns to the Government. In 2006 parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the Government reportedly continued to restrict applicants' choice of religion; members of the Baha'i community stated that government officials had told them that despite the new law, they would still not be able to list their religion on the cards.

Some members of the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they labeled proponents of Islamic fundamentalism. These groups viewed religious fundamentalism as a threat to the secular state. The National Security Council categorized religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, a few government ministries have dismissed or barred from promotion civil servants suspected of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military periodically dismissed religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state. There were some reports that officers in governmental ministries faced discrimination because they were not considered by their supervisors to be sufficiently observant of Islamic religious practices.

According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and noncommissioned officers were periodically dismissed for ignoring repeated warnings from superior officers and maintaining ties to what the military considered to be Islamic fundamentalist organizations. In August the Government reported no military dismissals,

however in its December session it issued 24 dismissals, five of which pertained to alleged Islamic fundamentalism.

The Government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's Greek Orthodox community. As a result, the Government has long maintained that only citizens of the country could become patriarch, serve as members of the Greek Orthodox Holy Synod, and participate in patriarchal elections. Nevertheless, officials did not respond to the ecumenical patriarch's appointment of six non-Turkish metropolitans to the Holy Synod in 2004. Members of the Greek Orthodox community asserted that these restrictions threatened the survival of the patriarchate in Istanbul, because, with a dwindling population of no more than 3,000 Greek Orthodox persons in the country, the community was becoming too small to maintain the institution. In January Prime Minister Erdogan stated that the Greek Orthodox Patriarch's use of the title "ecumenical" should not be a matter on which the state should rule. In December the Ministry of Foreign Affairs provided one-year visas for foreign clergy working at the Ecumenical Patriarchate. Previously, such clergy had to leave and return every three months to obtain new tourist visas.

The law restricts religious services to designated places of worship. Municipal codes mandate that only the Government can designate a place of worship; if a religious group has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, particularly for groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments. Unlike in 2007, police and prosecutors did not take steps to prevent or punish such gatherings.

Many local officials continued to impose standards on churches, such as minimum space requirements, that are not imposed on mosques. In numerous incidents, the Protestant community faced the requirement of having to purchase 2,500 square meters of land in order to construct a church, no matter the size of the congregation. Protestant representatives also faced severe difficulty in receiving the legally required municipal approval to build churches in centrally-located areas.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The seminary was closed in 1971, when the patriarchate chose not to fulfill a government requirement for all private institutions of higher learning to nationalize. The patriarchate found it impossible to comply with the order. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in a few cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

In August three muhtars (the lowest level of non-partisan elected official with limited authority) in Midyat filed a criminal complaint with a local prosecutor against the Syriac Saint Gabriel Monastery alleging it illegally appropriated territory by building a wall. On September 4, a Cadastre court ruled against the monastery and reclaimed all but 30 percent of the monastery's lands. Official papers from the 1950s documented the provincial administrative board's approval of the monastery's borders. The monastery does not have legal status and is represented by a foundation established during the Ottoman Empire. The foundation applied to the ECHR, and three related cases were also pending before the ECHR at year's end.

On December 16, the ECHR issued two judgments against the Government for violating the property rights of two Armenian foundations in cases pertaining to properties they formerly owned. The Samatya Surp Kevork Armenian Church, School and Cemetery Foundation and the Yedikule Surp Pirgic Armenian Hospital Foundation brought cases to the ECHR after Turkish courts ruled that the foundations' charters did not give them the right to acquire immovable property.

No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature. Christians performing missionary work were occasionally beaten and insulted. Police officers sometimes reported students who met with Christian missionaries to their families or to university authorities.

Several foreigners who were practicing Christians and had lived with their families in various cities for many years, reported governmental harassment during the year, including denial of residence and work permits that had been granted in previous years, monitoring by Jandarma, and receiving threats to themselves and their families. These persons reported that they worshiped in their homes but did not proselytize by distributing Bibles, going door-to-door, or undertaking similar activities.

Authorities continued to enforce a long-term ban on wearing headscarves at universities. Unlike in 2007, there were no reports of a similar enforcement for civil servants who worked in public buildings. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class. Some wore wigs instead. In February the parliament passed constitutional amendments designed to lift the ban on wearing headscarves on university campuses. On June 5, the Constitutional Court ruled that amendments intended to permit the wearing of headscarves in universities violated the secular nature of the state and were therefore unconstitutional.

In 2006 attorney Alparslan Arslan opened fire in the Council of State, responsible for a ruling earlier that year preventing the promotion of a nursery school teacher who wore the Islamic headscarf outside of the classroom. Arslan killed Judge Mustafa Yucel Ozbilgin and injured four other judges; his trial was ongoing at year's end. The Ergenekon indictment mentioned the case and alleged Arslan was involved with the Ergenekon group.

The law establishes eight years of compulsory secular education, after which students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools were classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance examination grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enrolled their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams.

The constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities such as Protestants faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The Government claimed that the religion courses covered the range of world religions; however, religious minorities asserted the courses reflected Sunni Islamic doctrine, which they maintained explained why non-Muslims were exempt.

Many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religion courses. In October 2007 the ECHR ruled in favor of an Alevi parent who in 2004 filed a suit claiming the mandatory religion courses violated religious freedom. Since then, the Government added 10 pages of an overview of the Alevi belief system to the textbook for the final year of religious and moral instruction. In August and September, Alevi organizations protested what they perceived to be the Government's insufficient solution.

In March the Council of State ruled in favor of an Alevi couple who requested that their son be exempt from the religion course at school in two different cases.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide Koran courses outside of school, although unofficial clandestine private courses existed. Students who complete five years of primary school may enroll in Diyanet Koran classes on weekends and during summer vacation. Only children older than 12 may legally register for official Koran courses, and Mazlum-Der reported law enforcement authorities often raided illegal courses for younger children. According to Diyanet figures, there were nearly 5,000 official Koran courses throughout the country.

Numerous religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the Government and continued to fight ongoing government efforts to expropriate properties. Many such properties were lost because the law allows the GDF to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The Government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The GDF also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members.

The law allows the 161 minority foundations recognized by the GDF to acquire property, and the GDF has approved 365 applications by non-Muslim foundations to acquire legal ownership of properties. A February amendment to the law facilitated the return of expropriated minority foundation properties; however, it does not account for properties that have been sold to third parties or to those expropriated when the associated foundations have been taken under government control. These conditions applied to the majority of expropriated Greek Orthodox properties.

On July 8, the ECHR ruled that the country had violated the Ecumenical Patriarchate's property rights to a former orphanage on Buyukada Island.

The law has no provisions to accommodate those who conscientiously object to military service.

On June 2, an Istanbul court sentenced conscientious objector Halil Savda to six months in prison for distancing the public from completing compulsory military service. Savda already served sentences of 20 months and five months for refusing to wear a military uniform and to shave a beard he maintained due to his religious beliefs.

In December, a military court acquitted Mehmet Bal of charges of disobeying orders and desertion after completing nine of 15 months of compulsory service. Bal insisted he was a conscientious objector.

On October 11, Ahmet Karayay was arrested in Ankara for announcing his status as a conscientious objector in a public square. Karayay was released pending the trial, which continued at year's end.

Societal Abuses and Discrimination.—Reports of attacks on persons practicing Christian faiths dropped. Authorities took measures during the year to implement a June 2007 Ministry of Interior circular to governors requesting action to prevent violence against non-Muslims. Non-Muslims in Ankara, Izmir, and Trabzon reported that police took extra security measures during special religious services.

On January 25, there were reports that five youths stoned the Izmit branch of the Istanbul Protestant Church Foundation, causing material damage. Later in January the foundation's Christian Turkish administrator in Istanbul received a threat from a citizen who had recently attended services at the church.

In February a 17-year-old youth was arrested and charged with threatening the leader of Agape Church in Samsun. The suspect was arrested for making similar threats in January 2007 but was released and reportedly continued to threaten the church.

On April 14 and 15, unidentified youths stoned the building of a Protestant congregation in the Derince district of Kocaeli for two nights in a row, breaking most of the windows. Security police were posted at the building after the incident, but there were no reports of associated arrests or investigations by year's end.

In March 2007 a hand grenade was thrown into the courtyard of the house of the president of the Syriac Churches Foundation in Mardin's Midyat district. Police opened an investigation after the incident, but there were no reports of an arrest or a court case by year's end.

On December 29, an Izmir court sentenced Ramazan Bay, who stabbed and injured Priest Adriano Francini in December 2007 in Izmir, to five years' imprisonment, but later reduced it to four years and two months for good behavior. He also was sentenced to an extra five months and a 375 lira (approximately \$287) fine for carrying a switchblade.

The trial of 11 youths alleged to have killed three members of a Protestant church in Malatya in April 2007, including a German citizen, continued at year's end. The victims were found in the office of a company that publishes books on Christianity; police caught four suspects as they tried to leave the building, while a fifth jumped out of the window and was hospitalized. A total of 11 suspects were charged in connection with the killings, five of whom remained in custody as the investigation continued. The trial began in November 2007. Five defendants faced multiple life sentences for murder and terrorist acts and another two were charged with assisting in the planning of the murders. Judges and lawyers for the case suggested there were possible links to the ongoing Ergenekon case. In August the prosecuting attorneys requested the Ergenekon file from an Istanbul court.

In February one of the attorneys representing the families of the Malatya victims filed a complaint with the Ankara public prosecutor's office regarding threats he had received and suspicions that his e-mail and telephone calls were being monitored and used to manipulate information to discredit him. Authorities subsequently provided him protection.

In November 2007 security officials thwarted a planned attack on a priest at St. Paul's Church in Antalya. The officials had been investigating suspect Murat T. for his ties to other crimes when they discovered a telephone conversation in which he declared his intent to kill the priest. He remained under arrest at year's end for his alleged involvement in five cases of arson and was transferred to be tried in a military court for having evaded military service, although by year's end, there were no reports of charges related to the planned attack on the priest.

In 2006 a Catholic priest in Samsun was attacked and suffered knife wounds. Authorities announced that, prior to the attack, the assailant, who was later arrested, had filed complaints against the priest for "Christian propaganda." During the trial,

which was ongoing at year's end, prosecutors requested the assailant be hospitalized after he reportedly was diagnosed with chronic schizophrenia.

Members of the Syriac community reported that Syriacs who were forced to leave their southeastern villages during PKK-related violence in the 1980s and 1990s faced fewer problems when attempting to return to their villages. Previously, local villagers, particularly village guards, often occupied the homes of Syriacs who fled and refused to leave when the Syriacs attempted to return. However, the implementation of zoning laws at times resulted in the loss of 40 to 50 percent of the properties of individual Syriacs living in villages in the southeast.

Many Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, religious minorities asserted they were effectively blocked from careers in state institutions.

A variety of newspapers and television shows continued to feature anti-Christian and anti-Jewish messages, and anti-Semitic literature was common in bookstores.

The Jewish community numbered approximately 23,000. During the year there were continued reports of anti-Semitic language in newspapers and Web sites, as well as of continued societal antagonism and discrimination.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the Government limited these rights in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (e.g., military service), or criminal investigation or prosecution. The Government maintained a heavy security presence in the southeast, including numerous roadway checkpoints. The Government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees (recognized as such with certain geographical limitations), returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern.

In September the Constitutional Court annulled the legislative arrangement authorizing the Council of Ministers to implement "compulsory settlement" upon the suggestion of the National Security Council. The court based its decision on Article 23 of the constitution, which forbids any limitation on the freedom of residence except for the purpose of preventing offenses, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property. The verdict specified that a village cannot be evacuated due to national security.

The law prohibits forced exile, and the Government did not employ it.

Internally Displaced Persons (IDPs).—Various NGOs estimated that there were from one to three million IDPs in the country from the PKK conflict, which began in 1984, continued at a high level through the 1990s, and continued during the year. The Government reported that 368,360 citizens from 62,448 households migrated from the southeast during the conflict, with many others departing before the fighting. In 2006 Hacettepe University released the results of a study commissioned by the Government which concluded that an estimated 953,680 to 1,301,200 persons were displaced by conflict in the southeast between 1986 and 2005. The study found that the main reason for the large discrepancy between government and NGO figures was that the Government only included persons evacuated by the security forces from settlements, and not those who were forced to flee because of general violence or for a combination of security and economic reasons. The study also noted that internal displacement in the country is part of a broader rural-to-urban migration by individuals seeking economic opportunity, exacerbated by the violence in the southeast, and has been affected by large-scale development projects, such as the Southeastern Anatolia Project, and natural disasters.

The law to compensate IDPs allows persons who suffered material losses during the conflict with the PKK to apply for compensation. In May 2007 parliament extended the duration of the law so that applicants could apply for compensation through May. Human Rights Watch (HRW) reported in 2006 that the law was being implemented in a way contrary to the Government's stated purpose and principles of fair and appropriate redress. According to HRW, rulings by provincial commissions charged with the law's implementation were inadequate and hindered those IDPs who would like to return to their preconflict homes. HRW also found that IDPs had no avenue of appeal. These findings mirrored those of local NGOs and regional bar associations, which maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards estab-

lished by the ECHR. A representative from the Ministry of Interior denied that the Government has implemented the law unfairly.

The Ministry of Interior reported that the review commissions had received a total of 278,165 applications for compensation under the law through December. The commissions have processed 97,579, approving 66,563 and rejecting 31,016. The Government paid total compensation in the amount of 351 million lira (\$294 million), an average of 16,000 lira (\$13,400) per person.

According to the Turkish Economic and Social Studies Foundation (TESEV), the law only compensates losses suffered after 1987, leaving out victims who suffered losses between 1984, when the clashes started, and 1987. TESEV reported that many victims who fled the region because of the deteriorating economic and security situation have been unable to receive compensation because they could not demonstrate a direct link between their losses and the actions of either the PKK or the security forces. HRW reached the same conclusion in its 2006 report, in which it noted that the Government has unjustly refused to compensate those villagers in the southeast region displaced prior to 1987.

In September a provincial damage assessment commission in Mardin reached a verdict on 30 cases opened in 2004 under the compensation law. A total of 91 villagers had originally appealed for compensation for losses suffered; many of the applicants were disappointed because they were unable to provide what the commission considered adequate legal evidence of ownership such as photos and tax records. The court also required approval from the husbands of female applicants.

There was no information at year's end on the status of the administrative complaint filed in August 2007 with the Siirt governorship after Jandarma and village guards forced a group of villagers to leave their homes after the military declared a "special security zone" in the area. The villagers and their belongings had been forcibly removed, and their access to crops and services in the village was blocked. There were some reports for residents that the situation generally improved during the year.

Voluntary and assisted resettlements were ongoing. In a few cases, persons could return to their former homes; in other cases, centralized villages were constructed. (The Government reported that, as of September 7, its Return to Village and Rehabilitation Project and compensation law had facilitated the return of 151,469 persons from 25,001 households to their villages).

Foreign governments and national and international human rights organizations continued to criticize the Government's program for assisting the return of IDPs as secretive and inadequate.

Protection of Refugees.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

An administrative regulation provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. However, the country ratified the 1967 protocol subject to a geographic limitation, and therefore accepts its obligations only with respect to refugees from Europe. The Government has not established a formal system or legislation for providing protection to refugees. The Interior Ministry conducted a parallel refugee status determination process subsequent to UNHCR's, sometimes affirming UNHCR's decisions. Refugees who were granted status by UNHCR but not affirmed by authorities were not granted exit permission for resettlement flights.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, including individuals of non-European origin. According to the Ministry of Interior, during the year the Government provided temporary protection to 7,584 foreigners referred by UNHCR for resettlement to a third country. Refugees were not authorized to work in the country and needed permission from Ministry of Interior authorities to travel to Istanbul or Ankara, including for meetings with UNHCR or resettlement agencies.

The Government requires that refugees who have no durable solution in the country obtain exit permission before departing for resettlement in third countries. One obstacle to exit permission is the residence permit fee of 273 lira (\$209) that regulations require refugees to pay every six months. If the fees are not paid on time each six months, back fees must be paid in full before the refugees can depart, and a late fine is also assessed. In some cases, families have been charged thousands of dollars in residence fees and late fines before being allowed to depart the country.

In most cases the Government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. By October, 790 persons of interest to the UNHCR were deported from the country. Eighty-

five of these were recognized as refugees or asylum seekers, while the UNHCR was not given access to interview the remaining 708 although the individuals had informed the UNHCR that they wished to seek asylum. Authorities returned 22 of the UNHCR-recognized refugees and asylum seekers to a home country where the individuals feared persecution or serious human rights abuses. Some of these individuals had already been accepted for resettlement to a third country, but were returned before they could be resettled. Another 298 persons who had informed the UNHCR that they wished to seek asylum were returned to a home country where they feared persecution before receiving a UNHCR refugee status determination.

In April at least two Iranian citizens who were UNHCR-recognized refugees died after being forced by Jandarma to cross a dangerous river on the country's border with Iraq. In June Jandarma dropped three other Iranian asylum seekers at the Iranian border during the night and allegedly threatened them if they returned to the country. A few days later two of them returned to Van and reported that the third had fallen into a pool of water and broken his leg, and they had left him in order to go find help. That individual's fate was unknown at year's end.

In July Jandarma attempted to deport to Iran three Iranian citizens who were UNHCR-recognized refugees and former residents of Camp Ashraf in Iraq, through an official border crossing. However, when Iranian border officers refused to accept them, authorities took the individuals to a detention center in Van, where they remained at year's end. Another 24 Iranians who had been recognized as refugees by the UNHCR during their stay at Camp Ashraf in Iraq were also deported to Iraq the end of the year.

On September 12, 22 Uzbekistan citizens, who had earlier been recognized as refugees by the UNHCR in Iran but later came to Van seeking resettlement to a third country, were deported to Iran. The refugees were rounded up without notice and taken to an unmarked, mountainous portion of the border and forced to walk into Iran. The group included women and children, who were also forced to walk across the mountains under dangerous conditions. Later, the same group paid Iranian smugglers \$5,000 to bring them back across the unmarked boarder to reach Van on September 23. The UNHCR formally approached authorities requesting that the refugees be granted temporary asylum in the country, as they presented credible documentation showing they had reason to fear refoulement to Uzbekistan if they returned to Iran. On October 13, all 22 of the refugees, along with another family of three Uzbekistan citizens who had filed a stop-deportation petition with the ECHR in September, were re-deported to Iran.

In August 2007, Pejman Piran, brother of jailed Iranian activist Peyman Piran and a UNHCR-recognized refugee slated for resettlement to a third country, was deported to Iraq with four other Iranian refugees who had been living in Van. The ECHR issued a decision to stop the deportation that month, but Piran and the other four refugees had already been taken to Iraq. As Piran was later resettled to a third country, the ECHR case against the country was dropped during the year. The country's statement to the court claimed that the deportation did not violate the European Convention on Human Rights because the individuals' asylum claims had been rejected by competent authorities, and because they were deported to Iraq rather than Iran.

Iraqi citizens were generally able to obtain tourist visas upon arrival at airports in the country. However, some foreigners, including Iraqis, transiting the country on their way to Europe were returned to their countries of origin when immigration authorities determined they might seek asylum in Europe. According to the UNHCR, during the year a group of 600 Afghan citizens were returned to Afghanistan from Batman by plane. UNHCR had been informed that some of the individuals in this group had wished to apply for asylum in the country, but the UNHCR was not granted access to them before they were deported.

Illegal migrants detained when found near the country's eastern border areas were more likely to be questioned about their asylum status and referred for processing than those caught while transiting or attempting to leave the country from other locations. However, access to the national procedure for temporary asylum was hindered by the lack of reception facilities for groups of interdicted migrants, potentially including asylum seekers, and a lack of interpreters to assist security officials.

The law does not have a strict time limit for asylum seekers or require them to present a valid identity document. The law also stipulates a waiver of residence permit fees for asylum seekers in "humanitarian situations." Despite this, the International Organization for Migration (IOM) reported that during the year some refugees were charged fines for late registration before being authorized to travel to Istanbul in order to leave the country for their countries of resettlement. Nearly 700 refugees scheduled for resettlement, including a family whose two children have

Down's syndrome, missed their flights for this reason and were still in the country at year's end. In 2006 the Government also issued an implementation directive that provided detailed guidance on the refugee status determination procedure and established a framework for the provision of assistance to asylum seekers and refugees.

The UNHCR reported that it was able to successfully intervene in most cases where asylum seekers arrived lawfully in the country after transiting through one or more other countries. However, UNHCR access to persons in detention who wished to apply for asylum, to individuals who had stowed away on ships and wished to apply for asylum, as well as to persons trying to seek asylum while they were at the international areas of the country's airports, remained problems.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. However, the Government restricted the activities of a few political parties and leaders.

Elections and Political Parties.—The 2007 parliamentary elections were held under election laws that the OSCE found established a framework for democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter parliament. Some political parties criticized the 10 percent threshold as unduly high.

The OSCE noted in its observation report following the 2007 elections that, despite a comprehensive legal framework for elections, political campaigning, and in a broader context, freedom of expression, were constrained by a number of laws that created the potential for uncertainty and scope for arbitrary interpretation. The OSCE also noted the positive efforts made to enhance the participation of citizens of Kurdish origin in political life. However, the law continues to prohibit the use of languages other than Turkish in the election campaign.

In a polarized political climate leading up to the 2007 presidential and parliamentary elections, the military issued three statements emphasizing concern over what it regarded as deep threats posed by religious fundamentalism, the military's role as the ultimate defender of secularism, and the alleged weakening of secularism in the country. Human rights groups characterized these statements as attempts to exert pressure on the democratic process that were suggestive of the military's disproportionate influence over politics. In a November report, the European Commission noted that the military "continued to exercise significant political influence via formal and informal mechanisms."

Political parties and candidates could freely declare their candidacy and stand for election. The High Court of Appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court. The November progress report by the European Commission noted that the closure cases during the year against two political parties illustrated that legal provisions on political parties "do not provide political actors with an adequate level of protection from the state's interference in their freedom of association and freedom of expression."

In March the country's chief prosecutor filed a case against the AKP to close the party, claiming that it had become a "center of antiseccular activities." According to the constitution, "the activities of political parties shall not be in conflict with the principles of the democratic and secular republic." While the prosecutor acknowledged that the AKP's program and its written statutes were not unconstitutional, the indictment charged that AKP had "in actions and verbal statements acted against laws and the constitution." On July 30, the Constitutional Court decided not to close the ruling party. While six judges voted for closure, the constitution requires that at least seven judges vote in favor of banning for a party to be closed. The 11-member court instead agreed to halve the party's state funding.

On October 17, a Diyarbakir court sentenced suspects Firat Karahan and Vevsi Akgonul to life imprisonment and Mustafa Kemal Ok to six years and three months' imprisonment for complicity in the murder of former HADEP (People's Democracy Party) vice chair Hikmet Fidan. Suspect Zeki Peker was acquitted.

DEHAP reconstituted itself as the DTP in 2006; and during the year the Constitutional Court added the closure case for DTP to the DEHAP closure case. On September 16, the DTP cochairman, Ahmet Turk, provided a verbal defense to the Constitutional Court denying any organizational link between the DTP and the PKK. Since November 2007 the DTP has faced potential closure and the banning from politics of 221 of its members. Deliberations in the combined legal case on charges of separatism were ongoing at year's end.

During the year police raided dozens of DTP offices, particularly in the southeast, and detained hundreds of DTP officials and members. During the year prosecutors opened scores of investigations and trials against DTP members. Police raids on DTP offices in Van and Siirt provinces resulted in the detention of approximately 50 DTP members during the year.

Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism.

There were no developments during the year regarding the appeal of Aydin Budak, the DTP mayor of Cizre. In 2006 Budak was sentenced to one year and three months in prison for stating in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something "provocative."

During the year DTP Erzurum provincial chairman Bedri Firat continued his appeal of a 2006 conviction. Firat was sentenced to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations in which he stated that Kurds were subject to genocide and praised Abdullah Ocalan.

There were no updates during the year in the 25 open cases against DTP member Tuncer Bekirhan initiated in 2007.

There were 50 women in the 550-seat parliament. There was one female minister in the 25-member cabinet.

Although the number was unknown, some minority groups were active in political affairs. More than 100 members of parliament and senior government officials, including three ministers, were of Kurdish origin.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The World Bank Worldwide Governance Indicators reflected that corruption slightly decreased during the year, though it remained a problem.

Opposition party members criticized the ruling AKP for refusing to lift the immunity of AKP parliamentarians suspected of corruption and other abuses.

Government officials are required by law to declare their property every five years.

The law provides for public access to government information; however, the Government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally uncooperative and unresponsive to their views.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRA reported that prosecutors opened dozens of cases against HRA branches during the year. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der.

On January 23, authorities arrested HRA Adana branch chief Ethem Acikalin for being a member of an illegal organization after he attended an event hosted by the Adana representative of the Rights and Freedoms Front in December 2007. The event hosted a press conference to discuss the killing of Kevser Mizrak during a police raid in Ankara earlier in the month. The prosecution requested 7.5 to 10 years' imprisonment. Acikalin was imprisoned for 6 months before being released on bail; the trial continued at year's end.

On February 19, a Diyarbakir court sentenced HRA Siirt branch chief Vetha Aydin to 15 months in prison for his participation as "peace chair" on "World Peace Day" in 2004. The court later postponed the sentence, but ruled that he should report his whereabouts to authorities for one year.

On June 12, a court convicted four members of HRA's Canakkale branch, including its chairman, to 18 months' imprisonment each for violating the Law on Demonstrations when they organized a "September 1 World Peace Day" gathering in 2007. An appeal remained pending at year's end.

On August 14, police raided DTP's provincial office in Adana. Adana HRA chapter president Ethem Acikalin went to the DTP office as an observer joined by the HRA accountant. Police broke the accountant's arm, and charges were brought against Acikalin for resisting police. The trial had not begun by year's end.

On December 29, Acikalin stood trial in an Adana court where he faced two years in prison for propagandizing an illegal organization. Acikalin was charged after chanting slogans during a December 2007 press meeting commemorating the death of 28 inmates during a military operation 2000. The trial continued at year's end.

In July 2007 the Government opened a closure case against HRA's Mersin branch, claiming that the local representatives and members were involved in activities incompatible with their positions and accusing them of supporting the interests of "illegal organizations." The case continued at year's end.

In January 2007 the Istanbul governor's office, with no notice, froze three bank accounts of the AI branch in the country, worth approximately 75,000 lira (\$62,600). In May 2007 AI filed civil cases against two local government authorities, the Beyoglu district governor's office and the Istanbul governor's office, for failing to respond to AI's administrative queries related to the seizure. In May 2007, the Beyoglu district governor's office issued a decision that AI had participated in "unauthorized fund raising." The decision did not specify what AI actions violated the law. In a June 2007 public statement, AI stated that it does not seek or accept money from governments or political parties for its work but that its funding depends on the contributions of its worldwide membership and fundraising activities, including street fundraising or "face-to-face" activities. The statement noted AI feared the incident could have been "a tactic of government harassment intended to impede legitimate fundraising activities." In February the court ordered AI's accounts to be unfrozen. The governor's office appealed the decision to the Council of State; the appeal was ongoing at year's end.

The Government generally cooperated with international organizations such as CPT, the UNHCR, and IOM; however, some international human rights workers reported that the Government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work.

The Prime Ministry's HRP was authorized to monitor the implementation of legislation relating to human rights and coordinate the work of various government agencies in the field of human rights. Despite lacking a budget and sufficient resources, the HRP carried out a number of projects with the European Commission and Council of Europe. On July 2, the HRP released its first annual report on human rights issues in the country.

During the year the HRP promoted human rights by showing short films on topics such as freedom of expression, discrimination, children's rights, and torture. The HRP maintained a free, emergency human rights hotline called "Alo 150," where individuals could report information on human rights violations for transmission to the appropriate government body.

There were provincial human rights councils under the HRP in all 81 provinces and 850 subprovinces. These bodies were established to serve as a forum for human rights consultations among NGOs, professional organizations, and the Government. They have authority to investigate complaints and refer them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that they lacked authority and independence.

The HRP reported that it received complaints of human rights violations from 206 persons through the end of June. The boards received 496 complaints of violations during the same period. These complaints were regarding health services and patient rights (115), property rights (84), and general human rights complaints (79).

On April 29, the court of appeals ruled that professors Baskin Oran and Ibrahim Caboglu should be acquitted of a 2005 charge of "inciting people to hatred" and "openly belittling judicial organs." Caboglu and Oran were the former chair and sub-chair of the Human Rights Advisory Board (HRAB), an advising body established to link government bodies and NGOs on human rights issues and provide advice. The HRAB released a report on minorities and cultural rights in 2005 that included language the court of appeals found contrary to the legal principle that there were no minorities in the country, only "non-Muslim citizens." In its decision, the court, citing the right of freedom of expression and international law, held that individuals in democratic nations were entitled to enjoy freedom of expression in its broadest sense.

Other government human rights bodies included the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; and a Human Rights Consultation Board (HRCB), established as a forum for the exchange of ideas between the Government and NGOs. NGOs found these bodies to have little to no effectiveness. There was no ombudsman mechanism active during the year, following the application by then-president Ahmet Necdet Sezer in 2006 to the Constitutional Court to annul legislation establishing one. The case was pending at year's end.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these laws effectively. The Government and NGOs focused on eliminating societal violence and discrimination against women and minorities, as well as trafficking, but problems continued in these areas.

Women.—The law prohibits rape, including spousal rape; however, the Government did not effectively enforce the law. Victims often waited days or weeks to report incidents for fear of embarrassment or reprisals, which hindered effective prosecution of assailants. Cases of rape were underreported.

Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse, but the Government did not effectively enforce it. Domestic human rights organizations reported that these laws were partially effective; more women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports.

In October 2007 the governor of Istanbul and the Foundation to Support Contemporary Life launched a domestic violence hotline financed by the EU and staffed by operators who screened calls and then forwarded legitimate calls to police, attorneys, or psychologists.

In January 2007 State Minister for Women and Children's Affairs Nimet Cubukcu established a hotline to prevent the exploitation of women, children, persons with disabilities, and senior citizens. From its inception through November, the hotline received 119,090 calls.

Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001 and 2005, the latest period for which statistics were available. According to the most recent available government data, there were 646 domestic violence cases brought to court in 2006, a decrease over previous years. The Institution for Social Services and Orphanages operated 23 shelters with a total capacity of 405 for female victims of domestic violence and rape. The Government reported that provincial government offices, municipalities, and NGOs operated 38 shelters and that one private foundation operated a shelter. During the year there was one shelter bed for every 144,000 persons in the country, which observers noted was an inadequate amount of shelters for towns with populations of more than 50,000.

Persons convicted of honor killings receive life imprisonment. The Turkish National Police reported 39 honor killings and 9 attempted honor killings through September 30. The HRP reported there were 53 honor killings in 2007 and 1,000 honor killings between 2003 and July 2008, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform such killings.

Due to penalties for honor killings, family members increasingly pressured girls to commit suicide in order to preserve the family's honor. Between 2005 and 2006, 1,985 women were reported to have committed suicide or have been killed, according to women's rights advocacy group AKDER. Government officials worked with advocacy groups such as KA-MER to hold town hall meetings and set up rescue teams and hotlines for endangered women and girls.

KA-MER, the leading women's organization in the southeast, reported that from 2003–07 a total of 198 women from eastern and southeastern Anatolia contacted it to report that their family had threatened them with honor killings. Of these cases, three of the women died from injuries sustained in the attacks, one committed suicide, and 27 were pressured to commit suicide. The father or husband decided the fate of the woman in the vast majority of the cases. The report observed that 76 of these "decision makers" were illiterate, while 47 had no education beyond junior high school. Increased education levels correlated with a drop in the rate of such crimes.

"Disobedience," variously defined as refusing to marry the person the family had chosen, refusing to have sex with a brother-in-law or father, not agreeing to pros-

titute oneself, not fulfilling the demands of male family members, and interrupting man-to-man conversations was determined to be the most frequent justification of honor killings.

In April, 24 year-old Leyla Gok was beaten to death in Siirt's Eruh district, apparently on account of an alleged affair she had with a married man. The woman had returned to her family after living with her boyfriend for some time. The family reportedly did not take the body from the hospital, and the victim was buried by municipal officials. After testimonies, Gok's brother Hayrettin was released and her boyfriend Sukru Batuhan was detained in connection with the death. The case continued at year's end.

In November, in the Ceylanpınar district of Sanliurfa in the southeast, Aysel Cadir was shot and killed by Muslum Bakir, her husband via an unofficial religious marriage. The victim's mother claimed that the decision to kill her was made by the husband and his "family council." Cadir was reportedly three months pregnant. Bakir was in custody and the case continued at year's end.

According to media reports, Naile Erdas, a 15-year-old from the southeastern city of Van, was killed by her family in 2006 when she gave birth to a child conceived during a rape. The girl, who hid her pregnancy, reportedly begged doctors at a state hospital where she gave birth not to return her to her family, fearing that she would be killed in accordance with the local tradition demanding her family's honor be cleansed. Doctors informed state authorities, but the woman was ultimately returned to her family. At year's end, six of her relatives, including Erdas' brother, father, mother, and uncles were under arrest for the killing.

Prostitution is legal.

The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring two to seven years' imprisonment for sexual assault and three months' to two years' imprisonment plus a fine for sexual harassment. Women's rights activists maintained that both of the laws were rarely enforced.

In October media and observers criticized the release, pending trial, of a journalist who was accused of raping a 14-year-old girl, upon the medical examiner's report that the girl's physical and mental health were "intact" following the alleged abuse. Women and Children's Affairs Minister Cubukcu denounced the report and in November the Bursa court requested a new report from the Forensic Medicine Institute.

Under the law women enjoy the same rights as men; however, societal and official discrimination were widespread. The Directorate General on the Status and Problems of Women under the State Ministry in Charge of Family Affairs is responsible for promoting equal rights and raising awareness of discrimination against women.

Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions as well as in government. According to a November report by the European Commission, the level of women's employment and their political participation nationally and regionally were low. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the retail, restaurant, and hotel sectors worked as unpaid family labor. The World Economic Forum reported during the year that women earned 61 percent of what their male counterparts earned for similar work.

Children.—The Government was committed to furthering children's welfare and worked to expand opportunities in education and health.

While education through age 14 or the eighth grade was free, universal, and compulsory, only 40 percent of children received a high school diploma, according to the Organization for Economic Cooperation and Development and one in 10 girls did not attend compulsory primary school.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives. There were reports that children were trafficked for sexual exploitation.

On March 7, a Malatya penal court convicted eight suspects to one year's imprisonment for neglecting their duties in the alleged torture and abuse of children at the Malatya state orphanage. The execution of the punishment was postponed. Two other cases against nine orphanage employees continued at year's end.

Child marriage occurred, particularly in poor, rural regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years.

The law defines 15 as the minimum age for marriage, although children as young as 12 were at times married in unofficial religious ceremonies. In rare instances, families engaged in "cradle arrangements," agreeing that their newborn children would marry at a later date, well before reaching the legal age.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; penalties for trafficking in persons are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as sexual assault. There were media reports that police corruption contributed to the trafficking problem.

The country was a destination point for women and children trafficked primarily for the purpose of commercial sexual exploitation. The Government identified 118 trafficking victims during the year. No male victims were identified or assisted during the year; in 2007, five men from Turkmenistan were trafficked for labor exploitation. Women and girls were trafficked from Moldova, Uzbekistan, Turkmenistan, and other countries in Eastern Europe and the former Soviet Union. One victim from Indonesia and one from Morocco were also trafficked during the year and awaited repatriation at year's end. Most foreign victims were trafficked for sexual exploitation in Istanbul and Antalya, although victims were identified in cities throughout the country.

Typically, small networks of foreign nationals and citizens, relying on referrals and recruitment from friends and family members in the source country, trafficked foreign victims to the country. According to local experts and researchers, most victims arrived in the country knowing they would work in the sex industry but were subsequently threatened physically or emotionally and trapped. Others were known to have arrived in the country to work as domestic servants and exploited in that industry or trafficked into the commercial sex industry. In some cases it was reported that traffickers continued to utilize abusive physical force and threats to family members to force women into prostitution.

Based on preliminary data, in the first six months of the year the Government prosecuted approximately 100 suspected trafficking offenders. Under the penal code, the penalties for trafficking include eight to 12 years' imprisonment and heavy fines. Also based on preliminary data, in the first six months of the year, the Government convicted four traffickers. However, approximately 53 additional traffickers were convicted during the same period under the statutes prohibiting mediation of prostitution and organized crime. These convictions averaged three to four years' imprisonment plus fines.

Turkish National Police apprehended 248 suspected traffickers during the year. In 2007, the last year for which complete statistics were available, cases were opened on 422 suspected traffickers; 397 suspected traffickers remained under investigation from previous years.

Allegations that police and other government officials participated in trafficking were reported by the media during the year. According to press reports, a number of active and retired police officers, some of senior rank, were arrested, placed under investigation, or recommended for expulsion for cooperating with trafficking rings. The Government provided preliminary data showing that 25 security officials were investigated during the year for possible involvement in trafficking in persons, a significant increase from the twenty similar investigations conducted between 2005 and 2007. Most of the investigations were ongoing at year's end; some of these officials were in prison and others were free awaiting trial. Three were expelled from service.

An ambassador-level Ministry of Foreign Affairs official serves as national coordinator for the Government's Task Force on Human Trafficking, which also includes representatives from the ministries of health, interior, justice, finance, labor, the Prime Ministry, and from NGOs, the IOM, and municipalities.

The Government participated actively in international antitrafficking investigations and met regularly with neighboring countries and regional groups promoting regional antitrafficking law enforcement cooperation. The Government has signed bilateral antitrafficking cooperation memorandums of understanding and protocols with neighboring source countries, including Belarus, Georgia, Ukraine, Moldova, and Kyrgyzstan.

There were two NGO-operated shelters for trafficking victims in the country, located in Ankara and Istanbul. The shelters received free rent from the municipalities, and the Ministry of Health provided free medical care to victims in the shelters. Nevertheless, government financial support for these protection mechanisms was inconsistent. The lack of consistent government funding threatened the operation of one shelter, although core services were not impacted. During the year the Istanbul shelter assisted 57 victims, and through December the Ankara shelter assisted 28 victims.

The Government encouraged victims to participate in trafficking investigations and prosecutions; however, most chose to return to their countries. The Ministry of Justice, through local bar associations, provided free legal services to foreign victims choosing to remain in the country and testify against traffickers. Foreign victims identified by authorities may apply for humanitarian visas to remain in the country

for up to six months and may then apply for renewal for another six months. The Government had a national referral mechanism, which it implemented in partnership with the IOM and the shelters, and which included the voluntary and safe return of victims. The IOM assisted 78 trafficking victims during the year.

The IOM operated a toll-free hotline for trafficking victims that was answered in Russian, Romanian/Moldovan, English, and Turkish and that could receive international calls. Sixteen victims were rescued from trafficking situations through the assistance of the hotline in the first nine months of this year. On June 30, the Government began a new antitrafficking public awareness campaign featuring television and radio advertisements, plus more than 40,000 posters in municipalities throughout the country, primarily in trafficking hotspots, to promote the hotline.

Antitrafficking training courses continued to be held in the country throughout the year. Law enforcement officers, judges, and prosecutors participated in "train the trainers" courses which focused on countertrafficking skills, such as victim identification and interviewing.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; the Government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for Disabled People under the Prime Ministry is responsible for protecting the rights of persons with disabilities.

The Ministry of Health operated eight mental health hospitals in seven different provinces. There were two private mental health hospitals in Istanbul. The Government reported that it operated 45 boarding care centers and 22 daycare centers for physically and mentally challenged individuals. According to the European Commission, mental health hospitals and rehabilitation centers do not provide sufficient medical care or treatment.

The NGO Mental Disability Rights International announced that the Government circulated a notice condemning the use of electroconvulsive or "shock" therapy (ECT) without anesthesia in 2006. A CPT delegation had reported previously finding ECT being used on patients without anesthetics or muscle relaxants during a 2005 visit to two state hospitals, the Bakirkoy Mental and Psychological Health Hospital in Istanbul and the Adana Mental Health Hospital.

During the year, the NGO Initiative for Human Rights in Mental Health (IHRMH) ran advocacy campaigns, organized free vocational trainings, and created monitoring groups to inspect institutions for compliance with legal and health regulations.

In November IHRMH reported on research conducted in 12 mental health care centers between June 2007 and October with permission of the Ministry of Health and Social Services and the Child Protection Agency. The report cited a need to increase the number of professional care staff, improve hygienic conditions, vary treatment from only antipsychotic drugs and antidepressants, and allow for greater freedom of movement.

On November 6, a clandestinely filmed documentary on the state of public facilities for children in the country aired in the United Kingdom. Earlier in the year, Duchess of York Sarah Ferguson used a disguise to enter and film two care centers for children with mental and physical disabilities for use in the documentary. The expose showed children tied to their beds with fabric, and poor caretaking conditions at Saray Rehabilitation Center in Ankara and Zeytinburnu Center for the Care of Disabled Children in Istanbul.

National/Racial/Ethnic Minorities.—The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution.

On September 30, ethnic Kurdish resident Murat Aygun reportedly used a truck to kill two persons and injure six others in the Ayvalik district of Balikesir Province. The two individuals killed had played the Turkish national anthem in front of Aygun's home. After the killings, a crowd attacked Kurdish homes and shops. The governorate did not permit a DTP committee to investigate.

The NGO Minority Rights Group International reported in March that millions who belonged to ethnic, linguistic, and religious minorities faced systematic repression and many remained unrecognized. The report noted that the law is interpreted

to protect only three religious minorities—Armenian Orthodox Christians, Jews, and Greek Orthodox Christians—and not other ethnic and religious minorities, including Alevis, Ezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma. The report stated that these “excluded minorities” were prohibited from fully exercising their linguistic, religious, and cultural rights and faced intense pressure to assimilate.

Despite the beginning of TRT pilot broadcasts in Kurdish at year’s end, the Government maintained restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications.

Roma continued to face persistent discrimination and problems with access to education, health care, and housing. The Government took no apparent steps during the year to assist the Romani community. The European Roma Rights Center, Helsinki Citizens Assembly, and Edirne Roma Culture Research and Solidarity Association conducted a program to train the Romani community on civil society organization and activism. Literacy courses for Roma women offered by the Roma Culture and Solidarity Association of Izmir continued, and the association celebrated International Roma Day in Izmir.

Beginning on June 3, 500 Roma living in the Sulukule neighborhood of Istanbul faced destruction of their homes and were relocated outside of the city due to an urban renewal project sponsored by the municipality.

The law states that “nomadic Gypsies” are among the four categories of persons not admissible as immigrants.

Other Societal Abuses and Discrimination.—While the law does not explicitly discriminate against homosexuals, two gay and lesbian rights organizations, Lambda Istanbul and Kaos GL, claimed that vague references in the law relating to “the morals of society” and “unnatural sexual behavior” were sometimes used as a basis for discrimination by employers. The law also states that “no association may be founded for purposes against law and morality.” This article has been applied in attempts to shut down or limit the activities of NGOs working on gay and lesbian issues.

In April, Anadolu University in Eskisehir lifted restrictions blocking access to the Web sites of Kaos GL, Pembe Hayat, and Lambda Istanbul from campus computers.

On July 15, 26 year-old Ahmet Yildiz was shot and killed leaving a cafe in Istanbul. Yildiz had represented the country in an international gay gathering in San Francisco in 2007. Yildiz’s family disapproved of his homosexuality, and his body remained unclaimed in the morgue for six days. Yildiz had previously filed a complaint with the police after receiving threats. Police collected statements from friends and family, but had not begun an investigation by year’s end.

In September a group of transsexuals and transvestites in Istanbul filed a criminal complaint against several police officers for alleged mistreatment. The group leader alleged that group members were arbitrarily detained and released in remote parts of the city.

On November 28, the Supreme Court of Appeals overturned an Istanbul court decision ordering the closure of the lesbian, gay, bisexual, and transgender solidarity organization, Lambda Istanbul. On May 29, the Istanbul court had ruled that Lambda Istanbul’s objectives violated Turkish “moral values and family structure,” justifying its closure.

In May 2007 members of the groups Pembe Hayat and Kaos GL protested at the Esat police station in Ankara. Protestors claimed that transsexuals and transvestites had been unjustly taken into custody and faced mistreatment during their detention. Police officers on duty prevented the protestors from making a press statement during the demonstration.

In February 2007 Bilgi University students established the country’s first gay and lesbian university club. Approximately 15 parents lodged complaints with the university administration, and the Turkish Higher Education Council opened an inquiry into the university. Bilgi’s dean of students, Halit Kakinc, responded that closing the club would violate human rights. The club was operating normally at the end of the year.

Section 6. Worker Rights

a. The Right of Association.—The law provides most but not all workers with the right to associate and form unions subject to diverse restrictions; most workers exercised this right in practice. The Government maintained a few restrictions on the right of association. Unions may be established by a minimum of seven persons without prior permission. There are no restrictions on membership or participation of individuals or unions in regional, national, or international labor organizations, but such participation must be reported to the Government. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making

enterprise, and from displaying any political party logos or symbols on any union or confederation publications. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their conventions and record the proceedings; these requirements were usually enforced.

Although official government statistics indicated that 56 percent of the labor force was unionized, union officials noted that figure included retirees and others no longer on the active list of unionized employees. Most labor experts in the country estimated that approximately 20 percent of the wage and salary workers in the labor force were unionized.

The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general (involving multiple unions over a large geographical area) strikes or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

The law prohibits strikes by civil servants, public workers engaged in the safeguarding of life and property, workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education; however, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal according to law; while some illegal strikers were dismissed, in most cases employers did not retaliate.

b. The Right to Organize and Bargain Collectively.—The law and diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Industrial workers and some public sector employees, excluding white collar civil servants and state security personnel, have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. The International Trade Union Confederation claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. If a court rules that a worker has been unfairly dismissed and should either be reinstated or compensated, the employer generally pays compensation to the employee along with a fine.

There are no special laws or exemptions from regular labor laws in the country's 21 free trade and export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits forced or compulsory labor, including by children; however, there were reports that women, men, and minors were trafficked for commercial sexual exploitation and for labor.

Some parents forced their children to work on the streets and to beg.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace; however, the Government did not effectively implement these laws. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than eight hours a day. At age 15 children may engage in light work provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the Government prohibits children from working at night or in areas such as underground mining. The law prohibits school-aged children from working more than two hours per day or 10 hours per week.

The Ministry of Labor and Social Security effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium- and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.

Nonetheless, child labor was widespread. In a child labor survey conducted in the last quarter of 2006 and released in April 2007, the State Statistical Institute reported that the number of child laborers between the ages of six and 17 was 960,000, or 5.9 percent of a total of 16.2 million in that age group. These figures represented a decrease over previous years. The study found that 84.7 percent of

children aged six to 17 attended school and that the 31.5 percent of children in that age group who were employed were also attending school at least part time.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, with a total of 52.4 percent of employed children working in rural areas, compared to 47.6 percent working in urban areas. Many children worked in areas not covered by labor laws, such as agriculture workplaces with fewer than 50 workers or the informal economy. To combat this ongoing problem, the Ministry of National Education conducted a program in cooperation with the UN Children's Fund that was designed to provide primary education for at-risk girls. By year's end, the program benefited nearly 223,000 girls and 100,000 boys.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education training center, they were required to go to the center once a week for training and the centers were obliged by law to inspect their workplaces. According to data provided by the ministry, there were 307 centers located in 81 cities; these centers provided apprenticeship training in 133 occupations. The Government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers. There were reports that children were trafficked for sexual exploitation.

There were no reliable statistics for the number of children working on the streets nationwide. The Government's Social Services and Child Protection Institution operated 44 centers to assist such children.

e. Acceptable Conditions of Work.—The national minimum wage of 638 lira (\$425) per month did not provide a decent standard of living for a worker and family. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board.

The law establishes a 4-hour workweek with a weekly rest day, and limits overtime to three hours per day for up to 270 hours a year. Premium pay for overtime is mandated but the law allows for employers and employees to agree to a flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, although reports of them doing so were rare. Authorities effectively enforced this right.

UKRAINE

Ukraine, population 46 million, is a republic with a mixed presidential and parliamentary system, governed by a directly elected president and a unicameral parliament (the Verkhovna Rada) that selects a prime minister. Parliamentary elections were held in September 2007; according to international observers, fundamental civil and political rights were respected during the campaign, enabling voters to express their opinions freely. Five political parties and blocs held seats in the 450 member parliament. Civilian authorities generally maintained effective control of the security forces.

The police and penal systems continued to be sources of some of the most serious human rights concerns. They included instances of torture by law enforcement personnel, harsh conditions in prisons and detention facilities, and arbitrary and lengthy pretrial detention. The judiciary lacked independence and suffered from corruption. The Government continued to be slow to return religious property. Societal violence against Jews continued to be a problem, as did anti Semitic publications, although their number and circulation declined during the year. Serious corruption persisted in all branches of the Government. Societal problems included violence and discrimination against women, including domestic violence and sexual harass-

ment in the workplace, and against children, as well as increased violence against persons of non Slavic appearance. Discrimination against Roma continued. Trafficking in persons continued to be a serious problem. Workers continued to face limitations on their ability to form and join unions of their choice and to bargain collectively.

During the year the Government closed the long criticized Pavshyne migrant detention facility and opened two migrant detention centers that comply with international standards. The Ministry of the Interior established human rights monitoring departments in all regions to monitor human rights performance by police during the year.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The Government or its agents did not commit any politically motivated killings; however, the media and human rights groups reported several allegations that security forces killed prisoners in custody. According to the Ministry of the Interior, three criminal investigations of police personnel were initiated on suspicion of, or charges of, unlawful killings in the first nine months of the year.

On July 9, the Vinnytsia Group for Human Rights (VGHR) expressed concern about a suspicious death that occurred in the Vinnytsia Penal Colony on July 3 and urged the Prosecutor General's Office (PGO) to investigate. Facility personnel allegedly beat a Roma man to death following a clash between the victim and other inmates. The victim's relatives claimed that his body was covered with bruises, while prison personnel insisted that he died of a heart attack.

According to the Chernihiv Society for Human Rights and the VGHR, Serhiy Kuntsevskiy died on October 2 in the office of the Pryluky city unit for combating organized crime in Chernihiv Oblast (region), after police allegedly raped and beat him to extract a confession. On October 3, the Chernihiv Oblast prosecutor's office opened a criminal case based on charges of causing grave bodily injuries and abuse of office. Officials detained four law enforcement personnel. On October 29, the news Web site proUA.com reported that Interior Minister Yuriy Lutsenko dismissed the chief of the Chernihiv Oblast unit for combating organized crime.

On February 14, the Ukrainian Independent Information Agency (UNIAN) reported that a police officer from Crimea, who tortured a suspect to death during interrogation in March 2007, was sentenced to eight and a half years in prison.

There were no reports of developments in a number of cases from 2007, including that of Petro Khudak, from the Nadvirna district of Ivano Frankivsk Oblast, who died in detention as a result of an alleged police beating in January 2007; a police officer from Sumy Oblast, who shot and killed a suspect from Trostyanets during interrogation on July 2007; or the personnel at the Lukianivka facility, charged with negligence that resulted in two deaths in July 2007.

Unlike in 2007 there were no reports of fatal attacks against politicians or politically active businessmen.

No information was available about the trial, which reportedly began in early 2007, of three police officers from Kharkiv who allegedly beat Oleh Dunich to death in December 2005.

On March 15, the Kyiv Court of Appeals found three former police officers guilty of murder in the 2000 killing of investigative journalist Georgiy Gongadze. The court sentenced Oleksandr Popovych and Valeriy Kostenko to 12 years in prison and Mykola Protasov to 13 years and ordered them stripped of their police ranks. The court found that the motivation behind the killing was political and related to Gongadze's professional activity. In early July the Supreme Court upheld the verdict. The journalist's widow, Myroslava Gongadze, continued her calls for a thorough investigation and expressed concern that a prime suspect, General Oleksiy Pukach, remained at large. On June 24, the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE) released a report about crimes by senior officials during the Kuchma era, urging the Government to bring to justice the instigators and the organizers of Gongadze's killing.

There were continuing reports of deaths resulting from violence in the army; however, the Ukrainian Helsinki Human Rights Union (UHHRU) noted an increase in the number of investigations and disciplinary actions for those found responsible for hazing deaths. In the first nine months of the year, according to the PGO, authorities undertook 135 criminal investigations related to physical violence in the armed forces. In the same period, 167 servicemen were convicted of inflicting bodily injuries in hazing incidents. The State Judicial Administration confirmed that in the

first six months of the year, courts convicted 84 persons for hazing, compared to 72 in the same period in 2007.

Instances of reported death as a result of hazing during the year included the following: According to the newspaper *Fakty* (October 15), a local military court sentenced Mykhailo Shaban to five years for killing draftee Andrian Poperechniy by a blow to the chest on February 10. Shaban reportedly testified to the Central Region Military Court of Appeals that he beat Poperechniy at an officer's request. The court ordered the Kyiv Central Office of the Military Service for Law Enforcement to pay the victim's parents and sister each 122,000 hryvnia (approximately \$15,800) in damages. The Kyiv garrison military prosecutor appealed to the Supreme Court, claiming the death resulted from a fight.

The newspaper *Fakty* wrote on July 29 that the parents of Maksym Babenko believed their son's death by suicide on June 8 was the result of hazing he experienced in military service. The Dnipropetrovsk garrison military prosecutor began a criminal investigation.

On February 11, the PGO reported that the Kharkiv garrison military prosecutor completed his investigation of charges that a fellow soldier beat Yuriy Stashenko to death in December 2007; he forwarded the results of the investigation to the Kharkiv garrison local court.

There was no further information on the 2007 appeal by the family of Oleksandr Rybka, who contended that the sentences given the two soldiers convicted of beating Rybka to death while he was attending basic training in 2006 were too light.

There were reports that an investigation found no grounds to file charges in the March 2007 death of soldier Pavlo Bazyuk in Chop, Zakarpattia Oblast; his parents claimed that he died as a result of soldier on soldier violence. However, according to the PGO, military prosecutors opened a criminal case against the chief of military unit's medical staff for failing to provide proper medical treatment to Bazyuk, and the case went to court on April 24.

During the year Vice Prosecutor General Renat Kuzmyn confirmed that the former deputy head of the Ministry of the Interior's organized crime directorate in Donetsk, Roman Yerokhin, was killed in 2006 by a police officer and that the case had been forwarded to court. On December 8, proUA.com reported that the PGO forwarded a criminal case to the Kyiv Court of Appeals charging five members of a criminal gang for the killing. At year's end the investigation was ongoing to determine who ordered the killing.

In an interview in *Ukrayinska Pravda* on January 12, Prosecutor General Oleksandr Medvedko stated that an investigation into the 1999 death of prominent nationalist and Ukrainian People's Movement leader Vyacheslav Chornovil was continuing.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—While the constitution and the law prohibit such practices, police employed severe violence against persons in custody. On June 26, Human Rights Commissioner (ombudsman) Nina Karpachova told the press that torture and abuse of detainees remained a serious problem within law enforcement agencies. In her special report released during the year, she noted that law enforcement personnel accused of torture were too often charged with the less serious offense of abuse of office and not for committing torture.

The Ministry of the Interior confirmed that authorities initiated 16 criminal investigations of law enforcement personnel suspected of inflicting bodily injuries and of three suspected of torture and physical violence in the first nine months of the year. According to the PGO, 57 law enforcement personnel faced criminal liability for torture and inhuman and degrading treatment in the first nine months of the year.

According to human rights groups, law enforcement personnel used force and mistreatment routinely to extract confessions and information from detainees. The UHHRU asserted that one third of criminal suspects were beaten into confessing. In its report on the country, Human Rights Watch (HRW) noted that torture and mistreatment in detention remained commonplace. According to HRW's May submission for the UN Human Rights Council's universal periodic review, police at times coerced testimony from drug users by withholding treatment for painful withdrawal symptoms. In a report issued following its visit from October 22 to November 5, the United Nations Working Group on Arbitrary Detention expressed concern about repeated reports it received of abuse and torture of suspects, particularly during their initial arrest and detention. According to human rights lawyer Tetyana Yablonska, 81 percent of prisoners interviewed by the Ukrainian American Helsinki Bureau claimed that police beat them into making their confessions, while the prac-

tice of covering up those practices prevailed within the law enforcement and judicial systems.

Examples of alleged police abuse included the following: On September 30, *Gazeta po Kievski* reported Volodymyr Hetmanenko's claim that he was tortured by police while in a pretrial detention facility in Crimea. He was reportedly held for five months on suspicion of involvement in a serial murder case before a court found him not guilty. One of the policemen he accused of torture, Stanislav Hodulianov, was arrested and charged with falsifying records, and the other, Oleh Koshoviy, remained at large at year's end.

On February 11, UNIAN reported that Sumy Oblast prosecutors began an investigation of three police officers who allegedly used intimidation and psychological pressure to force victims to carry illegal drugs and then arrested them for possession. The officers' goal was to increase their number of arrests. There was no more information on the investigation at year's end.

On March 24, *Krymska Svitlytsia* reported that law enforcement authorities in Crimea were investigating 20 police officers at the Simferopol railway station who allegedly used intimidation and physical force to falsely arrest, detain, take personal property, and extort money from passengers.

On June 10, the VGHR reported that prison guards violently beat inmates at the Stryzhavska correctional colony in Vinnytsia Oblast and the Temnivska correctional colony in Kharkiv Oblast after they stated their intention to hold peaceful protests against their detention conditions.

During the year authorities prosecuted police officers who abused persons in detention. In an article published in *Holos Ukrayiny* on September 17, Prosecutor General Medvedko claimed that cases of torture in the Ministry of the Interior and the State Penal Department (SPD) systems were nonsystemic and isolated. According to him, during the first six months of the year, the PGO received 573 complaints of torture but 80 percent of the complaints involved procedural violations, not torture, by detention facility administrators. The office opened 12 criminal investigations, five of which were subsequently forwarded to courts.

Following their son's August 26 murder conviction, the parents of Oleksandr Voskoboinikov claimed that he and codefendant Oleksandr Sapon were tortured into confessing their guilt in the fatal stabbing of a 64 year old swimming coach in 2006. The Shostka City District Court in Sumy Oblast sentenced Voskoboinikov to five years in prison. At year's end there was no more information available on the parents' plan to file an appeal.

On March 21, the UHHRU reported that the Supreme Court upheld the Ternopil Court of Appeals' 2007 murder conviction of Ivan Nechyporuk and Oleksandr Motsniy. The men claimed they were tortured into making a confession. The case was under review by the European Court of Human Rights (ECHR).

The SPD confirmed that Yuriy Moseenkov was wrongfully confined for 20 months beginning in 2005 on suspicion of murder. Officials involved in the wrongful detention were disciplined, and the results of the criminal investigation were forwarded to the PGO for further action.

There was no new information on the reported torture of a 17 year old detainee by two police officers in Dnipropetrovsk in 2006 and no indication that authorities were continuing to investigate the case.

At year's end an investigation was continuing into the 2004 dioxin poisoning of then opposition presidential candidate Viktor Yushchenko. In an interview with the Austrian newspaper *Der Standard* in mid July, President Yushchenko stated that he knew who organized the poisoning and that the Government had officially requested their extradition from Russia. However, the Office of the Prosecutor General in Russia denied that there had been such a request. There were no reports on whether Ukrainian and Russian prosecutors conducted a joint analysis of dioxin, as announced in September 2007.

There were reports that government prosecutors did not always respond to complaints of police abuse. For example, on August 11, lawyer Oleh Veremeyenko appealed to Interior Minister Lutsenko and Ombudsman Nina Karpachova to investigate police officers suspected of abusing Oleksiy Peresta and Volodymyr Vorodai after Kyiv city transportation prosecutors refused to prosecute their case. Peresta and Vorodai claimed that upon their arrival at a Kyiv railway station, police detained them without charge, robbed, and beat them. The Kyiv city transportation prosecutors argued that it found no proof that a crime was committed.

Police officers were often not adequately trained or equipped to gather evidence through investigations and depended on confessions to meet ambitious quotas for solving cases. The law does not clearly prohibit statements made under torture from being introduced as evidence in court proceedings. Efforts to check these practices

were made more difficult by an ineffective system for investigating allegations of abuse and by detainees' lack of access to defense lawyers and doctors.

The law prohibits the abuse of psychiatry for political and other non medical reasons and provides safeguards against such abuse, but on a few occasions, according to the Ukrainian American Human Rights Bureau, persons involved in property, inheritance, or divorce disputes were wrongfully diagnosed with schizophrenia and confined to psychiatric institutions.

There were no developments regarding the January 2007 report by the Ukrayina Moloda newspaper that medical personnel of a hospital for mentally disabled persons in the Svyatoshyn district in Kyiv abused patient Larysa Lempert.

Reports of hazing violence against conscripts in the armed force continued during the year.

On September 5, *Gazeta po Kievski* reported that Kyiv garrison prosecutors opened an inquiry into a hazing incident that resulted in a ruptured spleen for soldier Dmytro Hrubskiy. The offender was reportedly sent to a disciplinary battalion.

There were no reported developments regarding the investigation reported in August 2007 of charges that a sergeant at the Desna training center in Chernihiv severely beat another soldier, or regarding the investigation of allegations, reported in 2006, that an officer in the regional military unit in Novohrad Volynskiy beat his subordinates and threatened them with a weapon.

Prison and Detention Center Conditions.—Prison and detention center conditions generally did not meet international standards; the Government permitted visits by independent human rights monitors. The NGO Donetsk Memorial reported that the Government's 2006 10 program for improving conditions for persons in custody remained unimplemented. According to the NGO head Oleksandr Bukalov, the SPD's main difficulties included lack of funding, low salaries, and inadequate legislation.

The SPD stated that the state budget provided only 10 percent of the penal system's needs. Nevertheless, in the first nine months of the year, it spent 37.2 million hryvnia (approximately \$4.8 million) on improvements to detention facilities.

In an interview published in the parliamentary newspaper *Holos Ukrainy*, Prosecutor General Oleksandr Medvedko stated that the most common cause of death in custody was disease contracted prior to incarceration.

According to NGOs, conditions in prisons, which the SPD operates, remained poor but continued to improve slowly as a result of reforms in the penal system. Human rights groups continued to call for introducing full civilian oversight over the SPD by subordinating it to the Ministry of Justice and for the establishment of mobile monitoring groups to visit prisons, similar to those that visit police temporary holding facilities. According to the UHHRU, the absence of rigorous and impartial public oversight in SPD controlled facilities allowed serious problems such as beatings and unhealthy and unsafe living conditions. Human rights lawyer Arkadiy Bushchenko stated that the SPD relied on violence and cruelty to resolve violence among prisoners.

According to the SPD, as of October 1, 146,827 persons were detained in 184 facilities under its control. The SPD confirmed that in 2007, 729 individuals died while in custody, including those in pretrial detention facilities. Illness caused 673 of the deaths, while 54 resulted from suicide and two were homicides. The PGO reported that 397 prisoners died in the first six months of the year in SPD controlled facilities for convicted prisoners. Suicides accounted for 21 of these deaths.

As of November, authorities held almost 210,000 persons in police controlled facilities, 197,400 of whom were held in temporary holding facilities. Human rights organizations asserted that conditions in police temporary holding facilities and pretrial detention facilities were harsher than in low and medium security prisons. They were sometimes overcrowded or lacked adequate sanitation and medical facilities. The deputy head of the Cabinet Ministry's Department on Law Enforcement and Justice Bodies, Tetyana Viktorova, stated that the Government was concerned by the increase in the death rates in both prisons and pretrial detention facilities.

On December 10, *Gazeta 24* reported that the SPD's deputy chief Natalia Kalashnik believed that 88 percent of the country's pretrial detention facilities were unsuitable for long term detention.

At the end of August, in response to an appeal by ombudsman Karpachova, the president asked the PGO and the Cabinet of Ministers to investigate conditions in police holding facilities in Crimea, Odesa, and Sevastopol. According to the ombudsman, criminal suspects in these facilities were kept in humiliating conditions that resembled "medieval torture." According to Karpachova, the Ministry of the Interior was concerned that police personnel in these facilities were also exposed to crowded and unhealthy conditions.

There were several reports of self-inflicted injuries and violent incidents in prisons and detention centers in Vinnytsia, Kharkiv, Rivne, Chernihiv, Luhansk, Donetsk, and Lviv oblasts. These incidents were frequently a result of unhealthy living conditions, a lack of medical care, and the harsh treatment of prisoners by facility staff, who beat prisoners and denied them food. For example, Ostriv, an online newspaper, reported that on January 24, three prisoners at Donetsk correctional colony No. 124 attempted suicide to protest violent treatment by prison personnel. Mykhailo Matangin of the Donetsk SPD denied the report, but local human rights advocate and lawyer Serhiy Salov stated on behalf of the prisoners that they had been subjected to beatings and other inhuman treatment.

The SPD stated that it could not confirm that Andriy Riznychenko was beaten in Vinnytsia Prison No. 1 in June 2007. Several nongovernmental organizations (NGOs) reported that guards beat Riznychenko for several hours for having a mobile telephone card.

According to human rights activist Yevhen Zakharov, on January 31, an antiterrorist unit entered the penal colony No. 46 in Rivne Oblast and beat 16 prisoners, despite the December 2007 annulment of a regulation permitting antiterrorism units at detention facilities. According to Zakharov, the SPD asked human rights groups not to report the incident.

The SPD continued to deny allegations of the illegal use of force against prisoners. On August 27, deputy SPD head Mykola Iltyai told journalists that force was applied in cases specified by the law, such as when a prisoner tries to commit suicide or attacks prison personnel or fellow inmates.

During the year the SPD denied allegations by human rights groups that it had improperly transferred 40 inmates out of Izyaslav correctional facility No.1 in Khmelnytskyi Oblast, following hunger strikes and the beating of prisoners at the facility in January 2007. Human rights groups called for an investigation of these incidents.

The SPD also denied allegations that it used force against Oleksiy Povidaychuk after he reported abuse of another prisoner by prison guards. According to the SPD, the Vinnytsia prosecutor office determined in May 2007 that there was no evidence that Povidaychuk was abused while in custody at penal colony No. 1 in Vinnytsia.

Overcrowding and poor conditions in pretrial detention exacerbated the problem of tuberculosis (TB) among prisoners. Prison officials stated that mandatory screening of all new inmates for the disease reduced infection rates, and human rights organizations considered the presence of x ray machines in several prison facilities to be a positive development. According to the Web portal, Ukrprison, as of August, 149 TB infected inmates were isolated from the general population in a pretrial detention facility in Donetsk, with only one doctor to treat them. The SPD confirmed that in the first nine months of the year, 1,124 individuals in custody, 813 of them in correctional colonies and 311 in pretrial facilities, had an active form of TB.

According to Prosecutor General Medvedko, on June 6, Odesa Oblast prosecutors opened a criminal investigation of abuse of office charges against personnel of the Odesa pretrial detention facility who allegedly assaulted an inmate. The investigation was ongoing at year's end. On June 6, prosecutors in Komsomolsk, Poltava Oblast, opened an investigation of local police officers who allegedly held 13 persons in degrading conditions in a police temporary holding facility that was officially closed. No further information on the investigation was available at year's end.

Specialized medication was frequently not available for HIV infected prisoners. According to HRW's annual report, there was no medication assisted treatment in prisons, which meant that drug users were forced to suffer from abrupt withdrawal when taken into custody.

On December 18, the ECHR found in favor of the family of Olha Biliak, who died in 2004 while in pretrial detention in the Lukianivka detention facility in Kyiv. Biliak's family claimed that the authorities failed to provide her with adequate medical treatment for HIV while she was in custody and failed to release her on medical grounds.

No information was available on the 2006 criminal investigation of alleged abuses of authority by the administrators of two detention centers in Lviv Oblast.

Human rights groups claimed that authorities inappropriately used prisoners as laborers, failed to compensate them adequately for their work, and forced them to work in dangerous and unhealthy conditions. For example, UNIAN reported on November 11 that the Security Service of Ukraine (SBU) discovered that the administration of correctional colony No. 137 in Luhansk Oblast received money for sending inmates to work at a local stone quarry. The colony's oversight and security chief received a fine and was allowed to retire from the penitentiary system.

The Government permitted prison visits by human rights observers. Mobile monitoring groups, made up of representatives from human rights NGOs and interior

ministry personnel, continued to visit police temporary holding facilities during the year. Human rights NGOs called for the establishment of similar mobile monitoring groups to visit prisons, run by the SPD. The SPD stated that it did not refuse visit requests by human rights organizations and that it cooperated with international and local NGOs. Prisoners and detainees were permitted to file complaints with the ombudsman concerning their conditions in custody, but human rights organizations noted that prison officials continued the practice of censoring or discouraging complaints. By law the prosecutor's and ombudsman's offices were obliged to disclose the names of inmates who filed complaints to the bodies against which they were filed, such as the SPD, subjecting the petitioners to possible reprisals from prison administrators.

The United Nations Working Group on Arbitrary Detention, during its October 22-November 5 visit to the country, reported that it observed instances of minors who were being held in pretrial detention facilities in the same vicinity as adult detainees and convicts.

d. Arbitrary Arrest or Detention.—The constitution and the law prohibit arbitrary arrest and detention; however, these remained problems.

Role of the Police and Security Apparatus.—The Ministry of the Interior is responsible for maintaining internal order; it oversees the police and maintains its own armed troops. The SBU, the country's internal intelligence organization, reports directly to the president. The State Tax Administration, which exercises law enforcement powers through the tax police, is accountable both to the president and the cabinet. The law provides for civilian control of the army and law enforcement agencies and authorizes members of parliament to conduct investigations, including public hearings, into national security and defense issues. The ombudsman is also authorized to initiate investigations into the activities of relevant security forces.

Police corruption remained a problem. According to the Interior Ministry, more than 5,000 law enforcement officers were subject to administrative disciplinary actions in the year. Of these, 105 were dismissed for corruption and criminal investigations were launched against 544 police personnel. The PGO confirmed that in the first 10 months of the year, 280 law enforcement officers and three prosecutors were found criminally liable for corruption.

On February 15, the media reported that the Kyiv prosecutor's office opened an investigation of the head of the city's own main criminal investigation unit, as well as of the chief investigator of one of Kyiv's district police offices, who were alleged to have accepted bribes in return for not pressing charges in a criminal case.

On March 14, the Web site Glavred reported that the SBU special unit for combating corruption in Donetsk Oblast, jointly with local prosecutor's office, caught a police investigator taking a bribe in the amount of \$9,000 in return for dropping criminal charges against a suspected rapist. The investigative unit of the prosecutor's office initiated a criminal case.

On September 22, the proUA.com Web site reported that Kirovohrad Oblast prosecutors opened a criminal case against two local police officers on charges of demanding a bribe from a local resident to release his son detained on suspicion of theft. They were also accused of torturing the son with electric shock while he was in detention. The investigation was ongoing at year's end.

There were no reported developments related to April 2007 media reports that the SBU in Kyiv detained the head of a district for combating organized crime and narcotics for demanding a bribe not to arrest a Kyiv resident.

There were no reported developments related to attempts to punish investigators suspected of torturing, falsely imprisoning, and demanding a bribe for the release of Volodymyr Chukhrai. He was released in April 2007 after spending eight years in a high security prison.

There were no developments regarding the 2006 cases involving a police lieutenant in Kyiv who was detained for demanding a bribe of 5,000 hryvnia (approximately \$645) or the two investigators from the Odesa regional department of the Ministry of the Interior charged with bribery and extortion.

Arrest and Detention.—By law authorities may detain a suspect for three days without a warrant, after which an arrest order must be issued. The courts may order the extension of detention without an arrest warrant for an additional 10 days. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that officials notify family members immediately concerning an arrest, although human rights NGOs noted that sometimes the police did not do so.

Despite these legal safeguards, lengthy pretrial detention remained a problem. Human rights groups asserted that the number of suspects in detention was much higher than the number of those convicted of criminal offenses. There were

unsanctioned arrests, mainly for the purpose of obtaining confessions, and investigative police employed the practice of not keeping records of detained suspects (unregistered detention).

Individuals often remained in detention for months or in some cases years before being brought to trial, and the situation did not improve during the year. According to domestic human rights organizations, the investigation process took four to five months on average.

Human rights organizations reported that police continued to arbitrarily use the initial period of detention, when individuals can be detained without a warrant, to extract evidence that could be used against the detainee. Often courts extended detention to 10 days to allow police more time to obtain confessions.

During its October 22-November 5 visit the UN Working Group on Arbitrary Detention noted the following: continued practice of employing pretrial detention of persons suspected of less grave crimes; a perceived lack of independent and effective control over the process by the judiciary; and restrictions imposed upon pretrial detainees, such as denying them contact with their families before the commencement of court trials.

On April 8, the online journal Korrespondent reported that a judge in Zhytomyr sentenced individuals to 15 days in a temporary police holding facility in order to use them to work on his father's property. The local prosecutor's office determined that the judge had committed similar abuses on several occasions. The judge was detained. No new information was available at year's end.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. However, in practice this often did not occur, giving police time, according to legal observers, to coerce confessions. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy detention under extremely poor conditions. Attorneys often refused to defend indigents for the low payment the Government provided.

Reports continued of police arbitrarily detaining persons, particularly persons of non Slavic appearance, for extensive document checks and vehicle inspections.

Although the law provides for bail, it was rarely used; many defendants could not pay the bail amounts imposed by law. Courts sometimes imposed restrictions on travel outside a given area as an alternative to pretrial confinement. However, they generally opted to place individuals in pretrial detention facilities, a practice that human rights observers criticized as contributing to overcrowding.

Although the president ordered an investigation in 2007 to determine whether judges and prosecutors fabricated facts to convict journalist Ruslan Antonyk, believed by human rights observers to have been wrongly convicted of murder in 2000, there were no reports indicating whether the investigation continued. The president pardoned Antonyk in June 2007.

Human rights organizations reported that persons remained in detention for long periods awaiting trial. Human rights organizations continued to report that persons detained were at times not informed of their rights as required by law.

Justice Minister Mykola Onishchuk, in comments posted on the Ministry of Justice Web site, stated that each year between 10,000 and 15,000 individuals were kept in pretrial detention facilities without a valid reason.

On April 4, the television channel NTN reported that a court ordered the release of a resident of Luhansk, Serhiy Lesnyak, after the court determined that he had been wrongfully confined for more than three years. All charges against him were dropped and he reportedly planned to sue the Government for the physical suffering and mental anguish that occurred as a result of his wrongful confinement.

Amnesty.—Through December 23, President Yushchenko pardoned 885 persons, including women, elderly men, persons with disabilities, and persons with several children. On December 12, on the occasion of the anniversary of the Universal Declaration of Human Rights, the Verkhovna Rada passed a bill granting amnesty to more than 3,000 convicted persons.

e. Denial of Fair Public Trial.—The constitution and law provide for an independent judiciary, but in practice the judiciary remained subject to pressure from the executive and legislative branches and also suffered from corruption and inefficiency. Some accused the president of attempting to put pressure on courts by disbanding them, while others accused some members of the prime minister's parliamentary bloc of trying to interfere with the courts' activities.

According to the UHHRU, the right to a fair trial was limited by lengthy court proceedings, particularly in administrative courts; political pressure on judges; inadequate funding for courts; the lack of qualified legal assistance for defendants; and the inability of courts to enforce their rulings.

There were no developments in the criminal investigation into political interference in the activities of the Pechersk District Court in Kyiv in 2007.

There were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

During a January meeting with PACE's corapporteurs, Ombudsman Karpachova noted that a majority of citizens' appeals for her assistance concerned the lack of fair trial guarantees.

The PGO, according to July 15 media reports, announced that the former chiefs of the Makiyivka criminal investigation office and the police department for juvenile crimes in Donetsk Oblast were charged with forcing Svitlana Zaytseva to confess to a murder that she did not commit. As a result, she was sentenced to seven and one half years in prison in 2001. A year after the real killers were found, Zaytseva was released, but she died shortly afterward of tuberculosis. Authorities were investigating the case at year's end.

Except for the Supreme Court, Constitutional Court, and high specialized courts, the courts were funded through the State Judicial Administration (SJA), which was also responsible for staffing courts. The ministries of Justice and Education were responsible for training judges. The judiciary's lack of adequate staff and funds contributed to inefficiency and corruption and increased its dependence on the executive branch. The SJA acknowledged that courts lacked adequate funding and technical informational support and did not have adequate facilities.

During the year the High Council of Justice requested that parliament dismiss eight judges for violating the oath of office. All eight of the judges were dismissed.

On October 21, HRW released a statement calling upon the authorities to respect the independence of the judiciary and criticizing both the president and the prime minister for seeking to use courts as a political tool. For example, during a legal dispute over his decree calling for early parliamentary elections, President Yushchenko annulled his appointment of a Kyiv District Administrative Court judge on October 14 and abolished the court itself, after it ruled in favor of an appeal by the political bloc of his sometime rival, the prime minister. The Political and Legal Reforms Center reported that members of parliament from the prime minister's bloc physically prevented the judges of the Administrative Appeals Court from leaving their chambers, making it impossible to hold a hearing on a legal appeal from the president.

While the law provides for judicial independence, in some cases it also gives the president considerable power over the judiciary. The president has authority, with the agreement of the Ministry of Justice and the chair of the Supreme Court, or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The president determines the number of judges in the court system, appoints and removes chairpersons and deputy chairpersons of courts, and establishes appellate commercial and appellate administrative courts. The president, upon the recommendation of the prime minister and with the concurrence of the Judicial Council, appoints the head of the SJA.

Authorities' failure to enforce court decisions in civil cases undermined the independence and strength of the courts. The State Executive Service is responsible for enforcing most civil decisions, and the number of cases referred to it continued to grow. Provisions permitting criminal punishment for noncompliance with court decisions were rarely used.

The country has a civil law system relying on codes, laws, and separate acts. The multifaceted court system consists of the Constitutional Court and courts of general jurisdiction. The courts of general jurisdiction deal with civil, economic, administrative, and criminal forms of justice. They include general courts and specialized courts. The Supreme Court is the highest body in the system of courts of general jurisdiction. It has civil, criminal, commercial, and administrative chambers and a military panel of judges. The local courts, subdivided into local general and local economic courts, are the main courts involving individuals. The high specialized courts and relevant chambers of the Supreme Court perform cassational court functions.

According to a spring survey on corruption within the judicial system carried out as part of the Promoting Active Citizen Engagement project, almost one third of lawyers and prosecutors believed that corruption was common at all stages of court proceedings. Moreover, 64 percent of the surveyed lawyers and public prosecutors believed that corruption within the court system became more widespread during the previous year. According to citizens surveyed, the major problems included delays in court proceedings and immunity for judges.

Judges are immune from prosecution and may not be detained or arrested without the consent of parliament. There were numerous media reports of judges accepting bribes. For example, UNIAN reported on May 28 that the Chernihiv oblast prosecu-

tor's office initiated a criminal case against the head of a District Court for allegedly accepting a bribe to reduce a sentence. On June 5, the *Kommersant Ukraine* newspaper cited the chairman of the parliamentary Committee on Justice, Serhiy Kivalov, as saying that the Presidential Secretariat had agreed not to pursue corruption charges against former constitutional court justice Syuzanna Stanik in exchange for her agreement to resign. Stanik was alleged to have been involved in corruption in April 2007.

By law the Constitutional Court consists of 18 members, six each appointed for nine year terms by the president, parliament, and the Congress of Judges. It has three panels of judges. The Constitutional Court is the ultimate interpreter of legislation and the constitution. It determines the constitutionality of legislation and other parliamentary legal acts, presidential edicts, cabinet acts, and legal acts of the Crimean Autonomous Republic, and it issues opinions concerning constitutionality of international treaties and agreements.

Trial Procedures.—The constitution includes procedural provisions intended to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, these rights were limited by the absence of implementing legislation, which left a largely Soviet era criminal justice system in place. The defendant is formally presumed innocent, but the system maintained the high conviction rates characteristic of the Soviet era.

The law provides for broad use of juries, but a system of juries had not been implemented. Most ordinary cases were decided by judges who sit singly, although cases that involved the possibility of a life prison sentence, the maximum penalty in the country's criminal justice system, were heard by two judges and three public assessors (lay judges or professional jurors with some legal training).

By law a trial must begin no later than three weeks after criminal charges are filed with the court; however, this requirement was rarely met by the overburdened court system. Months could pass before a defendant was brought to trial, and human rights groups claimed that the situation did not improve during the year. Complicated cases could take years to go to trial.

The law specifies that a defendant may speak with a lawyer in private; however, human rights groups reported that officials occasionally denied this client attorney privilege. The law also requires free legal counsel for all defendants, but free counsel was often unavailable. To protect defendants, investigative files must contain signed documents attesting that defendants were informed of the charges against them, of their right to an attorney at public expense, and of their right not to give evidence against themselves or their relatives. Appeals courts may dismiss convictions or order new trials if these attesting documents are missing; however, officials sometimes verbally and physically abused defendants to obtain their signatures.

By law trials are held in public and defendants have the right to confront witnesses. However, courtroom space was often limited, and media personnel were at times not able to attend and report on court proceedings.

Legal provisions permitting the names and addresses of victims and witnesses to be kept confidential if they requested protection were insufficient to prevent criminal groups from routinely using intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives, but human rights organizations claimed that this system continued to be ineffective.

There were no developments in the March 2007 case of Vadym Cherkas, a local human rights activist who was sentenced to 10 days' in jail by a Donetsk court for disturbing the peace and public profanity, or in the case of the activist Mykola Harmash of the People's Self Defense political movement, who was illegally detained in March 2007 and held for an undetermined period of time at the Leninskiy district police temporary holding facility in Shcholkino.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—The constitution gives citizens the right to challenge in court any decisions, actions, or omissions of national and local government officials that violate their human rights.

The law protects the rights, freedoms, and interests of individuals from violation by the Government and public officials and allows court challenges in cases involving illegal government activities or failure to enforce legal protections. Potential victims may also file a collective legal challenge to legislation that they believe may violate basic rights and freedoms without requiring them to show that they are directly affected. Citizens may appeal to the ombudsman and, after exhausting all domestic legal remedies, may take cases to the appropriate international bodies, such as the ECHR, of which the country is a member or participant. However, citizens'

right of redress was limited by the inefficiency, and at times the corruption, of the judicial system.

Property Restitution.—Restitution of property taken from religious groups under the Soviet regime continued at a slow pace, partly as a consequence of the country's economic situation, which limited funds available to relocate occupants of seized religious property. In addition, intracommunal competition for particular properties complicated restitution claims for the Christian, Jewish, and Muslim communities. The State Committee on Nationalities and Religion (SCNR) declared that the majority of buildings and objects had already been returned to religious organizations and that many of the remaining properties for which restitution was being sought were complicated by that fact they were occupied by state institutions, were historic landmarks, or had been transferred to private ownership. The SCNR stated that there was a lack of government funding to assist in relocating organizations occupying these buildings. The SCNR also noted that restitution claims frequently fell under the jurisdiction of local governments.

On September 18, the Kyiv City Council returned a former monastery building on Tryokhsvyatytska Street to the Orthodox Church of the Kyiv Patriarchate.

On October 26, the Chernivtsi City Council authorized the transfer of a synagogue building to the local Jewish community.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—Although the constitution prohibits such actions, in practice authorities infringed citizens' privacy rights. By law the SBU may not conduct intrusive surveillance and searches without a court issued warrant.

The PGO has the constitutional responsibility to ensure that law enforcement agencies, including the SBU, observe the law. The constitution gives citizens the right to examine any dossier concerning them in the possession of the SBU and to sue to recover losses resulting from an investigation. Authorities generally did not respect these rights in practice, however, as the necessary implementing legislation had not been enacted.

On January 26, media reported that Mykolayiv Mayor Volodymyr Chaika discovered several video surveillance cameras in his office and requested that the SBU investigate the incident. At a press conference on August 6, Chaika accused the former chief of the department's crime unit combating organized crime unit in Mykolayiv Oblast, Serhiy Humenyuk, of having ordered the installation of the equipment without legal authority.

No further reports were available concerning the criminal investigation begun in February 2007 into the release of a transcript of a 2006 telephone conversation between then speaker of parliament Oleksandr Moroz and the British ambassador, which appeared on the Internet.

There were no reported developments following press reports in May 2007 that the SBU detained eight members of a private company that allegedly engaged in unlawful surveillance and telephone tapping.

On January 31, the head of the parliamentary committee on national security, former Defense Minister Anatoliy Hrytsenko, told journalists from the television broadcast Inter Channel that the practice of illegally disseminating confidential information about individual citizens should be stopped. Investigative journalists claimed that it was possible to buy confidential information on individual citizens at local markets.

On February 26, the newspaper *Kommersant Ukrayina* reported that the PGO had completed its investigation of interior ministry personnel charged with unlawful eavesdropping on politicians, including Yulia Tymoshenko and Block of Yulia Tymoshenko MP Viktor Shvets, during the 2004 presidential campaign. At year's end the PGO had not forwarded the results of its investigation to the courts.

On September 1, the Kulykiv District Court in Chernihiv Oblast sentenced a member of the Chernihiv City Council, Dmytro Shevchuk, to more than four years' imprisonment and city council employee Oleksandr Fesyuk to four years' imprisonment, with a suspended sentence of two years, for tapping telephone conversations of Chernihiv Oblast administration officials.

According to HRW, health workers often violated the privacy of persons with HIV/AIDS by disclosing confidential information about their HIV status.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The constitution and law provide for freedom of speech and the press; the Government generally respected these rights in practice.

There were instances of violence and other harassment of journalists. On March 16, unknown assailants severely beat Serhiy Tsyhipa, an independent investigative

journalist, in Kherson Oblast. Tsyhipa was known for critical reporting about local authorities. On December 1, in an open letter to Prosecutor General Medvedko, Tsyhipa claimed that local prosecutors refused to investigate his beating because he allegedly had not provided confirmation that he was a journalist. Tsyhipa disputed this claim and complained to the PGO. At year's end no one had been arrested for the attack.

On September 16, police beat Maksym Abramovskiy, a correspondent for the Ostriv newspaper and deputy head of the Donetsk Independent Media Union, and his colleague Olena Mykhailova while the journalists were videotaping police officers stopping cars for roadside inspections. The police seized the camera and damaged the tape. No criminal case was opened.

There were no reported developments involving investigations of a number of attacks on journalists in previous years, including: the February 2007 attack on the news director of Dnipropetrovsk's Channel 9, Anatoliy Shynkarenko; the September 2007 burning of the automobile of Serhiy Harmash, chief editor of the Donetsk based Internet publication Ostriv; the reported disappearance of journalist Anatoliy Kachurynets, last seen in 2006; or the investigation, opened in 2007, into the 2006 death of Norik Shirin, founder and publisher of the Holos Molodi newspaper.

On December 25, the Supreme Court upheld the acquittal on September 17 by the Mykolaiv Oblast Court of Appeals of Crimean journalist Vladimir Lutiev, who had been involved in legal proceedings since November 2002 (including approximately two years in jail). Lutiev had been charged with complicity in the murder of a member of the Crimean parliament. Lutiev claimed the charges were brought against him in revenge for articles in his newspaper criticizing regional government officials and discussing organized crime. The country's human rights ombudsman intervened on his behalf.

On April 10, the Kyiv prosecutor's office terminated its investigation into Party of Regions MP Oleh Kalashnikov's alleged assault on a television news crew in 2006. In May the President's Commission on Freedom of Speech and Development called on the PGO to review the closing of the investigation. At year's end the PGO had yet to inform the public about its findings.

On July 14, the national media watchdog Institute for Mass Information (IMI) released a statement expressing concern about Ukrayinska Pravda investigative journalist Serhiy Leshchenko, who was forcibly brought in for questioning by the PGO regarding the case of the 2004 poisoning of President Yushchenko. The journalist was released after seven hours of questioning but was brought back two days later for six more hours. Several journalists believed the lengthy interrogation represented an attempt to intimidate Leshchenko, who is known for publications exposing abuse by senior government officials. On July 16, President Yushchenko released a statement expressing concern about measures used by the PGO and demanding an official explanation concerning the incident.

Private media outlets operated free of state control; however, both the independent and government owned media continued at times to demonstrate a tendency toward self censorship on matters that the Government deemed sensitive. Although private newspapers were free to function on a purely commercial basis, they often depended on political patrons.

There were no reports that the central authorities attempted to direct media content; however, on September 29, UNIAN reported that the entire staff of the municipally owned newspaper Molod' Cherkashchyny (Cherkasy Youth) was dismissed allegedly for political reasons. According to editor in chief Yulia Skakun, the owner, oblast Governor Oleksandr Cherevko, did not like the newspaper's critical reporting about the Our Ukraine political bloc and about himself. The media Web site Telekritika reported that members of parliament asked the PGO to investigate the governor's actions and open a criminal case to determine if charges should be filed against him.

There were reports of intimidation of journalists, including by local officials. According to IMI, at least 27 journalists were subjected to physical attacks or intimidation as of November. The majority of these cases, however, did not appear to be centrally organized and were often attributed to local politicians, businessmen, or organized criminal groups.

Journalists complained that the owners of television media outlets, who were often closely connected to leading political figures, unduly influenced the editorial content of news programming. For example, on January 29, IMI reported that Channel 5 closed its news program, Chas (Time), and dismissed the program's director and host Yehor Sobolev. According to Sobolev, the decision resulted from a conflict with the channel's majority shareholders over Sobolev's coverage of the 2007 preterm parliamentary election campaign and the shareholders' attempts to dismiss journalist Ihor Slisarenko from Channel 5 in 2007.

In addition, there were many reports that journalists and media officials were willing for a price (dzhynsa) to slant reporting or print articles favorable to certain persons or causes. In response to these and a series of similar conflicts, a group of journalists, members of the Independent Media Union, launched a campaign against prepaid reports and hidden advertising presented as news. The journalists maintained that low official salaries encouraged journalists to supplement their incomes with undocumented payments from benefactors seeking to influence news reporting.

Media monitoring groups noted that municipally owned media favored the incumbent mayor, Leonid Chernovetskiy, during the Kyiv mayoral elections. On May 23, IMI alleged that the Svoboda (Liberty) talk show on the privately owned television station Inter Channel was not aired because it invited all main candidates in the Kyiv mayoral race. The day before, privately owned Channel 1+1 cancelled its political talk show, I believe so, because of the planned participation of opposition mayoral candidate Vitaliy Klychko. In response to these allegations, Channel 1+1 explained that it chose not to favor individual candidates on its programs, but IMI noted that the channel's morning programs on the same day hosted Chernovetskiy bloc officials.

Continued dependence by some media on government resources may have inhibited investigative and critical reporting.

Inadequate access to government held information was a problem, particularly in the regions, according to IMI and the UHHRU, which asserted that most government agencies regularly denied requests by journalists and others for basic public interest information. For example, according to IMI, it took the president's secretariat seven months to respond to its inquiry concerning a controversial government award to Judge Mariya Pryndyuk, who, according to IMI, hampered the investigation of the Gongadze murder case.

Licensing provisions require that national media outlets broadcast at least 75 percent of their programs in Ukrainian, a policy that many citizens whose first language was not Ukrainian regarded as discriminatory.

The law limits the amount of damages that may be claimed in libel lawsuits and allows the press to publish inoffensive, nonfactual judgments, including criticism, without penalty; however, media watchdog groups continued to express concern over extremely high monetary damages that were demanded, and sometimes awarded, for alleged libel. Government entities and public figures, in particular, continued to use the threat of civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press. According to the UHHRU, during the year the amounts awarded for successful suits on these grounds increased, although the number of such lawsuits dropped.

On May 23, the Desnyanskiy District Court in Kyiv upheld a 46 million hryvnia (approximately \$6 million) defamation lawsuit by businessman Yuriy Sydorenko against the Blitz Inform holding company and two journalists of The Business Newspaper. The court ordered the company to pay 24.2 million hryvnia (approximately \$3.1 million) in damages. The company appealed and on September 24, the Kyiv Court of Appeals dropped the payment for moral damages to the plaintiff.

According to the Association of Media Lawyers, courts rendered 738 guilty verdicts in libel cases over the previous 10 years; 25 percent of the plaintiffs demanded a retraction only, 70 percent demanded a retraction and an award for damages, and 1.37 percent demanded the closure of the media outlet.

In some instances media representatives experienced problems gaining access to court hearings and governmental meetings. In June the Donetsk Oblast prosecutor's office initiated a criminal case against policemen who severely beat a journalist of the Ostriv newspaper, Ihor Nezhurko, while he was reporting on an open court hearing in the Voroshylivskiy district of Donetsk.

On March 27, journalists Nina Rykova of the newspaper 2000, Nina Chevela, of the Slovyansk based SAT plus television company, and Anton Skvortsov, of the TV plus newspaper, claimed they were not allowed to attend an open trial in the Slovyansk City Court.

Internet Freedom.—According to the State Committee on Communication and Informatization, 10 million persons used the Internet. The Government did not restrict access to the Internet, but human rights organizations asserted that law enforcement bodies monitored its use.

Academic Freedom and Cultural Events.—There were no reports of government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—Freedom of Assembly.—The constitution provides for freedom of assembly, but in some instances regional governments infringed on these rights. Since there is no national law governing freedom of assembly, the Code of Administrative Justice and case law prevailed. In ad-

dition, local authorities at times invoked a Soviet era resolution on freedom of assembly that was more restrictive than the current constitution.

The constitution requires that demonstrators inform authorities of a planned demonstration in advance. The Soviet era resolution, which local governments sometimes used to define "advance notice," stipulates that organizations must apply for permission at least 10 days before a planned event or demonstration. In most cases permits were granted to those who requested them, and in practice unlicensed demonstrations were common and generally occurred without police interference, fines, or detention, though there were several exceptions.

In the first nine months of the year, according to the Ministry of the Interior, administrative charges were brought against 16 individuals for infringement of the law on organizing and holding public gatherings.

The Republic Institute (RI), a local monitoring group, stated that most restrictions on assembly involved protests against construction projects and protests against the country's integration into NATO and its participation in the Sea Breeze military exercise. The institute noted that pro NATO demonstrations by the pro-presidential Our Ukraine party were not banned by authorities. By contrast, in Crimea, according to the Association of Independent Crimean Journalists, law enforcement bodies restricted freedom of assembly for groups seeking to gather in support of NATO and favoring the recognition of the 1932-33 Great Famine (Holodomor), and Ukrainian Insurgent Army, while groups opposed to these policies were allowed to demonstrate.

Authorities prohibited at least one pro-gay demonstration, by the Mykolayiv based organization for gays, lesbians, and bisexuals, Liga, on the grounds that some religious organizations were against it and there was the potential for disturbing the public peace.

The RI reported that on July 3, the Odesa District Administrative Court upheld a lower court's appeal and forbade the Progressive Socialist Party (PSPU) from gathering in the area of Chornomorske village in Odesa Oblast from July 3 to 31. The PSPU intended to protest a NATO Partnership for Peace military exercise that was scheduled to take place there at that time.

On March 5, the Luhansk branch of the Committee of Voters of Ukraine (CVU) filed an administrative appeal against the Severodonetsk City Council's January 25 decision requiring permission of the city council to hold sporting, musical, religious, and civic political events in the Ice Palace of Sports, and banning all other activities. The CVU was concerned that local authorities would permit political events to be held at the arena based on their political preferences.

There were occasional reports that police used excessive force to disperse unsanctioned protests. For example, Interior Minister Lutsenko publicly admitted that police used excessive force on March 16 when they dispersed protesters at a construction project on the grounds of the Zhovtneva hospital in downtown Kyiv.

There were no reports of any investigation or charges related to the violent dispersal by police of a protest against the erection of the monument to Catherine the Great in Odesa in September 2007. Authorities had banned protests at the site. In another case there were no indications of the progress or outcome of an investigation opened in September 2007 into the failure of Odesa police and city officials to prevent supporters of the pro Russia Unified Motherland organization from beating Ukrainian nationalists during a demonstration.

Freedom of Association.—The constitution and the law provide for freedom of association; while the Government generally respected this right in practice, some restrictions remained. Registration requirements for organizations were extensive, but there were no reports that the Government used them during the year to disband existing legitimate organizations or to prevent new ones from being formed.

On April 3, the ECHR ruled unanimously in the case of *Koretskyy and Others v. Ukraine* that authorities violated the freedom of association provisions of the European Convention on Human Rights when they refused in 2000 to register a civic association whose aims related to environmental preservation.

The law places restrictions upon organizations that advocate violence or racial and religious hatred, or that threaten public order or health. According to the PGO, the SBU opened criminal investigations of two separatist groups, the Popular Front Sevastopol Crimea Russia and the Association 'Sejm of Pidkarpattia Rusyns, for holding demonstrations.

Freedom of Religion.—The constitution and the law provide for freedom of religion, and the Government generally protected this right; however, some minority and nontraditional religions experienced difficulties in registration and in buying and leasing property. There is no formal state religion, but local authorities at times favored the religious majority in their particular regions.

The law requires that a religious group register its "articles and statutes," either as a local or a national organization, and to have at least 10 adult members in order to obtain the status of a "juridical entity." Registration is necessary to conduct many business activities, including publishing, banking, and property transactions. The Spiritual Directorate of Muslims of Ukraine reported some difficulties with registering new religious communities in Crimea due to what it considered the political bias of some local authorities.

Religious organizations, including members of the All Ukraine Council of Churches and Religious Organizations, continued to complain that despite their repeated requests, parliament did not adopt legislative amendments to give them the right to own or permanently use land plots. As a result they continued to pay commercial rates to rent the land on which places of worship and other religious buildings were located. They also complained that their organizations did not receive exemption from paying value added taxes despite requests for a more favorable status.

Some religious communities encountered difficulties in dealing with the municipal administrations in Kyiv and other large cities to obtain land and building permits or to rent office space. However, these problems were not limited to religious groups and in many cases could be attributed to financial reasons rather than bias against a particular religious community.

On September 2, the city administration authorized work to rebury the human remains on the site of a former Jewish cemetery in Vinnytsya, following protests by the Jewish community against the construction of a residential building on the site.

At year's end commercial construction on the site of the former Lviv synagogue and surrounding buildings was halted pending an archeological study. Representatives of the Jewish community had protested the construction.

In August the Jewish community reiterated previous complaints that the open air Krakivskiy Market in Lviv was located on the grounds of an ancient Jewish cemetery and that periodic digging to erect market kiosks disturbed the sanctity of the site. They called on the city to relocate the market. The city offered to construct a memorial park on the remaining undeveloped part of the cemetery in 2010 but explained that it could not relocate the market because some of the buildings at the market were private property.

The representative in Crimea of the Ukrainian Greek Catholic Church complained that the Yalta Municipal Council refused to finalize the allocation of a land plot for the construction of what would be the only Greek Catholic church in the city. They also mentioned reluctance of municipal governments in Simferopol and Yevpatoriya to allocate land for church construction.

Restitution of communal property confiscated by the Soviet regime remained a problem.

The law restricts the activities of foreign based religious organizations and narrowly defines the permissible activities of the clergy, preachers, teachers, and other noncitizen representatives of foreign based religious organizations; however, there were no reports that the Government used the law during the year to limit the activity of such religious organizations.

The Government promoted interfaith understanding by frequently consulting the All Ukraine Council of Churches and Religious Organizations, whose membership represented the faiths of more than 90 percent of the religiously active population. The council met every two or three months, giving members and government representatives the opportunity to discuss interfaith concerns. Regional administrations and local religious leaders in most regions have formed regional councils of churches and religious organizations.

Societal Abuses and Discrimination.—Tensions continued between the Ukrainian Orthodox Church Kyiv Patriarchate (UOC KP), the Ukrainian Orthodox Church Moscow Patriarchate (UOC MP), and the Ukrainian Autocephalous Orthodox Church (UAOC) when congregations attempted to change jurisdictions between the factions. For example, the UOC MP, UOC KP, and the local government did not resolve differences over the use of the Holy Trinity Church in Rokhmaniv Village in Ternopil Oblast after the congregation split between the churches. In another example, the UOC KP and UAOC were unable to settle their dispute over the ownership of the St. George Church in Odesa that resulted from the decision of an archpriest in charge of the parish to change affiliation from the UOC KP to the UAOC.

Vandalism of religious sites and monuments continued to be a problem. According to media reports, from January to mid May, the Ministry of the Interior registered 873 instances of desecration of burial sites around the country. There were also several instances in which churches and cemeteries were vandalized.

On March 3, unidentified vandals overturned a cross located near the Holy Nativity Cathedral of the UOC MP in Severodonetsk, Luhansk Oblast. The cross was erected in memory of victims of the Soviet era famine. In late March vandals destroyed a crucifix and painted graffiti at the Armenian Cathedral in Lviv.

In mid April police detained three secondary school students who damaged more than 100 gravestones at two Christian cemeteries in Dobropillya, Donetsk Oblast.

On June 25, two men vandalized the sanctuary and damaged icons at the Dormition Church of the UOC MP's St. Nickolas Monastery in the Korop District, Chernihiv Oblast, and injured two monastery staff who tried to stop the desecration. One attacker was detained.

In July Crimean police detained three students on charges of desecrating a Christian cemetery. From April 2007 to March 2008, the suspects allegedly committed eight acts of vandalism at a cemetery in the Simferopol District.

There were no developments regarding the investigations into the April 2007 vandalism and painting of antireligious symbols on a UOC MP church and gravestones in Izmail, Odesa Oblast, and into damage done to 35 gravestones in April 2007 at a Muslim cemetery in the village of Sofiyivka near Simferopol.

During the year police made no progress in their investigation of the 2006 attack on a foreign missionary of Jehovah's Witnesses near his home in Kremenchuk in Poltava Oblast, and none was expected.

There were no reports of developments in the April 2007 vandalism of more than 400 tombstones at a cemetery in Mariupol.

There were a number of acts of anti-Semitism, including physical attacks on Jews and vandalism of Jewish community institutions. Anti-Semitic violence was part of an overall increase in violent hate crimes during the year. According to an April 10 report by the Jewish and Israel News, one of every five hate crimes committed in the country since January 2007 was directed against Jews. In November Viacheslav Likhachov, a local human rights monitor, reported that there had been five anti-Semitic attacks on persons and 10 incidents of vandalism in the first 10 months of the year. He noted that this was an improvement over the same period in 2007, when there were eight victims of attacks and 21 incidents of vandalism.

On September 13, a group of youths shouting anti-Semitic abuse assaulted Vinnytsya Rabbi Shaul Horovitz, his young son, and a friend. Police arrested the attackers. In September a local court ordered the attackers to pay a fine for committing an act of "hooliganism."

There was no progress in the police investigation of several violent attacks against Jewish citizens in Zhytomyr in 2007. City authorities increased police patrols near the synagogue, but the Jewish community remained concerned about its safety.

Synagogues, cemeteries, and Holocaust memorials were vandalized on several occasions, particularly in Kirovohrad, where the Choral Synagogue was vandalized at least three times during the year. According to representatives of the local Jewish community, law enforcement authorities made no progress in the investigation of the incidents.

In November 2007 and again in April, vandals in Zhytomyr set fire to a cemetery memorial to the prominent Jewish leader, Rabbi Aharon. They also painted antireligious symbols on the walls of the memorial. Following the second incident, law enforcement agencies arrested two teenagers who claimed that a fire they set to keep warm accidentally spread to the memorial. No explanation for the graffiti was reported, nor were there reports that the teenagers were charged.

There were several incidents in which hate speech against Jewish persons was combined with hate speech against other groups. On May 16, for example, a group of youths representing the extremist nationalist groups UNA UNSO and the National Labor Party of Ukraine gathered in front of the Russian embassy in Kyiv shouting anti-Semitic and anti-Russian slogans.

Anti-Semitic articles appeared frequently in small publications and irregular newsletters, although such articles rarely appeared in the national press. The Inter-regional Academy of Personnel Management (MAUP), which reportedly receives significant funding from several Middle Eastern government sources, remained the most persistent publisher of anti-Semitic materials, although the volume dropped in comparison to 2007. MAUP, which claimed to have a membership of more than 50,000 students, published a monthly journal *Personnel* and a weekly newspaper *Personnel Plus*, which were the subjects of an ongoing criminal investigation by the PGO.

According to the Association of Jewish Organization and Communities of Ukraine (VAAD), the national print media published 17 anti-Semitic materials from January through March, compared to 147 in the third quarter of 2007 and 75 in the fourth quarter of 2007. VAAD attributed the "sharp decrease" in the overall number of anti-Semitic publications to the gradual "curtailment" of MAUP's anti-Semitic campaign.

In previous years MAUP accounted for nearly 90 percent of all published anti-Semitic material.

The Supreme Court in March dismissed MAUP's lawsuit against the Jewish Confederation of Ukraine and its publication, *The Jewish Observer*, over articles criticizing MAUP's anti Jewish and anti Zionist activities. However, MAUP's lawsuit against the mayor of Kyiv charging that his May 2007 order removing MAUP's bookstand near the Babyn Yar massacre memorial site abridged its freedom of speech was pending at year's end.

Some leaders within the Jewish community criticized President Yushchenko's 2007 decision to confer a posthumous award on Ukrainian Insurgent Army leader Roman Shukhevych. They asserted that the controversial figure was involved in assisting Nazi German forces in massacring Ukrainian Jews during the Second World War.

On July 29, members of Stars, a Jewish youth program, were beaten during a fight with neighbors over a noise complaint. The neighbors screamed anti-Semitic slogans during the fight. One of the activists sprayed the attackers with noxious gases. No one was seriously injured.

In August posters calling for a boycott of kosher products were found on a message board outside a Russian Orthodox cathedral in Kamyanets Podilsky. (The church has been under renovation for 10 years and was not open to the public). Senior clerics reiterated their condemnation of such materials left by unsanctioned organizations claiming to represent the Orthodox Church.

On September 18, two Jewish leaders in Kherson, Oleksandr Vayner, the director of the Kherson Jewish Charitable Community Center, and Vitaly Bronshtein, the chairman of the Kherson branch of the Council of Regions of the Jewish Conference of Ukraine, accused Serhiy Kyrychenko, a member of the city council, of spreading anti-Semitic propaganda. According to their accusation, Kyrychenko has made several appearances on the local radio show "Vik" accusing Jews of robbing the national population and plotting to enslave Ukrainians and exterminate Slavs.

During the summer the SBU exposed a plot by a group of ultra right extremists led by a former policeman in Kirovograd to blow up Kirovograd's Choral Synagogue. Serhiy Tkachuk, the head of the local Ukrainian Security Service, stated that leaders of the group studied literature on Nazi Germany and Hitler and planned to attack local Jews. The group also was reported to have been planning assaults against foreigners. Members of the group were detained but later released after law enforcement officials threatened them with prosecution if they continued their criminal activity. UNIAN reported on October 7 that the SBU forwarded the case to the Kirovohrad prosecutor's office for further investigation.

On November 22, representatives of the Poltava Oblast Society of Soviet Political Prisoners and the Repressed put up seven wooden crosses on land in Poltava meant for a synagogue. According to the group, the crosses were erected to commemorate the anniversary of the Stalin era famine and they did not know the land was intended for construction of a synagogue. Rabbi Yosef Yitzchak Segal stated that it was a provocation aimed at stirring religious hatred in the city. The Poltava Mayor's Office described installation of the crosses on the land plot as unauthorized and illegal. Unidentified individuals removed the crosses on November 26.

On December 4, in Rivne, vandals smashed windows in a synagogue. The vandals were not identified, and the police investigation continued at year's end.

On December 19, members of the far right Svoboda Party on the Lviv City Council asked that charges be brought against leaders of Chesed Arye, a Jewish organization in Lviv, for distributing a film to schools in the city about the extermination of the Lviv Jewish community during World War II. Representatives of the political party claimed the movie was an inaccurate depiction of local residents.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/dr/irf/rpt.

d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The constitution and the law provide for freedom of movement in the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection to asylum seekers, stateless persons, and other persons of concern.

Citizens who wished to travel abroad were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in another country, but there were no known cases of exit visas being denied to citizens during the year. The Government could deny passports to individuals in possession of state secrets; such individuals could appeal.

The law prohibits forced exile, and the Government did not employ it.

Protection of Refugees.—The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However the lack of a clearly defined migration policy and the lack of a clearly designated central government authority responsible for asylum and refugee procedures impeded the adjudication of asylum and refugee status. The Government provided temporary protection for up to one year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

In 2007 the Cabinet of Ministers led, by then prime minister Viktor Yanukovych, issued a resolution designating the SCNR as the central executive authority for migration. On June 18 and July 30, the Cabinet of Ministers, led by Prime Minister Yulia Tymoshenko, issued two resolutions, granting the Ministry of the Interior the same status as the SCNR without revoking the November 2007 resolution, thereby creating dual authority in the migration system. These resolutions were terminated by the president on July 21 and August 14 respectively, and the president and the ombudsman asked the Constitutional Court for an opinion on the constitutionality of these government resolutions. Ombudsman Karpachova argued that migration policy should be administered by a new civilian body and that police should not be responsible for migration management because it would conflict with their enforcement responsibilities toward migrants. In an October 3 article in the newspaper *Holos Ukrayiny*, then chairman of the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations, Ihor Sharov, also supported a single independent government migration authority not subordinate to a security ministry. In December the president issued a decree ordering the Cabinet of Ministers to set up a central migration authority in the executive branch by the end of the year. However, at year's end the Ministry of the Interior remained the de facto authority for migration issues, while the SCNR also preserved its functions in the area of migration.

On March 4-5, local human rights organizations picketed a Council of Europe conference in Kyiv, claiming that the existing asylum system was ineffective, with less than three percent approval of asylum applications, and that it was nontransparent.

In October 2007 the UNHCR advised states to refrain from returning third country asylum seekers to the country because of the lack of assurances of readmission, lack of access to fair and efficient refugee status determination procedures, unavailability of treatment in accordance with international standards, and the absence of effective protection against deportation to countries where there is reason to believe their lives or freedom would be threatened.

Administrative courts, responsible for reviewing appeals of disapproved asylum applications, were overwhelmed by work, leading to lengthy delays. According to the Code of Administrative Justice, the court process is conducted in the Ukrainian language and a shortage of bilingual interpreters aggravated the problem of timely court examinations of cases.

On July 2, the District Administrative Court of Kyiv found the PGO's decision to deport Chechen refugee Lema Susarov to Russia to be unlawful and ordered his release. Susarov, who had been in detention since July 2007 while appealing the deportation order, was released on July 4 and allowed to resettle in Finland. His release and resettlement were made possible by the concerted efforts of a number of domestic and international human rights organizations, as well as the UNHCR office in the country and the Office of the Ombudsman.

The Government provided some protection against the expulsion or return of refugees to a country where there is reason to believe their lives or freedom would be threatened. However, there were notable exceptions to these protections during the year.

At a January 25 press conference, the head of the VGHR, Dmytro Groisman, independent legal counselor Tetiana Montian, and journalist Yuriy Boiko accused Interior Minister Yuriy Lutsenko of giving an unlawful order to arrest Russian opposition activist Mikhail Gangan and keep him in detention for three days without charge. On July 21, he was granted refugee status following active advocacy on his behalf by local human rights groups.

In early March the VGHR, Amnesty International (AI), and the UNHCR office in Kyiv released statements opposing the authorities' return, against their will, of 11 ethnic Tamil asylum seekers to Sri Lanka following a Khmelnytskyi Oblast local court decision on February 27. Human rights groups asserted that the deportees had not been granted the right to appeal the court's decision, were not provided with interpreters and independent legal counsel while in detention, and were mistreated by guards. Human rights groups were concerned that they would be at risk

of serious human rights violations upon their return to their home country. All of them had been registered with the UNHCR in Kyiv between August 2007 and January, and six had applied to the migration authorities for refugee status.

According to the VGHR, on May 23, authorities extradited four individuals to Russia who had not completed the process of refugee status determination.

The Kharkiv Group for Human Rights (KGHR), the UHHRU, and VGHR urged the president to dismiss Prosecutor General Medvedko, who ordered extradition of Russian Oleg Kuznetsov on July 28, despite a court decision confirming his refugee status and banning his extradition.

In a May 5 submission to the UN Human Rights Council, HRW expressed concern that many migrants, especially Chechens, remained at risk of being returned to countries where they could face torture or other mistreatment. According to HRW, authorities denied many asylum seekers in need of protection or refugee status on procedural grounds or failed to evaluate correctly the conditions in their countries of origin.

Human rights groups noted that the current law on refugees does not provide protection for war refugees, victims of indiscriminate violence, or failed asylum seekers who could face the threat of torture or loss of life or freedom if deported. Informed observers reported that the Government may have repatriated Chechen refugees to Russia.

According to the UNHCR, an overly complicated and burdensome system of registration often left asylum seekers without registration documents during the protracted review of their cases and the appeal process. This left them vulnerable to frequent police stops, detention, and fines. Refugees and asylum seekers, who frequently came from Africa and Asia, were the victims of a growing number of xenophobic attacks. Asylum seekers in detention centers were sometimes unable to apply for refugee status within prescribed time limits and had limited access to legal and other assistance. The problem was further complicated by the lack of access to qualified interpreters, often needed to complete registration documents.

There were no developments in the involuntary return of 11 Uzbek asylum seekers to Uzbekistan in 2006. Human rights groups expressed concern that no officials involved in their deportation were held accountable.

On December 18, ECHR called for the postponement of the extradition of Uzbek asylum seeker Abdumalik Bakaev until his case could be fully reviewed. The NGO Social Action reported that on December 4 Bakaev was arrested and detained for three days at a district police office in Kyiv. On December 8, after hearing appeals by Social Action, the Holosiyiv District Court in Kyiv refused to sanction his temporary arrest and Bakaev was released.

The country remained a destination and transit country for migrants. According to press releases by the Ministry of the Interior, law enforcement bodies apprehended 8,399 irregular migrants in the first six months of the year, compared to 7,645 for the same period in 2007. The State Border Guard Service reported that the number of irregular migrants apprehended dropped by 28 percent compared with the previous year. Of the 7,955 irregular migrants expelled from the country during the first six months of the year, 1,206 were deported involuntarily. For the same period in 2007, the figures were 6,981 and 1,208, respectively.

There are no legal provisions for voluntary return. Since 2005 the country's office of the International Organization for Migration (IOM), in cooperation with the State Border Guard Service and the Ministry of the Interior, has operated the Program on Assisted Voluntary Return (AVR), helping stranded migrants and failed asylum seekers to return to their countries of origin. The IOM confirmed that the Government continued to refer cases for AVR during the year but noted that it had not established systematic referral procedures, which resulted in inconsistent access to AVR.

Media reported that the Pavshyne Migration Detention Center in Zakarpattia Oblast was officially closed on December 4. The center had been criticized by human rights groups in previous years for its harsh conditions. Most of the detained migrants were transferred to new facilities in Chernihiv and Volyn oblasts that met European Union (EU) standards.

On various occasions during the year, Interior Minister Lutsenko was criticized by human rights groups for attributing the increase in hate crimes to the growing number of irregular migrants in the country, and in July he was accused of making racist statements about immigrants from Asia. Lutsenko claimed that his remarks about Asian immigrants were taken out of context. In a speech at a Council of Europe conference on September 4-5, Lutsenko stated that the ministry's "efforts in combating irregular migration are based on two principles: human rights and protecting state interests."

On September 23, parliament ratified a readmission agreement with Russia, signed in 2006. Similar to the EU readmission agreement, the document does not contain special provisions for the protection of refugees and asylum seekers to ensure that individuals have access to fair consideration of their cases before transfer to a country of transit/origin. NGOs were concerned that this could lead to the involuntary return of Chechen refugees without considering the risk of exposure to human rights violations.

Refugees received minimal material assistance and little opportunity to study Ukrainian; there were no procedures to facilitate their employment.

Stateless Persons.—According to the law, citizenship is acquired through birth, territorial origin, naturalization, restoration of citizenship, and adoption. Dual citizenship is not allowed. The Ministry of the Interior and bodies under its jurisdiction received applications for citizenship and forwarded them along with recommendations to the President's Commission for Citizenship.

The number of stateless persons was difficult to determine, and the figures from different sources may overlap. According to the European Council on Refugees and Exiles and local NGOs, there were 3,000 stateless persons who arrived in the early 1990s fleeing the conflict in Georgia. The UNHCR estimated that there were 63,577 stateless persons in 2006, including 8,246 registered *de jure* as stateless by the Ministry of the Interior. There were an estimated six thousand formerly deported Crimean Tatars who returned to Crimea but have not registered as citizens, as well as lesser numbers from Abkhazia and Georgia. The stateless also included an unknown number of persons who either lived in the country for decades but failed to clarify their citizenship status after the collapse of the Soviet Union in 1991, or who arrived in the country as students or visitors both before and after 1991 and remained (often illegally) but failed to register with their consulates or take other steps required by their country of origin. Many continued to hold Soviet passports and did not obtain residency documents after the breakup of the Soviet Union.

Persons who fled conflicts in nearby regions, including Abkhazia, faced difficulties in regularizing their status and had trouble with access to employment and property rights. While the Government initially allowed migrants from Abkhazia to obtain temporary residence, including access to employment, medical care, and education, many lost these rights when they failed to reapply for a residence permit when the Law on Immigration came into effect in 2001. In response to complaints, the Government extended the residency application period for Abkhazians in 2006 and again in May 2007. However, human rights organizations reported in May 2007 that many were unable to extend their registration at the Ministry of the Interior. According to the UNHCR, they may be considered *de facto* stateless since they do not enjoy the protections of their country of origin or of Ukraine.

A 2006 presidential decree allowing any foreign national residing legally in the country to register their child born in the country as Ukrainian citizens within three months of submission of an application gave children of asylum seekers and refugees from Georgia the right to gain citizenship without being included in immigration quotas.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based of universal suffrage.

Elections and Political Participation.—In response to the collapse of the ruling democratic coalition in September, President Yushchenko on October 9 called for preterm parliamentary elections on December 7. That election did not take place; instead, a new coalition was formed on December 16.

Mayoral and city council elections were held in Kyiv on May 25; they were scheduled by parliament in advance of the normal election cycle in response to corruption allegations and as a result of ongoing political disagreements. The incumbent mayor, Leonid Chernovetskiy, was reelected. Seven political parties and blocs won seats to the Kyiv City Council.

CVU assessed the elections as free and transparent and stated that “observers and mass media had full access to all electoral procedures.” However, the CVU found these elections less democratic than the preterm parliamentary elections of 2007, mainly due to what it described as vote buying and unbalanced media coverage of the electoral campaign. Incomplete and incorrect voter lists remained a problem.

In a report released during the year CVU highlighted the following problems with the country's election procedures: the absence of an election code; frequent changes

to electoral procedures influenced by party politics; the nontransparent procedure of selecting a voting software design agency; what it called the “politically biased” Central Election Commission; a low level of professionalism among local electoral commissioners; and vote buying.

Individuals and parties could, and did, freely declare their candidacy and stand for election.

To be registered at the national level, political parties had to maintain offices in one half of the regions and could not receive financial support from the Government or any foreign patron. The Supreme Court reserved the right to ban any political party upon the recommendation of the Ministry of Justice or the prosecutor general. No parties were banned during the year.

As of September 22, there were 36 female members of the 450 seat parliament; women held the posts of prime minister, minister of labor and social policy, secretary of the National Security and Defense Council, head of the state treasury, the ombudsman, the deputy chief of staff/advisor to the minister of the interior, and deputy defense minister. The 18 member constitutional court had two female members.

The exact number of minorities in parliament and the cabinet was not available due to privacy laws.

Crimean Tatar leaders continued to call for changes in the electoral law that would give them greater representation in the Crimean and national parliaments. The law does not allow the creation of regional political parties, so Crimean Tatars had to join national political parties or blocs. Only one Crimean Tatar was a member of the national parliament. According to the Crimea information portal, the Crimean Tatars, who make up 13 percent of the population of Crimea, occupied seven seats in the 100 member Crimean parliament. Eight of the 25 senior officials in the Crimean government were Crimean Tatars, including one deputy prime minister and the minister for labor and social policy, the chairman of the Crimean government Committee on Inter Ethnic Relations and Deported Peoples, and the chairman of the Crimea government information committee. Two of the 14 heads of raion (county level) administrations were also Crimean Tatars. Crimean Tatars remained underrepresented in city councils and city administrations. For example, neither the mayor of Simferopol nor any of the deputy mayors was a Crimean Tatar. The Crimean Tatar representative body, the Mejlis, was not legally recognized by national authorities.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption; however the Government did not enforce the law effectively, and officials often engaged in corrupt practices, at times with apparent impunity. Corruption remained a serious problem in the executive, legislative, and judicial branches of the Government, including the armed services. According to Interior Minister Yuriy Lutsenko, each year police and prosecutors register approximately 1,500 instances of bribery; however, only an average of 40 offenders a year are convicted of bribery.

The Interior Ministry’s unit for combating organized crime recorded 1,063 crimes by law enforcement personnel related to their duties, of which 273 involved abuse of office and power, 56 involved excessive use of power or office, and 313 involved bribes. The ministry established a special hot line to take reports of corruption. Jointly with State Judicial Administration, the Ministry of the Interior established a special hot line to take reports on judicial corruption.

The SBU reported that its special units and other law enforcement bodies initiated 1,939 criminal investigations of alleged corruption and brought administrative charges against 882 government officials during the first six months of the year. According to the Interior Ministry, police uncovered more than 3,000 crimes involving bribery; of 1,600 individuals caught for taking bribes, 367 were government employees.

The PGO confirmed that in the first 10 months of the year, eight judges were found criminally liable for corruption and six judges faced criminal charges of corruption. During the first nine months of the year, prosecutors initiated 1,271 criminal cases of corruption against 1,410 individuals, compared with 1,129 cases against 1,237 individuals in the same period a year ago. During the first 10 months of the year, military prosecutors opened 164 criminal cases for corruption, of which 27 involved military police and 137 involved other military personnel.

According to the February survey by the project “Promoting Active Citizen Engagement in Combating Corruption in Ukraine,” almost 63 percent of respondents described public servants as very corrupt, and 19 percent of those polled said they engaged in corrupt activities with public servants to obtain state services in the previous 12 months.

There were no developments in the investigation of Oleksiy Ivchenko, the former chairman of Naftohaz, the country's national oil and gas company, for alleged corruption in 2005-06. Ivchenko, the leader of the Congress of Ukrainian Nationalists, claimed the accusations were politically motivated. On March 3, the SBU initiated an investigation of other Naftohaz officials suspected of embezzling state funds.

On February 9, former transportation minister Mykola Rud'kovskiy was arrested for not cooperating with an investigation into corruption allegations against him. The SBU alleged that he went on a spree of international charter flights that cost the taxpayers one million hryvnia (approximately \$130,000), while Rud'kovskiy claims that the travel was state business. The minister of the interior accused Rud'kovskiy of misusing more than 8.5 million hryvnia (approximately \$1.1 million) in state funds. He was released from detention by the Kyiv Appeals Court on February 19 on a pledge not to leave the country. On October 7, the Pechersk District Court in Kyiv forwarded his case to the Kyiv prosecutor's office for further investigation, arguing that the pretrial investigation violated criminal procedure law.

On January 4, the Sumy District Court found former Sumy mayor Volodymyr Omelchenko guilty of extortion in 2006 and sentenced him to three years' imprisonment, with a one year suspended sentence.

On July 3, the Silski Visti newspaper reported that the largest bribery cases recorded by the Ministry of the Interior during the year were 26 million hryvnia (approximately \$3.4 million) to a village leader and village council member in Crimea for allocating a land plot; 3 million hryvnia (approximately \$387,000) to the head of a city council and his assistant in Dnipropetrovsk Oblast; and 2.3 million hryvnia (approximately \$300,000) to a village leader and village council member in the Vasylivskiy District in Kyiv Oblast.

On October 2, the PGO opened a criminal investigation of the head of the Lviv Administrative Court of Appeals, Ihor Zvarych, for allegedly accepting large sums of money as bribes. On December 12, the Supreme Council of Justice, following the president's appeal, dismissed Zvarych from his post. In December he was stripped of judicial immunity and a warrant was issued for his arrest. He disappeared shortly thereafter, and remained at large at year's end.

On December 4, UNIAN reported that the SBU detained the Interior Ministry's deputy chief of internal security for taking a bribe in the amount of 960,000 hryvnia (approximately \$124,000). The Pechersk District Court in Kyiv decided to not launch a criminal case. Prosecutors planned to appeal the court's decision.

There were no developments regarding the arrest warrant ordered by parliament in February 2007 for Judge Oleh Pampura on charges of demanding a bribe to reduce a court sentence. Press accounts at the time reported that Pampura was in hiding.

There were no further developments regarding the 2007 arrest of a former judge of the Kalynivskiy District Court in Donetsk Oblast, Vadym Sydorenko, for accepting a bribe in 1999.

The law requires officials to file financial disclosure statements, although these often underreport actual income. The Law on Combating Corruption designates special subdivisions at the Ministry of the Interior, the SBU, prosecutors' offices, and the Military Law and Order Service (military police) as responsible bodies for combating corruption.

The constitution and the law give the public a right to access official information, except that related to national security. Government bodies are required to respond to information requests within 10 days and to provide the information within 30 days. Denials can be appealed to a higher level at the agency concerned and then to a court. However, many human rights organizations and journalists stated that access to official information remained difficult during the year and no implementing legislation that might improve it was enacted. Government officials often did not understand the rules defining releasable information, and Soviet style attitudes and traditions of secrecy were prevalent.

On December 4, human rights organizations criticized the Ministry of Health for being the most nontransparent government body. They claimed that the ministry failed to respond to information queries and unlawfully classified documents that should be in the public domain.

On June 10, the Administrative Court of Donetsk Oblast declared that SPD chairman Vasyl Koshchynets's refusal to give the Donetsk based NGO Memorial statistics on the number of deaths in SPD facilities was unlawful. However, there were no reports indicating Koshchynets subsequently released the information or that he was punished for not doing so.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights; however, government officials were not uniformly cooperative and at times resisted taking the views and recommendations of nongovernmental groups into account. In one instance administrators of a correctional colony sought to sue a human rights NGO for publicly describing alleged violations in detention facilities, but the court rejected the suit.

Domestic NGOs could freely criticize the Government's human rights performance. For example, on July 30, Yevhen Zakharov of KGHR characterized governmental efforts in the area of human rights as "chaotic, non systemic, and ineffective." He excepted the Ministry of the Interior, which he said continued to cooperate with civic advisory councils, mobile monitoring groups, and the new human rights monitoring department within the ministry itself.

The SBU continued to work with its advisory council, consisting of political leaders, NGO activists, and independent experts, to provide civilian oversight and increase the transparency of SBU activities. In April the SBU held a conference on promoting democratic values and human rights within the SBU. Participants included government officials, diplomats, and representatives of human rights NGOs.

According to the Ukrainian Psychiatric Association, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuses of psychiatry, especially in penitentiary institutions. According to the UHHRU, the SPD cooperated with NGOs that provided financial assistance to prison facilities but did not cooperate with those that raised concerns about conditions and prisoners' rights in its facilities.

In July the management of the correctional colony in Stryzhavka, Vinnytsia Oblast, filed a defamation lawsuit against the VGHR, which had released a statement on June 10 expressing concern about grave violations of human rights, including the beating of prisoners, in detention facilities. It noted the increased number of suicides of detainees. On July 25, HRW released a statement urging prison officials to withdraw the lawsuit. On July 28, the Leninskiy District Court in Vinnytsia rejected the lawsuit because it was outside the court's jurisdiction.

Major independent, nonpartisan, human rights NGOs and civil liberties groups included CVU, KGHR, the Ukrainian Helsinki Human Rights Union NGO coalition, AI Ukraine, the Institute for Mass Information, the Chirikli Roma Women's Fund, the Ukrainian Union of Psychiatrists, Kharkiv based Legiteam, La Strada Ukraine, the Congress of National Communities of Ukraine, the Diversity Initiative network, and VGHR.

The Government generally cooperated with international governmental organizations, including the UN, the Organization for Security and Cooperation in Europe, and PACE. Citizens may apply to the ECHR for the redress of grievances involving an alleged infringement of rights under the European Convention on Human Rights. The court announced that during the year it handed down 110 judgments against Ukraine and that 8,250 applications were pending before the court. Most court judgments involved violations of the right to a fair trial, violation of property rights, and unduly lengthy proceedings. According to the Government's ECHR commissioner, Yuriy Zaitsev, the ECHR issued 76 rulings in cases involving Ukraine during the first nine months of the year, and the Government enforced 67 ECHR rulings.

On January 18, a human rights monitoring department was established in the Ministry of the Interior. Civilian assistants to the minister of the interior were appointed in each oblast, as well as in Kyiv and Sevastopol, to act as liaisons between the local population and the central ministry and to assist with monitoring police observance of human rights. The department also engaged in revising internal procedures to bring them into compliance with international and national human rights standards. In the first six months of its work, the department carried out 374 inspections of regional police units, met with more than 1,790 citizens, and initiated 470 investigations into allegations of human rights abuse by police personnel.

A justice ministry advisory council, chaired by a civic leader, continued to monitor the human rights situation in prison facilities. Civic advisory councils continued to work with the Ministry of the Interior, the State Penal Department, and the SCNR.

The constitution provides for the position of human rights ombudsman, officially designated as the parliamentary commissioner on human rights. The Ombudsman's Office marked its 10th anniversary during the year and issued a special report on the implementation of international human rights standards in the country. Although a number of human rights organizations criticized the Ombudsman's Office for inadequate responses to claims of human rights violations and for not cooperating with human rights groups, the ombudsman was active in addressing labor

rights, children's rights, detention conditions, refugee rights, migration policy, and xenophobia.

While noting some improvements in the performance of the Ombudsman's Office, human rights experts expressed concern that the public at large did not know how to bring complaints to the ombudsman; there were also complaints that the office's activities lacked transparency, that it did not respond to information queries, and that its Web site, potentially a major avenue for communicating with the public, was poorly updated.

A parliamentary Committee on Human Rights, National Minorities, and Inter-ethnic Relations was organized to deal with such issues as human rights, inter-ethnic relations, gender policy, indigenous peoples, national minorities and ethnic groups, deported persons, victims of political repression, ethnic policy, prevention of domestic conflict, and refugees and migration.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination on the basis of race, gender, and other grounds; however, the Government did not enforce these provisions effectively, in part due to the continuing absence of an effective judicial system and in part because the law does not contain a mechanism providing protection against discrimination. Violence against women and children; gender and age based discrimination; trafficking in persons; harassment and discrimination against ethnic minorities, homosexuals, individuals with disabilities, and persons with HIV/AIDS; and a rise in xenophobic violence were problems.

Women.—The law prohibits rape but does not explicitly address spousal rape. A law against “forced sex with a materially dependent person” may allow prosecution for spousal rape. According to the Ministry of the Interior, during the first nine months of the year, police recorded 654 incidents of rape or attempted rape, a decrease of 5.7 percent compared with the same period in 2007. Police identified 472 offenders, compared with 436 in 2007.

Violence against women remained a serious problem. Spousal abuse is illegal but was common, and authorities often pressured women not to press charges against their husbands. Advocacy groups asserted that the percentage of women subjected to physical violence or psychological abuse at home remained high. According to women's rights groups, only one tenth of domestic violence cases were reported, and approximately 90 percent of domestic violence victims were women. At its meeting on March 5, the Parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations concluded that there was no integrated state policy to combat domestic violence.

According to the Ministry of the Interior, police cited more than 83,400 individuals for committing acts of domestic violence. During the first nine months of the year, police issued 61,500 warnings and 4,800 injunctions for protection related to domestic violence. As a result of complaints, 48,377 persons were fined, 222 were sentenced to community service, and 6,307 were put under administrative arrest. Administrative charges were brought against more than 76,300 individuals, of which 75,200 were for committing acts of domestic violence and 1,100 for disobeying injunctions of protection.

Authorities operated six shelters for victims of domestic violence, 18 crisis centers for women, and 24 centers for psychological and medical assistance. The law requires the Government to operate a shelter in every major city, but in practice, they did not, in part due to the lack of municipal funding and insufficient oversight from the Ministry of Family, Youth, and Sports.

According to women's advocacy groups, private and municipally funded shelters were not always accessible. Some did not function throughout the year, and shelters in Kyiv did not admit women who were not registered as Kyiv residents. Government centers offered only limited legal and psychological assistance to victims of domestic violence.

During the year Kyiv authorities ordered the Kyiv Women's Center to vacate its city provided office in the city's Shevchenkivskiy district in order to return the property to the city for sale or rent to another organization. The fate of the center was uncertain at year's end, despite numerous protests by women's advocacy groups. The city had provided office space for the center since 1998.

Violence against women did not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem.

Prostitution is illegal but was widespread and largely ignored by the Government. Sex tourism remained a problem. Trafficking in women for sexual exploitation was a serious problem. Laws criminalizing organized prostitution and penalties for human trafficking had little effect because convicted traffickers often did not end up serving prison time or received light sentences.

Women's groups reported that there was continuing, widespread sexual harassment in the workplace, including coerced sex. While the law prohibits forced sex with a "materially dependent person," which includes employees, legal experts regarded the safeguards against harassment as inadequate.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed. However, industries dominated by female workers had the lowest relative wages. The labor code sets the retirement age for women at 55 and for men at 60. Women received lower salaries and had limited opportunities for advancement. In a submission to the UN Human Rights Council on May 5, HRW concluded that "women do not enjoy equal access to employment as a result of discriminatory attitudes among both public and private employers, including discriminatory recruitment practices." Unemployment remained higher for women than men, and women worked four to six hours longer than men.

Children.—The Government was publicly committed to the defense of children's rights and welfare but did not adequately fund the provision of education, health care, and other services for children.

While education was free, universal, and compulsory until age 15, the public education system continued to suffer from chronic underfunding, and children from poor families continued to drop out of school before attaining the mandatory age. According to the PGO, more than three percent of school age children did not attend school in 2007. Many of these were employed in agriculture and illegal coal mines or, in some cases, forced by their parents to beg in the streets. NGOs reported that a lack of schooling remained a significant problem among the rural population. In some cases rural schools were closed due to the small number of school age children, forcing the remaining children to travel long distances, often at personal expense, to attend schools in other villages.

According to the PGO, in 2007 there were 103,000 child orphans and children without parental care. Each year approximately 20,000 children were placed in shelters to prevent their involvement in begging and vagrancy.

Children continued to be victims of violence and abuse. During the first half of the year, the Ministry of the Interior recorded 2,419 underage crime victims, including 130 rape victims, 23 victims of abduction, 10 victims of exploitation, 41 victims of statutory rape, 190 victims of molestation, 578 victims of grave neglect by foster parents and child care facilities, eight victims of foster care abuse, 1,261 victims of forced involvement in criminal activity, 150 victims of forced use of narcotics, and 28 victims of human trafficking. During the year the ministry cited 6,924 families for violence against children and issued 2,744 warnings and 264 protective injunctions concerning domestic violence against children. During the year police opened 404 criminal cases involving domestic crimes against children, including nine for infanticide, 96 for child molestation, 24 for sexual relations with underage children, and 275 for intentionally inflicting bodily injury. There were also many complaints of abuse related to child prostitution, pornographic video sales, child molestation, and illegal child labor. According to civil society groups, police often did not investigate parents who allegedly abused their children.

No developments were reported regarding the 2006 criminal investigation of police officers accused of illegally detaining and raping a child in Zaporizhzhya Oblast or regarding the case of a boarding school teacher accused of slamming the head of a sixth grader against a desk and beating two other pupils in Kherson in 2006.

There were approximately 186,000 children with disabilities, according to the chair of the Parliamentary Committee on Healthcare, Tetyana Bakhteyeva. According to Valeriy Sushkevych, chair of the Parliamentary Committee for Pensioners, Veterans, and the Disabled, children with disabilities made up 2 percent of children in the country. Almost 8,000 were in boarding schools under the Ministry of Labor, and more than 10,000 were in boarding schools under the Ministry of Education. Inspections by the PGO in 10 oblasts with large numbers of children with disabilities revealed that local authorities failed to address their needs adequately.

Advocacy groups claimed that there were instances of government-funded facilities misappropriating funds intended for children with disabilities. On March 24, Kyiv prosecutors reported that their inspections of institutions for children revealed numerous infringements of children's rights, mostly of orphans, children with disabilities, and children without parental care. In particular, the prosecutors determined that children in Kyiv orphanages did not receive their social pensions. In one example, six children with chronic diseases did not receive special meals regularly. Prosecutors ordered that the children receive their meals and took disciplinary action against the director of this orphanage.

There were no developments reported in the November 2007 case in which the administration of the Torez specialized boarding school in Donetsk Oblast used children with physical and mental disabilities from the facility to sift and load coal, or in the 2006 case of 60 children from orphanages and boarding schools in Sevastopol who were unlawfully held in a local psychiatric hospital.

The All Ukrainian Network of Persons Living with HIV expressed concern about discrimination against HIV positive children in educational institutions. For example, on August 7, Ukrayina Moloda reported that an orphanage in Kirovohrad refused to admit a six-year old HIV positive boy abandoned by his mother. The NGO complained to the department of education in Kirovohrad, but the department refused to help, stating that there were no specialized facilities for HIV positive orphaned children in the oblast.

According to the communications and public relations department of the Cabinet of Ministers and independent children's rights experts, in 2007 there were approximately 130,000 homeless children in the country.

The commercial sexual exploitation of children remained a serious problem. According to domestic and foreign law enforcement officials, a significant portion of Internet child pornography continued to originate from the country. According to the IOM, the antitrafficking department at the Ministry of the Interior broke up an internet child pornography ring. Investigators confiscated approximately 17.5 million hryvnia (approximately \$2.3 million) and evidence indicating the production of child pornography. Several persons were arrested, and a criminal case was opened against the administrators of a pornographic Web site.

On February 1, the Western Ukrainian Informational Portal, ZIK, reported that the prosecutor in the Yavoriv District of Lviv Oblast opened an investigation of a man suspected of counterfeiting children's travel documents for the purpose of trafficking them outside the country.

There were no reported developments in the November 2007 Europol operation that uncovered a worldwide child sex offender network, including pornographic material produced in a studio in Ukraine.

Trafficking in Persons.—The law prohibits all forms of trafficking in persons; however, there were numerous reports that persons were trafficked from the country and a limited number of reports that persons were trafficked to and within the country.

The country remained a country of origin for internationally trafficked men, women, and children. Their main destinations were the Middle East, Russia, Turkey, and Western and Central Europe—particularly Poland, the Czech Republic, Italy, Germany, and Portugal. The country was also a transit point for traffickers and victims from Central Asia, Russia, and Moldova, usually to destinations further west.

The IOM confirmed that both the number of identified victims of trafficking for forced labor and of the number of criminal cases related to labor exploitation increased during the year. These cases posed a challenge to law enforcement and the judiciary, as there were no guidelines from the Supreme Court on investigating and prosecuting trafficking cases involving labor exploitation. Despite the lack of guidelines, the IOM noted that several cases were successfully prosecuted during the year.

The IOM reported that three individuals from Belarus, India, and Nigeria were trafficked into the country.

The IOM also noted an increase in the number of identified cases of internal trafficking and identified 17 such cases in the first half of the year.

Of trafficking victims identified by the IOM during the year, 76 percent were women who had been forced into prostitution or used as housekeepers, seamstresses, dishwashers, or as workers at various small and large manufacturing plants. A small number of women with small children and persons with disabilities were trafficked abroad for begging. Men exploited for their labor comprised 24 percent of the victims identified by the IOM. They worked mainly on construction sites and in mines. Children trafficked across the border or within the country were forced to provide sexual services, engage in unpaid work, or beg.

According to the IOM, the main trafficking victims were women up to 30 years of age (for sexual exploitation), older women (for labor exploitation), men of all ages (for labor exploitation), and children under the age of 16 (both for sexual and labor exploitation). When they were recruited, the majority of victims were employed but were earning low salaries and thus were tempted by an offer of better wages abroad. According to local NGOs, orphaned children, required to leave orphanages at 18, were also at high risk, since they had no family support structures, had difficulty finding work, and often had no place to live.

Victims were usually trafficked into severe conditions that included beatings, limited and poor quality food, no medical assistance, and long hours of work.

Estimates of the number of local trafficking victims varied. A survey conducted by the IOM and released in 2006 stated that approximately 117,000 locals had been forced into exploitative situations in Europe, the Middle East, and Russia since 1991. The survey indicated that 80 percent of the victims were trafficked for labor exploitation.

Employment, travel, marriage, and modeling agencies, as well as individuals, were involved in recruitment. Most traffickers were members of organized crime groups and had foreign partners. In some cases they bribed corrupt officials to facilitate the movement of victims abroad. The number of men and women among recruiters was almost equal. Sometimes previously trafficked women served as "success stories" to recruit potential victims, flaunting the money they had ostensibly earned abroad. The majority of recruiters were identified as citizens.

Traffickers continued to recruit by means of newspaper, television, and radio advertisements promising high salaried jobs abroad, modeling contracts, marriage proposals, or overseas trips through travel agencies. Traffickers often presented themselves as friends of other friends and deceived the relatives of potential victims. They often paid for processing of victims' passports and travel, thus placing the victims into debt bondage. In some cases traffickers kidnapped their victims.

The law provides penalties of three to eight years' imprisonment for trafficking in persons for sexual and labor exploitation and other purposes. Traffickers of minors ages 14 to 18, and of groups of victims, may be sentenced to five to 12 years. Traffickers of even younger minors or members of organized trafficking groups may receive eight to 15 years in prison.

As of November, according to interior ministry statistics, authorities filed 304 trafficking cases, broke up 17 organized criminal rings, brought criminal charges against 98 individuals, and forwarded 250 criminal cases to the courts.

During the first half of the year, courts completed 33 trafficking cases, reaching guilty verdicts in 29 cases and convicting 43 defendants. Eighteen of the convicted defendants appealed, 16 received suspended sentences, one was sentenced to up to three years in prison, four were sentenced to three to five years in prison, and four were sentenced to five to 10 years in prison. Courts heard but did not reach a verdict in 70 additional cases over the same period. The percentage of persons sentenced to prison rather than probation continued to decline, from 43 percent in 2006 and 40 percent in 2007 to 36 percent in the first six months of the year.

As of August 22, 707 private entrepreneurs and companies had licenses to arrange employment abroad. The Government reported that it regularly reviewed the licenses of domestic employment agencies. From January 2007 through July, the Ministry of Labor and Social Policy conducted 433 checks and invalidated 144 licenses. A few of these actions resulted from involvement in trafficking. Some labor officers reportedly overlooked violations in return for bribes.

Corruption in the judiciary and police continued to impede the Government's ability to combat trafficking. NGOs asserted that local police and border guards took bribes to ignore trafficking, and judges did so in return for lighter sentences. The low number of prosecutions of officials for trafficking related corruption raised questions about the Government's willingness to take serious disciplinary action, especially against high level officials. Antitrafficking experts noted that prosecutors were often the weakest link in the fight against trafficking due to their negative stereotypes of victims and their failure to prosecute aggressively. The difficulty of obtaining evidence from abroad was another factor contributing to the small number of cases brought to court.

While some victims testified against traffickers, most were reluctant due to lack of trust in law enforcement agencies and the courts as well as concern over negative public opinion toward trafficking victims, weak witness protection programs, and victims' perception that investigators and judges did not understand the real threats to victims from traffickers. Skepticism that civil courts would award significant compensation deterred victims from filing civil suits. During the year some authorities took steps to resolve these problems. Two courts in Ivano Frankivsk were outfitted with a separate witness room that enabled witnesses and victims of trafficking and other serious crimes to testify safely and, if necessary, confidentially through a video or telephone connection. The arrangement allowed judges to protect the rights of the victims, witnesses, and defendants while examining evidence in a case and gave prosecutors the ability to offer reluctant witnesses security and protection during a court trial.

Local NGOs operated some shelters in major cities with local administrations providing the premises at a nominal fee. Government funding for these facilities continued to be limited. Nevertheless, a toll free hot line offering advice and warnings re-

garding employment abroad continued to operate and provided assistance to persons who were exploited while abroad.

Government cooperation with NGOs on antitrafficking programs was steady during the year. Local administrations continued to include NGOs as partners in their regional action plans, but international donors continued to provide most of the funding for informational materials, free or inexpensive offices, and shelters. However, local authorities provided modest financial and in kind assistance to NGOs, including small grants ranging from 500 hryvnia (approximately \$65) to more than 19,000 hryvnia (approximately \$2,450) for prevention campaigns, training, publishing informational materials, transportation, and free use of premises for training and prevention activities.

During the year several television stations broadcast documentary films and informational programs highlighting the danger of human trafficking. NGOs conducted general awareness campaigns throughout the country, often in cooperation with government entities.

The Government worked to improve assistance provided by its diplomatic missions to victims in destination countries. In the first nine months of 2007, the country's overseas consulates helped repatriate 353 citizens who were victims of trafficking. The Ministry of Foreign Affairs set up a center in Kyiv and five other major cities to provide free consultations to citizens regarding their rights in foreign countries.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and other state services. However, advocacy groups maintained that the Government did not effectively enforce these provisions and that the efforts by the Government, the such as the social psychiatry unit within the Ministry of Labor and Social Policy whose function is to monitor the country's psychiatric boarding schools, were undermined by a lack of resources. The National Assembly of the Disabled criticized the Ministry of Family, Youth, and Sports, the main government body responsible for promoting the rights of youth with disabilities, for not including reference to the needs of these youth in the ministry's annual reports.

Government estimates of the number of persons with disabilities varied between 2.4 to 2.7 million. According to chair of the Parliamentary Committee on Healthcare, Tetyana Bakhteyeva, there were 186,000 children with disabilities. The law mandates access to buildings and other public facilities for persons with disabilities, but it was poorly enforced. Some efforts were made to improve access to government and public buildings in accordance with a 2005 presidential decree, but most public buildings remained inaccessible, thereby making access to essential services and activities such as employment, education, health care, transportation, and financial services extremely difficult.

NGOs expressed concern over the lack of programs to promote the integration of students with disabilities into the general student population. They also noted that the lack of needs assessment programs by state funded employment centers led to the placement of graduates with disabilities in inappropriate jobs. Advocacy groups noted that university graduates with disabilities often ended up in menial jobs or being hired to meet government quotas but then being told not to come to work. According to the Zakarpattia Regional Center for Social Labor Rehabilitation and Vocational Training, a large number of children with disabilities did not go to school because special education programs, particularly for children with profound or severe disabilities, were not available.

According to the Ministry of Labor and Social Policy, in the first nine months of the year, 7,571 persons with disabilities received jobs through government employment placement services. The ministry also reported that 12,262 students with disabilities were studying in vocational and academic institutions of higher learning during the 2007-08 academic year.

The ministries of Health, Education and Science, and Labor and Social Policy were responsible for specialized boarding schools for persons with mental and physical disorders. According to Semyon Gluzman of the Ukrainian Psychiatric Association (UAHRB) and experts of the Association of Relatives of Recipients of Psychiatric Assistance, patients in psychiatric hospitals remained at risk for abuse, and many psychiatric hospitals continued to use outdated methods and medicines. According to the UAHRB, insufficient funding, the absence of public watchdog councils at psychiatric hospitals, patients' lack of access to legal counsel, and poor enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

In July an international commission of the German Polish Society for Psychiatric Healthcare, accompanied by local psychiatrists Iryna Pinchuk and Yuriy Zakal, expressed concern about inadequate conditions at several psychiatric care facilities in Odesa, Sevastopol, Simferopol, Yalta, and Kyiv. The majority of the hospitals they visited had problems with sanitation, overcrowding, lack of personal storage space, and insufficient funds to purchase quality medications.

No developments were reported regarding the January 2007 case involving abuse of a mentally disabled patient at a hospital for persons with mental disabilities in the Svyatoshyn district of Kyiv or the reportedly deliberate underfeeding of patients at an institution for children with severe physical and mental disabilities.

According to Kyiv prosecutor Yevhen Blazhivskiy, in 2007 and the first nine months of the year, prosecutors opened 19 criminal investigations involving disability rights and convicted 32 officials. Kyiv prosecutors found violations by employers who misused money from the Social Security Fund for the Disabled.

National/Racial/Ethnic Minorities.—The constitution and the 1992 Law on National Minorities contain general language about the protection of ethnic groups, but the law refers only to citizens. The constitution prohibits discrimination based on race; skin color; political, religious, or other beliefs; gender; and ethnic and social origin; however, there were no implementing laws. The mistreatment of minority groups and foreigners of non Slavic appearance remained a serious problem.

Incitement to ethnic or religious hatred is prohibited by Article 161 of the criminal code. Although human rights organizations in earlier years expressed concern that the law's requirement to prove "direct intent," including proof of premeditation, made it difficult to apply in practice, there were four guilty verdicts in hate crime trials during the year. Nevertheless, the application of Article 161 remained rare; both police and prosecutors preferred to treat racist crimes under the laws dealing with hooliganism or other offenses that were easier to prosecute.

The Law on Printed Mass Communication Media allows for the suspension of publications for inciting religious or ethnic hostility. It has not been invoked in practice.

International and domestic human rights groups noted signs of growing ethnic intolerance and the impunity of those responsible for acts of violence during the year. According to NGOs, in recent years xenophobic attacks have become more systemic and brutal, although some officials have denied signs of xenophobia or racism and insisted that hate incidents were isolated and did not represent a trend. On April 2, the Cabinet of Ministers ordered the establishment of an interagency working group to combat racism, xenophobia, and discrimination. It includes the ministries of Justice, Interior, Foreign Affairs, and Education and Science, as well as the SBU, the SCNR, and other offices and NGOs. The working group met throughout the year and submitted a two year action plan to the cabinet, which approved it in August.

Statistics on the frequency of hate crimes remained difficult to find. The department responsible for ethnic crimes in the Ministry of the Interior did not record statistics on reported hate crimes. Human rights groups noted that police often failed to admit the existence of ethnically motivated crimes and often qualified such acts as "hooliganism." NGOs estimated that police crime reports reflected only five to 10 percent of all hate crimes.

Although no official statistics were available, human rights monitoring groups reported more than 70 attacks that appeared to be racially motivated during the year. They involved mainly Middle Eastern, Asian, and African nationals. Five of the attacks, all in Kyiv, were fatal. The Diversity Initiative, a network of NGOs, recorded 63 violent incidents and 18 nonviolent incidents that appeared to be racially motivated.

On January 27, a 19-year old Congolese refugee was killed in Kyiv; police detained two young male suspects. On July 10, the media reported that, although earlier evidence pointed to skinhead involvement, investigators dropped hate crime charges and viewed hooliganism as the main motive for the crime. The investigation was ongoing at year's end.

On March 8, a 39-year old refugee from Sierra Leone was killed; Kyiv police detained two teenaged suspects on March 12. Both suspects, who claimed to belong to a skinhead group, remained in custody and the investigation was ongoing at year's end.

On May 29, unknown persons killed a 40-year old Nigerian in a market. Police stated that the motive for the attack was unknown. On June 3, the UNHCR and the IOM, joined by approximately 30 human rights organizations, released a statement urging authorities to conduct a thorough investigation, including of the possibility that the killing was racially motivated.

On January 10, Charles Asante Yeboa, the director of the African Center in Kyiv, was attacked at a bus stop near Kyiv's Shulyavska metro station by approximately

10 young men. Asante Yeboa, who suffered serious injuries, was told by police that the attack was a robbery and not racially motivated. Four suspects were detained but later released.

During the year courts convicted a number of persons for crimes against foreigners. On April 17, the Darnytsia District Court in Kyiv announced its verdict in the 2006 killing of a Nigerian medical doctor, 47 year old Kunoun Mievi Goddi, in Kyiv by three youths apparently associated with local skinhead groups. The court convicted two defendants under the hate crime statute and sentenced them to 11 and four years in custody; the third defendant was amnestied due to his young age.

On April 17, the Podilskiy District Court in Kyiv sentenced an 18 year old skinhead to three years' confinement under the hate crimes statute for assaulting a Japanese tourist in Kyiv in October 2007.

The Web site of the Kyiv Jewish community reported that on April 22, a court in Kirovohrad found a local schoolteacher, Mykola Yakymchuk, guilty of incitement to ethnic hatred for making anti Semitic statements to his class. The PGO reported that Yakymchuk was later granted amnesty.

On May 5, the media reported that the Kyiv Court of Appeals convicted four persons of committing a hate crime and sentenced each to 13 years in prison for the 2007 murder of a Korean national, Kang Jongwong. The defendants, who appeared to have links to an extremist group, claimed the death was an accident.

There were no developments reported in a number of incidents in 2007 that appeared to be racially or ethnically motivated, including an attempt by skinheads to break into a Lviv nightclub to disrupt a concert by supporters of the Belarusian antifascist movement; the fatal stabbing in February of 34 year old Georgian Moris Dzugashvili; the arrest of the organizer of a March rally of ultranationalists in Kyiv to protest the presence of African traders in Kyiv's Shuliavka market; the fatal stabbing in March of an Iranian Ukrainian person near Kyiv's Lukianivka market, or the fatal stabbing in Kyiv in June of a 43 year old Iraqi refugee.

According to the Ministry of the Interior, the 2006 stabbing in Kyiv that resulted in the death of Lamin Jarjou, a Gambian student at the National Aviation University, was not a racially motivated attack. Police detained four persons whom they claimed killed the victim while committing a robbery.

A report released during the year by AI concluded that "inadequate provisions in the law, poor police responses, and a failure to acknowledge the gravity of racially motivated crimes have led to virtual impunity for the perpetrators of racist crimes."

Harassment of racial and ethnic minorities by law enforcement authorities was a continuing problem. There were reports that police occasionally detained dark skinned persons for arbitrary document checks, whereas document checks of light skinned individuals were rare. On March 27, the Kharkiv District Administrative Court refused to hear a lawsuit filed by a local lawyer, an ethnic Armenian and long time resident, who alleged that he was regularly stopped by police for identity checks because of his physical appearance. On July 29, the Kharkiv Administrative Court of Appeals overturned a lower court's decision and determined that a local police chief failed to inform an ethnic Armenian of his rights during detention. However, the court did not support his claims of discrimination.

On August 28, a foreign citizen of African descent was detained by plainclothes police officers while he was disembarking from a bus in Kyiv. Police beat him and took him to a police station, where they tied him to a chair with a belt and held him for several hours. He was then released without charge. The victim believed that he was singled out because of his ethnicity. Police claimed that the detainee resembled one of the suspects in a series of taxi robberies that occurred in June and July. The Ministry of Foreign Affairs later stated that the officers involved had been disciplined.

AI and domestic advocacy groups asserted that the victims of xenophobic attacks could find themselves prosecuted for having acted in self defense. For example, Daniel Osaemor, a Nigerian who was attacked and stabbed by three youngsters on February 19 in Kyiv, was subsequently charged with hooliganism for hitting one of the men.

The European Commission against Racism and Intolerance and international and domestic monitoring NGOs reported increasing racial hatred and xenophobia, influenced by foreign skinhead and neo Nazi groups, soccer hooligans, as well as such locally based neonationalist organizations as the unregistered Ukrainian National Labor Party, the Patriot of Ukraine organization, the Ukrainian Movement against Illegal Immigration, and the National Action "RID." Ombudsman Karpachova opened an inquiry into claims that extremist political groups held a torchlight procession on the campus of the National Technical University in Kyiv on March 23, shouting anti immigrant slogans. The media and NGOs also reported protests

against irregular migrants and foreign students by extremist youth groups in Kharkiv, Ternopil, Chernivtsi, and Chernihiv.

On May 29, the SCNR released a statement expressing concern about a threat posted on a hate group's Web site against Mridula Ghosh of the East European Development Institute, an Indian national who was active on combating xenophobia. The SCNR requested a legal assessment of this publication from the SBU, the PGO, and the Ministry of the Interior. The threatening material was eventually removed from the Web site.

According to the Ukrainian State Institute of International Education, 45,000 foreign students from 134 countries were studying in the country during the year. A study by a Fulbright researcher concluded that the educational environment remained unsafe for foreign students. During 2007-08 there were 15 attacks on foreign students, and one was killed.

Roma faced both governmental and societal discrimination. Roma rights groups estimated the country's Romani population at 400,000, while official census data cited 47,600. The discrepancy was caused in part by lack of legal documentation and records for many persons in the Roma community.

Representatives of Romani and other minority groups claimed that police officials routinely ignored, and sometimes abetted, violence against them. On July 17, the European Roma Rights Center (ERRC) wrote to Interior Minister Yuriy Lutsenko, expressing concern over the failure of the justice system with respect to "serious breaches of the fundamental rights of Roma."

On March 31, ERRC sent a letter to the chair of the Parliamentary Committee on Freedom of Speech and Information expressing concern about the linkage of Roma with crime in the media and inappropriate references to Roma ethnicity in the reporting on crimes. The Chirikli Roma Women's Fund expressed concern over a March 25 program on privately owned channels 1+1 and 5, repeated by UNIAN, that portrayed Roma as criminals who allegedly sold 50 unemployed and socially disadvantaged residents of the Odesa Oblast into slavery. The information for the report was provided by the Ministry of the Interior's press service in the oblast.

There were some reports of government cooperation with the Roma community. The chairman of the Roma Congress of Ukraine, Petro Hryhorychenko, was a member of the presidential council on ethnic national policy and a member of the NGO advisory council with the SCNR.

The constitution provides for the "free development, use, and protection of the Russian language and other minority languages," but organizations and political parties in the Russian speaking community complained that the increased use of Ukrainian in schools, college entrance exams, the media, and the courts put them at a disadvantage.

There were no developments in the incident involving Arsen Klincchayev, who was beaten by Serhiy Melnychuk in a dispute over use of the Ukrainian language in Luhansk Oblast in 2006.

Ukrainian and Crimean Tatar minorities complained of discrimination by the ethnic Russian majority in Crimea and the independent city of Sevastopol and called for the Ukrainian and Crimean Tatar languages to be given a status equal to Russian in Crimea. Early in the year, the head of the Crimean Republican Committee for Nationalities and Deported Citizens reported that there were approximately 264,500 registered Crimean Tatars. The State Committee on Nationalities and Religions reported that in the first nine months of the year, the Government allocated 40.8 million hryvnia (approximately \$5.3 million) for the resettlement and integration of Crimean Tatars.

Crimean Tatars asserted that discrimination by Crimean local officials deprived them of equal opportunities for employment in local administrations and that propaganda campaigns, particularly by pro Russian groups, promoted hostility toward them among other inhabitants.

On April 1, the press service of the Crimean Tatar Mejlis reported that graffiti hostile to Crimean Tatars was found in Simferopol. The graffiti appeared shortly after a provocative article appeared in a local newspaper.

On July 7, in the Crimean village of Krasnogvardejskoye, unknown vandals reportedly tore down a tamga, the national emblem of Crimean Tatars, from the memorial complex to the victims of genocide of the Crimean Tatars. Local Mejlis and district council members notified law enforcement bodies and municipal authorities.

On July 16, Radio Liberty reported that the Government of Crimea ordered the creation of a joint register of repatriated persons, arguing that it would help solve their land problems. The first deputy chairman of the Crimean Tatar Mejlis, Refat Chubarov, stated that such a list was unconstitutional and could risk compromising private information.

The Spiritual Muslim Management in Crimea expressed concern over the Supreme Court's refusal to overturn an October 7 ruling by the High Economic Court that upheld the ban on construction of a central mosque in Simferopol. On February 28, members of the Simferopol City Council annulled their January 10 allocation of a plot for a mosque in Simferopol and designated a less desirable one.

There were no reports of further developments in the January 2007 attack on Mejlis press secretary Lilia Muslimova in Simferopol, the arrest of 10 persons involved in a clash between Crimean Tatars and local police during a dispute over land in 2007, or the shooting of a Crimean Tatar man involved in clashes between Crimean Tatars and police on the Ay Petri plateau in November 2007.

On March 11, media reported that the Democratic Union of Hungarians expressed concern about an increasing number of anti Hungarian statements in Ukrainian media.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that neighboring countries accept them as minorities.

Other Societal Abuses and Discrimination.—Persons with HIV/AIDS, who numbered 440,000 according to statistics compiled by international organizations, faced widespread discrimination and lacked access to treatment. Although the country's AIDS law incorporates protection of the rights of persons with HIV/AIDS, implementation remained weak, and state funding for treatment was insufficient. The All Ukrainian Network of Persons Living with HIV noted that persons with HIV/AIDS continued to face discrimination in the workplace; job loss without legal recourse; harassment by law enforcement officials, prosecutors, and judicial authorities; and social isolation and stigmatization within their communities.

The gay and lesbian rights organization Nash Mir (Our World) characterized political and religious leaders as indifferent or hostile to the gay community. Members of the antigay organization Love against Homosexuality reported that in February they received letters of support from two members of parliament from the Yulia Tymoshenko bloc, Ihor Yeresko and Vitaliy Barvinenko, who called homosexuality a threat to national security. In another letter of support to the same group, Hanna Herman, the chair of the parliamentary Committee on Freedom of Speech and Information and a member of the Regions Party, wrote that government bodies were obliged to undertake steps to stop the "popularization of homosexuality, lesbianism, and other sexual perversions that do not correspond to the moral principles of society."

On February 22, the PGO opened a criminal investigation of the editorial staff of Nash Mir's newspaper, Gay.ua, for allegedly distributing pornography. According to Nash Mir, the newspaper was circulated among a restricted number of subscribers, while explicit erotic materials were easily obtained at newspaper kiosks.

Other problems of concern included reports of ongoing police abuse of gays, threats by police to inform gays' families and employers of their lifestyle, and the lack of access to medical treatment and information for gay men on the prevention of HIV/AIDS.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers to join unions of their choice to defend their professional, social, and economic interests, and this right was generally respected in practice; however, large companies, and in isolated instances, local government officials, continued to resist the formation of unions, and workers' freedom to choose their union affiliation was sometimes restricted. There were no reliable estimates of the percentage of the workforce that was unionized.

The law provides for the right of workers to strike to defend their professional, social, and economic interests, provided strikes do not jeopardize national security, public health, or the rights and liberties of others; the Government generally respected this right. The right to strike does not apply to personnel of the PGO, the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Workers who strike in prohibited sectors were liable to prison terms of up to three years. Federations and confederations are not entitled to call a strike. A strike may be organized only if two thirds of the workers of the enterprise vote for it.

By law all trade unions have equal status, and the establishment of a trade union does not require government permission. However, unions affiliated with the Federation of Trade Unions (FPU), which inherited assets from the official Soviet era unions, enjoyed an advantage in organizing workers.

In order to function, a union must be registered as a legal entity by the Government. Unions reported that this registration process was extremely burdensome, entailing visiting up to 10 different offices, submitting extensive documentation, and

paying a number of fees. The International Trade Union Confederation characterized the registration requirement as “a restriction unacceptable by international labor standards.”

Unions not affiliated with the FPU, including the Confederation of Free Trade Unions of Ukraine (CFTU), continued to be denied a share of the former Soviet trade unions’ huge property and financial holdings. These included social insurance benefit funds, a Soviet era legacy on whose boards FPU affiliated unions held the majority of seats, giving them a benefit the independent unions could not offer. Leaders of non FPU trade unions and some government officials claimed that the FPU improperly sold some Soviet era assets in order to thwart their future distribution. A 2007 parliamentary moratorium on the FPU sale of property remained in place.

The AFL CIO Solidarity Center reported several instances in which various government officials, including officials from the security services, sought to influence union votes and pressure members to report on union activities. As of September, the CFTU reported 17 separate cases in which employers refused to recognize newly formed trade unions, barred them from collective bargaining, or otherwise violated labor laws. The CFTU complained that employers, acting in concert with leaders of local FPU affiliates, pressured independent unions in most of these cases to disband.

In January three members of a teachers’ trade union, including the chairman of the union, were fired from a school in Lviv, allegedly because of their union activity. Several CFTU affiliated unions of coal miners in the eastern part of the country reported significant harassment and, in one case, firings because of their union activities.

Members of CFTU affiliated unions sometimes claimed that management forced them to carry out additional assignments without compensation or threatened them with dismissal if they refused to leave their unions. There were continuing complaints that FPU affiliated unions deducted union dues from the salaries of workers who had chosen to join a different union.

b. The Right to Organize and Bargain Collectively.—The law permits trade unions to organize and participate in collective bargaining, but these rights were not always respected in practice.

According to the law, joint worker management commissions should resolve differences over wages, working conditions, and the rights and duties of management at the enterprise level. The commissions were not always effective in practice and sometimes were dominated by management and union representatives co-opted by management. Although the law provides the right to collective bargaining, the manner in which the law was applied prejudiced the bargaining process against newer unions and favored FPU affiliated unions. Renouncing membership in an FPU affiliated union and joining a new union was bureaucratically onerous and typically discouraged by management.

The law provides for the National Mediation and Reconciliation Service to mediate labor disputes.

Export processing zones existed on paper but were dormant.

c. Prohibition of Forced or Compulsory Labor.—The law prohibits all forms of forced or compulsory labor, including by children; however, there were reports that women, men, and children were trafficked for labor. Trafficked women were used as housekeepers, seamstresses, dishwashers, or workers at small and large manufacturing plants both in the country and abroad. A small number of women with small children and persons with disabilities were trafficked abroad for begging. Men exploited for their labor made up 24 percent of the trafficking victims identified by the IOM during the year. They worked mainly on construction sites and in mines. There were reports that some children worked at unsanctioned and illegal coal mines. A survey by the International Labor Organization (ILO) indicated that government enforcement had stopped children from working underground at these illegal mines.

d. Prohibition of Child Labor and Minimum Age for Employment.—The law protects children from exploitation in the workplace, but the Government did not always effectively enforce the law. The country’s labor code sets 16 as the minimum age for most employment. Fifteen year old children may perform “light work” with their parents’ consent, but the law does not clearly define “light work.” Children aged 14 can legally do some forms of agricultural and “social” work, for example at elder care facilities and orphanages, on a short term basis with the consent of one parent.

The State Labor Inspectorate under the Ministry of Labor and Social Policy is responsible for enforcing child labor laws in the formal sector. The Department of Juvenile Affairs in the Ministry of Family, Youth, and Sport, and the Police Depart-

ment for Juvenile Affairs in the Ministry of the Interior have the responsibility of identifying children in the informal sector involved in the worst forms of child labor. The Ministry of the Interior's Antitrafficking Department is responsible for the enforcement of child antitrafficking laws.

The worst forms of child labor were found primarily in the informal sectors, such as commercial sexual exploitation, including production of pornography. There were some reports of children working at unsanctioned and illegal coal mines. Children were also found working in agriculture and trade at open air markets. The trafficking of children for forced labor and sexual exploitation was a problem.

Enforcement improved but remained inadequate to deter violations fully. The Government reportedly conducted more inspections and there were more prosecutions of violators. According to the Ministry of Labor and Social Policy, the Government inspected 660 enterprises in August and found child labor law violations at 421 of them. The ILO sponsored a regional antitrafficking project aimed at eradicating the worst forms of child labor and child trafficking, including exploitation of street children and other children at risk.

On June 17, UNIAN reported that Donetsk prosecutors were investigating 10 cases related to the illegal use of child labor. Volnovask district prosecutors opened an investigation of an entrepreneur who allegedly hired a teenager without a contract to work as a loader. On May 28, the Internet news service proUA.com reported that Donetsk prosecutors were investigating the possible use of vocational college students in construction instead of the internship to which they were entitled.

e. Acceptable Conditions of Work.—On December 1, the Government increased the monthly minimum wage to 605 hryvnia (approximately \$78). The minimum wage did not provide a decent standard of living for a worker and family. The State Labor Inspectorate is responsible for enforcing the minimum wage but was unable to monitor all employers thoroughly. Many workers, particularly in the informal sector, received wages far below the established minimum.

Official wage arrears stood at 756 million hryvnia (approximately \$98 million) as of August 1. Most arrearages accumulated in state run industries and agricultural enterprises.

The law provides for a maximum 40 hour workweek, a 24 hour period of rest per week, and at least 24 days of paid vacation per year. The law provides for double pay for overtime work and regulates the number of overtime hours allowed. However, regulations covering rest periods, maximum hours, and overtime were not always effectively enforced.

Although the law contains occupational safety and health standards, these were frequently ignored in practice. Lax safety standards and aging equipment caused many injuries on the job. During the first half of the year, 7,791 workplace injuries were reported, including 501 job related fatalities.

Illegal coal mines with ties to organized crime and corrupt management were particularly unsafe. During half of the year, 2,929 injuries, including 94 fatalities, were reported among coal miners.

The law gives workers the right to remove themselves from dangerous work without jeopardizing their continued employment; however, trade unions reported that in practice, asserting this right would result in retaliation, or perhaps dismissal, by management.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland, with a population of 60.8 million, is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of a bicameral legislature. They last did so in free and fair elections in 2005. Members of the upper chamber, the House of Lords, occupy hereditary or appointed seats. Civilian authorities maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The law and judiciary provide effective means of addressing individual instances of abuse; however, there were some reports of police misconduct and occasional abuse of detainees and other persons by police and military personnel and employees of government contractors. There were also reports of overcrowded prisons and some inadequate prison infrastructure. Societal problems included discrimination against religious minorities; mistreatment of women, children, ethnic minorities, gays, and persons with disabilities; and trafficking of persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that the Government or its agents committed any politically motivated killings; however, the Independent Police Complaints Commission (IPCC) reported that police shot and killed three persons in the performance of their duty, compared to five in 2007.

In July the Ministry of Defense agreed to pay 2.8 million pounds (approximately \$4 million) to the family of Iraqi civilian Baha Mousa, who died in 2003 after suffering 93 injuries during a 36 hour detention by British troops in Iraq. In 2007 a court martial sentenced a soldier to one year in prison and dismissed him from the army for the inhumane treatment of Mousa. Six other soldiers were acquitted; no one was convicted in the deaths. At year's end a civilian judicial inquiry was ongoing.

Proceedings continued in three cases involving allegations of government involvement, collusion, or culpability in killings during the conflict in Northern Ireland in the 1980s and 1990s.

No official developments were reported in the Government's standing request, refused by Russian authorities, for the extradition of Andrei Lugovoy in connection with the 2006 death in London by radioactive poisoning of former Russian intelligence officer Aleksandr Litvinenko, an act many regarded as politically motivated. In a November 21 interview in Moscow with the British newspaper, *The Times*, Mr. Lugovoy offered to send Dmitri Kovtun, his alleged accomplice, to London to talk to Scotland Yard in an attempt to clear their names on condition that Mr. Kovtun not be extradited to Germany, where he is wanted on charges of transporting plutonium.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices and authorities did not usually engage in them; however there continued to be allegations that members of the military services were at least complicit, if not participants, in the torture of detainees overseas, that individual police officers occasionally abused detainees, and that guards under contract to immigration authorities abused deportees while returning them to their home countries. Police are subject to oversight by the Independent Police Complaints Commission, which investigates charges of abuse and has the power to punish police officers if abuse is found.

Member of Parliament John McDonnell accused the intelligence services of colluding in the torture of one of his constituents by Pakistani authorities. During the year several citizens, all UK Pakistani dual nationals, made similar charges. At first, the Home Office denied that the Government tortures or condones torture. Subsequently, however, the Home Office asked the attorney general to investigate these allegations.

On August 15, the IPCC issued statistics indicating that approximately 3,200 charges of "other assault" (the most prevalent kind of assault) were made against police in the first half of the year. Two thirds of the cases involved charges that police used excessive force during arrests; the remainder were charges of assault during an incident involving civil unrest or while alleged victims were in detention. In reviewing the approximately 6,500 complaints of "other assault" in 2007, the IPCC found that an investigation was justified in one third of the cases, of which 236 (11 percent) were substantiated. One fourth of the complainants whose allegations were rejected appealed, and 19 percent of those appeals were upheld. Overall, 8 percent of the 2007 charges against police for "other assault" were found to be valid and the victims entitled to seek compensation.

A Consultative Group on the Past in Northern Ireland, containing prominent individuals from both sides, concluded its work on ways to deal with the legacy of decades of strife between the two communities in Northern Ireland, and announced that it intended to release its report early in 2009. Under a Victims and Survivors Act for Northern Ireland that took effect in June, "commissioners" were appointed to address the needs of victims of the decades long violence.

Prison and Detention Center Conditions.—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, overcrowding and poor facilities continued to be problems. A study by the nongovernmental organization (NGO) Forum for Preventing Deaths in Custody, indicated that, as of September 21, the number of suicides in prison increased compared to the same period in 2007; however the Ministry of Justice subsequently released data covering the entire year, indicating that 61 incarcerated persons, all but one of them male, took their lives during the year, a significant

decline from the 92 reported in 2007 and the lowest number since 59 suicides were recorded in 1995.

On September 1, the prison population in England and Wales was reported to be 83,852 in facilities designed to accommodate 73,595, a 3 percent increase over the previous year. In Scotland, 8,431 inmates were reported in prisons with an official capacity of 6,365 as of October 3. England, Wales, and Scotland conducted early release programs that somewhat reduced overcrowding. Authorities attributed prison overcrowding in part to a rise in the recidivism rates. In Northern Ireland the prison population on December 12 was 1,503.

In a preliminary report released in September, the Forum for Preventing Deaths in Custody (an organization comprising representatives of various law enforcement organizations, government ministries, NGOs, and the Independent Police Complaints Commission) stated that there were 523 deaths in custody in England and Wales in 2007, a decline over previous years. Prison overcrowding and insufficient care of individuals who were in custody for their own protection or for offenses related to mental illness were cited as contributing to the number of deaths. The Scottish Prison Service reported 12 deaths in custody, seven more than in 2007; four cases were listed as due to natural causes; the rest were under investigation. In the same period, at least one person in Northern Ireland had died in custody. The known case was a suicide in which the officers are under investigation for neglect.

On August 21, the chief inspector for prisons, Anne Owers, criticized authorities in Frankland Prison, the country's largest high security prison, for not adequately protecting Muslim and ethnic minority inmates from attacks by white inmates. She also noted that although all racially and religiously motivated attacks were perpetrated by whites, minority inmates were far more likely to face discipline, including involuntary segregation, than white prisoners. She stated that the prison had recently experienced a large increase of gang members and individuals convicted of terrorism, for which the prison was unprepared. Authorities subsequently initiated training for prison staff.

At times juveniles, including some under age 16, were held together with adult prisoners. Although rare, there were instances when pretrial detainees were held with convicted prisoners.

The Government permitted independent monitoring of prison conditions by local and international human rights groups, the media, the International Committee of the Red Cross, and the independent International Centre for Prison Studies based at Kings College, London. Some of the organizations undertook monitoring missions during the year.

d. Arbitrary Arrest or Detention.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, critics charged that some procedures justified by government as necessary to combat terrorism constituted preventative detention.

The Role of the Police and Security Apparatus.—Civilian authorities maintained effective control over the regional police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

Arrest and Detention.—In most cases police officers may make an arrest only if they have reasonable grounds for suspecting that someone has committed or is about to commit one or more listed "arrestable offenses," or if an officer believes an arrest is necessary to prevent physical injury or damage to property.

On August 27, the Home Office announced that over 1,600 individuals previously without police authority, including local government employees and employees of private security firms, had been given "enforcement powers," including the right to issue citations and fines and to demand the names and address of persons stopped in the street. Human Rights groups and opposition politicians called the practice a civil rights violation and a move towards excessive surveillance. Opposition politicians noted that there were already regular police and other officials with law enforcement powers as well as fully trained and uniformed volunteers and a comprehensive closed circuit television surveillance network. The Government defended the practice, citing existing procedure which permits a chief constable to designate a limited number of persons with a limited amount of enforcement power who are "employees of organizations which contribute to public safety."

Police may detain an ordinary criminal suspect for 96 hours without charging him or her. However, detention for more than 24 hours must be authorized by a senior police official, and detention of more than 60 hours requires the approval of a magistrate. No one except terrorism suspects may be detained without charge longer than 96 hours. Authorities may hold terrorism suspects for up to 28 days before formally charging them; they are entitled to counsel during this period. A government

bill to extend the period of detention without charges from 28 to 42 days in terrorist cases was a significant source of controversy during the year; the bill was withdrawn after leaders in the House of Lords indicated it would be defeated there. Existing law permits the extended detention of foreigners who are suspected of being terrorists but who cannot be deported immediately because of the risk they would be tortured or executed in their countries of destination. Such individuals may appeal their designation as terror suspects.

The law gives defendants awaiting trial the right to bail, except for those judged to be flight risks, likely to commit another offense, suspected terrorists, or in other limited circumstances. Detainees may make telephone calls and have legal representation, including government provided counsel if they are indigent.

On April 9, the Court of Appeal ruled that radical preacher Abu Qatada, whose "inspirational" tapes were found in the German apartments used by Mohammad Atta and other 9/11 terrorists, could not be deported to Jordan because his human rights might be violated there. Abu Qatada has been held in Belmarsh prison since 2002. The court ruled that "assurances," contained in a memorandum of understanding between the Government and the Jordanian government, were an inadequate safeguard. (Abu Qatada was convicted in absentia in Jordan on terrorism charges.) The Government appealed. Also in April, the Court of Appeal ruled that deporting two suspected terrorists (and rejected asylum seekers) to Libya, based on a memorandum of understanding with Libyan authorities providing assurances that the deportees would not be mistreated, would constitute a violation of the law as well as the country's international commitments, as the two faced a substantial risk of mistreatment on return to Libya.

The Terrorism Act permits a judge (or the home secretary, with a judge's permission) to impose "control orders," which include a range of restrictions, up to house arrest, on individuals suspected of involvement in terrorism related activities, regardless of nationality or perceived terrorist cause. Control orders were first employed in January. In October the Law Lords ruled that the 18 hour curfew the home secretary had imposed on one group of individuals constituted a deprivation of liberty beyond what was permissible under the law. In two other cases, the Law Lords questioned the fairness of the hearing which two individuals received when they challenged the control orders served on them. On October 1, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) criticized the Government's detention of terrorism suspects. The law normally requires suspects to be transferred to prisons after 14 days; however in the case of terror suspects this was extended to 28 days to protect the public and permit further investigation. The CPT's objections were based on conditions at the high security detention facility at Paddington Green police station, which they regarded as inadequate for prolonged detention. Government representatives responded that detention in police facilities beyond 14 days were exceptions that they believed to be "reasonable and proportionate."

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Trial Procedures.—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence. Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

The law generally allows for jury trials. In England and Wales, there is provision for judge only trials in rare exceptions when the jury has been intimidated, when "compelling new evidence" arises after a previous acquittal, or when evidence of a defendant's previous misconduct is to be introduced. In Northern Ireland, trials by a single judge, employed during previous decades in response to intimidation of juries by paramilitaries, ceased to be the norm on July 31. However, as in the case of England and Wales, nonjury trials may be held in cases involving possible intimidation of juries. Scotland allows jury trials in criminal and civil cases.

Defendants have the right to be present at their trials, to consult with an attorney in a timely manner, and to question witnesses against them. Defendants have access to government held evidence relevant to their cases, with some exceptions, including instances in which information pertaining to a suspect is acquired through sources associated with national security.

Defendants have the right to appeal to successively higher courts. Indigent defendants have the right to free counsel of their choice, with some exceptions.

Political Prisoners and Detainees.—There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies.—There is an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies were also available.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

During the year legislation requiring telephone companies to retain information about landline and cellular telephone calls took full effect. The legislation requires that the retained information may be made available, without a warrant, to over 700 governmental organizations, including police, the National Health Service, and other social services. The Ministry of Justice, responsible for implementing the legislation, denied that the data was at risk of being compromised.

The use of electronic surveillance requires the approval of the home secretary, who authorizes an “interception warrant,” which must name or describe either one person or a single set of premises where the interception is to take place. However, in limited circumstances the home secretary may issue a “certified” interception warrant, eliminating the requirement to specify a person or premises. Certified warrants are intended only for communications with overseas parties. They include communications channeled through a foreign Internet service provider (ISP). An independent “interception of communications commissioner” oversaw interception warrants, and the Investigatory Powers Tribunal investigated public complaints of surveillance abuses. According to its annual report, published in July, the tribunal received 66 new complaints in 2007, and completed its investigation of 31 of these, together with 52 cases carried over from 2007. The tribunal carried a further 41 cases forward to 2008. The Government would not publically discuss the decisions of the tribunal in the cases that were resolved.

On July 3, the European Court of Human Rights (ECHR) ruled that the Government’s telephone tapping practices violated the right to privacy. Describing the Government’s powers to tap private telephone conversations and Internet connections as “virtually unfettered,” the court ruled that the Government’s right to intrude on private conversations could not be indiscriminant and that limits need to be placed on, and public scrutiny permitted their use. The case that precipitated the ruling was brought by British and Irish human rights groups after the Irish authorities asked the Government whether it was monitoring Irish telephone conversations.

Publicly funded reports by panels in Birmingham and Manchester, released on July 31, criticized the Government’s policy of retaining DNA records of all arrestees, including those acquitted or against whom charges were dropped. The authors of the reports proposed placing the DNA database in the hands of an independent oversight body and giving individuals who are not successfully prosecuted, as well as rehabilitated criminals who have served their sentences, the opportunity to remove their DNA from the database. Liberty, the country’s largest human rights organization, described continued government control over the database as a threat to civil liberties. Officials contended that the national DNA database had revolutionized police ability to protect the public. In early December the ECHR ruled that the Government’s retention of the DNA of nonconvicted persons in perpetuity was unlawful. The Government responded that it would retain the database but make changes to conform to the court’s ruling. Authorities stated that four killers, including one serial killer, had been caught through DNA matches in the last 12 months.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law forbids the reporting of criminal cases before they come to trial, with certain exceptions. In addition, the royal family has certain press privileges that amount to a blackout on certain types of reporting. However, such information was often available from foreign sources over the Internet and cable television, so judges were less inclined than in earlier years, to issue gag orders to the press.

The 2007 Racial and Religious Hatred Act and other legislation make it an offense to use “threatening words or behavior” toward a religious, ethnic, or racial group. The 2007 act applies specifically to words, behavior, or displays of written material; the publishing or distributing of written material; the public performance of a play; the distributing, showing, or playing a recording; the broadcasting or including a program in a program service; or the possession of written materials or recordings with intent to display, publish, distribute, or include such materials in a program service. The law was invoked once during the year.

Court decisions during the year established that possession of materials advocating terrorism alone was insufficient for conviction under the 2000 Terrorism Act; however, possession of materials that provided practical assistance to terrorists, such as the al Qaeda Manual, the Terrorist's Handbook, the Mujahideen Poisons Handbook, and a number of military manuals, did fall within the meaning of the act.

On May 19, in a letter to the Times, several eminent journalists accused police of posing "a serious risk to the future of investigative journalism" when they issued warrants to many British and American media outlets including major newspapers and the television news program 60 Minutes, requiring them to provide details of interviews with former jihadist Hassan Butt at the time of Butt's arrest in early May. Butt had described himself as a "poster boy for Islamic radicalism" but publicly renounced that philosophy following the bus and subway bombings in London in 2005. Police arrested Butt on May 9, noting that he continued to associate with known terrorists and leading terror suspects. After holding him without charge until May 21, they released him but indicated that their investigation continued. Police subsequently reported that Butt claimed to have made up his story about being a jihadist in order to make money.

On November 19, four men were arrested and charged with violations of the Racial and Religious Hatred Act for distributing leaflets in Ireland and the United Kingdom in September blaming Muslims for the heroin trade. The arrests followed controversy over the precedence of free speech over stirring hatred in the community. The Crown Prosecution Service at first advised police that, while racist (most British Muslims are of South Asian or African descent), the leaflets were protected speech, a position which angered the National Association of Muslim Police, which advocated halting the distribution and investigating the source.

British publication of the book the Jewel of Medina about Mohammed and his youngest wife, scheduled for release on October 30, was postponed "until further notice" for "security reasons." The book's publishing house was firebombed in September.

Internet Freedom.—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e mail. There were no reports that authorities routinely monitored e mail or Internet chat rooms. However, the law permits communications data surveillance, including Internet usage, in the interests of national security, to prevent or detect a crime, or in the interests of public safety. Authorities did not publically discuss details of their monitoring activities. The Government had voluntary agreements with most ISPs to record all incoming and outgoing emails and store them for one year. This agreement has been in place since 2003. During the year the Government announced that the system would become mandatory in March 2009. The Government has also proposed a national database instead of relying on the ISPs. This has led to protests.

The Internet was widely available throughout the country and was available at no cost in public libraries. Approximately 70 percent of the population used the Internet.

Academic Freedom and Cultural Events.—There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association.—The laws provide for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. The Government does not consider the Church of Scientology and the Unification Church to be religions for purposes of issuing visas for ministers of religion or missionaries. Since the Church of Scientology does not fall within the definition of religion in the charity law, its chapels did not qualify as places of worship, and authorities did not consider its ministers to be ministers of a religion. There were no reports of specific visa denials during the year.

The law requires religious education in publicly maintained schools. Localities determine the content of religious instruction, but it must reflect the predominant place of Christianity in the cultural and historical context of the nation while taking into account the teachings and practices of the country's other principal religions, and it must refrain from attempting to convert pupils. All parents have the legal right to request that their children not participate in religious education, but the school must approve this request.

Schools in England and Wales must also provide a daily act of collective worship, of “a wholly or mainly of a broadly Christian character.” Students of other faiths may offer prayers of their own religion. According to a 2005 survey by the British Broadcasting Company, a considerable number of schools were not participating in this form of worship. Teachers have the right not to participate in collective worship, without prejudice.

The chief inspector for prisons criticized authorities in Frankland Prison, the country’s largest high security prison, for not adequately protecting Muslim (and ethnic minority) inmates from attacks by white inmates.

On October 22, the Law Lords, the country’s highest court, declared that Shari’a law as practiced in Lebanon was discriminatory against women and reversed a Court of Appeal decision that would have upheld the deportation of a woman to Lebanon, where she claimed a Shari’a court would hand over her child to an abusive father.

The status of Humanism, in comparison with other perspectives on religion, was the subject of litigation. On September 26, the British Humanist Association (BHA) announced that it was suing the Government for religious discrimination after authorities responsible for the school curriculum ruled that an optional course of studies on Humanism prepared by the BHA did not give sufficient attention to other religions. The BHA charged that the ruling violated the European Convention on Human Rights, which accords nonreligious beliefs equal status with religions.

Legal efforts to establish policies regarding the public display of religious symbols in schools continued during the year. On July 30, the High Court, overturning two lower court rulings, declared a school’s decision to suspend a Sikh student for wearing a Kara bracelet to be unlawful, because it violated the school’s no uniform policy. The lower courts had based their decisions on the Law Lords’ 2007 ruling that schools could prohibit whatever they wished to ensure unity and safety. The lower court ruling led to victories for school administrators in court cases over the wearing of the Sikh Kirpan (small ceremonial dagger), the Muslim veil or hijab, and Christian purity rings and crosses. However, the High Court judge in this case did not cite the 2007 ruling; he relied instead on a ruling from 1983 that found that Sikhs, like Jews (who are allowed to wear yarmulkes), were a unique “race,” and thus protected by antiracial discrimination laws. Several commentators said that the ruling opened the door to thousands of challenges to schools’ authority on dress rules, while others concluded that the decision was intentionally narrow, as it was made on the grounds of racial and not religious discrimination. The Association of School and College Leaders urged Aberdare Girls’ School to appeal to the Law Lords, but the school’s representative stated that an appeal was unlikely; the student had left the school to complete her studies elsewhere and decided not to return after her victory.

Societal Abuses and Discrimination.—The Jewish population numbers approximately 280,000. The Community Security Trust (CST), an organization that represents the Jewish community in matters of security, reported that in the first six months of the year there were 42 violent assaults against Jews, compared to 54 in the same period of 2007. In the same period, the CST recorded 266 anti Semitic “incidents,” defined as any malicious act aimed at Jewish persons, organizations, or property, where there is evidence that the incident has anti Semitic motivation or content, or that the victim was targeted because they are (or are believed to be) Jewish. This represented a 9 percent increase compared with the same period in 2007. According to CST, this increase was attributable primarily to incidents reported to CST from beyond the main Jewish communities of London and Manchester.

Anti Semitic incidents surged at the end of the year; they were primarily attributed to Israeli military operations in Gaza.

There were instances of anti Muslim behavior. On September 29, during Ramadan, vandals desecrated a Muslim cemetery in South London, damaging 40 stones and plantings. Police treated it as a hate crime.

On November 19, four men were arrested and charged with violations of the Racial and Religious Hatred Act for distributing leaflets in Ireland and the United Kingdom in September blaming Muslims for the heroin trade. The arrests followed controversy over the precedence of free speech over stirring hatred in the community. The Crown Prosecution Service at first advised police that, while racist (most British Muslims are of South Asian or African descent), the leaflets were protected speech, a position which angered the National Association of Muslim Police, which advocated halting the distribution and investigating the source. Four men were arrested on November 19 and charged with violations of the Racial and Religious Ha-

tred Act for distributing the leaflets. The men were subsequently “cautioned,” which under British law amounts to a formal admission of guilt in lieu of a trial.

Hanan and Samira Fariad, British born Pakistani Muslim sisters working for Tradition Securities and Futures (TSAF), sued their employer, claiming that their working life was made unbearable by sexist behavior and religious and racial discrimination by colleagues and supervisors. In early November they settled out of court for several million British pounds.

British publication of a book about Mohammed and his youngest wife, The Jewel of Medina, scheduled for release on October 30, was postponed “until further notice” for “security reasons.” The book’s publishing house was firebombed in September.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to refugees, asylum-seekers, stateless persons, and other persons of concern.

Although there is no law prohibiting exile, the Government did not employ the practice.

Protection of Refugees.—The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government was committed to providing protection against the return of persons to a country where their lives or freedom would be threatened.

On July 14, the Home Office announced that “at this time” it would not deport asylum-seekers from Zimbabwe and Darfur whose asylum claims had been denied. The announcement followed criticism from several NGOs about the prospect of deportations. Estimates of the number of failed asylum-seekers in the country from Zimbabwe ranged from 11,000 to 13,000. Failed asylum-seekers from Darfur were estimated to number in the low thousands.

On September 30, the Home Office announced that Dame Nuala O’Loan, former police ombudsman for Northern Ireland, would investigate claims of abuse by private contractors, hired by the Government to detain and remove failed asylum-seekers. A July report by a consortium of NGOs called “Outsourcing Abuse” documented the claims of over 300 persons who accused the private contractors of physical and sexual assault and racial abuse. As of December 5, the Home Office upheld only one complaint detailed in the report, but the report included extensive medical evidence of abuse and stated that several individuals were returned to custody after pilots of the aircraft used for their removal refused to allow them to remain on board “in their current state.” Dame O’Loan was instructed to reopen 50 cases that the Government previously classed as unsubstantiated. She was expected to address the appropriateness of using private contractors and whether the use of “reasonable force” was appropriate in dealing with failed asylum-seekers.

Based in part on the European Union’s “Dublin procedure,” the Government places the burden of proof on asylum-seekers if they arrive from a country on a list of “safe countries” of origin promulgated by the home secretary, if they passed through a country where they were not considered to be at risk, or if they remained in the country for a period of time before seeking asylum. The law permits authorities to remove an asylum applicant to another country that is deemed responsible for adjudicating an applicant’s claim.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation.—Elections to the Northern Ireland Assembly, to the Scottish Parliament, and to the Welsh Assembly took place in 2007. They were generally regarded as free and fair. Free and fair elections to the House of Commons took place in 2005.

In Northern Ireland the ministers of the power sharing government between Protestants and Catholics broke off talks for five months; the two main political parties deadlocked over terms for transferring authority over policing and justice from the British government in London to the Government of Northern Ireland. An

agreement in November led to the resumption of ministerial meetings and agreement on a path towards a transfer of power.

The overseas territories, with a total population of approximately 212,000, have varying degrees of self government based on the British model, with appointed governors.

There were 12 women in the 646 seat House of Commons and 14 in the 748 seat House of Lords. There were five women in the prime minister's cabinet. An additional 30 women held other ministerial posts. There was one woman among the 12 Law Lords. There were 15 members of ethnic minorities in the House of Commons. The number of members of ethnic minorities in the House of Lords was not reported; there were no members of ethnic minorities in the Cabinet; Baroness Scotland, who is Afro Caribbean, is attorney general, but she had only an advisory role. Four members of ethnic minorities held junior ministerial posts.

Government Corruption and Transparency.—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

At the end of the year prosecutors were reviewing the case of the Labor Party's former general secretary, who resigned in November 2007 after admitting he had been aware of an arrangement whereby a major donor funded the party through proxies; he insisted he had believed the arrangement was lawful. The prime minister denied knowledge of the arrangement, but acknowledged that the true source of these donations had not been reported as required by law. Another member of the cabinet, Peter Hain, who also resigned as a result of the scandal, was cleared on December 5.

During the year the Government continued to face criticism over its 2006 decision to abandon an investigation of government corruption in connection with BAE Systems' arms deals with Saudi Arabia. The High Court ruled in April that the decision to abandon the investigation was unlawful; however the House of Lords overturned the High Court's decision, effectively ending any further review of this case. Meanwhile, the Working Group on Bribery (WGB) of the Organization for Economic Co operation and Development (OECD) investigated the matter as part of an extraordinary review of British compliance with the OECD Bribery Convention. In stating the conclusions of its review, the WGB stated in October that it was "disappointed and seriously concerned" about the country's unsatisfactory implementation of the convention.

There were charges during the year that corruption was involved in efforts by parents and others to secure the financial support of local governments for "academy schools," state maintained independent schools established with the help of outside sponsors.

The law provides for public access to information, and authorities generally granted access to citizens and noncitizens, including foreign media. There are numerous exceptions to the availability of government information, including those relating to national security and defense, personal privacy, and possible risks to health and safety. In some instances, authorities are not obliged to indicate whether relevant information exists; however, according to authorities, they are obliged to say why they are refusing a request. There are no fees for requesting information; however, there may be a bill for the cost of materials and postal fees. Government agencies may refuse a request if the cost to the Government will exceed 460 or 600 pounds (approximately \$670 or \$870), depending on the agency's size. There was a mechanism to appeal denials.

A dispute continued between The Daily Telegraph newspaper and the Government over the newspaper's request for the number of unsuccessful asylum-seekers whose deportation failed because they were denied admission by the intended destination countries. The Government refused to provide the data, contending that the necessary file search would be too costly; it also denied the newspaper permission to appeal. The newspaper's request was prompted by the assertions of anti immigration campaigners that the Government was exaggerating the success of its deportation program and that many intended deportees were returned to the country because authorities did not provide adequate travel documentation.

During the year, defense ministry officials unsuccessfully sought to prevent civilian coroners' inquests into the deaths of members of the military in combat zones. Accusations by coroners of official culpability or cover ups in "friendly fire" deaths, as well as in deaths possibly attributable to poor or inadequate government provided safety equipment, were heavily covered in the media. Secretary of State for Defense Des Browne also sought a High Court ruling that would prohibit coroners from making such accusations, on the grounds that they could prevent the military from carrying out its primary function for fear of being held responsible for every

death caused by enemy action. Family members claimed that defense ministry interference would tie coroners' hands and prevent them from learning the causes of death of their loved ones. The court did not rule on the case during the year.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability, and the Government generally enforced the law effectively.

Women.—Rape, including spousal rape, carries a maximum penalty of life imprisonment. According to the British Crime Survey (BCS), whose data include incidents not reported to police, 21,403 sexual assaults on women were reported in the year that began on April 1, 2006. Observers expressed concern at a declining rate of successful prosecutions of rapists in England and Wales. From April 2006 through March 2007, the conviction rate was 5.7 percent of cases prosecuted, compared to 33 percent in 1977. Authorities in Scotland and Northern Ireland reported similarly low conviction rates. The BCS estimated that one in 20 women in the country had been raped.

The Government provided shelters, counseling, and other assistance for victims of battery or rape and offered free legal aid to battered women who were economically reliant on their abusers.

The law prohibits domestic violence, including spousal abuse, and authorities strictly enforced the law in cases reported to them. The courts imposed punishment ranging up to life imprisonment; however, violence against women continued to be a problem. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence.

According to BCS estimates based on interviews and covering the approximate period of October 31, 2005 to September 1, 2006, domestic crime (2,471,000 cases) represented 16 percent of total crime committed in England and Wales. One third of violent incidents against women were domestic violence. In 2007, 110 persons were killed by domestic partners.

On July 30, The Ministry of Justice announced changes in the law against homicide in England and Wales, designed to address inequalities between men and women in certain types of family violence. Among the changes, the killing of an abusive spouse, previously considered first degree murder, could be treated as manslaughter if it occurred while responding to a fear of serious violence. In addition, a manslaughter plea would no longer be allowed when an aggrieved partner kills a spouse who has committed adultery. A parent who kills a pedophile who has abused his or her child or a woman who kills her rapist may now claim "murder with provocation."

NGOs raised concerns that police were not adequately trained to identify and respond when women sought protection.

Police and NGOs estimated that approximately a dozen honor killings occurred each year, although there were no formal statistics. As of November 22, approximately 100 homicides were under investigation as possible "honor killings." Personnel of the International Campaign against Honor Killings estimated that the number of women seeking their help quadrupled between 2005 and the end of the year. Many observers regarded honor killings as the extreme end of a spectrum that includes abductions, forced abortions, imprisonment, mental and physical abuse, and rape. It was generally considered an "imported crime," since a majority of the incidents involved families from Asia, Turkey, Algeria, and Nigeria. Many of the crimes involved hiring outside "hit men"; in other cases the perpetrator was the youngest member of the family, who was supervised by older family members. By the end of the year, only 35 cases had been prosecuted as honor crimes. The cases involved 33 victims and 47 offenses ranging from murder, kidnapping, and false imprisonment to common assault and public order violations.

Forced marriages continued to be a problem, although their extent remained unknown. On March 11, Parliament's Home Affairs Committee requested additional information from the Government on students who had disappeared from school registers. Since the majority of these students were South Asian and female, the committee expressed concern that they were in danger of becoming the victims of forced marriage. Denial by local councils, which have the responsibility for social services

and schools, that the large number of “missing girls” necessarily supported this interpretation failed to satisfy the committee, since the local councils appeared unable to provide alternative explanations for the phenomenon. An investigation by the Forced Marriage Unit, a joint effort of the Foreign and Commonwealth Office and the Home Office, determined that, while the numbers were not as large as reported earlier, the problem did exist, and a law to discourage them was quickly passed by Parliament, and implemented in November. The Forced Marriage Protection Act requires schools, social services, and police to receive training about this phenomenon and to take steps to combat it, ranging from increased truancy monitoring to assisting young persons who come to them for help without parental input. The law criminalizes forced marriage and makes taking individuals out of the country on false pretenses akin to kidnapping. It also has a provision to annul marriages made outside of the country against the will of one partner.

On July 24, in another effort to deter forced marriages of citizens or residents who return to their or their parents’ countries of origin, the Foreign and Commonwealth Office announced its intention to impose a number of new requirements relating to marriage visas, including raising the age someone can sponsor a spouse for a marriage visa from 18 to 21 and adding a requirement that intending sponsors of such visas register their intent to seek a visa before traveling abroad. (Authorities believed that young adults often traveled on what they expected to be a vacation to the home country and were subsequently pressured into marriage and into applying for the spouse’s visa.) The new age requirement was adopted in August. The registration of marriage intent for visas was still working its way through the legal process at year’s end.

Prostitution is legal for adults; however, such related offenses as loitering for the purpose of prostitution and maintaining a brothel are illegal. Authorities and NGOs estimated that 100,000 persons in the country were engaged in prostitution.

The law prohibits child sex tourism and allows authorities to prosecute citizens or residents for offenses committed abroad. Individuals were arrested on such charges, but there were no reports of prosecutions during the year.

The law prohibits sexual harassment and provides penalties of up to five years’ imprisonment; authorities followed up on the isolated complaints that were filed.

Women enjoy the same legal rights as men, including rights under family and property law and in the judicial system; however, in practice women experienced some discrimination. According to a 2005 Equal Opportunities Commission (EOC) report, women’s average hourly earnings for full time, private sector employment were 22.5 percent lower than those of men; in full time public sector jobs, women earned 13.3 percent less than men. On September 2, the UN Committee on the Convention for the Elimination of All Forms of Discrimination against Women asserted that, in addition to experiencing discrimination in pay and in representation in government, women were more poorly treated than men in prisons and were imprisoned for lesser offenses. The report recommended a number of measures, including greater efforts to reduce the number of women in conflict with the law.

On September 4, the Equality and Human Rights Commission, an independent group supported by the Government Equalities Office, released its annual report *Sex and Power*, which concluded that progress by women had stalled and in some respects declined. The report reviewed 25 job categories and, in 12 of these, found there were fewer women than in previous years.

There was a cabinet level minister for women and a deputy minister for women and equality. Two independent bodies were concerned with women’s issues, the EOC and the Women’s National Commission (WNC). The EOC supported women in discrimination cases before industrial tribunals and courts and produced guidelines for employers. The WNC is an umbrella organization representing women and women’s organizations. It lobbied the Government to take women’s views into account and include them in public debate.

Children.—The Government expressed a strong commitment to children’s rights and welfare. Child abuse remained a problem, although there were no reliable figures on its prevalence. In Northern Ireland it is a criminal offense to fail to report most offenses against children; England, Wales, and Scotland do not have such laws; however, civil servants charged with the care, education and welfare of children are “responsible” for their protection. The minister for children coordinated government policy concerning children and young persons in England and Wales. In Northern Ireland there was a commissioner for children. In Scotland the Ministries of Education, Young Persons, and Communities supervised similar programs designed to protect and provide assistance to minors.

Public attention was drawn during the year to the abuse case known as “Baby P,” a child who died as a result of abuse, despite knowledge by social services agen-

cies that abuse was taking place. Their failure to act caused headlines and led to the resignation of at least one government official.

Female genital mutilation (FGM) is illegal. The maximum penalty for aiding, abetting, counseling, procuring, or carrying out this practice is 14 years' imprisonment. FGM was most often practiced by immigrant or refugee groups on girls aged seven to nine from Eritrea, Ethiopia, Somalia, West Africa, and Yemen. The Department of Health estimated in 2006 that approximately 74,000 women had undergone FGM and a further 7,000 women were at risk of having the procedure performed on them. In 2006 the Metropolitan Police Service (MPS) and a number of NGOs began an awareness and prevention campaign focused on this problem. At the end of the year, MPS warned that in addition to the 20,000 residents in the at risk communities, over 1600 young women a year entered the country to join these communities. Actual medical statistics on reported victims were being compiled at the end of the year.

There continued to be reports that some evangelical Christian immigrants from Africa abused children whom they accused of being witches.

On August 26, penal reformers and children's groups criticized the Government's reliance on antisocial behavior orders (ASBOs), civil "warnings" that can limit children's access to a geographic area or impose tailored curfews. ASBOs were introduced to prevent youth from interacting with the courts and youth services as a result of minor infractions. However, youth who subsequently violate ASBOs could be arrested and would enter the criminal system. Opponents contended that the ASBOs led to criminal records for youth whose behavior in the past would have been seen as "kids being kids." According to one expert, over a thousand youths have been incarcerated for violating the ASBOs since their inception in 2000. Critics claimed that police were too quick to issue the orders for such minor infractions as excessive loudness or congregating in large numbers, violations that some children's advocates described as inevitable. Some experts contended that 30 percent of youths receiving the orders had mental or behavioral problems that did not permit them to understand the orders.

On August 22, Anne Owers, Chief Inspector of HM Prisons, criticized the treatment of children at Yarl's Wood, the detention facility for women and children migrants facing possible deportation. She noted that facilities for their health, education, and recreation were inadequate, and most serious, children with disabilities were also detained there, contrary to British law. The United Kingdom Border Agency indicated that children were detained only as a last resort, when the parents "try to frustrate" the removal process.

According to the press a review of methods for controlling detained children issued toward the end of the year concluded that the use of limited pain inducing techniques were appropriate ways to keep children safe. Human rights groups criticized the practice.

Trafficking in Persons.—The law prohibits all forms of trafficking; however, there were reports that persons were trafficked to, through, and within, the country.

There were no official statistics on the number of trafficking victims. In a July 3 report, however, police estimated (based on arrests, including from raids on bordellos and statements from those intercepted at the borders) that between 6,000 and 18,000 women and children were engaged in prostitution involuntarily, the majority trafficked from abroad. Regions of origin included Central and Eastern Europe primarily the Balkans and the former Soviet Union and Asia, including China. Most victims were women trafficked for sexual exploitation. Women, men, and children were also trafficked for labor exploitation in domestic service, agricultural and rural labor, construction, and catering.

During the year law enforcement agencies completed operation Pentameter 2, a crackdown on forced prostitution; 167 women and teenagers were freed during the year, including 13 girls between the ages of 14 and 17. The operation followed Pentameter 1 in 2006, which saw the arrest of 232 persons and the release of 88 victims of trafficking. Over 600 brothels were raided during the operation, most were in private homes. In a report on the Pentameter 2 operation, authorities noted that, since prostitution is not a crime, police often had difficulty distinguishing victims of trafficking and forced prostitution from those who engaged in prostitution voluntarily. The report also noted that an increasing number of persons forced into prostitution were born in the country.

On October 11, the Guardian Weekly reported an undercover operation conducted both within the country and in China which revealed that over 4,000 teenage girls, some as young as 11 years old, had been trafficked into the country from Fujian Province. Upon entry, the girls often claimed asylum, aware that the law prohibits the detention of persons under 18 and, once released, they disappeared. Over a

thousand girls were described as still missing. The report also noted that the traffickers had a 15 year head start on law enforcement authorities, who only began to tackle the problem seriously in 2006, while Fujianese girls had been entering the country since the early 1990s.

There were also reports that children were trafficked into the country and forced to work as domestic servants, beggars, pickpockets, drug couriers, or in sweatshops and restaurants.

Authorities believed that organized gangs were behind most cases of trafficking for commercial exploitation. NGOs claimed that Albanian gangs were heavily involved in prostitution rings in London that used trafficked women. Gangs from the Far East appeared to be increasingly involved in trafficking women from that area. Prosecutors also uncovered East European and Chinese involvement in labor trafficking. Traffickers often lured women by false advertisements of work as restaurant staff, maids, and childcare providers. Some victims expected to work in the sex trade but were deceived about working conditions by the traffickers and exploited upon arrival.

Traffickers used a variety of means, including use of valid travel documents, false documentation, and smuggling of aliens past border checks. Authorities believed traffickers frequently used Heathrow airport as a transit point, primarily for trafficking between European destinations. Traffickers controlled their victims through insistence that they repay endless "debts" for room and board and travel expenses, by withholding their travel documents, by misleading them about law enforcement and immigration penalties, and by threatening violence against them or their families.

Trafficking for prostitution, sexual exploitation, or forced labor carries a maximum sentence of 14 years' imprisonment. The law applies to both citizens and residents and to acts committed domestically or abroad. The law also prohibits such related acts as keeping a brothel and causing, inciting, or controlling prostitution for gain. There are severe penalties for such offenses as causing, inciting, controlling, arranging, or facilitating the prostitution of a child. The law also criminalizes paying for sexual services of a child, as well as travel abroad for the purpose of obtaining sexual services from children. During the Pentamiter 2 operation against trafficking for prostitution initiated in 2006, law enforcement agencies made 528 arrests that led to 26 convictions.

The Home Office was the lead antitrafficking agency. Other cabinet level departments involved in antitrafficking included the Foreign and Commonwealth Office, the Department of Trade and Industry, the Department for Education and Skills, the Crown Prosecution Service, and the Department for International Finance and Development. The Serious Organized Crime Agency (SOCA) handled trafficking investigations nationally. A United Kingdom Human Trafficking Center (UKHTC) shared trafficking intelligence with SOCA and developed training modules for attorneys prosecuting traffickers. The Government assisted with international investigations of trafficking.

Immigration officers and airline personnel were trained to identify potential victims of trafficking. The UKHTC has developed training programs that enabled police academies to add trafficking to the list of core police competencies. The "Paladin" program at Heathrow specifically screened for vulnerable children. Authorities provided short term residence permits for victims of trafficking who cooperated with authorities in prosecuting their traffickers.

The Government continued funding the Poppy Project, which provided support services to female victims of trafficking for sexual exploitation who were willing to assist law enforcement authorities. The Government did not prosecute victims of trafficking who were violating prostitution or immigration laws; however, authorities could deport them to their countries of origin.

Local social services and charities provided services to trafficking victims. The Poppy Project initiated a national 24 hour outreach service. Local social service agencies were responsible for child victims of trafficking, who were usually placed in the foster care system. The Government and the NGO community maintained an active dialogue concerning protection services for victims.

The State Department's annual Trafficking in Persons report can be found at www.state.gov/g/tip.

Persons With Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and other state services. The law mandates access to buildings for persons with disabilities, and the Government effectively enforced this requirement in practice.

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to ensure their services are available to per-

sons with disabilities. The law forbids employers from harassing or discriminating against job applicants or employees with disabilities.

The mandate of the Equality and Human Rights Commission (EHRC), an independent organization funded by the Government, included work on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The commission provided legal advice and support for individuals, a hotline for persons with disabilities and employers, and policy advice to the Government. The commission may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination. Some advocates for persons with disabilities claimed during the year that the October 2007 replacement of the Disability Rights Commission, which dealt only with disabilities, by the EHRC, which also has a mandate for combating discrimination based on race, sex, religion and belief, sexual orientation and age, led to a dilution of efforts on behalf of persons with disabilities.

National/Racial/Ethnic Minorities.—The law prohibits racial discrimination, but Travelers (itinerant populations consisting of Roma, Irish, and other ethnic groups), as well as persons of African, Afro Caribbean, South Asian, and Middle Eastern origin, at times experienced mistreatment on racial or ethnic grounds.

The law authorizes police to order Travelers' caravans to move on from any rest area or other roadside location. Before the enactment of this provision in 2003, such locations were among the Travelers' primary stopping places. Travelers' organizations also reported that local governments across the country were seeking to evict them from so called "illegal encampments." In one high profile case, Travelers fought an eviction order by the town council of Basildon, in Essex, seeking to remove them from the Dale Farm Traveler Settlement. At year's end eviction proceedings against residents of the site were on hold while a judiciary review was conducted. The case was ongoing at year's end.

Victim Support, an NGO that assists persons affected by crime, reported that it received 29,995 referrals for assistance with racially motivated incidents between April 2005 and March 2007, a 42 percent increase from 2004-05. However, Victim Support believed this increase was primarily due to an improvement in police referrals of such incidents to them. The Crown Prosecution Service, which covers England and Wales, prosecuted 7,430 defendants for racially aggravated crimes between April 2005 and March 2007, up from 4,660 during the previous year. The Police Service of Northern Ireland (PSNI) reported 936 racially motivated incidents during the same period, up by 15 percent from the preceding 12 month period and more than three times the number of incidents reported in 2003. The PSNI reported 746 racially motivated crimes, including 341 violent crimes, during the same period. In Scotland there were 3,791 racial complaints between 2005 and 2006, a decrease of 160 complaints from the previous year.

On October 7, Home Secretary Jacqui Smith announced that the Government would launch a reappraisal of recruitment and promotion practices in police forces in England and Wales. The announcement came hours after London's mayor, Boris Johnson, announced his own inquiry into race and the London Metropolitan Police (MET, commonly known as Scotland Yard). Johnson made his announcement hours after MET's Black Police Association (BPA) announced it would boycott recruitment drives among ethnic minority communities and would use a media campaign to actively discourage black and Asian recruits because "they would be treated unfairly." The National Association of Muslim Police (NAMP) stated that it would not join the boycott, noting that the MET was making progress on race relations.

Other Societal Abuses and Discrimination.—The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported. The law encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation is a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks. During the year Children's Minister Kevin Brennan stated that schools had a clear and urgent obligation to end the "widespread use" of homophobic language and other abuse and that such language and behavior would be viewed the same as racial abuse, making teachers responsible for dealing with it and not ignoring it. Brennan's statement came days after Stonewall, a gay rights organization, released the results of a survey, conducted by the online polling service YouGov, which found that two thirds of gay students in all schools and three quarters in religious schools reported experiencing abuse. The report also found that 20 percent of all gay respondents had suffered some form of hate crime, yet only 1 percent of hate crimes lead to convictions.

There were no police reports of violence against anyone based on HIV infection, and no reports of discrimination against such persons during the year.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of workers, except those in the armed forces, public sector security services, and police forces, to form and join independent unions without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 26 percent of the workforce was unionized. Coverage was most widespread in the public sector, where almost 60 percent of workers were unionized. In contrast, 17 percent of private sector workers were unionized. The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Workers have the right to strike and freely exercised it during the year.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected in law and was freely practiced. Unions and management typically negotiate collective “agreements,” less formal than collective bargaining contracts. Collective agreements are considered as “implied” in individual work contracts and are legally enforceable as such. They covered approximately 35 percent of the workforce. There were no reported instances of anti union discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor.—The Government prohibits forced and compulsory labor, including by children; however, there were reports of forced labor by children. Police estimated that between six and 18 thousand women and children, the majority trafficked from abroad, engaged in involuntary prostitution. Women, men, and children were also trafficked for labor exploitation in domestic service, agricultural and rural labor, construction, and catering.

d. Prohibition of Child Labor and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace and the Government generally enforced these laws effectively; however, children were forced into prostitution.

The law prohibits the employment in any capacity of children under 13. Those under 16 are not permitted to work in an industrial enterprise, including transportation or street trading; their work hours are strictly limited and may not interfere with school attendance. Children under 16 may work as part of an educational course. Independent NGOs claimed that as many as two million school age children were involved in part time employment. Children age 13 to 16 must apply for a work permit from a local authority, and the local authority’s education and welfare services have primary responsibility for oversight and enforcement. Authorities effectively enforced these laws. The Departments of Health, Trade and Industry, and Education and Skills also have regulatory responsibilities related to child labor.

e. Acceptable Conditions of Work.—The national minimum wage, which ranged from 3.53 to 5.73 pounds (approximately \$5.11 to \$8.31) per hour, depending on the age of the employee, did not provide a decent standard of living for a worker and family; however, government benefits, including free universal access to the National Health Service, filled the gap. Tax authorities may issue compliance orders against employers that are not paying the minimum wage, but employment tribunals handle disputes. The Government aggressively monitored employer efforts to bring pay practices into compliance with minimum wage law. Unions and NGOs were also actively involved in ensuring employees’ awareness of their rights.

The law limits the workweek to 48 hours when averaged over a 17 to 26 week period; however, the regulations do not apply to senior managers and others who can exercise control over their own hours of work. The law provides for one day of rest per week, 11 hours of daily rest, and a 20 minute rest break when the working day exceeds six hours. The law also mandates a minimum of four weeks of paid annual leave, including eight national holidays. However, the average worker nationwide receives five weeks of paid annual leave plus eight bank holidays as part of collective agreements. An individual employee may agree through a contract to work overtime for premium pay. The law does not prohibit compulsory overtime, but overtime is limited by the 48 hour week restriction.

The law stipulates that the health and safety of employees not be placed at risk, and it was effectively enforced by the Health and Safety Executive (an arm of the Department of Work and Pensions), which could initiate criminal proceedings in appropriate cases. Workers’ representatives also actively monitored enforcement of the law. Workers may legally remove themselves from dangerous work conditions without jeopardy to their continued employment.